



A G E N D A



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

IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

OCTOBER 3, 2012

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

REGULAR MEETING – 6:00 P.M.

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

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

REGULAR MEETING CALL TO ORDER

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

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

COMMUNICATIONS FROM CITY STAFF

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

PRESENTATIONS (1)

None.

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

2.1 MINUTES.

City Manager's Recommendation: Approve the minutes of the Regular City Council Meetings of August 1 and September 19, 2012.

Continued on Next Page

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

CONSENT CALENDAR (Continued)

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 81187 through 81267 with a subtotal amount of \$1,222,413.22 and Payroll Checks/Direct Deposit 44865 through 44886 for a subtotal amount of \$152,743.81 for a total amount of \$1,375,157.03.

2.3 RESOLUTION NO. 2012-7253 AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH CONSOLIDATING THIRTEEN STREET END LEASE AGREEMENTS AND ADDING TWO ADDITIONAL STREET ENDS (CORTEZ AVENUE AND BEACH AVENUE) INTO ONE AGREEMENT. (0150-70 & 0720-10)

City Manager's Recommendation: Adopt resolution.

2.4 RESOLUTION NO. 2012-7254 RATIFYING THE SIGNATURE OF THE CITY MANAGER ON THE PURCHASE ORDERS FOR EQUIPMENT RELATED TO THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT FOR RESCUE EQUIPMENT. (0250-05 & 0390-88)

City Manager's Recommendation: Adopt resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4)

None.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1)

6.1 RESOLUTION NO. 2012-7252 APPROVING THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT (BID) ANNUAL REPORT FOR FISCAL YEAR 2011/2012 AND SETTING A PUBLIC HEARING TO CONSIDER LEVYING THE BID ASSESSMENT FOR FISCAL YEAR 2012/2013. (0465-20)

City Manager's Recommendation:

1. Receive public testimony and accept or accept as modified the written and verbal report from the BID Advisory Board on the Fiscal Year 2011/2012 Annual Report and Fiscal Year 2012/2013 budget and proposed activities;
2. Request that the BID make more progress in spending the reserve;
3. Resolve the issue of BID expenditures on Light UP IB awards for residential rather than business properties;
4. Discuss the Paint the Box Program and give direction on where funds should be spent; and
5. Adopt Resolution 2012-7252 – setting a public hearing for November 7, 2012 to consider levying the Fiscal Year 2012/2013 assessment for the BID.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS/CITY COUNCIL (7.1)

7.1 CITY COUNCIL ADOPTION OF RESOLUTION NO. 2012-7255 AND SUCCESSOR AGENCY ADOPTION OF RESOLUTION NO. SA-12-16 (I) ACKNOWLEDGING AND REAFFIRMING THE SUCCESSOR AGENCY’S RIGHTS AND OBLIGATIONS SET FORTH IN THE DISPOSITION AND DEVELOPMENT AGREEMENT DATED DECEMBER 16, 2010 (“DDA”) AND ENTERED INTO BY AND BETWEEN IMPERIAL COAST, L.P. AND THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND ALL DOCUMENTS EXECUTED BY THE REDEVELOPMENT AGENCY PURSUANT TO THE DDA AND (II) APPROVING, AUTHORIZING, AND DIRECTING THE CITY’S TRANSFER TO THE SUCCESSOR AGENCY AND THE SUCCESSOR AGENCY’S ACCEPTANCE OF ALL OF THE CITY’S OWNERSHIP INTEREST IN THE REAL PROPERTY LOCATED AT 800 SEACOAST DRIVE, IMPERIAL BEACH, CALIFORNIA RECEIVED BY THE CITY PURSUANT TO THAT CERTAIN GRANT DEED EXECUTED ON MARCH 9, 2011 AND RECORDED WITH THE COUNTY OF SAN DIEGO, CALIFORNIA, ON MARCH 17, 2011. (0418-50 & 0660-43)

City Manager’s Recommendation:

The City Council adopt Resolution No. 2012-7255 and the Successor Agency adopt Resolution No. SA-12-16 (i) acknowledging and reaffirming the Successor Agency’s rights and obligations set forth in the DDA and all documents executed by the Redevelopment Agency pursuant to the DDA; (ii) approving, authorizing, and directing the City’s transfer to the Successor Agency and the Successor Agency’s acceptance from the City of all of the City’s ownership interest in the Property received by the City pursuant to the Grant Deed; (iii) authorizing and directing the City Manager, or designee, and the Executive Director, or designee, to process documentation reflecting and confirming the Successor Agency’s ownership of the Property, including the execution of a quitclaim deed(s) and certificate(s) of acceptance in substantial form as the Quitclaim Deed attached to this Report or other appropriate instrument, and to take such actions and execute such documents as are necessary to effectuate the intent of the Resolutions on behalf of the City and the Successor Agency.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURNMENT

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

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

/s/
Jacqueline M. Hald, MMC
City Clerk

MINUTES

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

AUGUST 1, 2012

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

***CLOSED SESSION MEETING – 5:15 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:16 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Bragg, King, Bilbray
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: Spriggs (arrived at 5:37 p.m.)
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

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

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (8 CASES)

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)

2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (8 CASES)

Initiation of litigation pursuant to Govt. Code Section 54956.9(c)

3. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6:

Agency Negotiator: City Manager

Employee organizations: Service Employees International Union (SEIU), Local 221

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BILBRAY, KING, BRAGG, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: SPRIGGS

MAYOR JANNEY adjourned the meeting to Closed Session at 5:17 p.m. and he reconvened the meeting to Open Session at 6:03 p.m.

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

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:04 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Bragg, King, Bilbray
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Spriggs
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY BILBRAY, SECOND BY BRAGG, TO TAKE ITEM NOS. 7.1, 7.2, 7.3, 7.4 AND 5.2 AFTER PRESENTATIONS. MOTION CARRIED UNANIMOUSLY.

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

COUNCILMEMBER BILBRAY asked that the off-leash dog policy and the pursuit of dogs on private property be added to a future agenda.

MAYOR JANNEY asked Councilmember Bilbray to submit his request in writing in accordance with the City Council Policy on adding items to the agenda.

COUNCILMEMBER BRAGG reported on her attendance at the MTS Board Meeting and noted that there were an additional 192,000 riders during Comic Con. She announced that on August 18 the Chamber of Commerce is hosting the Taste of IB event and the Port of San Diego is hosting the Barefoot Boogie event at Pier Plaza.

MAYOR JANNEY reported that the SANDAG Board approved the Regional Transportation Improvement Program.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

LEE BERKOWITZ invited people to contact him to find out what is going on in Imperial Beach.

PRESENTATIONS (1.1-1.2)

1.1 RECOGNITION OF GENE AND CHRISTINE HILGER FOR THEIR VOLUNTEER WORK THROUGH OCEAN BLUE FOUNDATION. (0410-30)

MAYOR JANNEY presented Gene and Christine Hilger with a proclamation in recognition of their volunteer efforts through Ocean Blue Foundation, a non-profit organization dedicated to cleaning up pet waste in the city of Imperial Beach and he declared August 1, 2012 as Gene and Christine Hilger Day.

1.2 PRESENTATION ON SDG&E SUMMER PREPAREDNESS BY CLAUDIA VALENZUELA, PUBLIC AFFAIRS MANAGER. (0820-90)

CLAUDIA VALENZUELA, Public Affairs Manager, gave a PowerPoint presentation on the item.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1-7.4)

7.1 ADOPTION OF RESOLUTION NO. SA-12-11 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY DETERMINING THAT THE HOUSING AUTHORITY'S DESIGNATIONS OF THE USE AND COMMITMENT OF CERTAIN PROCEEDS DERIVED FROM HOUSING BONDS ISSUED PRIOR TO JANUARY 1, 2011 FOR PURPOSES OF AFFORDABLE HOUSING ARE CONSISTENT WITH THE HOUSING BONDS COVENANT OBLIGATIONS, INCLUDING REQUIREMENTS RELATING TO TAX STATUS, AND THAT THERE ARE SUFFICIENT HOUSING BONDS PROCEEDS AVAILABLE FOR THE DESIGNATED PURPOSES. (0412-50 & 0418-50)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. SA-12-11 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY DETERMINING THAT THE HOUSING AUTHORITY'S DESIGNATIONS OF THE USE AND COMMITMENT OF CERTAIN PROCEEDS DERIVED FROM HOUSING BONDS ISSUED PRIOR TO JANUARY 1, 2011 FOR PURPOSES OF AFFORDABLE HOUSING ARE CONSISTENT WITH THE HOUSING BONDS COVENANT OBLIGATIONS, INCLUDING REQUIREMENTS RELATING TO TAX STATUS, AND THAT THERE ARE SUFFICIENT HOUSING BONDS PROCEEDS AVAILABLE FOR THE DESIGNATED PURPOSES. MOTION CARRIED UNANIMOUSLY.

7.2 ADOPTION OF RESOLUTION NO. SA-12-12 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADMINISTRATIVE BUDGET FOR THE PERIOD OF JANUARY 1, 2013 THROUGH JUNE 30, 2013 AND RELATED ACTIONS. (0418-50)

CITY MANAGER BROWN reported on the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE announced a revised Exhibit A to Resolution No. SA-12-12 was submitted as last minute agenda information.

In response to Mayor Pro Tem Spriggs' question regarding the allocation of staff's time on Successor Agency activities, CITY MANAGER BROWN stated that the winding down of redevelopment has taken an extraordinary amount of time with some members of staff working beyond a 40-hour week in order to get City business completed.

FINANCE DIRECTOR MCGRANE added that there will be a reconciliation process in the future that will involve auditors. He also added that City Attorney costs are listed on the ROPS.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. SA-12-12 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADMINISTRATIVE BUDGET FOR THE PERIOD OF JANUARY 1, 2013 THROUGH JUNE 30, 2013 AND RELATED ACTIONS. MOTION CARRIED UNANIMOUSLY.

7.3 ADOPTION OF RESOLUTION NO. SA-12-13 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR THE PERIOD OF JANUARY 1, 2013 THROUGH JUNE 30, 2013. (0418-50)

An addendum to the staff report was submitted as last minute agenda information.

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE announced an Exhibit A to Resolution No. SA-12-13 was submitted as last minute agenda information and he explained the changes listed on the ROPS.

SPECIAL COUNSEL BERKEY recommended the following modification to Resolution No. SA-12-13, adding language as a second sentence to Section 3 on Page 4 of 6: "In connection with Item No. 14 listed on page 3 of the ROPS, the Successor Agency approves the Successor Agency to reenter into the former Redevelopment Agency Reimbursement Agreement with the City of Imperial Beach, dated January 1, 2007, to reimburse the City for administrative and operational costs incurred by the City on behalf of the Successor Agency".

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT REVISED RESOLUTION NO. SA-12-13 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR THE PERIOD OF JANUARY 1, 2013 THROUGH JUNE 30, 2013. MOTION CARRIED UNANIMOUSLY.

7.4 ADOPTION OF RESOLUTION NO. SA-12-14 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH A LICENSED ACCOUNTANT TO PERFORM A DUE DILIGENCE REVIEW PURSUANT TO HEALTH AND SAFETY CODE SECTION 34179.5. (0418-50)

A staff report and resolution were submitted as last minute agenda information.

CITY MANAGER BROWN reported on the item.

MOTION BY JANNEY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. SA-12-14 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH A LICENSED ACCOUNTANT TO PERFORM A DUE DILIGENCE REVIEW PURSUANT TO HEALTH AND SAFETY CODE SECTION 34179.5. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

5.2 ADOPTION OF RESOLUTION NO. 2012-7238 FOR THE ABATEMENT OF SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S) AT 550 HIGHWAY 75. (0470-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

August 1, 2012

CODE COMPLIANCE OFFICER GARCIA gave a PowerPoint presentation on the item and announced a revised staff report and resolution were submitted as last minute agenda information.

DEPUTY CITY ATTORNEY PARK stated that there is a revision to the resolution related to the amount of the fines due to abatement that occurred between the inspection on the 18th, 19th and today. A few of the minor violations were resolved. Staff is requesting demolition of the building as the cost to demolish the building is less than what it would cost to repair it to code. In addition, the building is an attractive nuisance and visual blight. He noted that there have been 9 code cases over a six year period and 341 calls for service. The property is in a semi-residential area and residents are concerned resulting in the high number of calls for service. Staff is requesting the abatement of the building based on the preponderance of evidence: the nuisance theory, the visual blight, and that the City Council has the discretion to order an abatement action.

BRIAN STEWART, representing Dunham and Associates, is marketing the property for sale and spoke in support for keeping the buildings.

ASSISTANT CITY MANAGER WADE stated that the goal of code enforcement is to get property owners to comply with the code. Currently there are 7 violations that exist today that will accrue civil penalties at a rate of \$50 per day per violation. That is approximately \$10,000 per month if the owners choose to do nothing. Hopefully this will factor into the property owner's decision that these violations continue to accrue civil penalties and the best course of action would be to comply and to abate the violations.

CITY ATTORNEY LYON stated that the resolution directs the property owner to fix the problem within 60 days. If not, the resolution authorizes the City to seek legal action. Legal action would be to seek an abatement warrant where the City would go on to the property, abate it and incur the costs or to seek a civil injunction where the court would order the property owner to fix it.

MAYOR JANNEY closed the public hearing.

COUNCILMEMBER KING said that the condition of the property is unacceptable and that it should not become a public problem. He also stated that it is obvious that the property owner has not made regular visits to the property and has put the City in an awkward position. He spoke in support for staff's recommendation.

COUNCILMEMBER BRAGG echoed the comments made by Councilmember King. She stated that the condition of the property is unacceptable and is one of the worst code cases she has seen since being on City Council.

MOTION BY JANNEY, SECOND BY BRAGG, TO ADOPT REVISED RESOLUTION NO. 2012-7238 FINDING AND DECLARING THAT THE NOTICE AND ORDER TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 550 HIGHWAY 75 IS APPROPRIATE AND ASSESSING AN ADMINISTRATIVE FEE FOR NUISANCE ABATEMENT PROCEEDINGS AND CIVIL PENALTIES, AND AUTHORIZE STAFF TO SEEK LEGAL ACTION TO EITHER COMPEL THE PROPERTY OWNER TO CLEAN UP THE PROPERTY OR TO OBTAIN AN ABATEMENT WARRANT TO CAUSE THE ABATEMENT TO BE COMPLETED BY CITY FORCES OR PRIVATE CONTRACT. MOTION CARRIED UNANIMOUSLY.

CONSENT CALENDAR (2.1-2.3)

LIBI UREMOVIC accused the City of forging the check warrants.

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

2.1 MINUTES.

Approved the minutes of the Special Workshop Meeting of February 8, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 80842 through 80902 with a subtotal amount of \$1,385,623.13 and Payroll Checks/Direct Deposit 44749 through 44781 for a subtotal amount of \$270,673.75 for a total amount of \$1,656,296.88.

2.3 ADOPTION OF RESOLUTION NO. 2012-7237 AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND YMCA CAMP SURF PERMITTING THE PLACEMENT OF ONE LIFEGUARD TOWER ON NAVY PROPERTY CURRENTLY LEASED TO CAMP SURF. (0130-70 & 0220-10)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 FIRST READING / INTRODUCTION OF ORDINANCE NO. 2012-1130 AND PUBLIC HEARING / ADOPTION OF RESOLUTION NO. 2012-7236: THE CITY OF IMPERIAL BEACH: GENERAL PLAN AMENDMENT (GPA)/LOCAL COASTAL PROGRAM AMENDMENT (LCPA) / ZONING CODE AMENDMENT (ZCA) 100057 / AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL ZONING AMENDMENT PROJECT. MF 935 (0610-95)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item and that announced a revised resolution was submitted as last minute agenda information.

MAYOR JANNEY declared the public hearing open.

In response to questions asked by Mayor Pro Tem Spriggs, COMMUNITY DEVELOPMENT DIRECTOR WADE stated that the specific plan process for hotel development in the C-2 Zone that allows hotel development of certain size to go to 40 feet and 4 stories will remain in place with the adoption of the code changes. He was encouraged to hear at the recent City Council Workshop that there are developers in the San Diego region that would be interested in hotel development in Imperial Beach with the types of flexibility that the Specific Plan allows. The loss of redevelopment will lead to struggles but they are not insurmountable. Adoption of the zoning code amendment is a good start to move forward. He noted that staff had more dramatic recommendations at the start of the Commercial Zoning Review project but after concerns were raised by the community, a zoning code amendment that is at a reasonable middle ground was proposed. The amendment allows for more flexibility than we have today and allows for well-designed commercial, retail and mixed-use projects.

COUNCILMEMBER KING thanked staff for their hard work. He stated that City Council worked with the community towards a compromise and the proposed zoning code amendment is better than what the City has now.

August 1, 2012

MOTION BY BRAGG, SECOND BY KING, TO CONTINUE THE PUBLIC HEARING TO THE NEXT CITY COUNCIL MEETING ON AUGUST 15, 2012.

MAYOR PRO TEM SPRIGGS suggested that if the City does not get the development and investments needed to produce the tax revenue to maintain City services, there needs to be the courage to revisit the issue again.

COUNCILMEMBER BILBRAY added that if there is hesitation by business people or developers that the zoning code be reconsidered.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BRAGG, SECOND BY KING, TO CONTINUE THE PUBLIC HEARING TO THE NEXT CITY COUNCIL MEETING ON AUGUST 15, 2012. MOTION CARRIED UNANIMOUSLY.

MOTION BY KING, SECOND BY BRAGG, TO ADOPT REVISED RESOLUTION NO. 2012-7236 APPROVING GENERAL PLAN / LOCAL COASTAL PROGRAM AMENDMENT (GPA / LCPA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED ZONING AMENDMENT (ORDINANCE NO. 2012-1130) IS CONSISTENT WITH THE COASTAL ACT FOR THE COMMERCIAL ZONING AMENDMENT PROJECT. MF 935. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2012-1130.

CITY CLERK HALD read the title of Ordinance No. 2012-1130 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING THE PROVISIONS FOR THE C-1, C-2, AND C-3 COMMERCIAL ZONES AND AMENDING THE ZONING MAP FOR PROPERTIES DESIGNATED C-1 (GENERAL COMMERCIAL) IN THE PALM AVENUE STUDY AREA, C-2 (SEACOAST COMMERCIAL) IN THE OLD PALM AVENUE AND SEACOAST DRIVE STUDY AREAS, AND C-3 (NEIGHBORHOOD COMMERCIAL) IN THE 13TH STREET CORRIDOR STUDY AREAS AND AREAS ZONED R-1500 (HIGH DENSITY RESIDENTIAL) THAT ARE SUBJECT TO THE MU-1 (MIXED USE-1) OVERLAY DESIGNATION IN THE PALM AVENUE STUDY AREA AND THE MU-2 (MIXED USE-2) OVERLAY DESIGNATION IN THE SEACOAST DRIVE STUDY AREA MF 935."

MOTION BY BRAGG, SECOND BY BILBRAY, TO WAIVE FURTHER READING AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1-5.2)

5.1 COUNCIL WORKSHOP FOR THE 5TH CYCLE (2013-2020) IMPERIAL BEACH HOUSING ELEMENT. MF 1060. (0660-95)

A letter from Susan Tinsky, Executive director for San Diego Housing Federation, was submitted as last minute agenda information.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item.

VERONICA TAM, of Veronica Tam and Associates, gave a PowerPoint presentation. She gave an overview of the 5th Cycle of the Housing Element and the key changes compared to the current Housing Element.

SEAN WHERLEY, San Diego Housing Foundation, made the following suggestions: 1. Parking Requirements – further reduce parking requirements for affordable housing projects as tenants typically own fewer cars than market rate neighbors, 2. Accessory Units (or Granny Flats) – relax requirements to allow for them so that more areas in the City can accommodate them and also alter requirement for dual utility hook up, 3. Affordable Housing Incentives – make them automatic rather than at the discretion of staff.

DOLORES DIAZ, representing the Regional Continuum of Care Council, echoed comments of Mr. Wherley. She encouraged City Council to consider automatic affordable housing incentives and she is available as a partner to make affordable housing available to citizens of Imperial Beach.

MAYOR JANNEY closed the public hearing.

MAYOR PRO TEM SPRIGGS left Council Chambers at 8:30 p.m.

REPORTS (6.1-6.3)

6.1 RESOLUTION NO. 2012-7239 AWARDED A PROFESSIONAL SERVICES AGREEMENT WITH ATKINS NORTH AMERICA, INC. FOR A SEWER SERVICE CHARGE AND CAPACITY FEE STUDY. (0390-55 & 0830-90)

CITY MANAGER BROWN reported on the item.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7239 AWARDED A PROFESSIONAL SERVICES AGREEMENT WITH ATKINS NORTH AMERICA, INC. FOR A SEWER SERVICE CHARGE AND CAPACITY FEE STUDY. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BILBRAY, KING, BRAGG, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: SPRIGGS

6.2 RESOLUTION NO. 2012-7240 APPROVING CITY OF IMPERIAL BEACH CDBG FY12-13 PROJECT NAME CHANGE AND APPROVING THE REALLOCATION OF A PORTION OF CDBG PROJECT FUNDS FROM FY 09-10 AND FY 11-12 TO CDBG FY 12-13 PROJECT. (0650-34)

CITY MANAGER BROWN introduced the item.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7240 APPROVING CITY OF IMPERIAL BEACH CDBG FY12-13 PROJECT NAME CHANGE AND APPROVING THE REALLOCATION OF A PORTION OF CDBG PROJECT FUNDS FROM FY 09-10 AND FY 11-12 TO CDBG FY 12-13 PROJECT. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR PRO TEM SPRIGGS returned to Council Chambers at 8:34 p.m.

6.3 CONSIDERATION TO SUBMIT AN ALTERNATIVE INITIATIVE REGARDING MEDICAL MARIJUANA COLLECTIVES. (0430-20 & 0610-95)

The following items were submitted as last minute agenda information:

- a. Attachments 1 through 7
 1. Medical Marijuana Dispensary Citizen-Drafted Initiative
 2. Draft Alternative Initiative
 3. Map of Locational Requirements for Alternative Initiative
 4. Resolution No. 2012-7241 adding the proposed ordinance relating to Medical Marijuana Collectives to the November 6, 2012 Election
 5. Resolution No. 2012-7242 setting priorities for filing written arguments and directing the City Attorney to prepare an impartial analysis
 6. Resolution No. 2012-7243 providing for the filing of rebuttal arguments
 7. U.S. Attorney Letter to City of Del Mar (July 17, 2012)
- b. Information provided by Marcus Boyd
- c. Information provided by Lorenzo Higley

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON reported on the item.

SCOTT CHIPMAN, from San Diegans for Safe Neighborhoods, spoke in opposition to medical marijuana dispensaries (additional speaking time donated by KATHY LIPPITT).

TRACEY RIVERA spoke in support for medical marijuana facilities (additional speaking time donated by Daniel Schadler).

LIBI UREMOVIC spoke in support for medical marijuana dispensaries.

LORENZO HIGLEY expressed concern about youth access to drugs.

MARCUS BOYD expressed concern about specific licensing requirements in order to collectively cultivate, requiring medical facilities to have background checks, and conflicts with HIPAA laws.

BARBARA GORDON expressed concern about the health and safety of the community.

EUGENE DAVIDOVICH complained that the proposed ordinance is a ban and does not allow for safe access at even one facility (additional speaking time donated by Heidi Whitman).

MICHAEL DENNISON spoke in support for safe access.

MAYOR JANNEY spoke in opposition to a competing initiative as there are rules currently in place allowing for collectives of three or less people. He supported writing an argument against the measure submitted by the Citizens.

COUNCILMEMBER BRAGG spoke in support for writing an argument against the initiative submitted by the Citizens.

COUNCILMEMBER BILBRAY preferred a competing ballot measure that fixes the problems that are in the Citizen's initiative. He also expressed concern that there may not be enough people in opposition to the Citizen's initiative.

COUNCILMEMBER KING stated that both the Citizen's initiative and the alternative measure have issues. He was particularly concerned about exemptions for small scale facilities Section 4.64.070.1. Should the alternative go forward, he supported further review and revisions to it.

MAYOR PRO TEM SPRIGGS expressed concern that people may view the alternative measure as too restrictive and contradictory that they would vote for the Citizen's initiative. He suggested that time is taken to fix the alternative measure or to pull it from consideration.

MAYOR JANNEY spoke in opposition to the alternative measure and supported the submittal of an argument against the Citizen's initiative.

MOTION BY BRAGG, SECOND BY JANNEY, TO NOT SUBMIT THE ALTERNATIVE INITIATIVE AS A COMPETING BALLOT MEASURE. MOTION CARRIED BY THE FOLLOWING VOTE:

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

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

Mayor Janney adjourned the meeting at 9:31 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, MMC
City Clerk

MINUTES

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

SEPTEMBER 19, 2012

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

***CLOSED SESSION MEETING – 4:45 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 4:49 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Bragg, King (arrived at 5:05 p.m.), Bilbray
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: Spriggs
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADJOURN TO CLOSED SESSION UNDER:

- 1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (9 CASES)**
Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)
- 2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (9 CASES)**
Initiation of litigation pursuant to Govt. Code Section 54956.9(c)
- 3. CONFERENCE WITH LABOR NEGOTIATOR**
Pursuant to Government Code Section 54957.6:
Agency Negotiator: City Manager
Employee Organizations: Service Employees International Union (SEIU), Local 221
- 4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 425 Imperial Beach Blvd., Imperial Beach, CA 91932 (APN: 632-400-33 and 632-400-35)
Agency Negotiator: City Manager, City Attorney
Negotiating Party: Y.M.C.A
Under Negotiation: Price and terms of payment

MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY adjourned the meeting to Closed Session at 4:50 p.m. and he reconvened the meeting to Open Session at 6:07 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Item Nos. 1 thru 4; City Council gave direction and no reportable action was taken.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:08 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Bragg, King, Bilbray
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Spriggs
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance. There was a moment of silence for Ty Woods, former U.S. Navy Seal who was recently killed in Libya.

AGENDA CHANGES

MOTION BY BILBRAY, SECOND BY KING, TO TAKE ITEM NO. 6.1 IMMEDIATELY AFTER THE CONSENT CALENDAR AND TO TAKE ITEM NO. 2.3 OFF THE CONSENT CALENDAR FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

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

MAYOR JANNEY gave an update on the sand replenishment project. He reported on his recent trip to Washington D.C. with the San Diego Regional Chamber of Commerce where he was able to talk to with Congressional representatives about issues affecting Imperial Beach and the San Diego region. He spoke about his trip to Los Angeles where he met with the Army Corp of Engineers on a long range sediment management program.

COUNCILMEMBER BRAGG reported that she was the City's representative at the League of California Cities Annual Conference held in San Diego. She noted that of the five resolutions that were presented, three were passed and two were pulled from discussion.

MAYOR PRO TEM SPRIGGS also reported on his attendance at the League of California Cities Annual Conference where he had the opportunity to attend informative workshops.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

JUNE ENGEL announced the Imperial Beach Blvd. Boo event is scheduled for October 27, 2012.

MARCUS BOYD, representing Yes on S, spoke in favor of Proposition S.

LORENZO HIGLEY, representing Communities Against Substance Abuse, spoke about drug use by youth and opposed increased access to marijuana.

EUGENE DAVIDOVICH, representing Yes on S, spoke in support of Proposition S.

VERA BRYANT asked City Council to form an advisory committee to evaluate the recreational service needs of the community (additional speaking time donated by Kristine Wiesmann).

JAMES COATES, Recreation Coordinator, spoke about the history of the Sports Park, introduced the Sports Park employees and asked City Council to form an advisory committee to address the recreational needs of the community (Additional time donated by Mike Murphy).

FE FERNANDEZ spoke in support for the creation of a recreation services advisory committee.

ANDREW MC KEE spoke against outsourcing recreation services.

JOSHUA RICE asked City Council to form a recreation services advisory committee (Additional speaking time donated by Allen Camp).

SHAWN KELLY asked City Council to create an advisory committee to evaluate recreational service needs of the City.

BRENT MOORE spoke about his experiences at the Sports Park and opposed closing the Sports Park.

DYLAN CAMP spoke in opposition to closing the Sports Park.

ISAIAH BRYANT asked City Council not to take away the Sport Park.

PRESENTATIONS (1.1-1.2)

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

MAYOR JANNEY, along with MARCO TOPETE of EDCO, announced the Recycle All-Star Award Certificate, \$100 check and other premiums will be mailed to Marie Williams.

1.2 PRESENTATION OF PROCLAMATION - RIDESHARE 2012 AND WALK AND BIKE TO SCHOOL DAY. (0410-30)

MAYOR JANNEY encouraged the community to rideshare and to walk and ride to school. He presented Proclamations for Rideshare 2012 and Walk and Bike to School Day to Joshua Eliano, member of the SANDAG iCommute Team.

CONSENT CALENDAR (2.1-2.2 & 2.4)

MOTION BY KING, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.2 AND 2.4. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meetings of June 20, July 18, and August 15, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 80991 through 81186 with a subtotal amount of \$2,699,090.56 and Payroll Checks/Direct Deposit 44816 through 44864 for a subtotal amount of \$311,343.99 for a total amount of \$3,010,434.55.

2.4 RESOLUTION 2012-7246 AUTHORIZING THE CITY MANAGER TO SIGN AMENDMENTS TO THE AGREEMENTS BETWEEN THE CITY OF IMPERIAL BEACH AND THE SAN DIEGO UNIFIED PORT DISTRICT FOR PUBLIC SAFETY AND TIDELANDS MAINTENANCE SERVICES. (0150-70)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4)

None.

REPORTS (6.1)

6.1 PROPOSED BSA EAGLE SCOUT PROJECT PRESENTATION. (0720-25)

CITY MANAGER BROWN introduced the item.

EAGLE SCOUT CANDIDATE MICHAEL LINDGREN gave a PowerPoint presentation on his proposed improvements to a grassy area on the east side of the Veterans park soccer field.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR MR. LINDGREN TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1-5.3)

5.1 CONTINUATION OF PUBLIC HEARING; OPPOSING AN INCREASED STATE ROUTE 75 SPEED LIMIT FROM 40 MILES PER HOUR TO 45 MILES PER HOUR EAST OF DELAWARE STREET TO THE WESTERN CITY LIMITS IN BOTH DIRECTIONS. (0740-10 & 0750-60)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY asked for as much signage and street markings as possible and asked staff to work with CalTrans on a time to conduct a future traffic study.

MAYOR PRO TEM SPRIGGS questioned if there is an exception under CA Vehicle Code Section 627 to reduce the speed by 5 mph.

JOE HULL stated that CalTrans is investigating pedestrian safety at 7th and 9th Streets. They have a requirement to make sure that traffic flows at the appropriate speed. He stressed that based on the study only 42% of the drivers were under 40 mph so there is no way to use the information they have to have to set a speed limit lower than 45 mph. CalTrans is able to come back in the future to do another study. He spoke about the sign plan that was submitted as last minute agenda information. He stressed that since the 40 mph speed limit is expired the current speed limit is 65 mph so it is important to establish the 45 mph speed limit as soon as possible so enforcement can take place.

COUNCILMEMBER KING was interested in having another survey in the future.

MAYOR PRO TEM SPRIGGS stated that there is a curve in the road making it difficult for drivers to see clearly compared to being on a road that is straight. This road condition along with bicycle and pedestrian safety qualify as exceptions to allow for a reduction in the speed limit by 5 mph. He commented that if there was adequate signage at 40 mph, maybe the survey would not have resulted in data for a speed limit of 45 mph.

COUNCILMEMBER BILBRAY expressed concern about the safety of pedestrians as the current speed limit is 65 mph. He supported moving forward as quickly as possible.

COUNCILMEMBER KING spoke in opposition to increasing the speed limit but supported moving forward due to the need to have an enforceable speed limit.

MAYOR JANNEY asked staff to look into relinquishment of SR 75.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7250 ACCEPTING THE SPEED SURVEY STUDY RESULTS AND ENCOURAGING CALTRANS TO WORK WITH THE CITY TO IMPLEMENT TRAFFIC CALMING MEASURES AND PEDESTRIAN AND BICYCLE SAFETY MEASURES ON S.R. 75 WITHIN THE CITY OF IMPERIAL BEACH.

City Council discussion.

MAYOR PRO TEM SPRIGGS stated that the speed limit can be fixed by the exceptions mentioned earlier as well as by another speed survey. He was opposed to agreeing with the conclusions imposed by CalTrans.

SHERIFF'S LT. GARMO stated that if tickets are written in that area, it would be in bad faith. They take the risk of going to court and it would not show favorability on the City or the Sheriff's Department.

CHARLES GRAY stated that the sign ordering process could take between 2 to 6 months.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7250 ACCEPTING THE SPEED SURVEY STUDY RESULTS AND ENCOURAGING CALTRANS TO WORK WITH THE CITY TO IMPLEMENT TRAFFIC CALMING MEASURES AND PEDESTRIAN AND BICYCLE SAFETY MEASURES ON S.R. 75 WITHIN THE CITY OF IMPERIAL BEACH. MOTION CARRIED BY THE FOLLOWING VOTE:

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

5.2 RESOLUTION NO. 2012-7251 – APPROVAL OF THE FISCAL YEAR 2011-12 ANNUAL REPORT FOR THE JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLAN (JURMP). (0770-65)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a PowerPoint presentation on the item.

No public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7251 AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SIGN AND FORWARD THE CITY'S JURISDICTIONAL URBAN RUNOFF MANAGEMENT PROGRAM (JURMP) ANNUAL REPORT FOR FISCAL YEAR 2011-12 TO THE REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION. MOTION CARRIED UNANIMOUSLY.

5.3 DISE (OWNER/APPLICANT); VARIANCE (VAR 120020) TO CONSTRUCT A FENCE MEASURING 8 FEET 7 INCHES IN HEIGHT WITHIN THE REAR YARD OF A LOT WITH AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 963 IRIS AVENUE (APN 632-390-04-00) IN THE R-1-6000 (SINGLE-FAMILY RESIDENTIAL) ZONE. MF 1099. (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item.

PAUL AND DENISE DISE, Applicants, were available to speak.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7248 APPROVING VARIANCE (VAR 120020) WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.2-6.6)

6.2 PROPOSED PROJECT PROPOSALS FOR THE FISCAL YEAR 2013-2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM. (0650-33)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY spoke in support for the purchase of a new fire engine.

COUNCILMEMBER KING supported the purchase of a fire engine and he expressed interest in a roundabout on 3rd Street.

MAYOR JANNEY suggested that staff research the cost and possible locations for a roundabout trial area somewhere in the City.

COUNCILMEMBER BILBRAY concurred with comments about purchasing a new fire engine. He suggested that a roundabout be located at the the four way stop at Donax Ave.

JACK FISHER spoke against the installation of roundabouts.

COMMUNITY DEVELOPMENT DIRECTOR WADE announced for the record that a Roundabout Study by Kansas State University was submitted as last minute agenda information for this item, not for Item No. 5.1.

MAYOR PRO TEM SPRIGGS supported the purchase of a fire truck. He also spoke in support for a roundabout trial period. In addition to determining the location, he spoke of the need to gather data that is helpful by first determining how to survey the roundabout as well as study how it works.

CONSENSUS OF CITY COUNCIL TO SCHEDULE A PUBLIC HEARING ON OCTOBER 17, 2012, TO CONSIDER RECOMMENDED PROJECTS.

6.3 NO ITEM.

6.4 RESOLUTION 2012-7249 AFFIRMING THE CITY MANAGER'S INCREASE IN CHANGE ORDER NO. 1 (PUMP STATION 1B ODOR CONTROL) TO THE STREET IMPROVEMENTS RDA PHASE 3B CAPITAL IMPROVEMENT PROJECT (CIP S04-108) AND THE TRANSFER OF AN ADDITIONAL \$20,000 FROM SEWER ENTERPRISE RESERVE FUND TO THE CIP S04-108 PROJECT. (0830-35)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7249 AFFIRMING THE CITY MANAGER'S INCREASE IN CHANGE ORDER NO. 1 (PUMP STATION 1B ODOR CONTROL) TO THE STREET IMPROVEMENTS RDA PHASE 3B CAPITAL IMPROVEMENT PROJECT (CIP S04-108) AND THE TRANSFER OF AN ADDITIONAL \$20,000 FROM SEWER ENTERPRISE RESERVE FUND TO THE CIP S04-108 PROJECT. MOTION CARRIED UNANIMOUSLY.

6.5 VETERANS PARK DEDICATION PLAQUE. (0920-70)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

City Council supported the installation of a base that is smaller in scale compared to what was proposed by staff and to locate the plaque in a garden by the main entrance to the park.

6.6 REQUEST BY MEMBER OF THE CITY COUNCIL TO PLACE AN ITEM ON A CITY COUNCIL AGENDA. (0410-14)

CITY MANAGER BROWN introduced the item.

JACK FISHER spoke in support for placing the item on a future City Council agenda.

COUNCILMEMBER BILBRAY asked for a report on the flooding problem, if any, and what can be done to fix it.

Consensus of City Council to bring the item back to a future agenda.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS/CITY COUNCIL (7)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

2.3 RESOLUTION NO. 2012-7245 – ACCEPTANCE OF OFFER TO DEDICATE (OTD) LATERAL COASTAL ACCESS EASEMENT LOCATED AT 1590-1690 SEACOAST DRIVE IN THE R-1500 ZONE. OWNER: BOCA RIO BEACH CONDO ASSOCIATION. MF 1098. (0480-60)

CITY MANAGER BROWN introduced the item.

JOHN HAUPT asked City Council to postpone their decision on this item until the HOA can obtain counsel to investigate issues of concern and negotiate a mutually satisfactory resolution.

ROBIN CLEGG, HOA Board President, expressed concern that the deadline to accept the dedication may have already lapsed. She asked for additional time to look into the matter (Additional speaking time donated by Cindy Killman).

ASSISTANT CITY MANAGER WADE stated that the document provided to the City by the State of California Coastal Conservancy was recorded on September 26, 1991. The dedication was a special condition of approval required by the California Coastal Commission and was approved by the applicant, Boca Rio, for revetment repair that took place in 1989. He stressed that the area of beach is from the toe of the revetment to the mean high tide line and that the area has been a lateral access point for the public for many years.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item. He noted that the Offer to Dedicate expires September 26, 2012, that the City has been maintaining the beach and that a number of sand replenishment projects deposited sand onto the same stretch of beach. If neither the City nor the Coastal Conservancy accepts the OTD, the area reverts back to the Boca Rio. The Boca Rio will incur the liability, maintenance, and insurance costs. Additionally, the area might not be eligible for future sand replenishment projects. However, the public may have acquired prescriptive rights to the beach area. This condition would still need to be satisfied if they were to apply for a revetment repair.

MAYOR PRO TEM SPRIGGS spoke in support for accepting the dedication. If there is a challenge then that is up to the homeowners but they must take into consideration the consequences of that. The area has been treated as public property and he does not see a reason for not taking the action recommended by Staff. He suggested that they consider further discussion with staff or seek legal action if they want to pursue it.

ASSISTANT CITY MANGER WADE stated that with acceptance of the dedication, the active use of the area will not change.

COUNCILMEMBER KING spoke in support for Staff's recommendation. He encouraged Staff to verify the deadline.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7245 – ACCEPTANCE OF OFFER TO DEDICATE (OTD) LATERAL COASTAL ACCESS EASEMENT LOCATED AT 1590-1690 SEACOAST DRIVE IN THE R-1500 ZONE. OWNER: BOCA RIO BEACH CONDO ASSOCIATION.

City Council discussion ensued.

COUNCILMEMBER BRAGG stated that the consequences of not moving forward is greater than not moving forward. She spoke in support for Staff's recommendation.

COUNCILMEMBER BILBRAY asked Staff to keep the HOA informed of discussions with the Coastal Commission.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7245 – ACCEPTANCE OF OFFER TO DEDICATE (OTD) LATERAL COASTAL ACCESS EASEMENT LOCATED AT 1590-1690 SEACOAST DRIVE IN THE R-1500 ZONE. OWNER: BOCA RIO BEACH CONDO ASSOCIATION. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Mayor Janney adjourned the meeting at 9:15 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, MMC
City Clerk



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: October 3, 2012

ORIGINATING DEPT.: *KV*
 Katheleen VonAchen
 FINANCE DIRECTOR/CITY TREASURER

SUBJECT: RATIFICATION OF WARRANT REGISTER

BACKGROUND:

None

DISCUSSION:

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

Vendor	Check	Amount	Description
Koch-Armstrong	81200	\$126,982.19	RTIP FY2010-2011
PAL Gen. Engineering	81207	\$316,841.68	13 th Street/Ebony
Southland Paving	81220	\$569,908.67	Street.Improvement Phase 4/5

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
81187-81228	09/14/12	\$ 1,165,905.59
81229-81267	09/20/12	56,507.63
	Sub-Total	<u>\$ 1,222,413.22</u>

PAYROLL CHECKS/DIRECT DEPOSIT:

44865-44886	P.P.E. 09/06/12	\$ 152,743.81
		\$ <u>152,743.81</u>
	TOTAL	\$ <u>1,375,157.03</u>

FISCAL IMPACT:

Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
09/14/2012	81187	SOUTHCOAST HEATING & A/C	1554				159.00
101-1910-419.21-04	08/15/2012	08/10/12 REPAIR WIRING-AC	286152	130099	02/2013		159.00
09/14/2012	81188	BDS ENGINEERING INC	372				460.00
202-5016-531.20-06	08/29/2012	AUG 2012-ST IMPRVMNTS	11-19G	111151	02/2013		460.00
09/14/2012	81189	CALIF ELECTRIC SUPPLY	609				196.11
101-5010-431.21-23	08/16/2012	ELECTRICAL KITS	1069-644269	130027	02/2013		118.53
101-5010-431.21-23	08/21/2012	LIGHTBULBS FOR UPLIGHTS	1069-644709	130027	02/2013		77.58
09/14/2012	81190	CDW GOVERNMENT INC	725				796.42
503-1923-419.20-06	08/21/2012	AC ADAPTER	P607597	130120	02/2013		117.47
503-1923-419.20-06	08/23/2012	EXTERNAL UPS BATTERY	P736901	130120	02/2013		442.61
503-1923-419.20-06	08/29/2012	ETHERNET SERVER ADAPTER	P978721	130120	02/2013		236.34
09/14/2012	81191	CVA SECURITY	797				70.00
101-1910-419.20-23	09/01/2012	SEP 2012 SPORTS PARK	23094	130100	03/2013		30.00
101-1910-419.20-23	09/01/2012	SEP 2012 PW	23111	130100	03/2013		40.00
09/14/2012	81192	CITY OF SAN DIEGO	896				62,405.49
601-5060-436.40-01	08/09/2012	PALM CITY TRUNK SEWER	1000059870		03/2013		59,823.16
601-5060-436.40-02	08/09/2012	PALM CITY TRUNK SEWER	1000059870		03/2013		2,582.33
09/14/2012	81193	CLEAN HARBORS	913				1,247.00
101-5040-434.21-04	09/07/2012	AUG 2012	6Y1277853	130029	03/2013		1,247.00
09/14/2012	81194	CORODATA MEDIA STORAGE, INC.	2334				137.54
503-1923-419.20-06	08/31/2012	AUG 2012	DS1252542	130102	02/2013		137.54
09/14/2012	81195	CRAIG WEAVER	1088				230.00
101-1920-419.29-01	08/20/2012	TUITION REIMBURESEMENT	WEAVER-12/13	130287	02/2013		230.00
09/14/2012	81196	DRUG TESTING NETWORK INC	1195				60.95
101-1130-412.20-06	08/31/2012	DMV RECERT DRUG SCREEN	62302	130079	02/2013		60.95
09/14/2012	81197	I B FIREFIGHTERS ASSOCIATION	214				300.00
101-0000-209.01-08	09/13/2012	PR AP PE 09/06/2012	20120913		03/2013		300.00
09/14/2012	81198	ICMA RETIREMENT TRUST 457	242				6,775.15
101-0000-209.01-10	09/13/2012	PR AP PE 09/06/2012	20120913		03/2013		6,775.15
09/14/2012	81199	INTERSTATE BATTERY OF SAN DIEG	388				470.93
501-1921-419.50-04	08/01/2012	BATTERY/CHARGING TESTER	089004917	130012	02/2013		323.20
501-1921-419.28-16	08/20/2012	#606 REPLACEMENT BATTERY	930002758	130012	02/2013		147.73
09/14/2012	81200	KOCH-ARMSTRONG GENERAL ENGINEE	1767				126,982.19
202-5016-531.20-06	08/20/2012	THRU 08/20/12-ST IMPRVMNT	90365.1	130210	02/2013		126,982.19
09/14/2012	81201	LINDA HUNT	2				50.00
101-0000-321.72-10	09/11/2012	OL REFUNDS	0010810		03/2013		25.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-0000-321.72-10	09/11/2012	OL REFUNDS	0010809		03/2013	25.00
09/14/2012	81202	LINDA HUNT	2			36.00
101-0000-324.73-01	08/06/2012	REFUND SOUND PERMIT FEE	808		03/2013	36.00
09/14/2012	81203	MARIA MATTHEWS	2			25.00
101-0000-344.77-03	07/06/2012	REFUND PERMIT FEE-AIR	143		02/2013	25.00
09/14/2012	81204	MANAGED HEALTH NETWORK	2432			406.00
101-1130-412.20-06	08/17/2012	SEP 2012	3200040632	130072	02/2013	406.00
09/14/2012	81205	MOTOROLA, INC	1092			3,147.29
101-3020-422.50-04	08/22/2012	PORTABLE RADIO	13913106	130203	02/2013	3,147.29
09/14/2012	81206	OFFICETEAM	1266			1,723.17
101-1020-411.21-01	08/27/2012	ARMENDARIZ,E W/E 08/24/12	36187085	130127	02/2013	461.13
101-1130-412.21-01	08/27/2012	ARMENDARIZ,E W/E 08/24/12	36187085	130127	02/2013	291.24
101-1020-411.21-01	09/05/2012	ARMENDARIZ,E W/E 08/31/12	36266863	130127	03/2013	194.16
101-1130-412.21-01	09/05/2012	ARMENDARIZ,E W/E 08/31/12	36266863	130127	03/2013	776.64
09/14/2012	81207	PAL GENERAL ENGINEERING INC.	2411			316,841.68
402-5000-532.20-06	08/20/2012	RDA P3 MATERIALS ON HAND	4	120807	02/2013	32,271.93
210-1235-513.20-06	08/09/2012	JUL 201213TH ST/EBONY RAM	1	130135	02/2013	23,881.50
402-5000-532.20-06	08/16/2012	JUL 2012 P3 ST IMPRVMT	3	120807	02/2013	260,688.25
09/14/2012	81208	PARTNERSHIP WITH INDUSTRY	1302			2,467.67
101-6040-454.21-04	08/17/2012	P/E 08/15/2012	GS04328	130108	02/2013	1,168.14
101-6040-454.21-04	09/04/2012	P/E 08/31/2012	GS04342	130108	03/2013	1,299.53
09/14/2012	81209	PRAXAIR DISTRIBUTION INC	1652			163.53
101-3020-422.30-02	08/08/2012	BREATING AIR	43724087	130005	02/2013	163.53
09/14/2012	81210	PRO LINE PAINT COMPANY	52			213.86
601-5060-436.30-02	08/03/2012	MACHINERY/SAFETY PAINT	4392-4	130021	02/2013	181.60
101-6020-452.30-02	08/14/2012	STREET PAINT	4727-1	130021	02/2013	32.26
09/14/2012	81211	PROTECTION ONE ALARM MONITORIN	69			286.97
601-5060-436.20-23	08/21/2012	SEP 2012	89436646	130087	02/2013	286.97
09/14/2012	81212	RANCHO AUTO & TRUCK PARTS	1685			96.50
501-1921-419.28-16	08/29/2012	OIL/FUEL FILTERS	7693-130748	130019	02/2013	41.96
501-1921-419.28-16	08/30/2012	#606 SEALS	7693-130878	130019	02/2013	28.42
501-1921-419.30-22	08/30/2012	SMALL TOOLS-SHOP	7693-130881	130019	02/2013	19.82
501-1921-419.28-16	08/30/2012	#606 AXLE NUT	7693-130886	130019	02/2013	6.30
09/14/2012	81213	RICOH USA, INC.	2392			2,317.29
101-1110-412.28-01	09/04/2012	SEP 2012	87623295	130133	03/2013	444.16
101-1210-413.28-01	09/04/2012	SEP 2012	87623295	130133	03/2013	279.81
101-1230-413.28-01	09/04/2012	SEP 2012	87623295	130133	03/2013	382.37
101-3020-422.28-01	09/04/2012	SEP 2012	87623295	130133	03/2013	293.42

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101-3030-423.28-01	09/04/2012	SEP 2012	87623295	130133 03/2013 284.62
101-5020-432.28-01	09/04/2012	SEP 2012	87623295	130133 03/2013 341.47
101-6010-451.28-01	09/04/2012	SEP 2012	87623295	130133 03/2013 291.44
09/14/2012	81214	SAN DIEGO GAS & ELECTRIC	1399	15,867.75
101-3020-422.27-01	09/06/2012	1008 786 9371 07/30-08/28	09-22-2012	02/2013 30.23
101-1910-419.27-01	09/06/2012	1008 786 9371 07/30-08/28	09-22-2012	02/2013 137.29
101-5010-431.27-01	09/06/2012	1008 860 4389 07/26-08/24	09-22-2012	02/2013 40.59
101-3020-422.27-01	09/06/2012	1980 769 7764 07/30-08/28	09-22-2012	02/2013 3,286.09
601-5060-436.27-01	09/06/2012	5263 521 9238 07/26-08/24	09-22-2012	02/2013 10.00
101-6020-452.27-01	09/06/2012	5649 771 4749 07/31-08/29	09-22-2012	02/2013 9.93
101-5010-431.27-01	09/06/2012	5649 771 4749 07/30-08/31	09-22-2012	02/2013 6,235.60
101-5010-431.27-01	09/06/2012	8507 517 8464 07/30-08/30	09-22-2012	02/2013 104.92
601-5060-436.27-01	09/06/2012	8507 517 8464 07/31-08/29	09-22-2012	02/2013 78.89
101-6020-452.27-01	09/06/2012	8507 517 8464 07/30-08/30	09-22-2012	02/2013 899.89
601-5060-436.27-01	09/06/2012	8541 770 1270 07/30-08/30	09-22-2012	02/2013 4,082.31
101-5020-432.27-01	09/06/2012	9169 299 2261 07/26-08/24	09-22-2012	02/2013 952.01
09/14/2012	81215	SAN DIEGO COUNTY SHERIFF	882	3,602.13
213-3037-421.20-06	07/26/2012	APR-JUN 2012 JAG GRANT	07-26-2012	02/2013 3,602.13
09/14/2012	81216	SDGE	289	5,543.15
101-5010-431.27-01	08/30/2012	0646 753 1938 07/30-08/28	09-14-2012	02/2013 10.37
101-5010-431.27-01	08/28/2012	1912 409 2723 07/26-08/24	09-12-2012	02/2013 10.19
101-6010-451.27-01	08/31/2012	2081 689 7619 07/31-08/29	09-15-2012	02/2013 239.40
101-5010-431.27-01	09/04/2012	2741 969 9359 07/31-08/31	09-19-2012	02/2013 134.99
215-6026-452.27-01	09/04/2012	2819 871 6315 07/31-08/31	09-19-2012	02/2013 1,832.33
101-5010-431.27-01	08/30/2012	3062 843 3719 07/30-08/28	09-14-2012	02/2013 12.59
101-5010-431.27-01	08/28/2012	5280 340 6641 07/26-08/24	09-12-2012	02/2013 67.70
101-5010-431.27-01	08/28/2012	5576 188 0541 07/26-08/24	09-12-2012	02/2013 10.00
601-5060-436.27-01	08/29/2012	8773 823 6424 07/30-08/28	09-13-2012	02/2013 1,120.84
101-5010-431.27-01	08/30/2012	9476 001 6989 07/31-08/29	09-14-2012	02/2013 625.89
101-6020-452.27-01	08/31/2012	0175 275 3776 07/31-08/29	09-15-2012	02/2013 122.95
101-5010-431.27-01	08/31/2012	0824 329 2041 07/31-08/29	09-15-2012	02/2013 185.83
101-6020-452.27-01	08/31/2012	2081 689 1273 07/31-08/29	09-15-2012	02/2013 225.21
101-6010-451.27-01	08/31/2012	2081 692 3399 07/31-08/29	09-15-2012	02/2013 13.58
101-6020-452.27-01	08/31/2012	2083 847 9032 07/31-08/29	09-15-2012	02/2013 40.38
101-6010-451.27-01	08/31/2012	3206 700 9265 07/31-08/29	09-15-2012	02/2013 121.23
101-5010-431.27-01	08/30/2012	3448 930 9646 07/30-08/28	09-14-2012	02/2013 10.00
101-5010-431.27-01	08/30/2012	5153 272 6717 07/30-08/28	09-14-2012	02/2013 13.03
101-6020-452.27-01	08/31/2012	5456 692 8951 07/31-08/29	09-15-2012	02/2013 37.39
101-6020-452.27-01	08/31/2012	6921 003 2109 07/31-08/29	09-15-2012	02/2013 248.08
101-5010-431.27-01	08/31/2012	7706 795 7872 07/31-08/29	09-15-2012	02/2013 11.85
101-6020-452.27-01	08/31/2012	9327 898 1346 07/31-08/29	09-15-2012	02/2013 259.14
101-6010-451.27-01	08/31/2012	9956 693 6272 07/31-08/29	09-15-2012	02/2013 174.89
101-5010-431.27-01	08/30/2012	1694 230 1484 07/30-08/28	09-14-2012	02/2013 15.29
09/14/2012	81217	SEIU LOCAL 221	1821	1,428.94
101-0000-209.01-08	09/13/2012	PR AP FE 09/06/2012	20120913	03/2013 1,428.94
09/14/2012	81218	SKS INC.	412	10,728.71
501-1921-419.28-15	08/30/2012	146 G DIESEL/1150 G REG	1250379-IN	130049 02/2013 5,069.40

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501-1921-419.28-15	09/06/2012	1100 G REG/345.1 G DIESEL	1250508-IN	130049	03/2013	5,659.31
09/14/2012	81219	SMART SOURCE OF CALIFORNIA, LL	2421			1,956.22
101-3060-426.21-04	08/27/2012	PARKING VIOLATION BOOKS	1266316		02/2013	1,956.22
09/14/2012	81220	SOUTHLAND PAVING, INC.	2417			569,908.67
402-5000-532.20-06	07/31/2012	JUL 2012-RDA ST IMRVMNTS	6	120732	01/2013	569,908.67
09/14/2012	81221	SPARKLETTES	2341			29.58
101-1210-413.30-01	08/25/2012	AUG 2012	10552239 082512	130206	02/2013	29.58
09/14/2012	81222	TERRA BELLA NURSERY, INC.	1946			377.02
101-6020-452.30-02	08/17/2012	DECOMPOSED GRANITE	78043	130034	02/2013	377.02
<i>VOIDED 81223-81226</i>						
09/14/2012	81227	U.S. BANK	1873			25,615.48
101-1110-412.28-04	06/25/2012	SB MAYOR/MANAGER LUNCHEON	077957	130148	01/2013	142.71
101-1010-411.28-04	06/28/2012	KING, J-PARKING FEES	1102406	130151	01/2013	28.00
101-1130-412.28-07	06/26/2012	JOB DISPLAY W/WESTERN CITY	6575	130153	01/2013	450.00
101-1210-413.29-04	06/28/2012	TEST PAYMENT TO PAYPAL	5020-6125-9725-	130164	01/2013	1.03
503-1923-419.28-12	06/26/2012	WIRELESS SECURITY CERT	438954626	130165	01/2013	297.45
503-1923-419.30-22	06/27/2012	LOPEZ, H-IPHONE COVERX2	CSIS14318010007	130165	01/2013	48.47
503-1923-419.28-04	06/28/2012	LOPEZ, H-FOOD WORK LATE	008618	130165	01/2013	10.42
101-1010-411.28-04	07/11/2012	07/11/2012 COUNCIL DINNER	017895	130138	01/2013	64.65
101-1020-411.30-01	07/11/2012	BATTERIES	6661	130138	01/2013	8.61
101-3040-424.30-01	07/18/2012	WORK BTS-ADAME/LANE/SIMMO	5323980	130139	01/2013	252.09
101-3070-427.30-01	07/18/2012	WORK BTS-ADAME/LANE/SIMMO	5323980	130139	01/2013	126.05
101-1230-413.30-01	07/06/2012	COMPUTER MOUSE	616178899-001	130143	01/2013	22.57
101-1230-413.30-01	07/06/2012	PLASTIC CUPS	616178980-001	130143	01/2013	9.74
245-1240-513.20-06	07/10/2012	HOUSING ELEMENT TRANSLATE	QUOTE # 43984	130143	01/2013	217.80
101-1230-413.30-01	07/10/2012	MESSAGE BOOKS/BATTERIES	616486048-001	130143	01/2013	66.56
101-6010-451.30-02	07/17/2012	SPRTS PRK CAFE SNACK ITEM	251156055	130147	01/2013	225.17
101-6010-451.30-02	07/12/2012	RECEIPT BOOKS	7567	130150	01/2013	18.26
101-1010-411.28-04	07/19/2012	KING, J-SANDAG PKG FEES	081925	130151	01/2013	4.00
101-3020-422.30-01	07/03/2012	E39 HOSE BED SHIPPING	066956	130157	01/2013	33.95
101-1210-413.28-04	07/05/2012	FAREWELL CAKE	055606	130164	01/2013	23.45
101-1210-413.28-04	07/17/2012	BUANGAN, E-GASB WEBNAR	5T789298X445822	130164	01/2013	29.00
503-1923-419.30-22	07/18/2012	LOPEZ, H-IPHONE CASE	095097	130165	01/2013	26.93
503-1923-419.30-22	07/18/2012	WHITE LABELS	2503	130165	01/2013	9.69
503-1923-419.28-04	07/18/2012	LOPEZ, H-FOOD- IT MTG	340264	130165	01/2013	13.66
101-0000-209.01-03	07/19/2012	EMP COMP LOAN-BERNAL, C	W293890765		01/2013	651.42
101-6040-454.30-02	06/26/2012	LG TOWER LOCKS/GRATE HOOK	331924	130178	01/2013	18.61
101-6040-454.30-02	06/26/2012	LG TOWER LOCKS/GRATE HOOK	331924	130178	01/2013	28.76
101-6040-454.30-02	06/29/2012	BOLTS/NUTS/WASHERS	CACHU28106	130180	01/2013	9.90
101-6040-454.30-02	06/29/2012	PIER GATE WHEELS	9866008940	130180	01/2013	24.76
601-5060-436.28-01	07/06/2012	PS AIR PUMPS	376287162	130167	01/2013	563.10
601-5060-436.30-02	07/13/2012	AIR FRESH PS #8/PEN OIL	95774663	130167	01/2013	727.16
601-5060-436.28-01	07/19/2012	1A&1B ELECTRICAL SUPPLIES	096135/9581703	130167	01/2013	26.65
101-5010-431.30-02	07/02/2012	BLUEUCE WAX (GRAFFITI SUP)	3980-122018	130169	01/2013	20.46
101-6040-454.30-02	07/05/2012	PIER PLAZA MULCH	75376	130178	01/2013	161.59
101-6040-454.30-02	07/10/2012	PAINT/ROLLERS/CABINET LOC	079586/8593209	130178	01/2013	20.70

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-6040-454.30-02	07/10/2012	PAINT/ROLLERS/CABINET LOC	079586/8593209	130178	01/2013	193.55
101-6040-454.30-02	07/14/2012	BARBER, J-SAFETY BOOTS	984329	130178	01/2013	150.00
101-6040-454.30-02	07/17/2012	WEEDKILLER/HOSES	047454/1196826	130178	01/2013	96.91
101-6040-454.30-02	07/17/2012	WEEDKILLER/HOSES	047454/1196826	130178	01/2013	47.84
101-6040-454.30-02	07/03/2012	IRRIGATION SPRINKLERS	61908562	130179	01/2013	246.58
101-6040-454.30-02	07/13/2012	BATTERIES	011464/5580910	130179	01/2013	27.97
101-6040-454.30-02	07/17/2012	RESTROOM SOAP	053629/1560643	130179	01/2013	55.41
101-6040-454.30-02	07/02/2012	50 AMP CIRCUIT BREAKER	38769820	130180	01/2013	33.17
101-6040-454.30-02	07/07/2012	CUTTING TOOL	063336/1592860	130180	01/2013	43.97
101-6040-454.30-02	07/19/2012	TRANSFORMER BALLASTS	2006657	130180	01/2013	71.10
601-5060-436.30-02	07/18/2012	AGUIRRE, J-SAFETY BOOTS	18/896/46539	130181	01/2013	145.44
601-5050-436.28-13	06/22/2012	EPA TOXIC FEE	005745	130175	01/2013	207.50
101-6040-454.30-02	06/20/2012	SIGN BRACKETS	16777	130177	01/2013	120.68
101-6040-454.30-02	06/27/2012	HALOGEN BULBS/CLEANING	049216/1584635	130177	01/2013	69.56
101-1910-419.30-02	06/28/2012	CARPET CLEANING SUPPLIES	348117	130186	01/2013	95.99
101-1910-419.30-02	06/29/2012	VACUUM CLEANER/BAGS	348172	130186	01/2013	146.43
101-1910-419.30-02	06/30/2012	CLEANING SUPPLIES	020251	130186	01/2013	242.95
601-5050-436.30-02	07/05/2012	DETERGENTS COMPARATOR	107220	130175	01/2013	21.06
101-6040-454.30-02	07/06/2012	DRILLSET/PAINT ROLLERS	040513/2580117	130177	01/2013	63.44
101-6040-454.30-02	07/12/2012	HOSE QUICKCONNECT	051496/6576282	130177	01/2013	2.35
101-6040-454.30-02	07/18/2012	ALUMINUM TUBE	070077	130177	01/2013	10.09
101-6040-454.30-02	07/19/2012	WIRE CONNECTORS	012427	130177	01/2013	5.37
101-6040-454.30-02	07/19/2012	KNEE PADS/FLASH LIGHT	012866/9594350	130177	01/2013	23.41
501-1921-419.30-02	07/18/2012	MURPHY, M-WORK SOCKS	18/896/46527	130188	01/2013	64.00
101-1910-419.30-02	06/21/2012	TILE/BACKING/GROUT	000504/7012557	130173	01/2013	102.32
101-1910-419.30-02	06/22/2012	BETTERIES/OUTLET COVER	024363/6124017	130173	01/2013	3.76
101-1910-419.30-02	06/22/2012	BETTERIES/OUTLET COVER	024363/6124017	130173	01/2013	23.35
101-1910-419.30-02	06/22/2012	BETTERIES/OUTLET COVER	024363/6124017	130173	01/2013	48.39
501-1921-419.30-02	06/22/2012	BETTERIES/OUTLET COVER	024363/6124017	130173	01/2013	26.06
101-1910-419.30-02	06/25/2012	GROUT SEALER	075887/3584349	130173	01/2013	5.89
101-1910-419.30-02	06/25/2012	ROOF MATERIALS-SP PK R/R	201755	130173	01/2013	118.54
101-1910-419.30-02	06/27/2012	ROOF MATERIALS-SP PK R/R	023425/1591511	130173	01/2013	40.31
101-1910-419.30-02	06/28/2012	ROOF MATERIALS-SP PK R/R	046823/0565716	130173	01/2013	30.11
101-1910-419.30-02	07/03/2012	ROOF MATERIALS-SP PK R/R	001247/5592391	130173	01/2013	44.35
101-1910-419.30-02	07/03/2012	ROOF MATERIALS-SP PK R/R	002856/6015899	130173	01/2013	51.75
101-1910-419.30-02	07/06/2012	ROOF MATERIALS-SP PK R/R	203638	130173	01/2013	39.32
101-1910-419.30-02	07/09/2012	ROOF MATERIALS-SP PK R/R	003072/0017730	130173	01/2013	54.83
101-1910-419.30-02	07/10/2012	ROOF MATERIALS-SP PK R/R	204393	130173	01/2013	170.57
101-1910-419.30-02	07/11/2012	DRILL BITS/ROOF SUPPLIES	073938/7593378	130173	01/2013	72.97
501-1921-419.30-02	07/11/2012	DRILL BITS/ROOF SUPPLIES	073938/7593378	130173	01/2013	18.36
101-1910-419.30-02	07/17/2012	ROOF MATERIALS-SP PK R/R	020623/1010044	130173	01/2013	212.83
101-1910-419.30-02	07/17/2012	ROOF MATERIALS-SP PK R/R	046845/1027978	130173	01/2013	114.14
101-1910-419.30-02	07/18/2012	COLAHAN, D-WORK BOOTS	18/913/46529	130173	01/2013	150.00
101-1910-419.30-02	07/19/2012	ROOF MATERIALS-SP PK R/R	069340/9028410	130173	01/2013	54.68
101-1910-419.30-02	07/20/2012	ROOF MATERIALS-SP PK R/R	018180/8028763	130173	01/2013	10.67
101-3030-423.30-02	06/19/2012	CREDIT MATERIAL RETURNED	023	130162	01/2013	48.64-
101-3030-423.28-04	06/26/2012	LG MEETING REFRESHMENTS	504750	130162	01/2013	123.70
101-3030-423.28-01	06/27/2012	PA MICS	127789	130162	01/2013	269.48
101-3030-423.30-02	06/28/2012	LOCKERS	652684	130162	01/2013	477.15
101-5010-431.30-02	06/22/2012	HEAVY DUTY STRONGSTIK	083304/6573769	130185	01/2013	4.29

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-3030-423.30-02	07/11/2012	JANITORIAL SUPPLIES	331335	130162 01/2013 81.74
101-3030-423.30-02	07/11/2012	SAFETY GAS CAN	9873568571	130162 01/2013 134.47
101-3030-423.30-02	07/11/2012	SAFETY GAS CAN	9873568597	130162 01/2013 134.47
101-3030-423.30-02	07/17/2012	MEDICAL SUPPLIES	605201	130162 01/2013 160.34
101-5010-431.30-02	07/05/2012	TIE DOWN STRAPS	043448/3044213	130184 01/2013 10.69
402-5000-532.20-06	07/11/2012	TRAFFIC RATED PULL BOX	0173569	130184 01/2013 231.67
101-5010-431.30-02	07/16/2012	ASPHALT EMULSION	000138/2027729	130184 01/2013 43.96
101-5010-431.30-02	07/17/2012	GATE LATCH/SCREWS/	052504/1010086	130184 01/2013 23.34
101-1010-411.29-04	06/06/2012	06/06/12 COUNCIL DINNER	7615	130146 01/2013 71.12
101-1130-412.28-07	06/27/2012	DISPLAY ADS	71827	130146 01/2013 34.65
101-3030-423.30-02	06/22/2012	WATERPROOF CAMERA ACCESSR	103-2238741-559	130163 01/2013 57.64
101-3030-423.30-02	06/22/2012	WATERPROOF CAMERA ACCESSR	103-2844990-503	130163 01/2013 46.50
101-3030-423.30-02	06/22/2012	WATERPROOF CAMERA	103-6769359-323	130163 01/2013 289.06
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101-3030-423.30-02	07/02/2012	DIGITAL WATERPROOF CAMERA	21902390	130163 01/2013 265.48
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101-3030-423.30-02	07/03/2012	VEHICLE WINDSHIELD	88878	130163 01/2013 123.60
101-3030-423.30-02	07/15/2012	GARAGE HOSES/NOZZLES	065934/3560294	130163 01/2013 131.41
503-1923-419.20-06	07/16/2012	HP PLOTTER REPAIR	7061	130192 01/2013 485.76
101-5020-432.30-02	07/18/2012	MERCER,R-WORK BOOTS	18/896/46538	130192 01/2013 145.44
101-1110-412.28-04	06/20/2012	CREDIT-CONF REG ONE DAY	06-20-2012	130149 01/2013 225.00-
101-3030-423.28-01	06/14/2012	PWC REPAIR	34473	130160 01/2013 506.75
101-3030-423.30-02	06/22/2012	LG STICKERS- SAFETY CTR	064231	130160 01/2013 26.93
101-3030-423.30-02	06/22/2012	STAINLESS STEEL FOR RACK	331796	130160 01/2013 126.58
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101-3030-423.25-03	07/06/2012	LG UNIFORMS	6839	130160 01/2013 667.84
101-3030-423.30-02	07/12/2012	VEHICLE RACK STEEL	027244	130160 01/2013 220.11
101-3030-423.30-02	07/12/2012	SNAP HOOKS	1287	130160 01/2013 49.05
101-3030-423.28-01	07/13/2012	PWC REPAIR	35416	130160 01/2013 85.38
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501-1921-419.30-02	07/18/2012	KING,M-SAFETY BOOTS	18/896/46523	130187 01/2013 147.84
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101-6020-452.21-04	09/19/2011	DRAIN CLEARING	16756	130170 01/2013 73.00
101-1910-419.21-04	05/07/2012	SHERIFF PLUMBING SERVICE	17841	130170 01/2013 74.00
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101-5010-431.28-01	06/22/2012	MOTOR GRAFFITI VACUUM	347763	130170 01/2013 102.30
101-5010-431.30-02	06/25/2012	GRAFFITI PAINTS	095182	130170 01/2013 92.58
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101-1910-419.30-02	06/27/2012	JANITORIAL SUPPLIES	042429/1591525	130170 01/2013 89.85
101-1910-419.30-02	06/27/2012	BLADES MASONERY	1848942	130170 01/2013 43.91
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101-6020-452.28-01	07/05/2012	VORD PANEL	1400165978	130170 01/2013 780.06
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101-3030-423.28-04	06/22/2012	BEVERAGES-STAFF MEETING	00061226	130159	01/2013	25.96
101-3035-423.30-02	06/25/2012	JRLG WATERPROOF CAMERA	0832-2308-2556-	130161	01/2013	570.19
101-3035-423.30-02	06/25/2012	INSTRUCTOR WETSUITS	6167223	130161	01/2013	332.46
101-5010-431.30-02	06/26/2012	GRAFFITI PAINT/TAPE	064849/2192776	130172	01/2013	174.17
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101-3020-422.30-02	07/02/2012	PS SHARED COST-VENTILATIO	6536	130156	01/2013	549.34
101-3035-423.28-04	07/06/2012	JRLG FIELD TRIP (1/2)	060399	130159	01/2013	899.55
101-3030-423.28-01	07/11/2012	RESCUE BOARD REPAIR ITEMS	160734	130159	01/2013	69.44
101-3035-423.28-04	07/06/2012	JRLG FIELD TRIP (1/2)	062058	130161	01/2013	899.55
101-3035-423.30-02	07/09/2012	JRLG AWARD PAPER/SUPPLIES	6684	130161	01/2013	36.37
101-3035-423.30-02	07/10/2012	JRLG RIBBONS	0247460	130161	01/2013	168.44
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101-3035-423.28-04	07/18/2012	JRLG BANQUET	062687	130161	01/2013	69.00
101-5010-431.30-02	07/18/2012	MARITNEZ,D-WORK BOOTS	18/896/46537	130172	01/2013	116.35
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101-0000-209.01-20	09/13/2012	PR AP PE 09/06/2012	20120913		03/2013	2,782.20
09/20/2012	81229	ACE UNIFORMS & ACCESSORIES INC	1571			1,098.60
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09/20/2012	81230	AGRICULTURAL PEST CONTROL	123			95.00
101-6020-452.21-04	08/28/2012	AUG 2012	282423	130101	02/2013	95.00
09/20/2012	81231	AMERICAN MESSAGING	1759			154.11
101-3020-422.21-04	09/01/2012	SEP 2012	L1074045MI	130118	03/2013	154.11
09/20/2012	81232	AT&T TELECONFERENCE SERVICES	1827			80.11
101-1110-412.28-04	09/01/2012	AUG 2012 CONF CALLS	09-01-2012	130230	03/2013	48.11
101-1110-412.28-04	09/01/2012	AUG 2012 CONF CALLS	09-01-2012	130230	03/2013	32.00
09/20/2012	81233	AVI SYSTEMS, INC.	2227			260.44
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09/20/2012	81234	AZTEC LANDSCAPING INC	310			1,540.00
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101-3030-423.27-02	09/10/2012	05-0155019-8	08/06-09/05	10-01-2012	02/2013	21.15	
101-5010-431.27-02	09/10/2012	05-0155037-0	08/06-09/05	10-01-2012	02/2013	14.28	
601-5060-436.27-02	09/10/2012	05-0392478-9	08/06-09/05	10-01-2012	02/2013	14.28	
601-5060-436.27-02	09/10/2012	05-0505362-9	08/06-09/05	10-01-2012	02/2013	212.57	
09/20/2012	81236	CVA SECURITY	797			110.00	
101-1910-419.20-23	08/01/2012	AUG 2012 PW		22829	130100 02/2013	40.00	
101-1910-419.20-23	07/01/2012	JUL 2012 PW		22557	130100 01/2013	40.00	
101-1910-419.20-23	07/01/2012	JUL 2012 EOC		22456	130100 01/2013	30.00	
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101-3020-422.21-25	09/01/2012	AUG 2012		13CTOFIBN02	130117 03/2013	53.00	
101-3030-423.20-06	09/01/2012	AUG 2012		13CTOFIBN02	130117 03/2013	1,272.00	
09/20/2012	81240	COX COMMUNICATIONS	1073			189.93	
503-1923-419.29-04	09/02/2012	09/01-09/30 3110015533201		09-22-2012	130126 03/2013	10.93	
601-5050-436.21-04	09/05/2012	09/04-10/03 3110091187001		09-25-2012	130126 03/2013	179.00	
09/20/2012	81241	CRAIG WEAVER	1088			217.00	
101-3020-422.20-06	09/11/2012	REIMBURSE EMT/PARAMEDIC		09-11-2012	02/2013	217.00	
09/20/2012	81242	CTE INC, CLARK TELECOM & ELECT	2316			1,150.16	
101-6020-452.30-02	08/23/2012	SP PARK LIGHTING REPAIRS		00001265	130291 02/2013	545.16	
504-1924-519.20-06	08/09/2012	SKYLIGHT LG STATION-PREP		00001216	130293 02/2013	605.00	
09/20/2012	81243	CYNTHIA TITGEN	2340			1,020.00	
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09/20/2012	81245	DATAQUICK	1134				75.00
101-1230-413.21-04	09/04/2012	AUG 2012		B1-2072468	130207	03/2013	26.34
101-3020-422.21-04	09/04/2012	AUG 2012		B1-2072468	130207	03/2013	33.33
101-3070-427.21-04	09/04/2012	AUG 2012		B1-2072468	130207	03/2013	15.33
09/20/2012	81246	DKC ASSOCIATES, INC.	2187				580.00
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09/20/2012	81247	EAGLE NEWSPAPER	1204				285.00
101-1230-413.28-07	07/31/2012	LEGAL NOTICES		72022	130022	01/2013	75.00
101-1020-411.28-07	08/08/2012	ORDINANCE NOTICE		72560	130208	02/2013	65.00
101-1020-411.28-07	08/22/2012	ORDINANCE/LEGAL NOTICES		72795	130208	02/2013	145.00
09/20/2012	81248	HANSON AGGREGATES INC.	48				948.20
101-5010-431.30-02	08/31/2012	SPORTS PARK CONCRETE		519431	130040	02/2013	948.20
09/20/2012	81249	JANI-KING OF CALIFORNIA, INC.	2042				4,013.02
101-1910-419.21-04	09/01/2012	SEP 2012		SDO09120667	130119	03/2013	4,013.02
09/20/2012	81250	LLOYD PEST CONTROL	814				325.00
101-1910-419.21-04	08/09/2012	AUG 2012 CITY HALL		3505266	130097	02/2013	36.00
101-1910-419.21-04	08/09/2012	AUG 2012 FIRE DEPT		3505267	130097	02/2013	36.00
101-1910-419.21-04	08/09/2012	AUG 2012 SHERIFF STATION		3505450	130097	02/2013	36.00
101-1910-419.21-04	08/10/2012	AUG 2012 MARINA VISTA CTR		3505528	130097	02/2013	53.00
101-1910-419.21-04	08/16/2012	AUG 2012 DEMPSEY CENTER		3493269	130097	02/2013	60.00
101-1910-419.21-04	08/17/2012	AUG 2012 SPORTS PARK		3490968	130097	02/2013	51.00
101-1910-419.21-04	08/21/2012	AUG 2012 PUBLIC WORKS		3492950	130097	02/2013	53.00
09/20/2012	81251	MASON'S ALIGNMENT, BRAKES	921				249.51
501-1921-419.28-01	09/04/2012	A/C SERVICE-REFRIGERANT		21409	130044	03/2013	142.88
501-1921-419.28-01	09/06/2012	A/C SVC - COMPRESSOR OIL		21423	130044	03/2013	106.63
09/20/2012	81252	NASLAND ENGINEERING	1656				1,040.00
405-1260-513.20-06	08/31/2012	AUG 2012 DATE ST END		92300	090544	02/2013	1,040.00
09/20/2012	81253	OFFICETEAM	1266				582.48
101-1020-411.21-01	09/10/2012	ARMENDARIZ,L W/E 09/07/12		36280631	130127	03/2013	388.32
101-1130-412.21-01	09/10/2012	ARMENDARIZ,L W/E 09/07/12		36280631	130127	03/2013	194.16
09/20/2012	81254	PITNEY BOWES INC	271				206.88
101-1920-419.25-02	09/03/2012	OCT-DEC 2012 METER RENTAL		467581	130114	03/2013	206.88
09/20/2012	81255	PITNEY BOWES	1369				2,518.99
101-1920-419.28-09	09/06/2012	AUG2012 -POSTAGE REFILL		2012250	130121	03/2013	2,518.99
09/20/2012	81256	PMI	23				613.06
101-6040-454.30-02	08/28/2012	PROTECTIVE GLOVES		0370422	130015	02/2013	613.06

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09/20/2012	81258	SLOAN ELECTRIC COMPANY	417				500.00
601-5060-436.21-04	08/23/2012	INSTALL CORD & CAP SET	0061073	130064	02/2013		500.00
09/20/2012	81259	SOUTH WEST SIGNAL	488				535.04
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101-5010-431.21-04	08/31/2012	AUG 2012	58061	130038	02/2013		160.00
09/20/2012	81260	STANDARD ELECTRONICS	504				711.87
101-1910-419.20-23	08/27/2012	AUG 2012 LABOR/RPLCMNT SW	17305	130094	02/2013		711.87
09/20/2012	81261	TRANSWORLD SYSTEMS INC.	2160				201.24
101-1910-419.21-04	08/31/2012	AUG 2012 COLLECTIONS	564783		02/2013		201.24
09/20/2012	81262	UNDERGROUND SERVICE ALERT	731				46.50
601-5060-436.21-04	09/01/2012	AUG 2012	820120322	130003	03/2013		46.50
09/20/2012	81263	VERIZON WIRELESS	2317				1,427.65
101-5020-432.27-05	09/08/2012	08/09/2012-09/08/2012	1117585672		03/2013		564.75
101-3040-424.27-05	09/08/2012	08/09/2012-09/08/2012	1117585672		03/2013		54.52
101-3020-422.27-05	09/08/2012	08/09/2012-09/08/2012	1117585672		03/2013		158.11
101-3030-423.27-05	09/08/2012	08/09/2012-09/08/2012	1117585672		03/2013		319.42
101-3070-427.27-05	09/08/2012	08/09/2012-09/08/2012	1117585672		03/2013		71.43
101-1230-413.27-05	09/08/2012	08/09/2012-09/08/2012	1117585672		03/2013		95.89
503-1923-419.27-05	09/08/2012	08/09/2012-09/08/2012	1117585672		03/2013		153.84
503-1923-419.27-05	09/08/2012	08/09/2012-09/08/2012	1117585672		03/2013		9.69
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09/20/2012	81265	WAXIE SANITARY SUPPLY	802				932.49
101-6040-454.30-02	09/06/2012	JANITORIAL SUPPLIES	73487161	130016	03/2013		860.75
101-6040-454.30-02	09/10/2012	JANITORIAL SUPPLIES	73490904	130016	03/2013		71.74
09/20/2012	81266	WHITE CAP CONSTRUCTION SUPPLY	1434				173.03
101-5010-431.30-02	08/27/2012	MARKING/STRIPING PAINT	15068884-00	130018	02/2013		173.03
09/20/2012	81267	3-T EQUIPMENT CO.	11				615.29
601-5060-436.21-04	08/28/2012	INSPCT/RPAIR/TST SEWER CA	58112	130292	02/2013		490.29
601-5060-436.21-04	08/28/2012	INSPECT/TEST SEWER CAMERA	58113	130292	02/2013		125.00
DATE RANGE TOTAL *						1,222,413.22 *	



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: OCTOBER 3, 2012

ORIGINATING DEPT.: CITY MANAGER DEPARTMENT
GREG WADE, ASSISTANT CITY MANAGER *GW*

SUBJECT: ADOPTION OF RESOLUTION NO. 2012-7253 AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH CONSOLIDATING THIRTEEN STREET END LEASE AGREEMENTS AND ADDING TWO ADDITIONAL STREET ENDS (CORTEZ AVENUE AND BEACH AVENUE) INTO ONE AGREEMENT

BACKGROUND:

On the July 18, 2007, the City of Imperial Beach (the "City") and the San Diego Unified Port District (the "Port District") entered into two (2) easements for Palm Avenue and Imperial Beach Boulevard (collectively the "First Easements"). On December 2, 1997, the City and the Port District entered into easement agreements for the following eleven (11) City street ends: Admiralty Avenue, Carnation Avenue, Dahlia Avenue, Daisy Avenue, Date Avenue, Descanso Avenue, Ebony Avenue, Elder Avenue, Elkwood Avenue, Elm Avenue, and Encanto Avenue (collectively the "Second Easements"). The easement agreements were executed to provide all required maintenance of the street ends at the Port District's sole cost and expense. Additionally, the easement agreements required the Port District to use its best efforts to construct shoreline protection for these properties, provide pedestrian and emergency access, and other appropriate amenities, including landscaping, hardscape, and lighting. The maintenance and improvement of these street ends was also provided for under the Port Master Plan.

DISCUSSION:

Last summer, City staff conducted a review of all leases, easements and licenses between the City and the Port. Among the objectives of this review was to determine whether the City and Port could simplify the administrative requirements to monitor, track and renew these agreements and to determine if certain agreement requirements could be standardized so that all agreements provided for similar terms and/or termination clauses. As such, it is now proposed that these thirteen easement agreements be consolidated into one easement agreement (the "Agreement") and that two street ends for which no previous agreements existed be added into the consolidated Agreement. The initial term of the new Agreement is for a period of fifteen (15) years and three (3) months, commencing on October 1, 2012, and

ending on December 31, 2027. The Agreement also provides for one (1) fifteen (15) year extension at the discretion of the Port District. If exercised, this would extend the expiration date to December 31, 2042, for the Agreement, commensurate with the termination date of the recently-approved and extended lease agreement for the Paper Street know as Ocean Lane (formerly Ocean Boulevard) that runs along the beach.

Attached for consideration by the City Council is the proposed Agreement. As mentioned above, the prior easements have been consolidated into one easement and two additional street ends, Cortez and Beach avenues, have also been included. This Agreement has already been scheduled for consideration by the Board of Port Commissioners at their meeting of October 9, 2012. Any action taken by the City Council will be forwarded to Port District staff prior to Port District's Board meeting.

ENVIRONMENTAL REVIEW:

None required with this action.

FISCAL IMPACT:

The Port District will continue to provide maintenance costs pursuant to the attached Easement Agreement and to agreed-upon Master Service Agreements between the City of Imperial Beach and the Port District.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 2012-7253 authorizing the City Manager to execute an Easement Agreement between the City of Imperial Beach and the San Diego Unified Port District consolidating thirteen street end lease agreements and adding two additional street ends (Cortez Avenue and Beach Avenue) into one Easement Agreement.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. City Council Resolution No. 2012-7253
2. Draft Paper Street Lease – SDUPD #523257

RESOLUTION NO. 2012-7253

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH CONSOLIDATING THIRTEEN STREET END LEASE AGREEMENTS AND ADDING TWO ADDITIONAL STREET ENDS (CORTEZ AVENUE AND BEACH AVENUE) INTO ONE AGREEMENT

WHEREAS, on July 18, 2007, the San Diego Unified Port District, a public corporation and the City of Imperial Beach entered into two (2) easements of certain area in the City of Imperial Beach, which easements are on file in the Office of the Clerk of bearing Document Nos. 52373 (Palm Avenue) and 52374 (Imperial Beach Boulevard) (collectively the "First Easements"); and

WHEREAS, on the December 2, 2007, the San Diego Unified Port District and the City of Imperial Beach entered into eleven (11) easements of certain area in the City of Imperial Beach, which easements are on file in the Office of the Clerk of GRANTEE bearing Document Nos. 36777 (Admiralty Avenue), 36778 (Carnation Avenue), 36779 (Dahlia Avenue), 36780 (Daisy Avenue), 36781 (Date Avenue), 36782 (Descanso Avenue), 36783 (Ebony Avenue), 36784 (Elder Avenue), 36785 (Elkwood Avenue), 36786 (Elm Avenue), and 36787 (Encanto Avenue) (collectively the "Second Easements") (collectively the "Second Easements"); and

WHEREAS, the San Diego Unified Port District and the City of Imperial Beach wish to consolidate the First Easements and Second Easements, including additional locations along Beach Avenue and Cortez Avenue, into one easement (the "Easement").

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 and incorporated herein.
2. The property in which this Easement is granted is located in the County of San Diego, State of California, and is described as follows:

Approximately 154,450 square feet of tideland area located in the City of Imperial Beach, California, more particularly described and delineated on Grantee's Drawing No. 560-002, 560-001, 560-003, 560-004, 561-006, 561-002, 561-003, 561-004, 561-005, 561-001, 562-001, 562-003, 562-004, 562-002, and 563-001 dated April 9, 2012, attached hereto as Exhibits "A" and incorporated herein, and referred to collectively as the Easement.

3. The City of Imperial Beach has full authority to grant this Easement.
4. The City of Imperial Beach and the San Diego Unified Port District agrees that, as valuable consideration for the granting of this Easement, the San Diego Unified Port District shall perform all of the maintenance required for the property at their sole cost and expense.

5. In addition, the San Diego Unified Port District shall use its best efforts to construct shoreline protection for this property, provide pedestrian and emergency access, and provide appropriate amenities, including but not limited to, landscaping, hardscape, and lighting; all subject to the Memorandum of Understanding between the District and the City, District Document No. 33006 dated July 19, 1995, as it now exists or may hereafter be amended, and to the Port Master Plan, as it now exists or may hereafter be amended.
6. The term of the Easement shall be for a period of fifteen (15) years and three (3) months, commencing October 1, 2012 (the "Commencement Date"), and ending December 31, 2027 (the "Initial Term"), unless sooner terminated as herein provided. The San Diego Unified Port District is given the option to extend the term of all provisions of this Easement for one fifteen (15) year period following expiration of the Initial Term by giving written notice of exercise of said option to the City of Imperial Beach at least ninety (90) days before expiration of the initial term.
7. It is mutually agreed that, on the Commencement Date of this Easement, that First Easements and Second Easements between GRANTOR and GRANTEE are hereby terminated. Any rights, duties, and obligations of the parties, if any, pursuant to the terms, covenants, and conditions in such hereby terminated easements shall remain enforceable and subject to all defenses, including without limitation any applicable statute of limitations. Further, said statute shall not be waived or extended because of this Easement. Nothing herein is intended nor shall be construed as a waiver of any such rights, or as a release of any such duties or obligations, whether known or unknown at this time or upon the effective date of this Easement.
8. The City Council hereby authorizes the City Manager or his designee to execute the Easement in accordance with the terms herein.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 3rd day of October 2012, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

RECORDING REQUESTED BY:

CITY OF IMPERIAL BEACH

WHEN RECORDED MAIL TO:

District Clerk
San Diego Unified Port District
Post Office Box 120488
San Diego, CA 92112-0488

No Document Fee
Recordation for Benefit of District

(Space Above this Line for Recorder's Use)

The undersigned District declares that the Documentary Transfer Tax is \$-0-.

EASEMENT

The City of Imperial Beach, a municipal corporation hereinafter called "CITY" or "GRANTOR," (for valuable consideration, receipt of which is hereby acknowledged,) grants to San Diego Unified Port District, a public corporation, its successors and assigns, hereinafter called "DISTRICT" or "GRANTEE," an Easement (as defined below). Said Easement shall be for street purposes.

WHEREAS, GRANTOR and GRANTEE, on the 2nd day of December 1997, entered into eleven (11) easements of certain area in the City of Imperial Beach, which easements are on file in the Office of the Clerk of GRANTEE bearing Document Nos. 36777 (Admiralty Avenue), 36778 (Carnation Avenue), 36779 (Dahlia Avenue), 36780 (Daisy Avenue), 36781 (Date Avenue), 36782 (Descanso Avenue), 36783 (Ebony Avenue), 36784 (Elder Avenue), 36785 (Elkwood Avenue), 36786 (Elm Avenue), and 36787 (Encanto Avenue) (collectively the "First Easements"); and

WHEREAS, GRANTOR and GRANTEE, on the 18th day of July 2007, entered into two (2) easements of certain area in the City of Imperial Beach, which easements are on file in the Office of the Clerk of GRANTEE bearing Document Nos. 52373 (Palm Avenue) and 52374 (Imperial Beach Boulevard) (collectively the "Second Easements"); and

WHEREAS, GRANTOR and GRANTEE wish to consolidate First Easements and Second Easements, and include two additional locations, Beach Avenue and Cortez Avenue into

one Easement.

THEREFORE, it is understood and agreed by the parties hereto as follows:

The property in which this easement is granted is located in the County of San Diego, State of California, and is described as follows:

Approximately 154,450 square feet of tideland area located in the City of Imperial Beach, California, more particularly described and delineated on Grantee's Drawing No. 560-002, 560-001, 560-003, 560-004, 561-006, 561-002, 561-003, 561-004, 561-005, 561-001, 562-001, 562-003, 562-004, 562-002, and 563-001 dated April 9, 2012, attached hereto as Exhibits "A" and incorporated herein, and referred to collectively as the "Easement".

1. GRANTOR represents to GRANTEE that it has full authority to grant this Easment.
2. GRANTOR AND GRANTEE agree that as valuable consideration for the granting of this Easement, GRANTEE shall perform all of the maintenance required for the property at GRANTEE'S sole cost and expense. In addition, GRANTEE shall use its best efforts to: (1) construct shoreline protection for this property, (2) provide pedestrian and emergency access, and (3) provide appropriate amenities, including but not limited to, landscaping, hardscape, and lighting; all subject to the Memorandum of Understanding between the District and the City, District Document No. 33006 dated July 19, 1995, as it now exists or may hereafter be amended, and GRANTEE'S Port Master Plan, as it now exists or may hereafter be amended.
3. The term of the easement shall be for a period of thirty (30) years and three (3) months, commencing October 1, 2012 (the "Commencement Date"), and ending December 31, 2042 (the "Term"), unless sooner terminated as herein provided..
4. It is mutually agreed that, on the Commencement Date of this Easement, that First Easements and Second Easements, between GRANTOR and GRANTEE are hereby terminated. Any rights, duties, and obligations of the parties, if any, pursuant to the terms, covenants, and conditions in such hereby terminated easements shall remain enforceable and subject to all defenses, including without limitation any applicable statute of limitations. Further, said statute shall not be waived or extended because of this Easement. Nothing herein is intended nor shall be construed as a waiver of any such rights, or as a release of any such duties or obligations, whether known or unknown at this time or upon the effective date of this Easement.
5. GRANTOR or GRANTEE may terminate this Easement upon one (1) year's written notice. Should GRANTOR elect to so terminate this Easement prior to December 31, 2027, hereafter "Prior Expiration Date", GRANTOR shall reimburse GRANTEE a fraction equaling one-thirtieth (1/30th) of the total cost of the improvements constructed thereon by GRANTEE for each full year until the Prior Expiration Date, except this reimbursement shall not include improvements made to Palm Avenue

and Imperial Beach Boulevard.

6. The Easement hereinabove granted shall be used and enjoyed by GRANTEE and the public in such a manner so as not to unreasonably interfere with, obstruct or delay the conduct and operations of the business or intended use of GRANTOR or its permittees at any time conducted on its property, including, without limitation, public access to and from the Easement and surrounding areas
7. The rights and obligations of the parties hereunder shall inure to the benefit of and be binding upon their respective successors and assigns.
8. In the event that any covenant, condition or other provision in this Easement is held to be invalid, void or illegal by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Easement and shall in no way affect, impair or invalidate any other covenant, condition or other provision contained in this Easement. If such condition, covenant or other provision shall be deemed invalid due to its scope or breadth, such covenant, condition or other provisions shall be deemed valid to the extent of the scope or breadth permitted by law.
9. This Easement shall be governed by, construed and enforced in accordance with the laws of the State of California.
10. In determining the meaning of or resolving any ambiguity with respect to any word, phrase or provision of this Easement, no uncertainty or ambiguity shall be construed or resolved against any party under any rule of construction including the party primarily responsible for the drafting and preparation of this Easement.
11. The undersigned represent and warrant that they have the authority to sign on behalf of, and bind their respective parties to the rights and obligations in this Easement. It is an express condition of this easement that the easement shall not be complete nor effective until signed by all parties.

Date:

Port Attorney

SAN DIEGO UNIFIED PORT DISTRICT

By _____

By _____

Karen Weymann
Director, Real Estate

City Attorney

CITY OF IMPERIAL BEACH

By _____

By _____
Signature

PRINT NAME _____

PRINT TITLE _____

SDUPD Docs No. 523257

(FOR USE BY SAN DIEGO UNIFIED PORT DISTRICT)

(STATE OF CALIFORNIA)

(COUNTY OF SAN DIEGO)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

OPTIONAL

Though the information below is not required by law, it may prove valuable to the person(s) relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

<p>Signer's Name _____</p> <p><input type="checkbox"/> Individual</p> <p><input type="checkbox"/> Corporate Officer -Title(s): _____</p> <p><input type="checkbox"/> Partner -- <input type="checkbox"/> Limited <input type="checkbox"/> General</p> <p><input type="checkbox"/> Attorney in Fact</p> <p><input type="checkbox"/> Trustee</p> <p><input type="checkbox"/> Guardian or Conservator</p> <p><input type="checkbox"/> Other: _____</p> <p>Signer is Representing: _____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;">RIGHT THUMBPRINT</p> <p style="text-align: center;">Top of thumb here</p>	<p>Signer's Name _____</p> <p><input type="checkbox"/> Individual</p> <p><input type="checkbox"/> Corporate Officer -Title(s): _____</p> <p><input type="checkbox"/> Partner -- <input type="checkbox"/> Limited <input type="checkbox"/> General</p> <p><input type="checkbox"/> Attorney in Fact</p> <p><input type="checkbox"/> Trustee</p> <p><input type="checkbox"/> Guardian or Conservator</p> <p><input type="checkbox"/> Other: _____</p> <p>Signer is Representing: _____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;">RIGHT THUMBPRINT</p> <p style="text-align: center;">Top of thumb here</p>
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(FOR USE BY LESSOR)

(STATE OF CALIFORNIA)

(COUNTY OF SAN DIEGO)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

OPTIONAL

Though the information below is not required by law, it may prove valuable to the person(s) relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

<p>Signer's Name _____</p> <p><input type="checkbox"/> Individual</p> <p><input type="checkbox"/> Corporate Officer -Title(s): _____</p> <p><input type="checkbox"/> Partner -- <input type="checkbox"/> Limited <input type="checkbox"/> General</p> <p><input type="checkbox"/> Attorney in Fact</p> <p><input type="checkbox"/> Trustee</p> <p><input type="checkbox"/> Guardian or Conservator</p> <p><input type="checkbox"/> Other: _____</p> <p>Signer is Representing: _____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;">RIGHT THUMBPRINT</p> <p style="text-align: center;">Top of thumb here</p>	<p>Signer's Name _____</p> <p><input type="checkbox"/> Individual</p> <p><input type="checkbox"/> Corporate Officer -Title(s): _____</p> <p><input type="checkbox"/> Partner -- <input type="checkbox"/> Limited <input type="checkbox"/> General</p> <p><input type="checkbox"/> Attorney in Fact</p> <p><input type="checkbox"/> Trustee</p> <p><input type="checkbox"/> Guardian or Conservator</p> <p><input type="checkbox"/> Other: _____</p> <p>Signer is Representing: _____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;">RIGHT THUMBPRINT</p> <p style="text-align: center;">Top of thumb here</p>
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STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: OCTOBER 3, 2012

ORIGINATING DEPT.: PUBLIC SAFETY *DR*

SUBJECT: ADOPTION OF RESOLUTION 2012-7254 RATIFYING THE SIGNATURE OF THE CITY MANAGER ON THE PURCHASE ORDERS FOR EQUIPMENT RELATED TO THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT FOR RESCUE EQUIPMENT.

BACKGROUND:

The City of Imperial Beach was awarded a grant for rescue equipment as a result of the 2009 Assistance to Firefighters Grant (AFG) for the amount of \$66,235, plus a required City match of \$7,359 for a total of \$73,594. Though it appeared the City would not be able to accept the grant at the time, in 2012 FEMA notified the City that the grant had not closed as expected. On June 20, 2012, City Council adopted Resolution Number 2012-7210, authorizing the City Manager or his designee to accept the 2009 AFG award for said equipment after receiving an extension to September 30, 2012.

DISCUSSION:

The Fire Department has been working to reconstruct the original bids for this equipment. There have been many changes related to the rescue equipment specified in the 2009 AFG request, including prices and features of the requested items. The nature of the requested items broke down into two separate purchases targeting different types of vendors, one for larger rescue equipment items such as spreaders and cutters, the other for smaller items and supplies. The purchases for quote on the smaller items are on Purchase Order 130229, totaling \$9,575 with Fire Etc. which was selected by securing three competitive quotes. The larger items are included on Purchase Order 130362, totaling \$60,000.

Due to the timing of the grant, the department is utilizing the Cooperative Purchasing provision in Section 3.04.190 of the Municipal Code for the larger items. This allows the City Manager or his designee to utilize the contracts and bidding processes of other government agencies. The vendor for these items is L. N. Curtis and Sons, approved via the Government Services Administration (GSA) Cooperative Purchasing Program,

which ensures that qualified items have been selected through a proper bidding process. The deadline to obligate the funds was Sunday, September 30, 2012, therefore the City Manager approved the procurement, and is now requesting that City Council ratify the signature on the Purchase Orders.

FISCAL IMPACT:

The Fiscal Year 2011/2012 Public Safety budget will cover the 10% match of up to \$7,359 with existing budget, therefore there is no financial impact if approved.

DEPARTMENT RECOMMENDATION:

Adopt Resolution No. 2012-7254 ratifying the City Manager's signature on the Purchase Orders, thereby allowing the City to accept the 2009 Assistant to Firefighter Grant for Fire Rescue Equipment.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2012-7254
2. 06/20/2012 Staff Report Regarding Acceptance of 2009 AFG Award (including list of Equipment Awarded from the 2009 Assistance To Firefighters Grant)
3. Imperial Beach Municipal Code, Section 3.04.190
4. Final List of AFG Purchases

RESOLUTION NO. 2012-7254**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, RATIFYING THE APPROVAL OF PURCHASE ORDERS 130226 AND 130362 FOR THE PURCHASE OF EQUIPMENT AWARDED IN THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT.**

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

WHEREAS, The City of Imperial Beach applied for the 2009 Assistance to Firefighters Grant, and was awarded \$73,954 to purchase various types of equipment related to vehicle and other rescues; and

WHEREAS, the City Council approved acceptance of this grant with adoption of Resolution 2012-7212 on June 20, 2012; and

WHEREAS, the municipal code requires purchases greater than \$10,000 to be approved by City Council; and

WHEREAS, the City is purchasing from a single vendor, L. N. Curtis & Sons, an estimated \$60,000 of equipment, and is utilizing the General Services Administration Cooperative Bidding Program per the Cooperative Purchasing provision in the Imperial Beach Municipal Code Section 3.04.190 instead of the Formal Bid Process outlined in Imperial Beach Municipal Code Section 3.04.130; and

WHEREAS, the deadline to obligate the funds for purchase was September 30, 2012; and

WHEREAS, the City Manager has approved the required purchase order to order the equipment per the deadline and requirements of the grant;

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

1. Adoption of Resolution. No. 2012-7154 which ratifies the City Manager or designee's signature on the Purchase Orders obligating the City to purchase all of the equipment and training required in order to qualify for reimbursement by the award from the 2009 Assistance to Firefighters Grant.
2. City Council awards the bid for provision of the large equipment related to this grant on Purchase Order 130362 to L. N. Curtis & Sons per the GSA Cooperative Purchasing Program, GSA Contract GS-07F-0043L, Expiring Oct 31, 2015.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 15th day of February, 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

AGENDA ITEM NO. 2.5

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 20, 2012

ORIGINATING DEPT.: PUBLIC SAFETY *[Signature]*

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

BACKGROUND:

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

DISCUSSION:

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

FISCAL IMPACT:

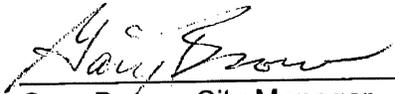
The Fiscal Year 2011/2012 Public Safety budget will cover the \$7,359 for the match, therefore there is no financial impact if approved.

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

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

RESOLUTION NO. 2012-7210

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of June 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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

Attachment 2

Equipment

Item	Number of Units	Cost per Unit	Total Cost
Cutter	2	\$5,000	\$10,000
Spreader	2	\$5,917	\$11,834
Hydraulic Ram	2	\$3,833	\$7,666
Power Unit	2	\$3,500	\$7,000
Hydraulic Hose	6	\$550	\$3,300
Extrication Mineral Oil	1 gal.	\$19	\$19
Portable Light Generator	2	\$1,800	\$3,600
Stabilization Kit	2	\$3,495	\$6,990
Lock-Out Tool Kit (Slim Jim Set)	2	\$70	\$140
Hydraulic Ram Extension Unit	2	\$303	\$606
Traffic Safety Cones	4	\$249	\$996
Power Saws	2	\$424	\$848
Non-Marring Wedge	4	\$10	\$40
Large Step Chocks	4	\$350	\$1,400
Standard Step Chocks	4	\$119	\$476
Rip Stop Staging Tarp	2	\$100	\$200
Equipment Total			\$55,115

Personal Protective Equipment

Blood Born Pathogen Resistant Extrication Gloves	11	\$72	\$792
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Training Program

Vehicle Rescue Training	11	\$1,115	\$12,270
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Subtotal Equipment \$68,177

Sales Tax \$5,417

Total \$73,594

Imperial Beach Municipal Code

Up **Previous** **Next** **Main** **Search** **Print** **No Frames**
[Title 3. REVENUE AND FINANCE](#)
[Chapter 3.04. PURCHASING](#)

3.04.190. Cooperative purchasing.

Purchase of supplies, services and equipment by contract, arrangement and agreement for cooperative purchasing programs with the state, the county, or any other public or municipal corporation of the state, or any other organization comprised of states or local governments approved by the city manager, may be made by the city manager or designee when the administering agency or organization has made its purchasing contract in a competitive manner. (Ord. 2009-1093 § 1; Ord. 758 § 2 (part), 1988)

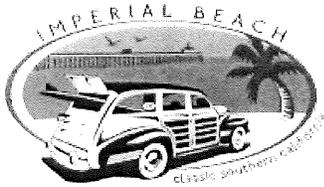
Extrication Tool Grant

9/28/2012

Attachment 2

Equipment

Item	Total Cost	Quote
Cutter	\$ 10,000.00	\$ 9,678.00
Spreader	\$ 11,834.00	\$ 13,514.00
Hydraulic Ram	\$ 7,666.00	\$ 7,792.00
Power Unit	\$ 7,000.00	\$ 13,514.00
Hydraulic Hose	\$ 3,300.00	\$ 3,217.00
Extrication Mineral Oil	\$ 19.00	\$ 52.00
Portable Light Generator	\$ 3,600.00	\$ 4,378.00
Stabalization Kit	\$ 6,990.00	\$ 7,963.00
Lock Out Took Kit (Slim Jim Set)	\$ 140.00	\$ 416.00
Hydraulic Ram Extension Unit	\$ 606.00	\$ 26.00
Traffic Safety Cones	\$ 996.00	\$ 512.00
Power Saws	\$ 848.00	\$ 690.00
Non Marring Wedge	\$ 40.00	\$ 40.00
Large Step Chocks	\$ 1,400.00	\$ 1,360.00
Standard Step Chocks	\$ 476.00	\$ 851.00
Rip Stop Staging Tarp	\$ 200.00	\$ 59.00
Equipment Total	\$ 55,115.00	\$ 64,062.00
<u>Personal Protective Equipment</u>		
Blood Born Pathogen Resistent Extrication Gloves	\$ 792.00	\$ 528.00
<u>Training Program</u>		
Vehicle Rescue Training	\$ 12,720.00	\$ 4,000.00
Subtotal Equipment	\$ 68,627.00	\$ 68,590.00
Sales Tax	\$ 4,967.00	\$ 5,004.00
<u>Total</u>	\$ 73,594.00	\$ 73,594.00



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: OCTOBER 3, 2012

ORIGINATING DEPT.: CITY MANAGER'S DEPARTMENT
GREGORY WADE, ASSISTANT CITY MANAGER 

SUBJECT: ADOPTION OF RESOLUTION NO. 2012-7252 APPROVING THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT (BID) ANNUAL REPORT FOR FISCAL YEAR 2011/2012 AND SETTING A PUBLIC HEARING TO CONSIDER LEVYING THE BID ASSESSMENT FOR FISCAL YEAR 2012/2013

BACKGROUND:

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

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

The City collects annual assessments for the benefit of the District. The Parking and Business Improvement Area Law of 1989 requires the Advisory Board of the BID to submit an annual report to the City Council that includes the following:

1. Any proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area.
2. The improvements and activities to be provided for that fiscal year.
3. An estimate of the cost of providing the improvements and the activities for that fiscal year.
4. The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.

5. The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
6. The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

The attached Annual Report is included in Attachment 2 and addresses and outlines the BID's goals and budgets for Fiscal Year 2011/2012 and Fiscal Year 2012/2013. An annual Fiscal Report is also required which has been prepared submitted again this year by Nakawatse & Company, CPA, and submitted to the city (see Attachment 3).

State law requires a two-step process. At this first meeting, the Annual Report is considered (approved or approved as modified) and a time is set for a future noticed public hearing to adopt a resolution to levy the annual assessment for the fiscal year. This meeting is the first step in following this two-step process.

DISCUSSION:

The BID Annual Report is in compliance with State Law and covers the issues required. The annual BID Agreed Upon Procedures Engagement for Fiscal Year 2011-2012 (the "Review Report") was, once again, prepared by Nakawatase and Company, CPA. It is specifically noted that the Review Report is not a full audit but rather a compliance review by a CPA of the items contained in an Agreement with the BID from 2005. The cover letter to the Review Report, dated August 22, 2012, stated that they "found no material exceptions" but also stated that "some items of note are detailed in the Review Report." This Review Report was provided to City staff on Tuesday, September 25, 2012, and, therefore, there was insufficient time for staff to fully review the report prior to the drafting of this staff report.

The Review Report contains a list of comments and recommendations regarding noted procedures for improvements and accounting practice corrections. City staff will continue to work with the BID to resolve these issues. Some of these issues are as follows:

1. There are several accounting corrections that the BID should make.
2. A substantive issue that was raised last year and is pointed out again this year is that the BID used BID funds for the "Light Up IB" awards to homeowners. According to the Review Report, pursuant to the Agreed Upon Procedures, all BID expenditures are to be related to the business community, not residential. In last year's staff report, it was suggested that the solution may be for the Chamber to reimburse the BID for this expenditure. In meeting with BID representatives, they suggested that the businesses benefit from visitors coming into town to view the holiday lights for which the BID is awarding residents with BID funds.
3. The Review Report states that \$1,000.00 in Grant Funds were received from the Port District for Taste of IB but were classified as an expense. Additionally, no expenses were allocated to this event in the check register. Staff will seek clarification on this.

In the past, concerns have been raised about the BID's accumulation of a large reserve. Although this appears to be the case again this year, the carryover for the last fiscal year did decrease substantially from the previous fiscal year. Nevertheless, the purpose of a BID is to benefit the businesses being assessed. Accumulating a large reserve is not consistent with the intent of a Business Improvement District.

At the end of last fiscal year, the reserve carryover was \$35,324 – substantially more than a full year of assessments (approximately \$27,000). Considering that half of these assessments are transferred to the Chamber of Commerce each year to administer the BID, the reserves for the previous fiscal year represented an accumulation of over 2.5 years of funds available for actual

BID projects. At the end of Fiscal Year 2011-2012, the reported reserve carryover dropped to \$20,484. As noted above, this represents a substantial decrease in the carryover reserve balance from the previous year. It should be noted that the City currently has \$17,575 awaiting distribution to the BID, half of which will be passed on to the Chamber of Commerce. The Fiscal Year 2011/2012 and proposed Fiscal Year 2012/2013 budgets are included as Attachments A and B to BID Annual Report.

In summary, although progress has been made in reducing the carryover, the BID should continue to make every effort to expend funds for their intended purpose. Several budgeted programs in the last FY were not undertaken. The Fiscal Year 2012/2013 budget proposes to reduce these reserves to \$6,309. Staff suggests that the City Council urge the BID to accomplish this goal.

Last year staff recommended that the City Council request that the Paint the Box program be restricted to commercial areas only. Last fiscal year, the BID expended \$2,390 on this program and \$8,000 is budgeted this year. Staff continues to recommend that the City Council urge the BID to expend these funds within commercial areas only.

The assessments for the BID will not change this Fiscal Year. They have not changed since adoption of the District and were described as follows in the original Ordinance (96-907) as follows:

Zone 1 – Highway 75/Palm Ave, Old Palm Ave and Seacoast

Zone 2 – Thirteenth St. Business Corridor and around Imperial Beach Blvd and side streets, and Bayside Business Area

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

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

FISCAL IMPACT:

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

DEPARTMENT RECOMMENDATION:

1. Receive public testimony and accept or accept as modified the written and verbal report from the BID Advisory Board on the Fiscal Year 2011/2012 Annual Report and Fiscal Year 2012/2013 budget and proposed activities.
2. Request that the BID make more progress in spending the reserve.
3. Resolve the issue of BID expenditures on Light UP IB awards for residential rather than business properties.
4. Discuss the Paint the Box Program and give direction on where funds should be spent.
5. Adopt Resolution 2012-7252 – setting a public hearing for November 7, 2012 to consider levying the Fiscal Year 2012/2013 assessment for the BID.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary R. Brown, City Manager

Attachments:

1. Resolution No. 2012-7252
2. BID Annual Report for Fiscal Year 2011/2012
3. Fiscal Review by Nakawatase and Company, CPA

RESOLUTION NO. 2012-7252

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT REPORT AND DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989

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

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

WHEREAS, the City Council has considered said report from the advisory board.

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

Section 1. Pursuant to the Law, the City Council hereby declares its intention to levy and collect assessments within the District as set forth in **Section 2.**

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

Sub-District #1/Highway 75 - Palm Avenue

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

Sub-District #2/Old Palm Avenue

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

Sub-District #3/Seacoast Drive

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

Sub-District #4/13th Street Business Corridor

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

Sub-District #5/Bayside Businesses

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

The assessments for the District in Fiscal Year 2011-2012 are as follows and remain the same as first established in Ordinance No. 96-907:

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

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

Section 3. The report of the advisory board is on file with the City Clerk. Said report contains a full and detailed description of the improvements and activities provided in Fiscal Year 2011-2012 and those to be provided for Fiscal Year 2012-2013.

Section 4. The purpose of forming the District as a parking and business improvement area under the Law, and continuing to levy and collect assessments, is to provide revenue to defray the costs of services and programs as authorized by Ordinance No. 96-907 establishing the District and which will benefit businesses in the area, including any of the following:

- A. The acquisition, construction, or maintenance of parking facilities for the benefit of the area;
- B. The decoration of any public place in the area;
- C. Promotion of public events which are to take place on or in public places in the area;
- D. Furnishing of music or entertainment in any public place in the area;
- E. The general promotion of business activities in the area.

Section 5. Pursuant to Streets & Highways Code Section 36534, notice is hereby given that **November 7, 2012 at the hour of 6:00 p.m., in the City Council Chambers of the Civic Center, 825 Imperial Beach Boulevard, Imperial Beach, California is fixed as the time and place when the City Council shall conduct a public hearing** where any and all persons having any desire to be heard may appear and state their views on the levy of the proposed assessment.

Written and oral protests may be made at the public hearing. The form and manner of protests shall comply with Sections 36524 and 36525 of the California Streets and Highways Code.

Section 6. The Clerk is hereby directed to give notice of the public hearing by causing this resolution of intention to be published once in a newspaper of general circulation in the city not less than seven days before the public hearing.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 3rd day of October, 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK



The Business Improvement District Association (BID) has promoted Imperial Beach as an active business community and visitor destination with a healthy variety of retail businesses, special events, and visitor attractions during the fiscal year of July 2011 to June 2012. With the help of the South County Career Center, a successful Business Exposition was held to give existing and those hoping to start a business a resource needed to run a successful business. The Paint the Box Program was actively reinstated. Funds were spent, in conjunction with the City of Imperial Beach, for the Fourth of July Fireworks and Concert. Funds were provided for the Sunset Concert Series at the Beach and for providing sound for both the Beachfront BBQ and Christmas Comes to IB. While 2011-2012 was busy, 2012 and beyond present themselves as times of change for the city. With the new Seacoast Inn and Sidewalk Improvements proceeding, the BID will look forward to making Imperial Beach even more of a destination city. The BID plans on continuing the successful Paint the Box program, Business Exposition, Sunset Celebrations and Taste of IB. The BID is looking forward to promote the City of Imperial Beach as a destination city for both businesses and visitors.

A handwritten signature in black ink, appearing to read "Mike Osborne", is positioned above the typed name and title.

Mike Osborne
Business Improvement District Chairperson



Annual report, fiscal year 01 July 2011 to 30 June 2012, and proposed budget, 01 July 2012 to 30 June 2013, for the Imperial Beach Business Improvement District Association (Association).

- 1) There are no proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area. The association does not propose to include excluded areas of the City of Imperial Beach (City) this fiscal year.
- 2) Improvement and activities with costs of providing improvements and activities (July 1, 2011 to June 30, 2012): See Attachment A
- 3) The BID accomplished (Jun 2011 – Jul 2012):
 - A) Promoting bring people into the district by:
 1. Continued the Paint the Box Program as part of our Beautification Project.
 2. Provided rewards for Light up IB winners to promote visitors to Imperial Beach under the Beautification Project.
 3. Funding \$10,000 for the Big Bay Boom 4th of July Fireworks.
 4. Conducting a 4th of July concert.
 5. Conducting Sunset Celebration concerts.
 6. Providing music for the Beachfront BBQ.
 7. Providing music and promotion for Christmas Comes to IB.
 8. Providing the start up funding for the IB Maps.
 9. Conducting a Business Exposition.
- 4) Proposed improvements and activities with the estimate of the cost of providing the improvements and the activities proposed (July 1, 2012 to June 30, 2013): See Attachment B
- 5) The BID plans on (for Jun 2012- Jul 2013):
 - A) Promoting bringing people into the district by:
 1. Conducting the Taste of IB, showcasing local businesses.
 2. Holding Sunset Celebrations during the summer months.
 3. Purchasing a new Happy Holidays lighted banner for the Dempsey Center.
 4. Providing music for Christmas Comes to IB and the Beachfront BBQ.
 - B) Helping the district beautification by:
 1. Providing the Paint the Box program.
 2. Providing Holiday Flags.
 - C) Promoting the establishment of new businesses and helping existing businesses with the Business Exposition.
 - D) Promoting the District by helping the City advertise special projects such as ground breakings and news worthy city projects helping the image of the District.
- 6) It is proposed to keep the assessment the same as last fiscal year.

7) Surplus from last fiscal year is \$20,484 down from \$35,324 the previous year

8) Collected BID funds were drastically lower this year at \$7,593 instead of the budgeted \$27,500.

9) Contributions (July 1, 2011 to June 30, 2012) from sources other than assessments levied included:

A) City of Imperial Beach Grant for Taste of IB	\$1000
B) Grant Funds from the Port for Taste of IB	\$1000
C) Taste of IB Sponsors	\$ 100



Mike Osborne

Business Improvement District Chairperson

Income		Budget	
BID Fees		\$27,500	
Taste of IB		\$1,000	
Total Income		\$28,500	
Cash Reserves Carried Over from Jun 2010- Jul 2011		\$20,484	
Total Income Plus Cash Reserves		\$48,984	
Budgeted Expense		Budget	Subset Cost
Administration/Operations		\$15,125	
	½ Fees to IB CoC		\$13,750
	Annual Audit		\$1,375
Parking Improvements		\$0	
Beautification/Special Projects		\$15,500	
	Paint the Box		\$8,000
	Holiday Decorations		\$2,500
	Holiday Flags		\$5,000
General Promotions		\$4,100	
	Taste of IB 2012		\$1,500
	Sunset Celebration Jul 2012		\$300
	Sunset Celebrations Aug 2012		\$300
	Sunset Celebrations Sept 2012		\$500
	Sound – Christmas Comes to IB		\$500
	Music – Beachfront BBQ		\$500
	Sunset Celebration June 2013		\$500
Special Events Promotions/Advertising		\$5,950	
	Business Exposition		\$1,250
	Event Promotion		\$3,700
	Postage		\$500
	Printing & Reproduction		\$500
Reserves/Miscellaneous		\$2,000	
	Miscellaneous		\$2,000
Budgeted Total Expenses		\$42,675	
Budgeted Cash Reserves to Be carried over		\$6,309	
Total Budgeted		\$48,984	

Income	Budget	Actual	Difference (\$)	%		
BID Fees	\$27,500	\$7,593	-\$19,907	-72%		
07/18/12		\$7,593				
Taste of IB	\$2,000	\$1,000	-\$1,000	-50%		
Grant Funds City of IB		\$1,000				
Grants (Port for Taste of IB)	\$1,000	\$1,000	\$0	0%		
Port Grant		\$1,000				
4 th July Concert Sponsors		\$100	\$100			
Reconciliation	\$0	\$0	\$0	0%		
Balance Forward	\$35,324	\$35,324	\$0	0%		
Total Income	\$65,824	\$45,017	-\$20,807	-72%		
Expense	Budget	Subset	Actual	Subset Cost	Difference (\$)	%
Administration/Operations	\$15,100		\$5,172		\$9,928	66%
Banking		\$100				
½ Fees to IB CoC		\$13,750				
08/06/11				\$3,797		
Annual Audit		\$1,250		\$1,375		
Parking Improvements	\$0		\$0			
Beautification/Special Projects	\$13,500		\$2,390		\$11,110	82%
Paint the Box		\$7,500				
David Williams				\$870		
Art Kids				\$450		
David Williams				\$720		
Holiday Decorations		\$1,000				
Light Up IB Winners				\$350		
Banners		\$5,000				
General Promotions	\$7,366		\$4,536		\$2,830	38%
Taste of IB		\$2,800				
Taste of IB Advertising		\$566				
Eagle times				\$566		
Sunset Celebration June 2012		\$500				
Robert Sanchez				\$300		
4 th July Concert 2011		\$1,500				
Scott West				\$150		
Tim Taylor				\$300		

	Edward Stewart		\$150		
	Joey Veizaga		\$300		
	Paul Ingram		\$300		
	Al Myers		\$100		
	Alex Dupue		\$500		
	Eric Leaf		\$150		
	Eric Iguchi-Sound		\$120		
	Sunset Celebrations Aug	\$500			
	Paul Ingram		\$300		
	Sunset Celebrations Sept	\$500			
	Barry Ferrar		\$300		
	Music – Christmas Comes to IB	\$500			
	Xmas IB		\$500		
	Music – Beachfront BBQ	\$500			
			\$500		
Special Events Promotions/Advertisi	\$17,950	\$11,315		\$6,635	37%
4 th July Fireworks (actually Fireworks)	\$10,000		\$10,000		
4 th July Advertising	\$1,200				
IB Printing			\$106		
Business Exposition	\$1,250				
IB Printing			\$137		
Raffles/Supplies			\$18		
Continental Breakfast			\$174		
Sunset Celebrations Banners/Posters	\$250				
IB Printing			\$282		
Advertising – City of IB Projects	\$3,000				
			\$0		
Event Promotion	\$1,500				
Xmas IB			\$500		
Postage	\$500				
			\$0		
Printing & Reproduction	\$500				
IB Printing-Sunset			\$98		
Reserves/Miscellaneous	\$2,100	\$1,120		\$980	47%
Miscellaneous	\$2,000				
IB Maps			\$1,000		

	Sunset Celebration Permit	\$120	
Website	\$100		
<u>Total Expenses</u>	<u>\$56,016</u>	<u>\$24,533</u>	<u>\$31,483</u> 56%
Total Expenses			\$24,533
Cash Reserves Carried Over			\$20,484
Total			\$45,017

Notes: Started the year with \$35,324
and finished with \$20,484

**Imperial Beach Chamber of Commerce
Business Improvement District**

Agreed Upon Procedures Engagement

For the

Fiscal Period Ended

June 30, 2012

Nakawatase & Co, CPAs

923 Seacoast Drive

Imperial Beach, CA 91932

619-423-7093

www.BeachCPAs.com

NAKAWATASE & COMPANY

Certified Public Accountants

923 Seacoast Drive • Imperial Beach, CA 91932-2401

(619) 423-7093 • FAX 423-8857

**Chamber of Commerce
Imperial Beach Business Improvement District Association
805 Ocean Lane
Imperial Beach, CA 91932**

August 22, 2012

We have performed the procedures described below, which were agreed to by the Imperial Beach Business Improvement District Association, a division of the Imperial Beach Chamber of Commerce (the BID) and the City of Imperial Beach (the City), solely to assist you in evaluating the complying with the agreed upon procedures for the fiscal period ended June 30, 2012, in the areas addressed. The BID's Board is responsible for its financial records, internal controls and compliance with the City's Agreement dated July 6, 2005. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specified parties in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. Cash Receipts and Revenues

- We inspected all of the recorded receipts to determine if these receipts were properly described and classified in the accounting records in accordance with the BID's policies and procedures and City's requests.
- We inspected all of the recorded receipts to determine if these receipts were recorded in the proper fiscal year.
- We made inquiries and performed substantive procedures to determine if revenue collection and retention or remittances were supported by budget.
- We investigated changes in the budget and actual funds to ensure that revenues were classified properly in the BID's accounting records.

- We made inquiries of management pertaining to the BID's policies for accountability and security over documents issued for money.
- We found no material exceptions as a result of the procedures; however some items of note are detailed in the Review Report.

2. Disbursements and Expenditures

- We inspected all of the disbursements to determine if these disbursements were properly described and classified in the accounting records in accordance with the BID's policies and procedures and regulations, were bona fide disbursements of the BID, and were paid in conformity with the Agreement dated July 6, 2005 (partial copy of said agreement following).
- We inspected all of the disbursements to determine if these disbursements were recorded in the proper fiscal year.
- We compared current year expenditures to those of the Budget.
- We found no material exceptions as a result of the procedures; however some items of note are detailed in the Review Report.

3. Reconciliations

- We obtained monthly reconciliations prepared by the BID for the periods ended July 1, 2010 through June 30, 2011 and inspected selected reconciliations of balances in the BID's accounting records to those actual bank statements.
- We found no material exceptions as a result of the procedures.
- However, we did notice bookkeeping entries affecting prior periods as a method of correction.

4. Schedule of City of Imperial Beach Assistance

- We obtained a copy of the schedule of the City's assessments to the BID for the period ended June 30, 2011. These amounts agreed to the receipts deposited into the BID's checking account.
- We found no exceptions as a result of the procedures. There is however a timing difference at the end of the fiscal year whereas the City of Imperial Beach sends a check to the BID who records and deposits it in the next fiscal year.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion on the specified elements, accounts, or items. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Imperial Beach Business Improvement District and the City of Imperial Beach and is not intended to be and should not be used by anyone other than these specified parties.

Nakawatase & Co, CPAs

Nakawatase & Co, CPAs

Agreed Upon Procedures of the Imperial Beach Business Improvement District/The Imperial Beach Chamber of Commerce and the City of Imperial Beach

*Consistent with the purpose of the Imperial Beach Business Improvement District and with the approved annual budget, the Association shall:

1. Implement the activities as specified in the BID Ordinance, such activities may include:
 - a. The acquisition, construction or maintenance of parking facilities for the benefit of the District.
 - b. Decoration of any public place in the District.
 - c. Promotion of public events, which are to take place on or in public places in the District.
 - d. Furnishing of music in any public place in the District.
 - e. The general promotion of business activities in the District.
2. Stimulate demand for goods and services available within the District.
3. Facilitate the beautification of public places within the District.
4. Facilitate cultural enhancement within the District.
5. Prepare an annual budget for submission to, review and approval by the City as specified in the Agreement.
6. Open an account in a financial establishment to deposit and transact all Association financial business consistent with the implementation of the District. All interest generated on the deposit of such funds shall be expended by the Association for the purposes herein specified.
7. Submit annual activity and progress reports to the City on or before the 1st of August, and provide the City with other information as requested.
8. Consult the City Council concerning changes in assessments, boundaries of the BID Ordinance.
9. Retain the records relative to this agreement for three years. Upon termination of this agreement, said records shall be turned over to the City; copies of the records may be kept by the Association.

*Excerpts from the Agreement dated July 6, 2005

**Agreed Upon Procedures – City of Imperial Beach “Audit Provisions”
Business Improvement District (BID) Operating Agreement
Period July 1, 2011 through June 30, 2012**

1. Review the check register for review period.

All checks listed on the register have cleared the bank statements with the following exceptions:

- a) Checks #3069, 3074 and 3082-3084 were all voided on the check register. They have not cleared on any NICU bank statements in this report period.
- b) Check #3205 is not listed on the register. Upon further investigation, it was found to be entered with the date of 7/3/12. We would need the July bank statement to verify the date and determine which reporting period this check belongs in. Therefore our determination is it was pulled out of sequence and used for a date in the future.
- c) Check #3211 was skipped on the check register. It would have been used around the end of June. It did not clear the June statement and no other statements are available yet.
- d) Check #3200 is marked “void” in the memo field, however there is an amount of \$25 on the entry and it does clear the bank for that amount.

2. Review supporting documentation for all checks written.

Expenditures fall within the *Agreed Upon Procedures* with the following exceptions where more information is needed:

- a) Check #3072 is entered on QuickBooks to Eric Leal for \$150. The invoice says Eric Leal for \$100. The cancelled check was written to Erik Iguchi and clears for \$150.
- b) Checks #3063 through 3071 are all classified to Sunset Celebration and notated “4th of July Band”, including check #3071 which is made out to IB Printing.
- c) There are no supporting invoices for Check #3085 for \$500 and 3087 for \$1,000.
- d) Checks #3092, 3093 and 3200 were written for Light Up IB winners. These were awarded to residents instead of businesses. Per the *Agreed Upon Procedures* all expenditures are to be related to the business community, not residential.
- e) No name was written on Check #3202. It cleared the bank without a recipient name. There is a supporting invoice for it to IB Printing.
- f) There are two checks written to David Williams in June. They are entered on QuickBooks for the same amount. The supporting documents match for Check #3207, However the invoice for Check #3212 is missing. The check clears the bank in July for a different amount than what is entered on QuickBooks.

3. Compare Assessment Fees deposited with the City’s record of checks issued.

- a) There is only one deposit of \$7,593 recorded for this report period. The report from the City of Imperial Beach does not show this check as they had recorded it on June 30th of the prior report period.

4. Scan Reports for anything else that might need clarification.

a) The deposit on 8/6/11, a \$1,000 check from the Chamber of Commerce notated Port Grant-Taste of IB was classified to the Taste of IB expense account.

- We recommend that the deposit be reclassified to an income account.

b) The deposit on 8/24/11 for \$100 was a 4th of July sponsor donation which was deposited to the Chamber account a mistake. The Chamber wrote a check to the BID for the \$100.

c) The deposit of \$200 on 9/21/11 was recorded as income for the prior period. It was actually received and deposited in this current period.

d) There are 3 deposit entries that are showing incorrect deposit dates. The current QuickBooks reports show them as being deposited on 2/29/12. The supporting documents provided show the original correct deposit dates to be 8/24/11, 9/21/11 and 11/18/11. This is most likely caused by changes being made to QuickBooks after the original entries were made and reports printed.

- We recommend that you make sure to date the deposits correctly.

e) There is a deposit entered on QuickBooks for \$100 dated on 6/22/12. The invoice is dated 7/5/12 and the deposit takes place on 7/9/12.

5. Compare budget to actual.

The budget period and review period are both 7/1/11 through 6/30/12.

a) There is an expenditure that does not appear to belong to any of the budget line items. It is listed on accompanying Budget to Actual report as a separate line item.

b) Grant funds were received for the Taste of IB event, however there are no expenses allocated to this event in the check register.

c) The expenses on QuickBooks were largely lumped into one expense account instead of the budgeted line items. We allocated them to correct line items on the accompanying Budget to Actual report using the memo notations for each check.

6. Review the Meeting Minutes.

Upon review of the BID meeting minutes some discoveries made:

- a) October, 2011 minutes are missing. Expenditures for major event were documented correctly.

Budget Review Report
Business Improvement District
 Budget Comparison to Review Period

Budget Period: 7/1/11 - 6/30/12

Review Period: 7/1/11 - 6/30/12

Carry Over from Prev Year	35,324			
<u>INCOME</u>	<u>BUDGET</u>	<u>ACTUAL</u>		<u>DIFFERENCE (\$)</u>
BID Fees	27,500	7,593		(19,907)
Taste of IB	2,000	1,000		(1,000)
Grants	1,000	1,000		0
Bizz Buzz	0	0		
4th of July Concert Sponsors		100	unbudgeted sponsor	100
Total Income	30,500	9,693		(20,807) under budget
<u>EXPENSE</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>notes</u>	<u>DIFFERENCE (\$)</u>
Bank Fees	100	0		100
BID Fees				
1/2 to IB CoC	13,750	3,797		9,953
Annual Audit	1,250	1,375		(125)
Paint the Box	7,500	2,040		5,460
Holiday Decorations	1,000			1,000
Banners	5,000	282		4,718
Taste of Imperial Beach	2,800			2,800
Taste of IB Advertising	566	566		
Sunset Celebration June	500	398		102
4th of July Concert	1,900	2,296		(396)
Sunset Celebration August	500	300		200
Sunset Celebration September	500	300		200
Sound-Christmas Comes to IB	500	1,000		(500)
Music-Beachfront BBQ	500	500		0
4th of July Fireworks	10,000	10,000		0
4th of July Advertising	1,200			1,200
Business Exposition	1,250	329		921
Advertising-City of IB Projects	3,000			3,000
Event Promotion	1,500	1,000		500
Postage	500			500
Printing & Reproduction	500			500
Miscellaneous	2,000			2,000
Website	100			100
Unbudgeted Line Items				
Light up IB Winners		350		(350)
Total Expenses	56,416	24,533		31,883 under budget
Net Income	(25,916)	(14,840)		
Reserve to Carry Over		20,484		



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

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL AND CHAIR AND MEMBERS OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

FROM: GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR

MEETING DATE: OCTOBER 3, 2012

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT & SUCCESSOR AGENCY STAFF
GREG WADE, DEPUTY DIRECTOR

SUBJECT: CITY COUNCIL ADOPTION OF RESOLUTION NO. 2012-7255 AND SUCCESSOR AGENCY ADOPTION OF RESOLUTION NO. SA-12-16 (i) ACKNOWLEDGING AND REAFFIRMING THE SUCCESSOR AGENCY'S RIGHTS AND OBLIGATIONS SET FORTH IN THE DISPOSITION AND DEVELOPMENT AGREEMENT DATED DECEMBER 16, 2010 ("DDA") AND ENTERED INTO BY AND BETWEEN IMPERIAL COAST, L.P. AND THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND ALL DOCUMENTS EXECUTED BY THE REDEVELOPMENT AGENCY PURSUANT TO THE DDA AND (ii) APPROVING, AUTHORIZING, AND DIRECTING THE CITY'S TRANSFER TO THE SUCCESSOR AGENCY AND THE SUCCESSOR AGENCY'S ACCEPTANCE OF ALL OF THE CITY'S OWNERSHIP INTEREST IN THE REAL PROPERTY LOCATED AT 800 SEACOAST DRIVE, IMPERIAL BEACH, CALIFORNIA RECEIVED BY THE CITY PURSUANT TO THAT CERTAIN GRANT DEED EXECUTED ON MARCH 9, 2011 AND RECORDED WITH THE COUNTY OF SAN DIEGO, CALIFORNIA, ON MARCH 17, 2011

BACKGROUND:

On December 16, 2010, the Imperial Beach Redevelopment Agency ("Redevelopment Agency") and Imperial Coast, L.P., a California limited partnership ("Developer"), entered into that certain Disposition and Development Agreement dated December 16, 2010 ("DDA") in order to effectuate the redevelopment of certain real property located at 800 Seacoast Drive, in the City of Imperial Beach, State of California, and referenced by Assessor Parcel Number: 625-262-01-00 (ptn) ("Property"), and related public improvements in accordance with the Redevelopment Plan ("Redevelopment Plan") for the Palm Avenue/Commercial Redevelopment Project Area. This Property is also commonly known as the Seacoast Inn.

The DDA provides for the acquisition of fee title of the Property by the Redevelopment Agency from the Developer, the payment by the Redevelopment Agency to the Developer for the cost of certain off-site Public Improvements and Plans, the ground leasing of the Property from the Redevelopment Agency to the Developer or its assignee Seacoast Inn, L.P., a California limited partnership ("Tenant", "Lessee", and "Assignee"), and the grant of an option to the Developer or its Assignee to purchase back fee title of the Property from the Redevelopment Agency upon the complete satisfaction of certain performance standards by the Developer or its Assignee, in accordance with the terms of the DDA. These certain performance standards include the payment by the Developer or its Assignee to the City of a certain amount of Transient Occupancy Taxes generated from the operation of a hotel facility on the Property.

Pursuant to authority set forth in the California Community Redevelopment Law ("CRL") and other applicable law, the Redevelopment Agency and the City entered in that certain Assignment and Assumption Agreement dated March 9, 2011, and that certain First Amendment to Assignment and Assumption Agreement dated March 10, 2011 (collectively referred to as the "Assignment and Assumption Agreement"), whereby the City accepted the assignment of the rights under the DDA and an assumption of the obligations under the DDA in order to aid the Redevelopment Agency in expeditiously implementing the DDA in accordance with the Redevelopment Plan. However, the Assignment and Assumption Agreement provides that the Redevelopment Agency was specifically not relieved of its obligations under the DDA and, thus, continued to retain its applicable rights and obligations under the DDA.

On March 9, 2011, the Developer and the City executed that certain Grant Deed whereby the Developer conveyed fee title of the Property to the City and the City accepted fee title of the Property from the Developer, in accordance with the terms of the DDA ("Grant Deed"). The Grant Deed was recorded in the official records of San Diego County as Instrument No. 2011-0141886.

On or about March 15, 2011, the Redevelopment Agency and the Developer's Assignee completed the Closing (as said term is defined in the DDA) and the Redevelopment Agency and the Developer's Assignee executed all documents required by the DDA to complete the Closing (including the Ground Lease and the Recorded Documents as said term is defined in the DDA).

On June 28, 2011, AB x1 26 ("Dissolution Act") was signed into law by the Governor of California which called for the dissolution of redevelopment agencies throughout the state and established the procedures by which this was to be accomplished. On December 29, 2011, the California State Supreme Court largely upheld the Dissolution Act as constitutional and reformed and extended certain dates, by which certain dissolution actions were to occur under the Dissolution Act, by an additional four months. As a result of the Supreme Court's decision, on February 1, 2012, all California redevelopment agencies were dissolved, including the Redevelopment Agency, and successor agencies to the former redevelopment agencies were established and were tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and winding down the affairs of the former redevelopment agencies.

On January 5, 2012, the City Council of the City adopted Resolution No. 2012-7136 pursuant to the Dissolution Act, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under the Dissolution Act ("Successor Agency").

On June 27, 2012, the State Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484", Chapter 26, Statutes 2012) as a trailer bill for the Fiscal Year 2012-2013 State budget package. Although the primary purpose of AB 1484 is to make technical and substantive amendments to the Dissolution Act based on issues that have arisen in the

implementation of the Dissolution Act, AB 1484 also imposes additional statutory provisions relating to the activities and obligations of successor agencies and to the wind-down process of former redevelopment agencies (reference hereinafter to the Dissolution Act means Assembly Bill x1 26 as amended by AB 1484).

DISCUSSION:

For consistency with the DDA and Closing documents, staff proposes that (1) the City and the Successor Agency acknowledge and reaffirm the Successor Agency's rights and obligations set forth in the DDA and all documents executed by the Redevelopment Agency pursuant to the DDA and (2) the City's transfer to the Successor Agency, and the Successor Agency's acceptance from the City of, all of the City's ownership interest in the Property received by the City pursuant to the Grant Deed.

Pursuant to the Dissolution Act (Section 34173(a)), as of February 1, 2012, all authority, rights, powers, duties, and obligations previously vested with the Redevelopment Agency under the CRL (including those set forth in the DDA) are now vested in the Successor Agency by operation of law.

Pursuant to the Dissolution Act (Section 34175(a)), all assets, properties, contracts (such as the DDA and all Closing documents executed by the Redevelopment Agency), leases (such as the Ground Lease executed by the Redevelopment Agency), books and records, buildings, and equipment of the Redevelopment Agency, including the legal and contractual restrictions on the use of these funds and assets, transferred on February 1, 2012 to the Successor Agency by operation of law.

Pursuant to the Dissolution Act, including without limitation Sections 34173, 34174, 34175, and 34177, the Successor Agency shall perform all obligations of the Redevelopment Agency pursuant to enforceable obligations, which include all legally binding and enforceable agreements or contracts (such as the DDA and all Closing documents executed by the Redevelopment Agency).

The DDA contemplates that the Redevelopment Agency would receive fee title of the Property from the Developer and the Redevelopment Agency has executed each of the applicable Closing documents, including without limitation the Ground Lease with the Developer's Assignee.

The Successor Agency has succeeded to all of the Redevelopment Agency's rights and obligations set forth in the DDA and applicable Closing documents on February 1, 2012 by operation of law under the Dissolution Act.

Consistent with the Dissolution Act and the DDA and Closing documents, it is proposed by staff that (1) the City and the Successor Agency acknowledge and reaffirm the Successor Agency's rights and obligations set forth in the DDA and all documents executed by the Redevelopment Agency pursuant to the DDA, as provided in the proposed Resolutions attached to this Report and (2) the City's transfer to the Successor Agency and the Successor Agency's acceptance from the City of all of the City's ownership interest in the Property received by the City pursuant to the Grant Deed. The proposed transfer will be accomplished by Quitclaim Deed (which includes the Certificate of Acceptance) in substantial form as the Quitclaim Deed attached to this Report.

FISCAL IMPACT:

There is no financial impact from the actions proposed to be taken by the Successor Agency and the City. Funds from the Redevelopment Agency in the amount of \$5,760,000 have been expended for acquisition of the Property from the Developer pursuant to the DDA. Funds from the Redevelopment Agency in the amount of \$354,193 have been expended for purchase of the Plans from the Developer pursuant to the DDA. In addition, funds from the Redevelopment Agency in the amount not to exceed \$885,797 have been committed for the cost of the construction of the Public Improvements to be disbursed in accordance with the DDA. The City General Fund is not impacted and is not obligated to expend any funds with respect to the DDA.

ENVIRONMENTAL DETERMINATION:

A Final Environmental Impact Report (FEIR) was prepared and certified in December 2007 and an Addendum to the FEIR was approved on December 1, 2010 for the Project contemplated by the DDA pursuant to the provisions of the California Environmental Quality Act ("CEQA"). This activity has been determined to be adequately addressed in the FEIR and the Addendum to the FEIR for the Project, and there is no substantial change in circumstances, new information of substantial importance, or project changes which would warrant additional environmental review; therefore, no further environmental review is required under the CEQA pursuant to State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*) and the City's environmental guidelines.

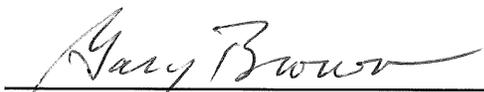
DEPARTMENT RECOMMENDATION:

Staff recommends that:

The City Council adopt Resolution No. 2012-7255 and the Successor Agency adopt Resolution No. SA-12-16 (i) acknowledging and reaffirming the Successor Agency's rights and obligations set forth in the DDA and all documents executed by the Redevelopment Agency pursuant to the DDA; (ii) approving, authorizing, and directing the City's transfer to the Successor Agency and the Successor Agency's acceptance from the City of all of the City's ownership interest in the Property received by the City pursuant to the Grant Deed; (iii) authorizing and directing the City Manager, or designee, and the Executive Director, or designee, to process documentation reflecting and confirming the Successor Agency's ownership of the Property, including the execution of a quitclaim deed(s) and certificate(s) of acceptance in substantial form as the Quitclaim Deed attached to this Report or other appropriate instrument, and to take such actions and execute such documents as are necessary to effectuate the intent of the Resolutions on behalf of the City and the Successor Agency.

CITY MANAGER/EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, Executive Director/City Manager

Attachments:

1. Resolution No. 2012-7255
2. Resolution No. SA-12-16
3. Quitclaim Deed (with Certificate of Acceptance)

RESOLUTION NO. 2012-7255

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH (“CITY”) (i) ACKNOWLEDGING AND REAFFIRMING THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY’S (“SUCCESSOR AGENCY”) RIGHTS AND OBLIGATIONS SET FORTH IN THE DISPOSITION AND DEVELOPMENT AGREEMENT DATED DECEMBER 16, 2010 (“DDA”) ENTERED INTO BY AND BETWEEN IMPERIAL COAST, L.P. AND THE IMPERIAL BEACH REDEVELOPMENT AGENCY (“REDEVELOPMENT AGENCY”), PREDECESSOR IN INTEREST OF SUCCESSOR AGENCY, AND ALL DOCUMENTS EXECUTED BY THE REDEVELOPMENT AGENCY PURSUANT TO THE DDA AND (ii) APPROVING, AUTHORIZING, AND DIRECTING THE CITY’S TRANSFER TO THE SUCCESSOR AGENCY OF ALL OF THE CITY’S OWNERSHIP INTEREST IN THE REAL PROPERTY LOCATED AT 800 SEACOAST DRIVE, IMPERIAL BEACH, CALIFORNIA RECEIVED BY THE CITY PURSUANT TO THAT CERTAIN GRANT DEED EXECUTED ON MARCH 9, 2011 AND RECORDED WITH THE COUNTY OF SAN DIEGO, CALIFORNIA, ON MARCH 17, 2011

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

WHEREAS, the City Council of the City adopted redevelopment plans for the City’s redevelopment project areas, and from time to time, the City Council has amended such redevelopment plans; and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, in order to effectuate the redevelopment of certain real property located at 800 Seacoast Drive, in the City of Imperial Beach, State of California, and referenced by Assessor Parcel Number: 625-262-01-00 (ptn) (“Property”), and related public improvements in accordance with the Redevelopment Plan (“Redevelopment Plan”) for the Palm Avenue/Commercial Redevelopment Project Area, the Redevelopment Agency and Imperial Coast, L.P., a California limited partnership (“Developer”), entered into that certain Disposition and Development Agreement dated December 16, 2010 (“DDA”); and

WHEREAS, the DDA provides for the acquisition of fee title of the Property by the Redevelopment Agency from the Developer, the payment by the Redevelopment Agency to the Developer for the cost of certain off-site public improvements and plans, the ground leasing of the Property from the Redevelopment Agency to the Developer or its assignee Seacoast Inn, L.P., a California limited partnership (“Tenant”, “Lessee”, and “Assignee”), and the grant of an option to the Developer or its Assignee to purchase back fee title of the Property from the Redevelopment Agency upon the complete

satisfaction of certain performance standards by the Developer or its Assignee, in accordance with the terms of the DDA; and

WHEREAS, Section 33220 of the CRL provides that certain public bodies may aid and cooperate in the planning, undertaking, construction or operation of redevelopment projects; and

WHEREAS, pursuant to such authority set forth in the CRL and other applicable law, the Redevelopment Agency and the City entered in that certain Assignment and Assumption Agreement dated March 9, 2011, and that certain First Amendment to Assignment and Assumption Agreement dated March 10, 2011 (collectively referred to as the "Assignment and Assumption Agreement"), whereby the City accepted the assignment of the rights under the DDA and an assumption of the obligations under the DDA in order to aid the Redevelopment Agency in expeditiously implementing the DDA in accordance with the Redevelopment Plan; and

WHEREAS, the Assignment and Assumption Agreement provides that the Redevelopment Agency was specifically not relieved of its obligations under the DDA and, thus, continued to retain its applicable rights and obligations under the DDA; and

WHEREAS, pursuant to that certain Grant Deed executed on March 9, 2011 and recorded in the official records of San Diego County as Instrument No. 2011-0141886 ("Grant Deed"), the Developer conveyed fee title of the Property to the City and the City accepted fee title of the Property from the Developer, in accordance with the terms of the DDA; and

WHEREAS, on or about March 15, 2011, the Redevelopment Agency and the Developer's Assignee completed the Closing (as said term is defined in the DDA) and the Redevelopment Agency and the Developer's Assignee executed all documents required by the DDA to complete the Closing (including the Ground Lease and the Recorded Documents as said term is defined in the DDA); and

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

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

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

WHEREAS, the Board of Directors of the Successor Agency adopted Resolution No. SA-12-01 on February 15, 2012, pursuant to Part 1.85 of AB 26, adopting the formal name of the Successor Agency as the "Imperial Beach Redevelopment Agency Successor Agency" (hereinafter referred to as the "Successor Agency"), confirming that the Successor Agency is a distinct and separate legal entity from the City, and establishing rules and regulations for the Successor Agency's governance and operations; and

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

WHEREAS, pursuant to Section 34173(a) of the Health and Safety Code, as of February 1, 2012, all authority, rights, powers, duties, and obligations previously vested with the Redevelopment Agency under the CRL (including those set forth in the DDA) are now vested in the Successor Agency by operation of law; and

WHEREAS, pursuant to Section 34175(a) of the Health and Safety Code, all assets, properties, contracts (such as the DDA and all Closing documents executed by the Redevelopment Agency), leases (such as the Ground Lease executed by the Redevelopment Agency), books and records, buildings, and equipment of the Redevelopment Agency, including the legal and contractual restrictions on the use of these funds and assets, transferred on February 1, 2012 to the Successor Agency by operation of law; and

WHEREAS, pursuant to AB 26/AB 1484, including without limitation Sections 34173, 34174, 34175, and 34177 of the Health and Safety Code, the Successor Agency shall perform all obligations of the Redevelopment Agency pursuant to enforceable obligations, which include all legally binding and enforceable agreements or contracts (such as the DDA and all Closing documents executed by the Redevelopment Agency); and

WHEREAS, the DDA contemplates that the Redevelopment Agency would receive fee title of the Property from the Developer and the Redevelopment Agency has executed each of the applicable Closing documents, including without limitation the Ground Lease with the Developer's Assignee; and

WHEREAS, the Successor Agency has succeeded to all of the Redevelopment Agency's rights and obligations set forth in the DDA and applicable Closing documents on February 1, 2012 by operation of law under AB 26/AB 1484; and

WHEREAS, for consistency with the DDA and the Closing documents, the City desires to acknowledge and reaffirm the Successor Agency's rights and obligations set forth in the DDA and all documents executed by the Redevelopment Agency pursuant to the DDA and to transfer to the Successor Agency all of the City's ownership interest in the Property received by the City pursuant to the Grant Deed; and

WHEREAS, the City's processing of documentation reflecting ownership of the Property by the Successor Agency is not intended to waive, and shall not constitute a waiver, by the City of any constitutional, legal or equitable rights that the City may have to challenge, through administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of AB 26/AB 1484, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of AB 26/AB 1484, and any and all related legal and factual issues, and the City expressly reserves any and all rights, privileges, and defenses available under law and equity; and

WHEREAS, a Final Environmental Impact Report (FEIR) was prepared and certified in December 2007 and an Addendum to the FEIR was approved on December 1, 2010 for the Project contemplated by the DDA pursuant to the provisions of the California Environmental Quality Act ("CEQA"). This activity has been determined to be adequately addressed in the FEIR and the Addendum to the FEIR for the Project, and there is no substantial change in circumstances, new information of substantial importance, or project changes which would warrant additional environmental review; therefore, no further environmental review is required under the CEQA pursuant to State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*) and the City's environmental guidelines; and

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

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

- Section 1:** The foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2:** The City hereby acknowledges and reaffirms the Successor Agency's rights and obligations set forth in the DDA and all documents executed by the Redevelopment Agency pursuant to the DDA.
- Section 3:** The City hereby approves, authorizes, and directs the transfer to the Successor Agency of all of the City's ownership interest in the Property received by the City pursuant to the Grant Deed.
- Section 4:** The City Manager, or designee, is hereby authorized and directed to process documentation reflecting and confirming the Successor Agency's ownership of the Property, including the execution of a quitclaim deed(s) or other appropriate instrument, and to take such actions and execute such documents as are necessary to effectuate the intent of this Resolution on behalf of the City.
- Section 5:** The City's processing of documentation reflecting ownership of the Property by the Successor Agency is not intended to waive, and shall not constitute a waiver, by the City of any constitutional, legal or equitable rights that the City may have to challenge,

through administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of AB 26/AB 1484, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of AB 26/AB 1484, and any and all related legal and factual issues, and the City expressly reserves any and all rights, privileges, and defenses available under law and equity.

Section 6: A Final Environmental Impact Report (FEIR) was prepared and certified in December 2007 and an Addendum to the FEIR was approved on December 1, 2010 for the Project contemplated by the DDA pursuant to the provisions of the California Environmental Quality Act ("CEQA"). This activity has been determined to be adequately addressed in the FEIR and the Addendum to the FEIR for the Project, and there is no substantial change in circumstances, new information of substantial importance, or project changes which would warrant additional environmental review; therefore, no further environmental review is required under the CEQA pursuant to State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*) and the City's environmental guidelines.

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

PASSED, APPROVED, AND ADOPTED by the City of Imperial Beach at its meeting held on the 3rd day of October 2012, by the following vote:

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

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, MMC
SECRETARY

RESOLUTION NO. SA-12-16

RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY ("SUCCESSOR AGENCY") (i) ACKNOWLEDGING AND REAFFIRMING THE SUCCESSOR AGENCY'S RIGHTS AND OBLIGATIONS SET FORTH IN THE DISPOSITION AND DEVELOPMENT AGREEMENT DATED DECEMBER 16, 2010 ("DDA") ENTERED INTO BY AND BETWEEN IMPERIAL COAST, L.P. AND THE IMPERIAL BEACH REDEVELOPMENT AGENCY ("REDEVELOPMENT AGENCY"), PREDECESSOR IN INTEREST OF SUCCESSOR AGENCY, AND ALL DOCUMENTS EXECUTED BY THE REDEVELOPMENT AGENCY PURSUANT TO THE DDA AND (ii) APPROVING, AUTHORIZING, AND DIRECTING THE SUCCESSOR AGENCY'S ACCEPTANCE FROM THE CITY OF IMPERIAL BEACH ("CITY") OF ALL OF THE CITY'S OWNERSHIP INTEREST IN THE REAL PROPERTY LOCATED AT 800 SEACOAST DRIVE, IMPERIAL BEACH, CALIFORNIA RECEIVED BY THE CITY PURSUANT TO THAT CERTAIN GRANT DEED EXECUTED ON MARCH 9, 2011 AND RECORDED WITH THE COUNTY OF SAN DIEGO, CALIFORNIA, ON MARCH 17, 2011

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

WHEREAS, the City Council of the City adopted redevelopment plans for the City's redevelopment project areas, and from time to time, the City Council has amended such redevelopment plans; and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, in order to effectuate the redevelopment of certain real property located at 800 Seacoast Drive, in the City of Imperial Beach, State of California, and referenced by Assessor Parcel Number: 625-262-01-00 (ptn) ("Property"), and related public improvements in accordance with the Redevelopment Plan ("Redevelopment Plan") for the Palm Avenue/Commercial Redevelopment Project Area, the Redevelopment Agency and Imperial Coast, L.P., a California limited partnership ("Developer"), entered into that certain Disposition and Development Agreement dated December 16, 2010 ("DDA"); and

WHEREAS, the DDA provides for the acquisition of fee title of the Property by the Redevelopment Agency from the Developer, the payment by the Redevelopment Agency to the Developer for the cost of certain off-site public improvements and plans, the ground leasing of the Property from the Redevelopment Agency to the Developer or its assignee Seacoast Inn, L.P., a California limited partnership ("Tenant", "Lessee", and "Assignee"), and the grant of an option to the Developer or its Assignee to purchase back fee title of the Property from the Redevelopment Agency upon the complete

satisfaction of certain performance standards by the Developer or its Assignee, in accordance with the terms of the DDA; and

WHEREAS, Section 33220 of the CRL provides that certain public bodies may aid and cooperate in the planning, undertaking, construction or operation of redevelopment projects; and

WHEREAS, pursuant to such authority set forth in the CRL and other applicable law, the Redevelopment Agency and the City entered in that certain Assignment and Assumption Agreement dated March 9, 2011, and that certain First Amendment to Assignment and Assumption Agreement dated March 10, 2011 (collectively referred to as the "Assignment and Assumption Agreement"), whereby the City accepted the assignment of the rights under the DDA and an assumption of the obligations under the DDA in order to aid the Redevelopment Agency in expeditiously implementing the DDA in accordance with the Redevelopment Plan; and

WHEREAS, the Assignment and Assumption Agreement provides that the Redevelopment Agency was specifically not relieved of its obligations under the DDA and, thus, continued to retain its applicable rights and obligations under the DDA; and

WHEREAS, pursuant to that certain Grant Deed executed on March 9, 2011 and recorded in the official records of San Diego County as Instrument No. 2011-0141886 ("Grant Deed"), the Developer conveyed fee title of the Property to the City and the City accepted fee title of the Property from the Developer, in accordance with the terms of the DDA; and

WHEREAS, on or about March 15, 2011, the Redevelopment Agency and the Developer's Assignee completed the Closing (as said term is defined in the DDA) and the Redevelopment Agency and the Developer's Assignee executed all documents required by the DDA to complete the Closing (including the Ground Lease and the Recorded Documents as said term is defined in the DDA); and

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

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

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

WHEREAS, the Board of Directors of the Successor Agency adopted Resolution No. SA-12-01 on February 15, 2012, pursuant to Part 1.85 of AB 26, adopting the formal name of the Successor Agency as the "Imperial Beach Redevelopment Agency Successor Agency" (hereinafter referred to as the "Successor Agency"), confirming that the Successor Agency is a distinct and separate legal entity from the City, and establishing rules and regulations for the Successor Agency's governance and operations; and

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

WHEREAS, pursuant to Section 34173(a) of the Health and Safety Code, as of February 1, 2012, all authority, rights, powers, duties, and obligations previously vested with the Redevelopment Agency under the CRL (including those set forth in the DDA) are now vested in the Successor Agency by operation of law; and

WHEREAS, pursuant to Section 34175(a) of the Health and Safety Code, all assets, properties, contracts (such as the DDA and all Closing documents executed by the Redevelopment Agency), leases (such as the Ground Lease executed by the Redevelopment Agency), books and records, buildings, and equipment of the Redevelopment Agency, including the legal and contractual restrictions on the use of these funds and assets, transferred on February 1, 2012 to the Successor Agency by operation of law; and

WHEREAS, pursuant to AB 26/AB 1484, including without limitation Sections 34173, 34174, 34175, and 34177 of the Health and Safety Code, the Successor Agency shall perform all obligations of the Redevelopment Agency pursuant to enforceable obligations, which include all legally binding and enforceable agreements or contracts (such as the DDA and all Closing documents executed by the Redevelopment Agency); and

WHEREAS, the DDA contemplates that the Redevelopment Agency would receive fee title of the Property from the Developer and the Redevelopment Agency has executed each of the applicable Closing documents, including without limitation the Ground Lease with the Developer's Assignee; and

WHEREAS, the Successor Agency has succeeded to all of the Redevelopment Agency's rights and obligations set forth in the DDA and applicable Closing documents on February 1, 2012 by operation of law under AB 26/AB 1484; and

WHEREAS, for consistency with the DDA and the Closing documents, the Successor Agency desires to acknowledge and reaffirm the Successor Agency's rights and obligations set forth in the DDA and all documents executed by the Redevelopment Agency pursuant to the DDA and to accept the transfer from the City all of the City's ownership interest in the Property received by the City pursuant to the Grant Deed; and

WHEREAS, the Successor Agency's processing of documentation reflecting ownership of the Property by the Successor Agency is not intended to waive, and shall not constitute a waiver, by the Successor Agency of any constitutional, legal or equitable rights that the Successor Agency may have to challenge, through administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of AB 26/AB 1484, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of AB 26/AB 1484, and any and all related legal and factual issues, and the Successor Agency expressly reserves any and all rights, privileges, and defenses available under law and equity; and

WHEREAS, a Final Environmental Impact Report (FEIR) was prepared and certified in December 2007 and an Addendum to the FEIR was approved on December 1, 2010 for the Project contemplated by the DDA pursuant to the provisions of the California Environmental Quality Act ("CEQA"). This activity has been determined to be adequately addressed in the FEIR and the Addendum to the FEIR for the Project, and there is no substantial change in circumstances, new information of substantial importance, or project changes which would warrant additional environmental review; therefore, no further environmental review is required under the CEQA pursuant to State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*) and the City's environmental guidelines; and

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

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

- Section 1:** The foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2:** The Successor Agency hereby acknowledges and reaffirms the Successor Agency's rights and obligations set forth in the DDA and all documents executed by the Redevelopment Agency pursuant to the DDA.
- Section 3:** The Successor Agency hereby approves, authorizes, and directs the Successor Agency's acceptance of all of the City's ownership interest in the Property received by the City pursuant to the Grant Deed.
- Section 4:** The Executive Director, or designee, is hereby authorized and directed to process documentation reflecting and confirming the Successor Agency's ownership of the Property, including the execution of a certificate(s) of acceptance or other appropriate instrument, and to take such actions and execute such documents as are necessary to effectuate the intent of this Resolution on behalf of the Successor Agency.
- Section 5:** The Successor Agency's processing of documentation reflecting ownership of the Property by the Successor Agency is not

intended to waive, and shall not constitute a waiver, by the City of any constitutional, legal or equitable rights that the City may have to challenge, through administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of AB 26/AB 1484, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of AB 26/AB 1484, and any and all related legal and factual issues, and the City expressly reserves any and all rights, privileges, and defenses available under law and equity.

Section 6: A Final Environmental Impact Report (FEIR) was prepared and certified in December 2007 and an Addendum to the FEIR was approved on December 1, 2010 for the Project contemplated by the DDA pursuant to the provisions of the California Environmental Quality Act ("CEQA"). This activity has been determined to be adequately addressed in the FEIR and the Addendum to the FEIR for the Project, and there is no substantial change in circumstances, new information of substantial importance, or project changes which would warrant additional environmental review; therefore, no further environmental review is required under the CEQA pursuant to State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*) and the City's environmental guidelines.

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

PASSED, APPROVED, AND ADOPTED by the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 3rd day of October 2012, by the following vote:

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

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, MMC
SECRETARY

Recording Requested By and
When Recorded, Mail To:

City of Imperial Beach
Attn: Gary Brown, City Manager
825 Imperial Beach Avenue
Imperial Beach, CA 93550

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$ NONE
Transaction Exempt Pursuant to Revenue &
Taxation Code §11922

GOVERNMENT BUSINESS
Document Entitled to Free Recording
Pursuant to Government Code §§6103 & 27383

QUITCLAIM DEED
San Diego County APN: 625-262-01-00 (ptn)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the CITY OF IMPERIAL BEACH, a general law city, duly formed, validly existing and in good standing under the laws of the State of California, herein called "Grantor", hereby remises, releases, and quitclaims to the IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY, a public entity, duly created, validly existing and in good standing under the laws of the State of California (Part 1 (commencing with Section 33000), Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) of Division 24 of the California Health and Safety Code), herein called "Grantee", all of the Grantor's right, title and interest in the real property described in Exhibit "A" attached hereto and incorporated herein by this reference, hereinafter called the "Property". The "Pedestrian and Vehicular Access Easement Agreement" among Grantor and Imperial Coast Limited Partnership, recorded in the Official Records of San Diego County as Instrument No. 2010-0472741, the "Temporary Encroachment Permit #11-07" among Grantor and Imperial Coast, L.P., recorded in the Official Records of San Diego County as Instrument No. 2011-0096022, and the "Development Agreement by and between the City of Imperial Beach and Imperial Coast Limited Partnership Relative to Development Known as the Seacoast Inn Development Project" among Grantor and Imperial Coast Limited Partnership, recorded in the Official Records of San Diego County as Instrument No. 2007-0778555, are not susceptible to the doctrine of merger in connection with the fee interest being conveyed by Grantor and shall remain in full force and effect according to their respective terms following the recording of this instrument.

The Grantee herein covenants by and for itself, its heirs, executors, administrators, successors, assigns, transferees, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are

defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property herein conveyed, nor shall the Grantee or any person claiming under or through it, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on its behalf in Imperial Beach, California by the undersigned officer hereunto duly authorized pursuant to the authority conferred by Resolution No. 2012-7255 adopted on October 3, 2012 by the City Council of Grantor, and Grantee has caused this instrument to be executed on its behalf in Imperial Beach, California by the undersigned officer hereunto duly authorized pursuant to the authority conferred by Resolution No. SA-12-16 adopted on October 3, 2012 by the Board of Directors of Grantee.

GRANTOR

Date: _____

CITY OF IMPERIAL BEACH,
a California municipal corporation

By: _____
Gary Brown, City Manager

ATTEST:

Jacqueline M. Hald, City Clerk

APPROVED AS TO FORM

Jennifer Lyon, City Attorney

[SIGNATURES CONTINUE ON NEXT PAGE]

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in the real property conveyed by this instrument to the IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY, a public entity, duly created, validly existing and in good standing under the laws of the State of California (Part 1 (commencing with Section 33000), Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) of Division 24 of the California Health and Safety Code), is hereby accepted by the undersigned officer on behalf of the IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY pursuant to the authority conferred by Resolution No. SA-12-16 adopted on October 3, 2012 by the Board of Directors of Grantee, and Grantee hereby consents to recordation thereof by its duly authorized officers.

GRANTEE

IMPERIAL BEACH REDEVELOPMENT
AGENCY SUCCESSOR AGENCY,
a California public entity

Date: _____

By: _____
Gary Brown, Executive Director

ATTEST:

Jacqueline M. Hald, Secretary

APPROVED AS TO FORM

Jennifer Lyon, General Counsel

KANE, BALLMER & BERKMAN
Successor Agency Special Counsel

Kendall D. Berkey, Special Counsel

ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On _____ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On _____ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT "A"

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of San Diego, City of Imperial Beach, and described as follows:

Lot 1 of Seacoast Inn in the City of Imperial Beach, County of San Diego, State of California, according to Official Map thereof No. 15792 recorded September 8, 2010 in the Office of the County Recorder of San Diego County.

Excepting therefrom, that portion of Date Avenue dedicated and accepted on said Map in favor of the City of Imperial Beach.

Except any portion thereof lying below the mean high tide line of the Pacific Ocean.

APN: 625-262-01-00 (ptn)