

MINUTES

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

JANUARY 23, 2013

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

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

CLOSED SESSION MEETING CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:01 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray (arrived at 5:07 p.m.), Spriggs
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

CITY ATTORNEY LYON announced all Closed Session items were properly noticed under the law and made the following corrections to the Government Codes as they appeared on the agenda:

Closed Session Item No. 1 should be: 54956.9(d)(1)

Closed Session Item No. 2 should be: 54956.9(d)(4)

Closed Session Item No. 4 should be: 54956.9(d)(2)

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

1. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(Paragraph (1) of Subdivision (d) of Govt. Code Section 54956.9)

Name of Case: Case No. 37-2012-00101257-CU-PO-CTL

2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to Paragraph (4) of Subdivision (d) of Govt. Code Section 54956.9 (2 cases)

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

a. Property: 735 Palm Ave., Imperial Beach, CA 91932, APN 626-250-03

Agency Negotiator: City Manager and Assistant City Manager

Negotiating Parties: Sudberry-Palm Ave., LLC

Under Negotiation: Price and terms of payment

b. Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04

Agency Negotiator: City Manager and Assistant City Manager

Negotiating Parties: Sudberry-Palm Ave., LLC

Under Negotiation: Price and terms of payment

- c. Property: 761-779 Palm Ave., Imperial Beach, CA 91932, APN 626-250-05
Agency Negotiator: City Manager and Assistant City Manager
Negotiating Parties: Sudberry-Palm Ave., LLC
Under Negotiation: Price and terms of payment
- d. Property: 739 & 743 8th Street and 801-849 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06
Agency Negotiator: City Manager and Assistant City Manager
Negotiating Parties: Sudberry-Palm Ave., LLC
Under Negotiation: Price and terms of payment

4. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(d)(2)
(1 case)

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: SPRIGGS, PATTON, BRAGG, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: BILBRAY

MAYOR JANNEY adjourned the meeting to Closed Session at 5:02 p.m. and he reconvened the meeting to Open Session at 6:01 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Item Nos. 1 through 3, direction was given and no reportable action was taken. Closed Session Item No. 4 was removed.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:02 p.m.

ROLL CALL BY CITY CLERK

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

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY BRAGG, SECOND BY BILBRAY, TO TAKE ITEM NOS. 6.6 AND 6.5 AFTER THE CONSENT CALENDAR AND ADD ITEM NO. 6.8 TO THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

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

MAYOR PRO TEM BRAGG announced that at the most recent MTS Board meeting she was elected as Chair to the Accessabilities Committee and elected to be an alternate on the Executive Committee. She reported that the Board voted to submit a proposal to become the managing agency for the Pacific Surfliner.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN announced there will be a meeting of the Imperial Beach Redevelopment Agency Successor Agency on February 6, 2013 at 6:00 p.m.

PUBLIC COMMENT

ED KRAVITZ complained about the following: that the City Council meeting agenda is not published in an adjudicated paper, not having access to the agenda and backup material while City offices were closed over the weekend and during the holiday closure, and that the Consent agenda is approved without discussion.

ALLISON ROLFE, Project Manager for Pacifica Hotels, reported the new hotel is scheduled to open in late spring, reservations will be accepted 30 days prior to the opening of the hotel, negotiations are taking place with the Cohen Family Restaurant Group for operation of the hotel restaurant and a job hotline has been established. She spoke in support for keeping options open with regard to pedestrian scale lighting.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.10)

The following were submitted as Last Minute Agenda Information for Item No. 2.4:

- a. E-Mail correspondence from Paul R. O'Boyle, dated January 18, 2013
- b. E-Mail correspondence from Morton Park, dated January 23, 2013

MAYOR JANNEY announced that he received a letter from a citizen requesting more information on Item No. 2.10 and referred the matter to the City Manager.

MOTION BY PATTON, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.10 AND ITEM NO. 6.8.

Discussion:

COUNCILMEMBER SPRIGGS stated that he could not support the motion because he had comments on Item No. 6.8.

With regard to Item No. 2.4, PAUL O'BOYLE, representing a telecommunications company, asked for confirmation that if a new node were to be installed in the public right away that it would be covered by one of the exemptions listed in the policy. He also asked that the policy be written to allow for flexibility to put elements on City infrastructure, bringing income to the City and eliminating the need for an extra vertical element.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY PATTON, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.10 AND ITEM NO. 6.8. MOTION BY THE FOLLOWING VOTE:

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

2.1 MINUTES.

Approved the minutes of the Regular and Special Meetings of December 5, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 81633 through 81845 for a subtotal amount of \$5,160,454.25 and Payroll Checks/Direct Deposit 44996 through 45054 for a subtotal of \$428,802.55 for a total amount of \$5,589,256.80.

2.3 APPROVE RESOLUTION NO. 2013-7291 AND AUTHORIZE INVESTMENT OF CITY OF IMPERIAL BEACH MONIES IN THE LOCAL AGENCY INVESTMENT FUND OF THE CALIFORNIA STATE TREASURY. (0350-30)

Adopted resolution and authorized investment of City of Imperial Beach monies in the Local Agency Investment Fund of the California State Treasury.

2.4 RESOLUTION NO. 2013-7292 ADOPTING CITY COUNCIL POLICY NO. 615 "STREET PAVEMENT PRESERVATION". (0720-95)

Adopted resolution.

2.5 RESOLUTION NO. 2013-7286 AFFIRMING STAFF COMMENT LETTER ON TENTATIVE ORDER R9-2013-0001 TO THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD. (0770-70)

Adopted resolution.

2.6 RESOLUTION NO. 2013-7288 AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SIGN THE FISCAL YEAR 2011-12 ANNUAL REPORTS FOR THE SAN DIEGO BAY AND THE TIJUANA RIVER WATERSHED URBAN RUNOFF MANAGEMENT PROGRAMS. (0770-87)

Adopted resolution.

2.7 RESOLUTION NO. 2013-7295 CONFLICT OF INTEREST CODE UPDATE. (0420-30)

Adopted resolution.

2.8 RESOLUTION NO. 2013-7293 AUTHORIZING CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE SAN DIEGO UNIFIED PORT DISTRICT (PORT DISTRICT) FOR THE ALLOCATION AND USE OF UP TO \$150,000 OF THE PORT DISTRICT'S APPROVED FISCAL YEAR 2014-2018 CAPITAL IMPROVEMENT PROGRAM FUNDS FOR CONSTRUCTION OF THE DATE AVENUE STREET END IMPROVEMENTS. (0150-70)

Adopted resolution.

2.9 RESOLUTION NO. 2013-7289 AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE FULL-TIME CORE STAFFING STRATEGY FOR THE LIFEGUARD DIVISION IN THE PUBLIC SAFETY DEPARTMENT. (0510-95)

Adopted resolution.

2.10 RESOLUTION NO. 2013-7296 AWARDING A PROFESSIONAL SERVICES CONTRACT TO KOA CORPORATION FOR CONSTRUCTION SUPPORT AND DATA COLLECTION RE: ECO-BIKEWAY 7TH & SEACOAST CIP PROJECT S05-104. (0680-20)

Adopted resolution.

6.8 RESOLUTION 2013-7290 APPROVING A FIVE-YEAR AGREEMENT WITH THE SAN DIEGO COUNTY SHERIFF'S DEPARTMENT FOR THE PROVISION OF GENERAL AND SPECIALIZED LAW ENFORCEMENT AND TRAFFIC SERVICES WITHIN THE CITY OF IMPERIAL BEACH, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT. (0260-10)

Adopted resolution.

REPORTS (6.6 & 6.5)

6.6 RESOLUTION NO. 2013-7298 AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ISSUE AN RFP FOR A CAPITAL CAMPAIGN FEASIBILITY STUDY FOR A NEW PUBLIC LIBRARY. (0150-20)

CITY MANAGER BROWN reported on the item.

COUNTY SUPERVISOR COX announced that the estimated cost for a new 14,000 square foot library is \$6M to \$8M and that the County has set aside \$1M in neighborhood investment funds for this library. He spoke in support for issuing an RFP for a feasibility study to determine the ability to raise money from the private sector and philanthropic individuals and organizations for a new Imperial Beach library.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7298 AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ISSUE AN RFP FOR A CAPITAL CAMPAIGN FEASIBILITY STUDY FOR A NEW PUBLIC LIBRARY. MOTION CARRIED UNANIMOUSLY.

6.5 CONSIDERATION TO ADOPT A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SANDAG AND IMPERIAL BEACH REGARDING THE REGIONAL BEACH SAND REPLENISHMENT PROJECT II. (0140-40 & 0220-70)

The following were submitted as Last Minute Agenda Information:

- a. Attachment 1 - Draft Memorandum of Understanding between San Diego Association of Governments and the City of Imperial Beach regarding Remedial Measures Associated with the Regional Beach Sand Replenishment Project II
- b. E-Mail correspondence from Daren Johnson, dated January 23, 2013
- c. E-Mail correspondence from Serge Dedina, dated January 23, 2013

COUNCILMEMBER SPRIGGS announced that he would recuse himself from discussion on the item and requested the opportunity to speak as a member of the public.

CITY ATTORNEY LYON stated that Councilmember Spriggs is recusing himself due to a potential conflict of interest because of the location of his residence. Pursuant to section 18702.4 of the California Code of Regulations, Councilmember Spriggs may leave the dais, sit in the audience and participate as any other member of the general public solely to represent his own personal interests. In this case, it is his private property.

COUNCILMEMBER SPRIGGS left the dais and sat in the audience at 6:30 p.m.

CITY MANAGER BROWN introduced the item.

SHELBY TUCKER, Project Manager from SANDAG, gave a PowerPoint presentation on the item. She reported on the Regional Beach Sand Replenishment Project and responded to concerns related to ponding that is occurring on the beach along south Seacoast Drive.

ALAN ALCORN, with Moffatt & Nichol, gave a PowerPoint presentation. He spoke about project design components, construction efforts and subsequent remedial measures taken by SANDAG. He noted that high tides will be monitored, subsequent wave action will be tracked and both people and equipment will be on hand to drain water out.

SHELBY TUCKER stated that SANDAG will be directing and overseeing all aspects of the work, that there has been an ongoing beach monitoring program and will continue to reach out to the public and meet with homeowner's associations.

City Council discussion ensued.

In response to Councilmember Patton's question regarding wave action and impacts to surfing, MR. ALCORN stated that as the winter storms drag material offshore, new bars will form and the surfing resources will return.

SHELBY TUCKER clarified that SANDAG has been working with Surfrider Foundation who will be implementing a surf monitoring program. She stated that in anticipation of high tides, staff will be ready and equipment will be mobilized to cut the east west swale as the tide is going out. The goal is to watch the tides and weather and know when a swale is coming and to be timely with a response.

ED SPRIGGS thanked Shelby Tucker and Alan Alcorn for their presentations. He stated that although there are a lot of concerns, they have been proactive in trying to address the issues and to correct what is happening and asked that they be treated with respect. He showed pictures of his garage that had water incursion and expressed concern about the structure's integrity. He stated that the elevator well has been inundated with water for the first time since 1992 when the building was built and that the pump continues to work to this day to keep water out of the well.

DAVE VAN DEWATER showed a PowerPoint presentation on the water that is appearing in his garage, in the landscaping, sidewalks and meter boxes. He expressed concern about potential impacts to his building's foundation.

BOB HANSEN stated that the project was poorly planned and poorly implemented. He questioned what the plan is for a long term fix and suggested contacting an expert who understands the beach.

JOHN IRELAND showed a DVD of water in motion. He supported a sloped beach as opposed to a level beach (additional speaking time donated by ELIZABETH IRELAND).

ALICE DE LA TORRE said that in the 17 years that she has lived at her residence, she has never experienced such enormous flooding in her garage, which she attributed to the design of the project. She expressed concern about the ongoing water seepage that is occurring in her garage. She asked that the following be kept in mind: design flaw, ongoing consequences and future effects, wrong slope of the sand, and that trenching is a band aid and not the answer.

DORIS ARGOUD spoke about saltwater going through the dune and exiting at the street. She expressed concern about sinking into the sand 6 to 8 inches when walking on it where in the past the sand was hard and compacted.

MIRIAM IOSUPOVICI stated that she used to walk on the beach every day but cannot do so anymore. She said that her garage is currently flooded and is concerned about damage. She expressed concern about future problems with high tides.

CINDY KILLMAN expressed concern about the amount of sand that was placed on the beach and she questioned the plans for south Seacoast Drive.

LINDA CORDERO stated that her company represents an owner who purchased property on Seacoast Drive approximately one month prior to the start of the project. She believed that sand was improperly placed and expressed concern about the safety of her tenant and other residents. She encouraged the City to get a second opinion.

TOM COOK, representing Surfrider Foundation, stated that SANDAG has been transparent through the whole process, was open to Surfrider's input, and the public comment had the opportunity to comment on the project. He gave a PowerPoint presentation on the video-based surf monitoring study. (additional speaking time donated by SCOTT TAYLOR).

MARK WEST, representing Surfrider Foundation, stated that there has been a decrease in the quality of surf as a result of this project. He expressed concern about safety and the need to readdress how the situation is being handled. He spoke in support for bringing back the Tidelands Advisory Committee (additional speaking time donated by KAORI KLAYKO).

MATTHEW LORD expressed concern about the surfing quality and for beach safety.

DAN MURPHY stated that he has not been able to surf in Imperial Beach because there haven't been any waves. He expressed concern about sand covering up the reef and impacting marine life, closure of the river mouth, and he spoke in support of the creation of the Tidelands Advisory Committee.

JEFF KNOX stated that a strongly sloped beach with a large berm is dangerous. He expressed concern with the way the sand is moving south and closing off the river mouth and impacts to the reef. He spoke in support for having an independent marine engineering firm or Scripps Institute look into solving the problem.

SERGE DEDINA, Executive Director of Wildcoast, showed a PowerPoint presentation. He noted that Wildcoast has been very involved with evaluating and monitoring the project. He recognized SANDAG and Moffatt & Nichol for being collaborative, transparent and for responding quickly to the concerns of the public. He encouraged the evaluation of flooding impacts on public infrastructure. He expressed concern about safety of beachgoers, potential closure of the river mouth, sand covering the reef and the elimination of wave quality. He suggested that the MOU be expanded or have another MOU to evaluate the impacts to surfing, beach safety, ecological resources and to public infrastructure. He spoke about the importance of the City and SANDAG to talk to managers at the estuary and to reinstate the Tidelands Advisory Committee (additional speaking donated by DAVE PARRA and STEVE BROWN).

MAYOR JANNEY called a recess at 7:53 p.m. and called the meeting back to open session at 8:01 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray, Spriggs (disqualified from discussion of the item due to a potential conflict of interest)
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

MAYOR JANNEY clarified that the MOU is for SANDAG to pay the City for staff's time and use of City equipment.

SHELBY TUCKER responded to questions of the Mayor regarding mobilization of equipment.

MAYOR JANNEY made a request for SANDAG to return to City Council on February 20th with an update on the situation.

MOTION BY PATTON, SECOND BY JANNEY, TO APPROVE THE MOU BETWEEN SANDAG AND THE CITY OF IMPERIAL BEACH REGARDING THE REGIONAL BEACH SAND REPLENISHMENT PROJECT II AND INVITE SANDAG AND OTHER PROFESSIONALS TO THE FEBRUARY 20, 2013 CITY COUNCIL MEETING TO GIVE AN UPDATE REPORT.

MAYOR JANNEY suggested a friendly amendment to the motion to include a separate discussion on the status of the Tidelands Advisory Committee at the City Council meeting of February 20, 2013.

COUNCILMEMBER PATTON accepted the friendly amendment.

MOTION BY PATTON, SECOND BY JANNEY, TO APPROVE THE MOU BETWEEN SANDAG AND THE CITY OF IMPERIAL BEACH REGARDING THE REGIONAL BEACH SAND REPLENISHMENT PROJECT II AND AT THE FEBRUARY 20, 2013 CITY COUNCIL MEETING HAVE SANDAG AND OTHER PROFESSIONALS GIVE AN UPDATE REPORT ON THE MATTER AND HAVE AS A SEPARATE DISCUSSION THE STATUS OF THE TIDELANDS ADVISORY COMMITTEE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS: BILBRAY, PATTON, BRAGG, JANNEY
NOES:	COUNCILMEMBERS: NONE
DISQUALIFIED:	COUNCILMEMBERS: SPRIGGS
ABSENT:	COUNCILMEMBERS: NONE

COUNCILMEMBER SPRIGGS returned to the dais at 8:15 p.m.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING/ADOPTION/PUBLIC HEARING (4.1)

4.1 ORDINANCE NO. 2012-1132 REPEALING CHAPTER 8.08 AND ADDING A NEW CHAPTER 8.08 TO TITLE 8 OF THE IMPERIAL BEACH MUNICIPAL CODE CONCERNING PERMANENT AND MOBILE FOOD FACILITIES. (0240-28)

MAYOR JANNEY declared the continued public hearing open.

CITY MANAGER BROWN introduced the item and reported that the proposed ordinance does not impact the vendors at the Farmer's Market.

CITY CLERK HALD announced no public speaker slips were submitted.

JACK MILLER, Director of the Department of Environmental Health for the County of San Diego, responded to questions of the City Council regarding the grading system and confirmed that a grade of B or C would need to be upgraded to an A. He provided City Council with a draft copy of an "A" grading card that would be displayed in a mobile food facility.

MAYOR JANNEY closed the public hearing and called for the second reading of the title Ordinance No. 2012-1132.

CITY CLERK HALD read the title of Ordinance No. 2012-1132 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, REPEALING CHAPTER 8.08 AND ADDING A NEW CHAPTER 8.08 TO TITLE 8 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING BY REFERENCE TITLE 6, DIVISION 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES CONCERNING PERMANENT AND MOBILE FOOD FACILITIES."

MOTION BY PATTON, SECOND BY BILBRAY, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2012-1132 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1)

5.1 ADOPTION OF THE 2013-2020 IMPERIAL BEACH HOUSING ELEMENT (GPA 100060) AND ITS NEGATIVE DECLARATION. MF 1060. (0660-95)

MAYOR JANNEY declared the continued public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item.

VERONICA TAM, Principal at Veronica Tam and Associates, responded to questions of City Council regarding Regional Housing Needs Assessment goals.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2013-7287 AMENDING THE GENERAL PLAN (GPA 100060) BY ADOPTING THE 2013-2020 IMPERIAL BEACH HOUSING ELEMENT AND ADOPTING ITS NEGATIVE DECLARATION. MF 1060. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1-6.8)

6.1 PAVEMENT MANAGEMENT PLAN UPDATE. (0720-95)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN introduced the City's Engineer, Carmen Kasner of Atkins North America.

CARMEN KASNER, stated that the recommendations were broken down into three major categories:

1. Major projects that can be funded with Transnet funding
2. Streets that will have pot holes over time but do not need a full overlay at this time
3. Slurry Seal program which extends the life of streets

PUBLIC WORKS DIRECTOR LEVIEN reviewed the priority list of streets needing an overlay. He recommended deferral of the major streets listed on the staff report with exception to the following streets which will be included in the next Transnet funded street program:

1. 12th Street
2. Granger Avenue
3. Oneonta Avenue
4. Grove Avenue

CONSENSUS OF CITY COUNCIL TO DIRECT STAFF TO PROCEED WITH THE DESIGN FOR CONSTRUCTION OF THE FOLLOWING STREETS WHICH WILL BE FUNDED THROUGH THE NEXT TRANSNET FUNDED STREET PROJECT:

1. 12TH STREET
2. GRANGER AVENUE
3. ONEONTA AVENUE
4. GROVE AVENUE

6.2 FOLLOW-UP REPORT TO CITY COUNCIL ON INTERIM DESIGN STANDARD FOR UNIMPROVED ALLEYS. (0720-95)

CITY MANAGER BROWN reported that the City Council asked staff to return with an interim standard that would allow for the installation of gravel alleys. He noted that staff did not recommend approval of the standard.

JOHN ROCHE spoke about the poor condition of dirt alleyways.

MAYOR JANNEY spoke about walking door to door to encourage property owners to pave alleys to the City's designed standard.

COUNCILMEMBER SPRIGGS suggested that there be a one year trial period for the interim design standard to bring the condition of the dirt alleys to a higher level than it is now while the Mayor's suggestion is evaluated.

COUNCILMEMBER PATTON spoke in opposition to the interim design standard and supported the Mayor's suggestion.

COUNCILMEMBER BRAGG supported the comments of Councilmember Spriggs.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO PROCEED WITH THE INTERIM DESIGNED STANDARD.

City Council discussion.

CITY ATTORNEY LYON stated that staff would have to return with a resolution or ordinance and the fees.

MAYOR JANNEY spoke in support for paved alleys as the interim design standard is not a satisfactory solution.

COUNCILMEMBER SPRIGGS questioned if there is an alternate plan.

MAYOR JANNEY suggested that he and Councilmember Bilbray work with Mr. Roche for the next three months on garnering support for pavement of the alleys.

COUNCILMEMBER BRAGG withdrew her motion. She expressed concern about the amount of time it would take to form an assessment district and about alleviating the concerns raised by the members of the public who wanted an interim design standard.

CONSENSUS OF CITY COUNCIL TO HAVE MAYOR JANNEY AND COUNCILMEMBER BILBRAY CANVASS PROPERTY OWNERS TO SUPPORT FORMATION OF AN ALLEY ASSESSMENT DISTRICT.

6.3 REPORT ON SEWER SERVICE CHARGE AND CAPACITY FEE STUDY BY CONSULTANT, KARYN KEESE, ATKINS NORTH AMERICAN, INC. (0830-37)

Attachment 1 – Consultant Preliminary Sewer Service Charge and Capacity Fee Study was submitted as last minute agenda information.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

KARYN KEESE, with Atkins North American, Inc., gave a PowerPoint presentation on the item and reported on her analysis for a new Sewer Service Charge and Capacity Fee. She stated that the recommended changes bring rates up to industry standards, establishes a base rate for all categories and complies with Prop 218.

Councilmember Bilbray supported a Sewer Capacity Fee in a range between those of the Cities of Chula Vista and San Diego.

MOTION BY BILBRAY, SECOND BY PATTON, TO RETURN TO CITY COUNCIL WITH THE FINAL STUDY REPORT AND A SEWER CAPACITY FEE OF \$4,000 AT THE FEBRUARY 20, 2013 COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

6.4 RESOLUTION NO. 2013-7297 APPROVING CHANGE ORDER NO. 9 TO SOUTHLAND PAVING INC. CONTRACT – TO WIT: STREET IMPROVEMENTS RDA PHASE 4/5 CIP S11-105 AND THE TRANSFER OF \$310,000 FROM STREET IMPROVEMENT RDA PHASE 3B (CIP S04-108) AND FROM UNOBLIGATED STATE GAS TAX MONEY TO STREET IMPROVEMENTS RDA PHASE 4/5 CIP S11-105. (0720-25)

CITY MANAGER BROWN introduced the item.

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

BOB MILLER spoke in support for funding pedestrian scale street lighting rather than the proposed project. He suggested that another funding source be used to fund the change order.

MAYOR JANNEY stated that if a majority of City Council believes that pedestrian scale street lighting is a priority in this City then funding that is available at that time will fund it. In this case, there is an obligation to pay a contractor for doing street work with street money and supported staff's recommendation.

COUNCILMEMBER SPRIGGS stated that the business community along Seacoast Drive is interested in pedestrian scale street lighting to create a community environment. He supported preservation of the Street Improvement RDA Phase 3B funds until there is an opportunity to discuss pedestrian scale street lighting at next week's City Council workshop meeting. He suggested the use of another funding source such as gas tax funds.

COUNCILMEMBER BRAGG supported the use of gas tax funds to pay for the change order.

Discussion ensued regarding the risks of using redevelopment funds on pedestrian scale street lighting.

MAYOR JANNEY spoke about the obligation to pay the contractor and recommended the use of gas tax money to fund the change order.

MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2013-7297 APPROVING CHANGE ORDER NO. 9 TO SOUTHLAND PAVING INC. CONTRACT – TO WIT: STREET IMPROVEMENTS RDA PHASE 4/5 CIP S11-105. MOTION CARRIED UNANIMOUSLY.

6.7 RESOLUTION NO. 2013-7294 AUTHORIZING THE FILING OF AN APPLICATION FOR FISCAL YEARS 2011-2013 SMART GROWTH INCENTIVE PROGRAM GRANT THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND ACCEPTING THE TERMS OF THE GRANT AGREEMENT. (0140-40 & 0620-50)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item and announced a revised Resolution No. 2013-7294 was submitted as Last Minute Agenda Information.

MOTION BY PATTON, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2013-7294 AUTHORIZING CITY OF IMPERIAL BEACH STAFF TO SUBMIT AN APPLICATION TO SANDAG FOR FISCAL YEARS 2011-2013 SMART GROWTH INCENTIVE PROGRAM PLANNING GRANT FUNDS IN THE AMOUNT OF \$400,000 FOR THE PALM AVENUE COMMERCIAL & MIXED-USE CORRIDOR PROJECT AND ACCEPTING THE TERMS OF THE GRANT AGREEMENT. MOTION CARRIED UNANIMOUSLY.

CITY ATTORNEY LYON stated that because there was a modification of the funding source for Item No. 6.4, she asked that City Council clarify the funding source in the motion.

MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2013-7297 APPROVING CHANGE ORDER NO. 9 TO SOUTHLAND PAVING INC. CONTRACT – TO WIT: STREET IMPROVEMENTS RDA PHASE 4/5 CIP S11-105 AND THE TRANSFER OF \$310,000 FROM UNOBLIGATED STATE GAS TAX MONEY TO STREET IMPROVEMENTS RDA PHASE 4/5 CIP S11-105. MOTION CARRIED UNANIMOUSLY.

