

MINUTES

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

FEBRUARY 20, 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 5:04 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Patton, Spriggs
Councilmembers absent: Bilbray
Mayor present: Janney
Mayor Pro Tem present: Bragg
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

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

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:
Property: 425 Imperial Beach Blvd., Imperial Beach, CA 91932
(APN: 632-400-33 and 632-400-35)
Agency Negotiators: City Manager, Assistant City Manager, City Attorney
Negotiating Party: YMCA
Under Negotiation: Price and terms of payment

2. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(Paragraph (1) of Subdivision (d) of Govt. Code Section 54956.9)
Name of Case: The Affordable Housing Coalition of the County of San Diego v. Tracy Sandoval
Case No. 34-2012-80001158-CU-WM-GDS

3. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of Litigation pursuant to Paragraph (4) of Subdivision (d) of GC Section 54956.9
No. of Potential Cases: 1

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 5:05 p.m. and he reconvened the meeting to Open Session at 6:02 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON reported Item Nos. 2 and 3 were removed from the agenda, City Council discussed Item Nos. 1 and 4, direction was given and no reportable action was taken. She announced that pursuant to prior City Council direction, City staff has met with the Imperial Beach Little League and the Imperial Beach Girls Softball League and that all parties have met jointly with the YMCA. City staff gave the City Council an update on all of those discussions and all parties involved are continuing to negotiate potential deal points related to the Sports Park and YMCA.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:03 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

None.

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

COUNCILMEMBER SPRIGGS reported on his attendance at the meeting of the South County Economic Development Council where he made an announcement about the projected opening of the new hotel and the grand opening of Filippi's Restaurant.

COUNCILMEMBER PATTON spoke about his positive dining experience at Filippi's Restaurant.

MAYOR PRO TEM BRAGG spoke about the recent implosion of the South Bay Power Plant.

MAYOR JANNEY spoke about his dining experience at Filippi's restaurant, viewing the implosion of the South Bay Power Plant from Imperial Beach, and the American Legion moving into their new meeting hall next week.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

ERIKA LOWERY expressed concern about the effects of selling the Sports Park.

CITY MANAGER BROWN clarified that the City is not selling Sports Park and he stressed that City staff has tried to make it clear to Imperial Beach Little League and to Imperial Beach Girl's Softball that they will be continuing their operations just as they have been doing for many years.

JESSICA VALLEY expressed concern about an assault that took place near 5th Street. She requested installation of more street lights along Palm Ave., additional law enforcement, and removal of hedges to prevent perpetrators from hiding behind them.

PRESENTATIONS (1.1)

1.1* PRESENTATION BY SURFRIDER FOUNDATION. (0220-70)

TOM COOK of Surfrider Foundation, gave a PowerPoint presentation on the impacts of the RBSII Project. He reported that impacts include damage to private property, steep shorebreak creating dangerous swimming conditions, reduction to surf along area beaches and potential for sand to approach the river mouth. The recommendations of Wildcoast and Surfrider include:

- Expanding the MOU to include impacts to biological resources, recreational activities, and public safety.
- Holding a full public hearing on the SANDAG project.
- Reinstating and expanding the City of Imperial Beach Tidelands Advisory Committee (TAC).
- Having the TAC work to complete a Coastal Zone Management (CZM).
- Working with SANDAG to investigate the consequences as a result of the increased sand volume.
- Instructing SANDAG to study the RBSP II beach profile construction to understand how the unintended consequences can be rectified and prevented in future projects.

ROBIN CLEGG expressed concern about the safety of beachgoers.

LAUREL MAROU also expressed concern about safety.

CONSENT CALENDAR (2.1-2.5)

MOTION BY BILBRAY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Special Closed Session Meeting and Adjourned Regular Meeting of December 12, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 81846 through 82011 for a subtotal amount of \$1,879,511.15 and Payroll Checks/Direct Deposit 45056 through 45102 for a subtotal of \$295,738.25 for a total amount of \$2,175,249.40.

2.3 ADOPTION OF RESOLUTION 2013-7299 RATIFYING THE CITY MANAGER'S SIGNATURE ON THE YMCA LICENSE ALLOWING PLACEMENT OF A LIFEGUARD TOWER ON THE SOUTHWESTERN CORNER OF CAMP SURF. (0130-70 & 0220-20)

Adopted resolution.

2.4 ADOPTION OF RESOLUTION 2013-7300 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE YMCA PERMITTING ENTRY FOR ACCESS AND STORAGE OF LIFEGUARD TOWERS AND EQUIPMENT ON THE CAMP SURF PREMISES. (0130-70 & 0220-20)

Adopted resolution.

2.5 ADOPTION OF RESOLUTION NO. 2013-7301 RATIFYING AN AGREEMENT AFFECTING REAL PROPERTY REDUCING AND RELEASING EXISTING LIENS RELATING TO MUNICIPAL CODE VIOLATIONS AT 1257 EAST LANE, IMPERIAL BEACH, CA 91932. (0470-20)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING/ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2013-7305 TO HOLD A PUBLIC HEARING AND TO ADOPT AMENDMENT NO. 5 TO THE TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2012-2016. (0680-80)

The following were submitted as last minute agenda information:

- a. Revised staff report;
- b. Revised resolution;
- c. Attachment 2 – Draft copy of Amendment No. 5 to Project Trak; and
- d. Revised resolution as of February 20, 2013

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN reported the item.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY PATTON, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2013-7305 TO HOLD A PUBLIC HEARING AND TO ADOPT AMENDMENT NO. 5 TO THE TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2012-2016. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1-6.4)

6.1 UPDATE REPORT FROM THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) REGARDING THE REGIONAL BEACH SAND REPLENISHMENT PROJECT II. (0140-40 & 0220-70)

A joint comment letter from Surfrider and Wildcoast was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER SPRIGGS announced that he would recuse himself from the agenda item relating to the portion dealing with the SANDAG report and items, if any, regarding property related issues along Seacoast Drive that falls within 500 feet of his property. He was hopeful that he could participate on the discussions relating to environmental concerns, overall safety and surfing concerns. He left the dais at at 6:52 p.m.

SHELBY TUCKER, Project Manager for SANDAG, gave a PowerPoint presentation on the status of the project since that last time she was before City Council on January 23, 2013. She noted that monitoring will continue, drainage swales will be created as needed, and wave action will be allowed to reshape the beach.

MAYOR JANNEY stated that the following public speakers have comments related to property on south Seacoast Drive.

ED SPRIGGS stated that the sump pump at his property continues to pump water out of the elevator shaft even after a week since the high tides occurred. He stated that many believe the high sand bank is a reservoir causing water to continually flow out of the sand and towards the estuary. He stressed that the beach needs to be re-graded, a hydrology study needs to be conducted to find out what is going on with the sand and an engineering review is necessary to determine the damage done to the properties.

BOB HANSEN suggested that a hydrologist be consulted to figure out what is happening with the sand and to conduct an investigation on the damage that has been done to the buildings.

ROBIN CLEGG, representing the Boca Rio Homeowners Association, requested consultation with experts to figure out the problem.

JOHN IRELAND stated that in the 25 years he has lived at his property, there has not been any water in the basement until now and he complained about the negative impacts as a result of the project (additional time donated by ELIZABETH IRELAND).

ALICE DE LA TORRE representing her condominium complex, spoke about potential long term damage to her property as a result of ocean water seepage into the garage. She requested that the City and SANDAG pay for a hydrological study of the sand and structural inspections of properties.

DAVE VAN DE WATER submitted information for the record. He requested an independent, comprehensive, environmental, hydrological and structural assessment of private and public properties. He insisted that the beach be re-graded to allow for the waves to return to the sea.

SHELBY TUCKER responded to questions of City Council regarding the history of the project and the construction timeline. She noted that SANDAG's goal is to address the unanticipated issues in the best way possible, that SANDAG will continue to monitor to see how things perform and will go back to SANDAG to inform them of the City's concerns and requests for consultation with experts.

COUNCILMEMBER SPRIGGS returned to the dais at 7:48 p.m.

MARK WEST, representing Surfrider, requested that the TAC be reestablished. He spoke about the opportunity to share lessons learned with other communities.

SERGE DEDINA, Executive Director for Wildcoast, gave a PowerPoint presentation. He reported that sand is moving southward towards the Tijuana Estuary river mouth and encouraged SANDAG to continue to work with the Fish and Wildlife Service on a solution in the event of a closure. He spoke about ways of reducing the impacts to public safety and surfing. He spoke in support for creating a beach management plan, having SANDAG reslope the beach, holding public workshops/public dialogue to evaluate the current sand project, reinstating and expanding the TAC to consist of local stakeholders, coastal experts, and marine experts that will work with the City on designing for the future, creating a coastal zone management plan and addressing sea level rise. (additional speaking time donated by Matthew Lord, Jeff Knox, and Steve Brown).

LAUREN BERCHA, former employee of Surfrider Foundation, stated that she had the job of monitoring the cameras on the beach. She noted that she was shocked to see the changes that happened to the beach. She expressed concern about the impacts to public safety and surfing. She believed that the timing of the project was poor and that the project should have been done earlier in the year and in a different season. She was concerned about movement of sand towards the river and impacts to the estuary.

HALEY HAGERSTONE, representing Surfrider Foundation, was concerned about the reduction in surfing resources and surfing quality. She also expressed concern about sand migrating towards the Tijuana River mouth and adverse impacts to coastal and marine ecosystems and also to threatened and endangered wildlife.

JULIA CHUN, representing Surfrider, advocated for responsible agencies to add modeling and monitoring of surf impacts to all of their projects. She is hopeful that with the surf monitoring study that any impacts can be quantified and negative impacts can be reduced in future projects.

ROGER KUBE, Executive Committee Chair for the Surfrider Foundation, San Diego County Chapter, urged City Council to evaluate all the impacts the Regional Beach Sand Project had on properties, public safety, natural resources, and surfing. He recommended expansion of the MOU to include evaluation of impacts to biological resources, recreational activities, and public safety. He also encouraged City Council to hold a public hearing to discuss project impacts and possible solutions. He supported the reinstatement of the TAC to include a variety of stakeholders and to have the TAC complete a Coastal Zone Management Plan that will guide future coastal projects and guide local efforts to deal with sea level rise. He wants solutions so that future projects don't have as significant an impact as it has had on natural resources.

ASSISTANT CITY MANAGER WADE stated that City staff and SANDAG staff have been in contact with the Refuge Manager. They will continue to monitor the situation and will address the concerns raised about the status of the permit.

COUNCILMEMBER SPRIGGS stressed the importance of having the permits in place in order to quickly deal with a constriction of the river mouth.

COUNCILMEMBER PATTON spoke about the opportunity to learn from this situation and to use the information gathered for future sand projects. He thanked Surfrider for their participation.

ASSISTANT CITY MANAGER WADE commended SANDAG and their staff for being very responsive in addressing the situation.

CITY MANAGER BROWN summarized the following which are to be considered by either SANDAG or the City:

Short-term steps:

- City staff and SANDAG will meet with the Fish and Wildlife Service staff to address concerns about the river mouth and having the proper permits in place;
- Consider the effects on property including addressing the concerns and questions about having hydrology and structural evaluations;
- Study the impacts to surfing conditions; and
- Look into reestablishing the TAC

Long-term steps:

- Expanding the proposed MOU between the City and SANDAG to look at hydrology and structural evaluations;
- A Coastal Zone Management Plan and sea level rise are issues that the City Council can direct the TAC to look at should the committee be reinstated.

CITY MANAGER BROWN then asked for direction on holding a future public meeting.

COUNCILMEMBER SPRIGGS stated that a public meeting is a good idea only if we have new and more information.

CITY MANAGER BROWN stated that an item can be scheduled on a future agenda after SANDAG is able to address the concerns and questions raised.

6.2 RESOLUTION 2013-7304 SETTING THE TIME AND PLACE FOR PUBLIC HEARINGS TO CONSIDER ADOPTION OF THE SEWER SERVICE CHARGE AND SEWER CAPACITY FEE FOR FISCAL YEAR 2014 AND BEYOND. (0390-55)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN announced that copies of the Sewer Service Charge and Sewer Capacity Fee Study were distributed to City Council for their review and gave an overview of the study.

MAYOR JANNEY expressed concern about the proposed \$4,000 Capacity Fee charge and supported starting off at a lower fee and increasing it over time to encourage development.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO ADOPT RESOLUTION 2013-7304 SETTING THE TIME AND PLACE FOR PUBLIC HEARINGS TO CONSIDER ADOPTION OF THE SEWER SERVICE CHARGE AND SEWER CAPACITY FEE FOR FISCAL YEAR 2014 AND BEYOND. MOTION CARRIED BY UNANIMOUSLY.

PUBLIC WORKS DIRECTOR LEVIEN thanked Karyn Keese for her guidance and all the work she did on the report.

6.3 RESOLUTION 2013-7303 ACCEPTING THE FINAL REPORT FROM ENVIRONMENTAL JUSTICE – TRANSPORTATION PLANNING – GRANT FISCAL YEAR 2010-2011. (0390-88)

Attachment 2 – Final “Imperial Beach – Let’s Move Together” Report was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item. He noted that the intent of the project was to interact with the schools, teachers, parents, and the community around the schools to understand the issues with respect to children walking, biking or being driven to school.

JUAN RAMIREZ, Project Coordinator for Walk San Diego, gave a PowerPoint presentation on the item and reviewed the final report (Attachment 2 of the staff report). In response to Councilmember Patton, he discussed ways to encourage elementary schools to support biking

to school as done at Imperial Beach Charter School.

MAYOR JANNEY supported a review of the improvements listed in Appendix A of Attachment 2 during the CIP review process.

COUNCILMEMBER SPRIGGS suggested that the items of highest priority be related to bicycle safety, speeding traffic and safety of the children.

MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. 2012-7281 AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – ECO BIKEWAY 7TH AND SEACOAST (7TH STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE AND PALM AVENUE FROM 3RD STREET TO 7TH STREET) – (S05-104). MOTION CARRIED UNANIMOUSLY.

6.4 DISCUSSION OF PROPOSED REVISIONS TO THE IMPERIAL BEACH SIGN CODE. (0670-95)

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER WADE announced that information from Deborah Cook was submitted as Last Minute Agenda Information. He gave an overview of the proposed regulations. In response to City Council, he stressed the importance of updating the sign code to make it current with regard to constitutional standards, keeping up with technology and for practical application, administration and enforcement. He noted that the City's sign code was adopted with the General Plan update in 1994, with a small amendment in 2002. He said that it would be a staffing challenge should an inventory of signs throughout the City be necessary.

CITY ATTORNEY LYON spoke about the importance of updating the code to facilitate changes in the law. She noted that staff's recommended changes would not trigger an inventory. It would take more restrictive regulations to trigger inventory issues.

DEPUTY CITY ATTORNEY LUCK reported that murals are not regulated under the City's current sign code and are exempted from the definition of a sign. She questioned if City Council would like to strengthen the definitions of works of art and commercial messages so that it could be easier for Code Enforcement to regulate murals.

COUNCILMEMBER BRAGG suggested that the information be shared with the Chamber of Commerce and the business community before City Council adopts an ordinance.

COUNCILMEMBER SPRIGGS suggested different sign regulations for different areas and questioned the possibility of offering businesses incentives for lighting the public right of way.

MAYOR JANNEY supported Councilmember Bragg's suggestion of sharing the proposed regulations with the Chamber of Commerce and the business community.

CITY ATTORNEY LYON stated there was direction of City Council to keep the regulations on murals as they are today and to return with a definition clearly defining a "commercial message" that would take the image out of the category of mural or work of art. She questioned if City Council wanted staff to solicit input on digital signs from both the Chamber of Commerce and the BID.

