

**MINUTES**

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

**MARCH 7, 2012**

**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 CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:02 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 SPRIGGS, SECOND BY BILBRAY, TO ADJOURN TO CLOSED SESSION UNDER:**

- 1. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to Government Code §54956.9(b)(3)(A)  
(2 cases)
- 2. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to Government Code §54956.9(c)  
(2 cases)
- 3. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to Government Code §54956.9(b)(3)(C):  
(1 case)

**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 5:03 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 Closed Session Item Nos. 1 thru 3, direction was given and no reportable action was taken.

**REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:05 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 SPRIGGS, SECOND BY BILBRAY, TO TAKE ITEM NO. 6.3 AFTER ITEM NO. 6.4. MOTION CARRIED UNANIMOUSLY.**

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

MAYOR JANNEY presented a proclamation to Brian Barreto, External Affairs Manager of California American Water, in recognition of Fix a Leak Week.

BRIAN BARRETO encouraged residents to reduce water waste by inspecting and repairing leaks in household plumbing and irrigation systems.

MAYOR JANNEY cautioned staff about possible impacts to special events that take place along the beach during the upcoming sand replenishment project.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

None.

**PRESENTATIONS (1)**

None.

**CONSENT CALENDAR (2.1-2.6)**

**MOTION BY BILBRAY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.6. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES.**

Approved the minutes of the Special Meetings of December 14, 2011 and January 5, 2012.

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

Ratified the following registers: Accounts Payable Numbers 79925 through 80052 with a subtotal amount of \$1,406,945.28 and Payroll Checks 44483 through 44504 for a subtotal amount of \$142,234.55 for a total amount of \$1,549,179.83.

**CONSENT CALENDAR (Continued)**

- 2.3 RESOLUTION NO. 2012-7163 RELATED TO COUNCIL HEALTH BENEFITS. (0520-50)**  
Adopted resolution.
- 2.4 RESOLUTION NO. 2012-7161 INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS AND ORDERING THE PREPARATION OF AN ENGINEER'S "REPORT" FOR A SPECIAL ASSESSMENT DISTRICT – AD-67M. (0345-10)**  
Authorized the Public Works Director to initiate the Engineer's Report for – AD 67-M and adopt resolution.
- 2.5 RESOLUTION NO. 2012-7162 SETTING THE TIME AND PLACE FOR PUBLIC HEARING TO REVIEW THE SETTING OF THE SEWER CAPACITY FEE FOR FY 2013. (0390-55)**  
Adopted resolution.
- 2.6 RESOLUTION NO. 2012-7166 SETTING THE TIME AND PLACE FOR A PUBLIC HEARING AND FIRST READING OF ORDINANCE TO CONSIDER ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2013. (0830-95)**  
Adopted resolution.

**ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3)**

None.

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

None.

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.1-6.6)**

MAYOR JANNEY announced Item No. 6.1 would be heard later in the meeting as Allison Rolfe, Project Manager for Pacifica Companies, was not yet in attendance.

- 6.2 ADOPTION OF RESOLUTION NO. HA-12-10 APPROVING THE FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT FOR THE PROVISION OF FINANCING FOR REDEVELOPMENT OF AN EXISTING AMERICAN LEGION POST AND SINGLE-FAMILY RESIDENCE LOCATED AT 1252 AND 1268 PALM AVENUE AND 655 FLORENCE STREET (APN 626-242-09-00, 626-242-23-00, 626-242-24-00) INTO AN AFFORDABLE HOUSING PROJECT AND NEW AMERICAN LEGION POST. (0640-20)**

CITY MANAGER BROWN introduced the item and he announced a revised agreement was provided as last minute agenda information.

COMMUNITY DEVELOPMENT DIRECTOR WADE reviewed the proposed changes contained in the First Amendment.

CITY ATTORNEY LYON announced that on page 7 of 14 of the last minute agenda information (revised agreement), 35 days should be modified to 45 days.

PAUL MARRA of Keyser Marston Associates, Inc. reviewed the proposed project cost increases.

MIKE VAN BUSKIRK, Project Manager for Hitzke Development, stated he did not foresee additional increases in costs.

In response to Councilmember King, TED BALLMER, Special Counsel, stated the additional funding amount will only be given at construction financing closing.

**MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. HA-12-10 APPROVING THE FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT BETWEEN THE HOUSING AUTHORITY AND THE POST BY HDC, LP FOR THE AMERICAN LEGION MIXED USE AFFORDABLE HOUSING PROJECT; TO AUTHORIZE THE EXECUTIVE DIRECTOR OR HIS DESIGNEE TO EXECUTE, FOR AND ON BEHALF OF THE AUTHORITY, THE FINAL FORM OF THE FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT WITH THE DEVELOPER FOR THE DEVELOPMENT OF THE PROJECT; AND TO AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY AND APPROPRIATE TO CARRY OUT AND IMPLEMENT THE AGREEMENT, AS AMENDED, AND TO ADMINISTER THE AUTHORITY'S OBLIGATIONS, RESPONSIBILITIES, AND DUTIES TO BE PERFORMED UNDER SAID AGREEMENT. MOTION CARRIED UNANIMOUSLY.**

**6.1 QUARTERLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL. (0660-43)**

ALLISON ROLFE, Project Manager for Pacifica Companies, reported that as of the end of February the steel structure is finished and being coated with fireproofing foam, the second floor is being framed, the rough mechanical, electrical and plumbing are being installed on the first floor, and the garage is 90% complete. The framing and the roof will be completed by the end of April, completion of the hotel is now planned for September and the grand opening is planned for September or October. She announced that there is interest in the new hotel by the Autograph Collection of the Marriott Hotels.

COUNCILMEMBER BRAGG spoke in support for a spectacular grand opening event that reflects the 10-year effort to build a new hotel.

MS. ROLFE stated that she will coordinate with the City on planning the grand opening event to ensure that it reflects Council's desires. She reported that she is participating in the Seacoasters community group whose focus is to improve the Seacoast Drive area and will lend support wherever possible. She stated that the name of the new hotel is still under consideration and she spoke about a possible association with the Marriott brand of hotels that will help improve the marketing of the new hotel.

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

The following items were submitted as last minute agenda information:

- Additional background information received from Councilmember Spriggs
- Additional relevant lighting information received from Councilmember Spriggs
- Correspondence from SWIA

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER SPRIGGS spoke about his desire for City Council to discuss and form a shared vision for Seacoast Drive at night. He spoke about the importance of having the fullest use and activation of the street. He noted that with the elimination of RDA there is a need to examine alternative ways to generate revenue to cover the costs for street improvements, water and sewer improvements, park maintenance, undergrounding, and better lighting for the neighborhoods.

MAYOR JANNEY stated that the item before City Council is to decide whether or not to bring the issue of a vision for Seacoast Drive at night back to City Council for an in depth discussion.

KITT WILLIAMS, President of IB Beautiful, provided information on pedestrian lighting from the City of Seattle's Office of Economic Development, and she spoke in support for pedestrian scale street lighting on Seacoast Drive while the street construction is underway.

BOB MILLER spoke in support for pedestrian street lighting on Seacoast Drive and he suggested that the construction on Seacoast Drive be suspended until there is an alternate pedestrian street lighting plan that is agreed upon by City Council and staff. He questioned why the Cobra lights are being replaced with Sheppard Hook lights as he cannot tell the difference in lighting. He suggested that at a minimum, conduits should be installed from Palm Ave. to Daisy Ave. (additional speaking time donated by RICHARD and CHERYL SCHAUMBURG).

PAUL MESCHLER spoke in support for embellishing Seacoast Drive with pedestrian street lighting.

TRAVIS BRAZIL stated that a healthy business community is the City's economic engine. The vision for future development of the Seacoast Commercial Zone is important for the future economic viability of Imperial Beach and he suggested that the subject of lighting on Seacoast Drive be placed on a future agenda.

DAVE VAN DE WATER spoke in support for bringing back pedestrian street lighting on Seacoast Drive for City Council's consideration.

MAYOR PRO TEM SPRIGGS requested the following:

1. To present the City Council with an equal number of daytime and nighttime renderings as soon as possible;
2. With pedestrian scale lighting between 12 and 16 feet above the sidewalk, ask an engineering firm to come back to City Council as soon as possible with designs for several options for pedestrian scale lighting; and
3. A status update on the construction that is taking place on Seacoast Drive, determine what is gained or lost by holding off on the installation of lighting until City Council has an opportunity to discuss lighting options, and information on the installation of stub-outs.

COUNCILMEMBER KING noted that according to the Landscape Design Guidelines for Seacoast Drive (provided as last minute agenda information), the installation of pedestrian friendly lighting is ranked 10 out of 11 on the priority ranking list. He stated that interior lighting from businesses and building exterior lights have not been considered and that only looking at street lights is a narrow view. He spoke in support for a broader approach should the item move forward.

COUNCILMEMBER BRAGG suggested that staff look at the cost for nighttime renderings, the height and spacing for pedestrian street lights, provide an update on the construction timeline, the cost per light, and to return to City Council with the information as soon as possible.

COUNCILMEMBER BILBRAY supported a review of exterior lighting of buildings that casts light for pedestrians and he questioned the process for stopping the project.

COUNCILMEMBER KING questioned what the consequences are for delaying the project and if the contractor could stay on track with the construction of the new hotel.

COUNCILMEMBER BILBRAY asked staff to return with information on other types of technologies such as solar power.

MAYOR JANNEY noted that it may take the creation of an assessment district to help fund the lighting and suggested that staff return with information on how to create an assessment district. He also questioned if Sheppard Hooks could be attached to existing poles at a lower level. He asked staff to return at the next City Council meeting with the information requested by City Council.

MAYOR PRO TEM SPRIGGS suggested that staff consider a project performed in sections or phases, to look at the cost to stub-out the street, and then later consider financing options.

CITY MANAGER BROWN stated that he will return to City Council in two weeks with information on options and costs for pedestrian scale street lighting.

### **6.3 RESOLUTION NO. 2012-7164 APPROVING STREET IMPROVEMENTS PHASE 4/5 (CIP S11-105) CHANGE ORDER NO. 1 WITH SOUTHLAND PAVING, INC. (0720-25)**

CITY MANAGER BROWN introduced the item and announced that a revised staff report and resolution were submitted as last minute agenda information.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item and asked City Council to add three additional streets to the project using the remaining funds that were allocated for the project. The three streets to be added are 9<sup>th</sup> Street – S.R. 75 to Donax Ave., Donax Ave. – 2<sup>nd</sup> Street to 3<sup>rd</sup> Street and Loudon Lane – Imperial Beach Blvd. to Grove Ave. He noted that the cost to complete the three additional streets is \$27,000 less than originally proposed.

MAYOR PRO TEM SPRIGGS suggested holding off on committing the funds to this project until after the discussion on lighting is conducted. He stated that the funds could be used towards addressing lighting in the near term (under Improvement Project 3B) in an area that is likely to produce more economic return to the City.

MAYOR JANNEY stated that the three streets were initially part of the Streets 4/5 Improvement Project but there wasn't enough funding. He is not willing to delay improvements to the residential streets and spoke in support of staff's recommendation.

COUNCILMEMBER KING supported Mayor Janney's comments and staff's recommendation. He stated that after the hotel is developed and lots are built along Seacoast Drive, revenue will increase. He spoke in opposition to spending money on lighting and in support for capital needs of the City.

COUNCILMEMBER BILBRAY supported the comments of Mayor Janney and Councilmember King. He spoke in opposition to taking money away from residents and using it towards lighting. He noted that the City is only as good as its worst area and that there are areas in town where alleys are not paved. He said that if the funds aren't allocated towards street improvements, he would rather see the funds go towards alley improvements.

**MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7164 APPROVING STREET IMPROVEMENTS PHASE 4/5 (CIP S11-105) CHANGE ORDER NO. 1 WITH SOUTHLAND PAVING, INC.**

City Council discussion ensued.

COUNCILMEMBER BRAGG spoke in support for only paving the street near the Post Office (9<sup>th</sup> Street – S.R. 75 to Donax Ave.) as the improvement would benefit the whole community and not just a particular neighborhood and to hold off on using the remaining funds.

MAYOR JANNEY noted that the business owners along Seacoast Drive have not spoken up about starting an assessment district to help the City pay for lighting. He was not in support for taking funding away from streets and applying it to lighting along Seacoast Drive.

MAYOR PRO TEM SPRIGGS asked City Council to hold off on allocating the funding until the lighting costs are addressed.

**MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7164 APPROVING STREET IMPROVEMENTS PHASE 4/5 (CIP S11-105) CHANGE ORDER NO. 1 WITH SOUTHLAND PAVING, INC. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**6.5 MAYOR'S APPOINTMENTS TO THE OVERSIGHT BOARD FOR THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY. (0418-05)**

MAYOR JANNEY appointed Derrick Fernandez to the Oversight Board of the Successor Agency to represent the City of Imperial Beach and appointed Tyler Foltz to the Oversight Board of the Successor Agency to represent employees of the former Imperial Beach Redevelopment Agency.

**6.6 EMERGENT SEWER REPAIRS TO SANCON CONTRACT. (0830-10)**

CITY MANAGER BROWN introduced the item and announced a staff report and resolution were submitted as last minute agenda information.

PUBLIC WORKS DIRECTOR LEVIEN reported on the situations that led to the need for emergent repairs (as listed on the staff report). He noted that the contractor informed him prior to the meeting that there was a need to increase the estimate for the additional cost of work incurred to \$63,555 in order to cover overhead costs.

MAYOR JANNEY asked staff to find out who has water rights under the City of Imperial Beach.

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT REVISED RESOLUTION NO. 2012-7167 AFFIRMING EMERGENT ANNUAL SEWER REPAIRS AND APPROVING CHANGE ORDER NR 2 NOT TO EXCEED \$63,555 AND APPROVING THE TRANSFER OF \$65,000 FROM SEWER ENTERPRISE FUND RESERVE TO CIP PROJECT W10-101 AND W10-201. MOTION CARRIED UNANIMOUSLY.**

**I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1)**

**7.1 RESOLUTION NO. SA-12-03 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY AMENDING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) TO INCLUDE OCTOBER 2011 THROUGH DECEMBER 2011. (0418-20 & 0418-95)**

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE reported on the item.

**MOTION BY SPRIGGS, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. SA-12-03 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY AMENDING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) TO INCLUDE OCTOBER 2011 THROUGH DECEMBER 2011. MOTION CARRIED UNANIMOUSLY.**

**ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

None.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 8:41 p.m.

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/s/  
James C. Janney, Mayor

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/s/  
Jacqueline M. Hald, MMC  
City Clerk