

MINUTES

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

MARCH 21, 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 4:46 p.m.

ROLL CALL

Councilmembers present: Bilbray, King, Bragg
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: Spriggs (arrived at 5:15 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 REAL PROPERTY NEGOTIATORS**
Property: 776 10th Street, Imperial Beach, CA 91932 (APN 626-282-12)
Agency Negotiator: City Manager, City Attorney
Negotiating Party: San Diego Habitat for Humanity
Under Negotiation: Price and terms of payment

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 4:47 p.m. and he reconvened the meeting to Open Session at 6:00 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.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Bilbray, King, Bragg
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 PULL CONSENT CALENDAR ITEM NO. 2.4 FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

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

COUNCILMEMBER BRAGG reported that the rehabilitation of the MTS Blue Line is underway.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1-1.3)

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

MAYOR JANNEY announced Serge Dedina and Emily Young as recipients of the EDCO Recycle All-Star Award, which includes a \$100 check and other premiums. They were not in attendance.

1.2* PRESENTATION ON THE KEEVER-SELLERS EDUCATION ACTIVITY CENTER BY COUNTY SUPERVISOR GREG COX. (0150-20 & 0680-20)

COUNTY SUPERVISOR GREG COX spoke about how boyhood friends Charlie Keever and Jonathan Sellers, murdered 19 years ago in the South Bay, will have a county park in their names. It will be known as the Keever & Sellers Educational Activity Center and will be located adjacent to the Bayshore Bikeway.

AARON BARLING, Senior Park Project Manager for the County of San Diego, gave a Power Point presentation on the item. He gave an overview of the project design and timeline.

ANDY YUEN, Project Leader for the San Diego National Wildlife Refuge, stated students will have the opportunity to participate in environmental educational activities such as the Habitat Heroes program, where they will restore the site by planting native plants.

1.3* PRESENTATION ON THE FINDINGS OF THE REGIONAL VISION INITIATIVE'S SHOWYOURLOVESD.ORG ON-LINE SURVEY BY LORI HOLT-PFEILER, ASSOCIATE VICE PRESIDENT OF THE REGIONAL VISION INITIATIVE. (0140-85)

LORIE HOLT-PFEILER, Associate Vice President of the Regional Vision Initiative, gave a Power Point presentation on the item.

CONSENT CALENDAR (2.1-2.7)

MAYOR JANNEY announced that he would recuse himself from voting on Item No. 2.5 due to a potential conflict of interest.

A revised staff report and resolution for Item No. 2.5 were submitted as last minute agenda information.

MOTION BY SPRIGGS, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.3, 2.6 AND 2.7. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO ITEM NO. 2.5, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BILBRAY, KING, BRAGG, SPRIGGS
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
DISQUALIFIED: COUNCILMEMBERS: JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

2.1 MINUTES.

Approved the minutes of the Regular Meeting of December 7, 2011.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 80053 through 80140 with a subtotal amount of \$105,131.37 and Payroll Checks 44505 through 44526 for a subtotal amount of \$138,001.62 for a total amount of \$243,132.99.

2.3 RESOLUTION NO. 2012-7168 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT (AMENDMENT NO. 1) TO THE LEASE BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH FOR THE DEMPSEY HOLDER SAFETY CENTER. (0150-70 & 0910-20)

Adopted resolution.

2.5 RESOLUTION NO. 2012-7170 SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER ADOPTION OF THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION. (0270-40)

Adopted resolution.

2.6 RESOLUTION NO. 2012-7171 APPROVING THE ENGINEER'S REPORT FOR PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS WITH A SPECIAL ASSESSMENT DISTRICT – AD 67M. (0345-10)

Adopted resolution.

2.7 RESOLUTION NO. 2012-7172 DECLARING INTENT TO PROVIDE AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN A SPECIAL ASSESSMENT DISTRICT (AD 67M) AND SETTING A TIME AND A PLACE FOR THE PUBLIC HEARING THEREON. (0345-10)

Adopted resolution.

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

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1-5.2)

5.1 RESOLUTION NO. HA-12-11 APPROVING AN AFFORDABLE HOUSING AGREEMENT AND ACCEPTING PROPERTY FROM THE CITY FOR THE DEVELOPMENT OF 6 SEMI-DETACHED FOR SALE HOUSES LOCATED AT 776 10TH STREET (APN 626-282-12) AND ADOPTION OF RESOLUTION NO. 2012-7175 MAKING CERTAIN FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33433, APPROVING OF THE AFFORDABLE HOUSING AGREEMENT AND AUTHORIZING THE TRANSFER OF THE 10TH & DONAX PROPERTY FROM THE CITY TO THE HOUSING AUTHORITY. (0660-10)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item and displayed the site plan. He announced correspondence from San Diego Habitat for Humanity, requesting \$100,000 currently earmarked for this project be transferred to the Florida Street project, was submitted as last minute agenda information. He noted that staff is not asking City Council to authorize the \$100,000 transfer. He further stated that the resolution and agreement under consideration list a grant amount not to exceed \$500,000 and that the result may be that this project receives a \$400,000 conditional grant rather than \$500,000.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7175 MAKING CERTAIN FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33433, APPROVING OF THE AFFORDABLE HOUSING AGREEMENT AND AUTHORIZING THE TRANSFER OF THE 10TH & DONAX PROPERTY FROM THE CITY TO THE HOUSING AUTHORITY. MOTION CARRIED UNANIMOUSLY.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. HA-12-11 APPROVING AN AFFORDABLE HOUSING AGREEMENT AND ACCEPTING PROPERTY FROM THE CITY FOR THE DEVELOPMENT OF 6 SEMI-DETACHED FOR SALE HOUSES LOCATED AT 776 10TH STREET (APN 626-282-12). MOTION CARRIED UNANIMOUSLY.

5.2 RESOLUTION NO. 2012-7173 ADJUSTING A REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PLAN (RTCIP) FEE FOR FISCAL YEAR 2012-2013. (0680-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY reported on the item.

PUBLIC WORKS DIRECTOR LEVIEN explained that the funds can only be spent on a major arterial street and stated the major arterial street in Imperial Beach is Palm Ave.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7173 ADJUSTING A REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PLAN (RTCIP) FEE FOR FISCAL YEAR 2012-2013. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1-6.3)

6.1 IMPERIAL BEACH BOULEVARD NEAR 5TH STREET PROPOSED CROSSWALK DESIGN. (0750-30)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a Power Point presentation on the item.

City Council discussion ensued.

In response to concerns of City Council, staff will return with bids on the Sports Park Crosswalk, the costs and feasibility for providing imbedded crosswalk lights and will consider adding two more disabled parking stalls to the southern portion of the parking lot.

6.2 RESOLUTION NO. 2012-7174 APPROVING CHANGE ORDER NO. 3 TO THE FY 09-10 ANNUAL MAIN LINE REPAIR – GROUTING AND LINING - CAPITAL IMPROVEMENT PROGRAM PROJECT CIP W10-101 AND W10-201 AND AUTHORIZING THE TRANSFER OF \$13,500 FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP PROJECT W10-101 AND W10-201. (0830-10)

CITY MANAGER BROWN introduced the item.

In response to concerns of City Council, staff will proceed with the main line repair and contact the Port of San Diego to request reimbursement for the Palm Avenue Street End sewer repair.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7174 APPROVING CHANGE ORDER NO. 3 TO THE FY 09-10 ANNUAL MAIN LINE REPAIR – GROUTING AND LINING – CAPITAL IMPROVEMENT PROGRAM PROJECT CIP W10-101 AND W10-201 AND AUTHORIZING THE TRANSFER OF \$13,500 FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP PROJECT W10-101 AND W10-201. MOTION CARRIED UNANIMOUSLY.

6.3 OPTIONS AND COSTS FOR VARIOUS SEACOAST DRIVE PEDESTRIAN-SCALE STREET LIGHT SCENARIOS. (0720-60)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN announced correspondence from Allison Rolfe, Planning Director for Pacifica, was submitted as last minute agenda information. He gave a Power Point presentation on the item, reviewed the seven options for pedestrian oriented street lighting as listed on the staff report and spoke of an eighth option (not listed on the staff report) of installing behind sidewalk infrastructure only.

MATT MORGAN, representing I.B. Forum, indicated that he was in support for pedestrian scale street lighting. He was not available to speak.

BOB MILLER thanked staff for returning to City Council with pedestrian street lighting options, spoke in support for installation of pedestrian street lighting down the entire street and favored option 7 with option 1 as the alternative.

DAVE VAN DE WATER stated that he was pleased with the letter submitted by Allison Rolfe. He spoke in support for option 7 and warned that there may be a need to wash off solar panels on a periodic basis due to the salt dew that occurs in a coastal environment.

KITT WILLIAMS supported the installation of pedestrian street lighting from Palm Ave. to Imperial Beach Blvd. She stated that she favored the solar lighting option because it is the least expensive alternative and would bring desirable publicity to the City as a leader in the use of solar energy.

PAUL A. MESCHLER spoke in support for any effort to improve Seacoast Drive and any lighting option that is economically feasible.

PUBLIC WORKS LEVIEN stated that if City Council selected an option between 1 and 6 there would be a substantial delay in completing the project and in expending funds. He noted that the longer the project is delayed, the more opportunity there is for the funds to be reclaimed by the state.

COUNCILMEMBER KING expressed concern about the funds being in jeopardy if the project does not move forward. He questioned the status of the nighttime renderings and spoke about building exterior lighting which is a type of lighting that has not been considered. He favored options 8 and 7.

MAYOR JANNEY stated that there is a process for establishing the list of CIP projects and he noted that pedestrian scale street lighting was not on the list. He supported a review of the entire CIP and not a review of just one project. He also noted that pedestrian scale street lighting ranked 10 out of 11 on the Landscape Design Guidelines for Seacoast Drive. He did not support the project.

MAYOR PRO TEM SPRIGGS spoke about the opportunity to enhance the community at night and to promote a pedestrian friendly environment with pedestrian scale street lighting. He spoke in support for a solar solution that does not delay the main project, supplementing the shepherds hook lighting with pedestrian scale solar lighting, and having staff return with feasibility plans, design options, and answers to technical questions regarding exposure to the weather/environment and cleaning of the panels.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO PROCEED WITH SOLAR POWERED PEDESTRIAN ORIENTED STREET LIGHTS (OPTION 7).

City Council discussion ensued.

PUBLIC WORKS DIRECTOR LEVIEN stated that the cost for option 7 is approximately \$100,000.

MAYOR PRO TEM SPRIGGS spoke in support for tying the solar pedestrian scale street lighting into the existing project rather than studying the matter for future installation.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY SPRIGGS, SECOND BY BRAGG, TO PROCEED WITH SOLAR POWERED PEDESTRIAN ORIENTED STREET LIGHTS (OPTION 7). MOTION FAILED BY THE FOLLOWING VOTE:

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

MOTION BY SPRIGGS, SECOND BY BRAGG, TO ASK STAFF TO COME BACK WITH A PROPOSAL TO INSTALL A SOLAR SOLUTION OR OPTION 8 AT SOME POINT IN THE NEAR FUTURE, WAIT UNTIL THE PROJECT HAS PROCEEDED FAR ENOUGH TO ESTIMATE THE REMAINING FUNDS THAT ARE UNENCUMBERED, AND UTILIZE THOSE REMAINING FUNDS TO COMPLETE THE PEDESTRIAN LIGHTING ON SEACOAST DRIVE ONCE SURE THAT THE EXISTING PROJECT HAS BEEN COMPLETED.

City Council discussion ensued.

COUNCILMEMBER KING spoke about the CIP process, noted that the item is ranked 10 of 11 on the Landscape Design Guidelines for Seacoast Drive, and that no one has suggested or considered a lighting district. He stated that he cannot support the item.

COUNCILMEMBER SPRIGGS explained that the item was ranked 10 out of 11 because there wasn't enough funding to do the project. Since there is funding available now, he encouraged City Council to support the project.

MAYOR JANNEY asked Mayor Pro Tem Spriggs to restate his motion.

MAYOR PRO TEM SPRIGGS MADE THE FOLLOWING MODIFIED MOTION:

IN 2 MONTHS OR A PERIOD CLOSER THAN 2 MONTHS, WHERE THE PUBLIC WORKS DEPARTMENT FEELS THAT THIS PROJECT (PROJECT 3) IS SAFELY FUNDED, PUBLIC WORKS WILL BRING BACK TO CITY COUNCIL PROPOSALS FOR PEDESTRIAN SCALE LIGHTING THAT CAN FIT WITHIN THE REMAINING FUNDS OF THIS PROJECT AND ANY OTHER SEACOAST DRIVE IMPROVEMENT ACTIVITIES UNDER PROJECT 3 TO UTILIZE THOSE FUNDS MOST EFFECTIVELY.

MOTION SECONDED BY BRAGG.

MOTION FAILED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY asked staff to return to City Council with a review of the CIP.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

2.4 RESOLUTION NO. 2012-7169 DECLARING APRIL AS "ENVIRONMENTAL AWARENESS MONTH" IN THE CITY OF IMPERIAL BEACH. (0230-40)

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER BILBRAY suggested that staff send a letter to all legislative representatives informing them of Environmental Awareness Month and the ongoing binational effort to address water pollution in Imperial Beach.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7169 DECLARING APRIL AS "ENVIRONMENTAL AWARENESS MONTH" IN THE CITY OF IMPERIAL BEACH. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 9:06 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk