

MINUTES

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

APRIL 3, 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 5:13 p.m.

ROLL CALL BY CITY CLERK

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

CLOSED SESSION

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

1. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6:

Agency Negotiator: City Manager
Employee Organizations: Imperial Beach Firefighters' Association (IBFA)
Service Employees International Union (SEIU), Local 221
Unrepresented Employees

2. 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

3. 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, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BILBRAY, BRAGG**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:14 p.m. and he reconvened the meeting to Open Session at 6:02 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced Item No. 2 was removed from the agenda, City Council discussed Item Nos. 1 and 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 6:03 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Patton, Spriggs
Councilmembers absent: Bilbray
Mayor present: Janney
Mayor Pro Tem absent: 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 SPRIGGS, SECOND BY PATTON, TO PULL ITEM NO. 6.1 – DISCUSSION ON BICYCLING ON SIDEWALKS VERSES CITY ROADWAYS FROM THE AGENDA AND SCHEDULE IT FOR CONSIDERATION AT A FUTURE AGENDA, MOVE ITEM NO. 4.2 – ORDINANCE 2013-1136, AMENDING CHAPTER 10.28.020, SPECIAL SPEED ZONE DESIGNATED TO THE APRIL 17, 2013 CITY COUNCIL MEETING, AND PULL ITEM NO. 2.3 – QUARTERLY INVESTMENT REPORT FOR THE 2ND QUARTER OF FY 2012-13 FROM THE CONSENT CALENDAR FOR CONSIDERATION AT THE END OF THE AGENDA. MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

COUNCILMEMBER PATTON announced the Annual Easter Egg hunt was a successful community event.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

ERIKA LOWERY questioned which of the Councilmembers will be attending the Sports Park Community Workshop.

CITY ATTORNEY LYON suggested that staff post a meeting notice in the event that three Councilmembers attend the workshop.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1, 2.2, 2.4 & 2.5)

MOTION BY SPRIGGS, SECOND BY PATTON, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.2, 2.4 & 2.5. MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 MINUTES.

Approved the minutes of the Regular Meeting of January 23, 2013.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 82168 through 82253 for a subtotal amount of \$942,677.65 and Payroll Checks/Direct Deposit 45148 through 45169 for a subtotal of \$122,883.99 for a total amount of \$1,065,561.64.

2.4 RESOLUTION NO. 2013-7317 TO ACCEPT SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING OF \$100,000 TOWARD A MOTORCYCLE TRAFFIC UNIT. (0260-15 & 0390-86)

Adopted resolution.

2.5 RESOLUTION NO. 2013-7319 AUTHORIZING SALE OF SURPLUS PROPERTY. (0380-45)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

3.1 ORDINANCE NO. 2013-1137 AND PUBLIC HEARING ON SETTING THE ANNUAL SEWER CAPACITY FEE FOR FISCAL YEAR 2014 AND BEYOND. (0390-55)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN recommended that the public hearing be continued to April 17, 2013.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY PATTON, SECOND BY SPRIGGS, TO CONTINUE THE PUBLIC HEARING TO APRIL 17, 2013 AT 6:00 PM. MOTION CARRIED BY THE FOLLOWING VOTE:

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

ORDINANCES – SECOND READING/ADOPTION (4.1-4.2)

4.1 ORDINANCE NO. 2013-1135; REX BUTLER FOR BIKEWAY VILLAGE LLC (APPLICANT) AND THE CITY OF IMPERIAL BEACH: ZONING CODE AMENDMENT (ZCA) 100008 FOR ECOTOURISM COMMERCIAL USES AT 536 13TH STREET & 535 FLORENCE STREET AND AIRPORT PARCEL 616-021-10-00 @ 500 13TH STREET. MF 1034 (0610-95)

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA explained the permitted land uses for the area.

MAYOR JANNEY thanked Rex Butler for pursuing the project and called for the second reading of the title of Ordinance No. 2013-1135.

CITY CLERK HALD read the title of Ordinance No. 2013-1135 "AN ORDINANCE MODIFYING ORDINANCE NO. 2012-1127 THAT APPROVED THE ZONING CODE AMENDMENT (ZCA 100008) AND REZONING TO ESTABLISH THE COMMERCIAL/RECREATION-ECOTOURISM (C/R-ET) DESIGNATION/ ZONE (CHAPTER 19.25) AND APPLYING THIS C/R-ET ZONE TO THE PROJECT SITE."

MOTION BY SPRIGGS, SECOND BY PATTON, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2013-1135. MOTION CARRIED BY THE FOLLOWING VOTE:

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

4.2 ORDINANCE 2013-1136, AMENDING CHAPTER 10.28.020, SPECIAL SPEED ZONE DESIGNATED. (0750-95)

Item No. 4.2 was continued to the April 17, 2013 City Council meeting by prior City Council action.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION 2013-7318 OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADJUSTING A REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PLAN (RTCIP) FEE FOR FISCAL YEAR 2013-2014. (0680-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY SPRIGGS, SECOND BY PATTON, TO APPROVE AND ADOPT RESOLUTION NO. 2013-7318 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ESTABLISHING A \$2,209 REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PLAN FEE FOR EACH NEW RESIDENTIAL DWELLING UNIT. MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS (6.1-6.3)

6.1 DISCUSSION ON BICYCLING ON SIDEWALKS VERSES CITY ROADWAYS. (0680-95)

Item No. 6.1 was pulled from the agenda for consideration on a future agenda by prior City Council action.

6.2 RESOLUTION NO. 2013-7316 APPROVING THE REMOVAL OF SEVEN (7) DESERT GUM (EUCALYPTUS RUDIS) TREES FROM SPORTS PARK. (0920-40)

CITY MANAGER BROWN introduced the item.

ERIKA LOWERY requested postponement of the item until after a decision is made about having YMCA manage the Sports Park. If the decision is to have the YMCA manage the Sports Park, her second request was to have the YMCA pay for the removal and replacement of the trees.

City Council expressed apprehension about removal of the trees, raised concern about public safety and questioned replacement of the trees.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item. He noted that trees are rated from 0 to 15 with those rated 9 or higher to be at risk of failure. He reported that the trees recommended for removal are rated 9 or higher and showed pictures of the raised roots and splitting trees. He said that replacement of the trees is listed as an unfunded project on the 5-year CIP.

MAYOR JANNEY supported removal of the trees due to safety issues.

COUNCILMEMBER SPRIGGS supported removal of the trees due to the risk ratings.

MOTION BY JANNEY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7316 APPROVING THE REMOVAL OF SEVEN (7) DESERT GUM (EUCALYPTUS RUDIS) TREES FROM SPORTS PARK. MOTION CARRIED BY THE FOLLOWING VOTE:

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

6.3 RESOLUTION NO. 2013-7314 AUTHORIZING AN AGREEMENT WITH CHANDLER ASSET MANAGEMENT FOR INVESTMENT MANAGEMENT SERVICES. (0350-10)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY stated that the cost of services will be offset by the improved investment and supported staff's recommendation.

ADMINISTRATIVE SERVICES DIRECTOR VON ACHEN gave a report on the item and recommended consideration of an investment management firm to help optimize the City's portfolio and its investments.

MARTIN CASTLE, CEO and Chief Investment Officer of Chandler Asset Management, spoke about the the qualifications of his firm.

MOTION BY PATTON, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7314 AUTHORIZING AN AGREEMENT WITH CHANDLER ASSET MANAGEMENT FOR INVESTMENT MANAGEMENT SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

2.3 QUARTERLY INVESTMENT REPORT FOR THE 2ND QUARTER OF FY 2012-13. (0350-90)

ADMINISTRATIVE SERVICES DIRECTOR VON ACHEN reported on the item.

