

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

MAY 4, 2011

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

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

CALL TO ORDER

MAYOR PRO TEM BILBRAY called the Closed Session Meeting to order at 5:00 p.m.

ROLL CALL

Councilmembers present: Spriggs (arrived at 5:14 p.m.), Bragg, King
Councilmembers absent: None
Mayor absent: Janney
Mayor Pro Tem Present: Bilbray
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

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

- 1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(b)(3)(E)
Significant Exposure to Litigation (1 case)

- 2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(b)(3)(A)
Significant Exposure to Litigation (2 cases)

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, BILBRAY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: SPRIGGS, JANNEY

MAYOR PRO TEM BILBRAY adjourned the meeting to Closed Session at 5:01 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 and 2, direction was given and no reportable action was taken.

REGULAR MEETING CALL TO ORDER

MAYOR PRO TEM BILBRAY called the Regular Meeting to order at 6:02 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

MAYOR PRO TEM BILBRAY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

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

COUNCILMEMBER KING reported on the SANDAG Bayshore Bikeway Committee meeting.

COUNCILMEMBER SPRIGGS reported on the "Keeping our heads above water - Adapting to climate change in Southern California" conference he attended in Redondo Beach; he suggested that some of the issues raised at the conference be discussed at a future City Council Workshop meeting.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN reported on a meeting the Mayor and staff had with a representative of the IBWC.

PUBLIC COMMENT

LAUREN AND JEANETTE, Representatives of the Del Mar Fairgrounds, spoke about the upcoming events at the 2011 San Diego County Fair.

ROBERT BRIANS spoke about the difficulty in opening a pet store in Imperial Beach.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.4)

MOTION BY KING, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS 2.1 THRU 2.4. MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 78112 through 78186 with the subtotal amount of \$768,295.05 and Payroll Checks 43742 through 43779 for the pay period ending 04/07/11 with the subtotal amount of \$152,819.83 for a total amount of \$921,114.88.

- 2.2 RESOLUTION NOS. 2011-7033 AND R-11-256 AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND THE TERM FOR TWO YEARS FOR LEGAL SERVICES. (0440-30)**
Adopted Resolutions.
- 2.3 RESOLUTION NO. 2011-7030 AUTHORIZING THE SALE OF SURPLUS PROPERTY. (0380-45)**
Adopted Resolution.
- 2.4 RESOLUTION NO. R-11-258 DECLARING THE IMPERIAL BEACH REDEVELOPMENT AGENCY'S PLANNING AND ADMINISTRATIVE EXPENSES USING LOW AND MODERATE INCOME HOUSING FUND ARE NECESSARY FOR THE PRODUCTION, IMPROVEMENT, OR PRESERVATION OF LOW AND MODERATE INCOME HOUSING. (0650-33 & 0720-10)**
Adopted Resolution.

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

- 3.1 PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2011-1116 TO CONSIDER ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2012. (0830-95)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and reviewed the history of improvements made to the sewer system.

FINANCE DIRECTOR MCGRANE gave a PowerPoint presentation on sewer service costs and historical information on the sewer cash balance; he noted that sewer treatment accounts for 64% of the operating costs for sewer service.

ROSE HARRIS, submitted a speaker slip indicating opposition to the fee increase (she did not wish to speak).

MAYOR PRO TEM BILBRAY called for the first reading of the title of Ordinance No. 2011-1116.

CITY CLERK HALD read the title of Ordinance no. 2011-1116 "An Ordinance of the City Council of the City of Imperial Beach, California, adopting the revised sewer service rates for sanitary sewer service and amending Section 13.06.140.B of Chapter 13.06 of the Imperial Beach Municipal Code pertaining to sewer service charges – designated."

MOTION BY KING, SECOND BY BRAGG, TO DISPENSE FIRST READING OF ORDINANCE NO. 2011-1116 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:

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

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2011-7035 CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M). (0345-10)

MAYOR PRO TEM BILBRAY 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 PRO TEM BILBRAY closed the public hearing.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2011-7035 CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M). MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS (6.1-6.6)

6.1 RESOLUTION NOS. 2011-7037 AND R-11-259 AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH NASLAND ENGINEERING FOR THE PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE DATE AVENUE STREET END. (0720-25)

COUNCILMEMBER BRAGG announced she had a conflict of interest on the item due to the location of a previous place of employment and left Council Chambers at 7:00 p.m.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item and responded to questions of City Council regarding the cause for contract cost increases, he reviewed the safeguards that are in place to ensure that the project and seawall are built as designed; and he spoke about the elements for shoreline protection.

MOTION BY KING, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NOS. 2011-7037 AND R-11-259 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO TRANSFER THE NECESSARY FUNDS OF \$15,000.00 TO COMPLETE CONSTRUCTION DRAWINGS FOR THE DATE AVENUE STREET END AND AUTHORIZING THE TRANSFER AND EXPENDITURE OF AGENCY FUNDS FOR THE NASLAND AGREEMENT. MOTION CARRIED BY THE FOLLOWING VOTE:

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

COUNCILMEMBER BRAGG returned to Council Chambers at 7:13 p.m.

6.2 RESOLUTION NO. 2011-7031 AWARDDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT- FY 09/10 ANNUAL MAIN LINE REPAIR- NEW [SEWER] PIPE INSTALLATION (W10-101). (0830-10)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on Item Nos. 6.2 and 6.3 and explained why separating them out as two separate projects was necessary and a cost saving measure.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7031 AWARDDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT- FY 09/10 ANNUAL MAIN LINE REPAIR- NEW [SEWER] PIPE INSTALLATION (W10-101) AND AUTHORIZING THE CITY MANAGER TO APPROVE A PURCHASE ORDER FOR THE AMOUNT OF THE BID PRICE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, BILBRAY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: JANNEY

6.3 RESOLUTION NO. 2011-7032 AWARDDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT- FY 09/10 ANNUAL MAIN LINE REPAIR- GROUTING AND LINING (W10-201). (0830-10)

MOTION BY SPRIGGS, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7032 AWARDDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT- FY 09/10 ANNUAL MAIN LINE REPAIR- GROUTING AND LINING (W10-201) AND AUTHORIZING THE CITY MANAGER TO APPROVE A PURCHASE ORDER FOR THE AMOUNT OF THE BID PRICE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, BILBRAY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: JANNEY

6.4 RESOLUTION NO. 2011-7036 AWARDDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT- IMPERIAL BEACH BOULEVARD CROSSWALK AT LOUDEN LANE (CIP S11-102). (0720-10)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7036 AWARDDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT- IMPERIAL BEACH BOULEVARD CROSSWALK AT LOUDEN LANE (CIP S11-102) AND AUTHORIZING THE CITY MANAGER TO APPROVE A PURCHASE ORDER FOR THE AMOUNT OF THE LOWEST QUALIFIED BIDDER. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, BILBRAY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: JANNEY

CITY MANAGER BROWN stated with regard to the crosswalk in front of City Hall, the installation of the pedestal lights and embedded lights will follow after the installation of the crosswalk.

6.5 RESOLUTION NOS. 2011-7034 AND R-11-257 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE AS-NEEDED AGREEMENTS WITH VARIOUS CONSULTANTS FOR WORK RELATED TO THE CITY/REDEVELOPMENT AGENCY COOPERATION AGREEMENT. (0640-05)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY reported on the item.

CITY ATTORNEY LYON reported the listed projects are tied to the Cooperation Agreement recently approved by City Council/RDA.

MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NOS. 2011-7034 AND R-11-257 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE AS-NEEDED AGREEMENTS WITH VARIOUS CONSULTANTS FOR WORK RELATED TO THE CITY/REDEVELOPMENT AGENCY COOPERATION AGREEMENT. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, BILBRAY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: JANNEY

6.6 CHANGE OF PUBLIC HEARING DATE FOR PROPOSED ORDINANCES RELATED TO MEDICAL MARIJUANA DISTRIBUTION FACILITIES. (0610-95)

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER SPRIGGS requested City Council's support in moving the discussion of the proposed ordinance from June 1 to June 15 due to a scheduling conflict.

COUNCILMEMBER BRAGG questioned if June 15 conflicts with a conference.

Consensus of City Council to change the public hearing date from June 1, 2011 to June 15, 2011 upon confirmation of the conference date.

CONGRESSMAN BRIAN BILBRAY alerted the City of an underground spring at Imperial Beach Blvd. and 9th Street; and with regard to secondary sewage treatment at the Point Loma Sewage Treatment Plant, he recommended reading information written by Roger Revelle, Oceanographer at Scripps Institute of Oceanography.

ADJOURNMENT

MAYOR PRO TEM BILBRAY adjourned the meeting at 7:59 p.m.

/s/

James C. Janney, Mayor

/s/

Jacqueline M. Hald, MMC
City Clerk