

MINUTES

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

MAY 6, 2015

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

Mayor Dedina called the Regular Meeting to order at 6:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Spriggs, Bragg, Patton
Councilmembers absent:	None
Mayor Present:	Dedina
Mayor Pro Tem Present:	Bilbray
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald, Administrative Services Director Bradley, Assistant City Manager Wade, Public Works Director Levien

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Kiwanis Student of the Month, Eliza Bedolla from Howard Pence Elementary School.

AGENDA CHANGES

City Attorney Lyon announced Item No. 2.5 did not need to be pulled from the Consent Calendar; however, there will be a separate vote on the item due to a potential conflict of interest.

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

Councilmember Patton reported on his attendance at the SANDAG Board meeting, the Open Air Open House Event, and the Homefront Cleanup Event.

Councilmember Bragg reported on her attendance at the MTS Board meeting, the SANDAG Transportation Committee Meeting, and the Library's Volunteer Recognition Event.

Councilmember Spriggs spoke about attending the Open Air Open House Event, he reported on his attendance at a coastal workshop in Los Angeles as a member of the League of California Cities Coastal Cities Working Group, and he spoke about giving a presentation to the South County Economic Development Council (SCEDC) on the projects in Imperial Beach. During the presentation he stressed the need for the City Council and community to be mindful of the balance between development and retaining the City's character as a family oriented beach community.

Mayor Dedina reported on his attendance at the SCEDC meeting, participating in the San Diego Regional Chamber of Commerce Delegation to Mexico City where they advocated for improvement to border crossings, and he spoke about going on a tour of Rosarito Beach and meeting with their Mayor.

COMMUNICATIONS FROM CITY STAFF

City Manager Hall announced Assistant City Manager Wade was selected to be the new City Manager of Solana Beach.

PUBLIC COMMENT

Ed Sorrels announced that he sent letters to City Councilmembers and he thanked the City for their efforts on a community playground at the school grounds on the north side of 9th Street.

Jon Hall thanked Public Safety personnel for their assistance when they responded to his 911 call.

Friel P. Allen expressed concern about the measures that need to be taken to get through the drought. He suggested the City not give out new building permits and to suspend the project at 9th and Palm until the drought is under control.

Ed Kravitz asked for a formal agenda item to have the City Council take another look at the Coronado beltline.

Thomas Krenbe and Veronica Martinez, Resident Manager from the Hawaiian Gardens, complained about the condition of a private road between Imperial Beach Blvd. and Fern Street. Mr. Krenbe, claiming that the road is used by the public, said the City should maintain it.

PRESENTATIONS (1.1-1.4)

1.1 SUN & SEA FESTIVAL POSTER CONTEST WINNERS. (1040-10)

Erika Lowery displayed some of the posters submitted for the Sun & Sea Festival Poster Contest. She announced the following winners: First Place, Ily Sky Alfred; Second Place, Quetza Cano; and Third Place, R. Black.

1.2 PRESENTATION OF PROCLAMATION TO IMPERIAL BEACH GIRLS SOFTBALL LEAGUE. (0410-30)

Councilmember Bragg presented a proclamation to representatives and members of the Imperial Beach Girls Softball League extending best wishes for a successful season.

1.3 PRESENTATION OF PROCLAMATION IN RECOGNITION OF NATIONAL PUBLIC WORKS WEEK – MAY 17-23, 2015. (0410-30)

Mayor Dedina presented a proclamation to Public Works Director Levien in recognition of National Public Works Week.

1.4 PRESENTATION ON SAN DIEGO FORWARD: THE REGIONAL PLAN. (0140-40)

Carolina Gregor, Senior Regional Planner with SANDAG, gave a PowerPoint presentation on the item. She announced seven public workshops will take place over the course of the month.

Councilmember Bragg stressed the importance of monitoring State and Federal funding for transportation projects, she expressed concern about cross border traffic, and she spoke positively about the efforts to preserve open space.

In response to questions from Councilmember Spriggs, Carolina Greggor stated currently there are no plans to have a line that connects from the Palm Ave. Trolley Station going westward. There is, however, an extension plan of a rapid line from the Iris Trolley Station along the 905 eastward. With regard to the high speed rail line between San Diego and Los Angeles, she stated it is not the first leg of the rail line, the project is a very political issue and there has been a lot of discussion regarding why the Central Valley is the first area to get the rail line. She announced there is an English workshop in Southeast San Diego on May 27th and that comments can also be provided online.

Councilmember Patton stated he received a similar presentation at the SANDAG Board meeting and thanked Ms. Greggor for her presentation.

Mayor Dedina stated he received a similar presentation at the SCEDC meeting. He expressed concern about underinvestment in transportation in the South Bay, with exception to the Trolley. He spoke in support for a bicycle connection at the border and was pleased to see SANDAG working with many agencies on both sides of the border to ensure a connection on both sides.

CONSENT CALENDAR (2.1-2.5)

MOTION BY PATTON, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1-2.4. MOTION CARRIED UNANIMOUSLY.

With regard to Item No. 2.5, Mayor Dedina announced he would recuse himself from voting on the item because of a potential conflict of interest due to his place of employment. He announced Mayor Pro Tem Bilbray would handle the item.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADOPT CONSENT CALENDAR ITEM NO. 2.5. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, BRAGG, SPRIGGS, BILBRAY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
DISQUALIFIED: COUNCILMEMBERS: DEDINA

2.1 MINUTES.

Approved the Regular City Council Meeting Minutes of March 18, 2015, April 1, 2015 and April 15, 2015.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 86497 through 86569 with a subtotal amount of \$777,954.89 and Payroll Checks/Direct Deposits 46491 through 46506 for a subtotal amount of \$152,679.94 for a total amount of \$930,634.83.

2.3 ADOPTION OF RESOLUTION NO. 2015-7574 AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC. FOR RENTAL OF CREW QUARTERS LOCATED WITHIN THE IMPERIAL BEACH FIRE STATION. (0250-20)

Adopted resolution.

2.4 ADOPTION OF RESOLUTION NO. 2015-7573 AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC. (AMR) FOR PRE-HOSPITAL EMERGENCY MEDICAL FIRST RESPONDER ADVANCED LIFE SUPPORT (ALS) SERVICES WITHIN THE CITY OF IMPERIAL BEACH. (0250-20)

Adopted resolution.

2.5 CONSIDERATION OF THE FINAL DRAFT DESIGN FOR INTERPRETIVE SIGNS PROPOSED AT THE END OF SOUTH SEACOAST DRIVE AND MONUMENT MESA/FRIENDSHIP PARK. MF 1181. (0600-20)

City Council reviewed the final draft design for Marine Protected Area interpretive signs proposed for the end of south Seacoast Drive and Monument Mesa/Friendship Park.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

PUBLIC HEARINGS (4)

None.

REPORTS (5.1-5.3)

5.1 DISCUSSION REGARDING THE CREATION OF AN IMPERIAL BEACH PLANNING COMMISSION, BOARD OF APPEALS OR A BOARD OF ADJUSTMENT. (0410-00)

City Manager Hall reported on the item and reviewed options for community involvement with processing development applications. He noted that a Planning Commission would be similar to staffing for a City Council which may require the need for additional staff.

Mayor Pro Tem Bilbray said that the appeals process is not as it should be. He spoke in support for the creation of a Board of Adjustment consisting of a three-member board with two alternates.

MOTION BY BILBRAY, SECOND BY BRAGG, TO DIRECT STAFF TO RETURN WITH INFORMATION ON CREATING A THREE-MEMBER BOARD OF ADJUSTMENT WITH TWO ALTERNATES.

City Council discussion.

Councilmember Bragg expressed concern about the impacts the former Planning Commission had on City staff time. She spoke in support for Option 3: Creation of a Board of Adjustment which would give the community an opportunity to appeal and discuss matters further with another body.

City Manager Hall spoke about the staffing needs for the Board of Adjustment, noting that it depends on the duties/issues assigned to the board.

Councilmember Spriggs stated there has not been a situation where the workload has been so heavy that City Council needed to delegate their responsibilities to another body. He questioned what is broken and needs to be fixed. He also questioned if one appeals case warrants the creation of a Board of Adjustment. He expressed concerns about the impacts a new board would have on City staff, an appointed appeals body being above the elected body and creating a process that circumvents the elected body.

Mayor Dedina was concerned about rushing into a decision on a policy without having more information. He questioned the experience other cities have had with Boards of Adjustment or Boards of Appeals. He preferred more information and input from the community in order to have a more robust discussion on the matter.

Councilmember Patton stated the focus should not be on the creation of an additional board but rather if there is a need for this particular board. He stressed that one of the most important decisions elected officials make relate to land use and delegating this responsibility should not be taken lightly. He also stated the City Council has not been overburdened. He spoke about his desire to make processes more efficient not more cumbersome and creating this board would be an additional step. He also said any one of the proposed options come with a cost and expressed concern about burdening staff.

In response to Councilmember Patton, City Manager Hall stated that if an applicant wanted to further appeal a decision, it would go to the Superior Court.

City Attorney Lyon stated the item before City Council is not for final action. Staff needs general direction on what to do and will return to City Council with more information and with answers to questions raised.

Councilmember Bragg was opposed to having a Planning Commission. She requested information on other cities that have this type of board and the associated costs.

Mayor Pro Tem Bilbray stated valid concerns have been raised. He noted that City Council would not be giving up responsibility with the creation of the Board of Adjustment but rather will ensure due process is brought back to the City.

Councilmember Spriggs stated that it would make sense to delegate elected official authority to another body in a large city, but not in Imperial Beach. He noted that one appeal in 15 years and zero complaints about not having due process do not show a problem. He spoke about other ways of engaging and encouraging citizens to work on community issues. He was opposed to the formation of the Board of Adjustment.

Councilmember Patton announced that he had a discussion with the Chair of the Design Review Board (DRB) who stated that she can come to a City Council meeting to explain the role of the DRB and wanted to avoid overlap of duties. He was opposed to the formation of the Board of Adjustment.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BILBRAY, SECOND BY BRAGG, TO DIRECT STAFF TO RETURN WITH INFORMATION ON CREATING A THREE-MEMBER BOARD OF ADJUSTMENT WITH TWO ALTERNATES. MOTION FAILED BY THE FOLLOWING VOTE:

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

5.2 RESOLUTION NO. 2015-7575 AWARDED PUBLIC WORKS CONTRACT TO WIT: SEWER PUMP STATION NO. 10 REHABILITATION (W13-101) AND APPROPRIATE AN ADDITIONAL \$50,000 TO PROJECT NO. W13-101. (0830-35)

Public Works Director Levien reported on the item and responded to questions of City Council.

City Manager Hall announced a Budget Workshop will be held on May 13, 2015 at 6:00 p.m. in the Community Room.

Councilmember Bilbray left Council Chambers at 7:53 p.m. and returned at 7:56 p.m.

MOTION BY PATTON, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2015-7575 AWARDED PUBLIC WORKS CONTRACT TO WIT: SEWER PUMP STATION NO. 10 REHABILITATION (W13-101) AND APPROPRIATE AN ADDITIONAL \$50,000 TO PROJECT NO. W13-101. MOTION CARRIED UNANIMOUSLY.

5.3 RESOLUTION NO. 2015-7572 PROVIDING WRITTEN CONSENT TO THE TERMINATION OF SANDPIPA PER ARTICLE 25 OF THE JOINT POWERS AGREEMENT, EFFECTIVE JULY 1, 2016, WITH SANDPIPA TO CONTINUE TO EXIST FOR THE PURPOSE OF DISPOSING OF ALL CLAIMS, DISTRIBUTION OF ASSETS, AND ALL OTHER FUNCTIONS NECESSARY TO WIND DOWN THE AFFAIRS OF THE AUTHORITY. (0190-35)

Administrative Services Director Bradley reported on the item and responded to questions of City Council.

City Manager Hall spoke about the potential financial impacts on the smaller cities as a result of the larger cities leaving SANDPIPA.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2015-7572 PROVIDING WRITTEN CONSENT TO THE TERMINATION OF SANDPIPA PER ARTICLE 25 OF THE JOINT POWERS AGREEMENT, EFFECTIVE JULY 1, 2016, WITH SANDPIPA TO CONTINUE TO EXIST FOR THE PURPOSE OF DISPOSING OF ALL CLAIMS, DISTRIBUTION OF ASSETS, AND ALL OTHER FUNCTIONS NECESSARY TO WIND DOWN THE AFFAIRS OF THE AUTHORITY. MOTION CARRIED UNANIMOUSLY.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURN REGULAR MEETING

Mayor Dedina adjourned the Regular meeting at 8:17 p.m.

CLOSED SESSION MEETING CALL TO ORDER

Mayor Dedina called the Closed Session meeting to order at 8:18 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Spriggs, Bragg, Patton
Councilmembers absent:	None
Mayor Present:	Dedina
Mayor Pro Tem Present:	Bilbray
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code section 54957.6:

Agency Designated Representatives: City Manager, City Attorney, Assistant City Manager, Human Resources Manager, Administrative Services Director

Employee Organizations: Imperial Beach Firefighters' Association (IBFA), Local 4692
Service Employees International Union (SEIU), Local 221

Unrepresented Employees: Confidential, Mid-management, Management

2. CONFERENCE WITH LEGAL COUNSEL-- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2).
Facts and circumstances pursuant to Government Code section 54956.9(e)(1). 1 case

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957

Title: City Manager

Mayor Dedina adjourned the meeting into Closed Session at 8:18 p.m. and he reconvened the meeting to Open Session at 9:41 p.m.

RECONVENE AND ANNOUNCE ACTION

Reporting out of Closed Session, City Attorney Lyon announced City Council discussed Closed Session Item Nos. 1, 2 and 3, City Council gave direction and no reportable action was taken.

ADJOURN CLOSED SESSION

Mayor Dedina adjourned the Closed Session meeting at 9:42 p.m.

/s/
Jacqueline M. Hald, MMC
City Clerk

/s/
Serge Dedina
Mayor