

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

**JUNE 4, 2014**

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

***CLOSED SESSION MEETING – 5:15 P.M.  
REGULAR MEETING – 6:00 P.M.***

**CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session meeting to order at 5:16 p.m.

**ROLL CALL BY CITY CLERK**

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

**CLOSED SESSION**

COUNCILMEMBER SPRIGGS recused himself from discussion on Closed Session Item Nos. 1 and 2 due to the location of his residence.

**MOTION BY BILBRAY, SECOND BY PATTON, TO ADJOURN TO CLOSED SESSION UNDER:**

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Government Code section 54956.9(d)(1)  
Case No. 37-2014-00003054-CU-EI-CTL
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Government Code section 54956.9(d)(1)  
Case No. 37-2013-00081555-CU-EI-CTL
- 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Pursuant to Government Code §54956.8:  
Property: 1075 8th Street, Imperial Beach, CA 91932, APN 626-400-71-00  
Agency Negotiator: City Manager and City Attorney  
Negotiating Parties: County of San Diego  
Under Negotiation: Instruction to Negotiators will concern price and terms of payment

**MOTION CARRIED UNANIMOUSLY.**

**ADJOURN CLOSED SESSION**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:17 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 Closed Session Item Nos. 1 through 3, City Council gave direction and no reportable action was taken.

**REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular City Council meeting to order at 6:01 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present:	Bilbray, Spriggs, Bragg
Councilmembers absent:	None
Mayor Present:	Janney
Mayor Pro Tem Present:	Patton
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald, Public Safety Director Clark, Senior Planner Foltz, Public Works Director Levien, Assistant City Manager Wade

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

None.

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

COUNCILMEMBER SPRIGGS gave an update on the Metro Wastewater Commission JPA meeting. He stated that there is a major effort by the Metro Wastewater Commission JPA and the City of San Diego to work on a project that would recycle water to a high standard so that it is drinkable. He noted that there is support for this type of approach given the rising cost of water and the drought conditions. He said that while most of the other members of the JPA have approved resolutions of support, the Imperial Beach City Council has not due to technical issues. He was hopeful that the city Council will consider a resolution of support once the technical issues have been worked out.

MAYOR JANNEY reported on his attendance at a Binational Summit on the Tijuana River Valley Recovery Strategy. While there, he was able to express gratitude to the Mayor, one of the Councilmembers and the people of Tijuana for the work they have done on the Tijuana River Valley over the past decade.

COUNCILMEMBER SPRIGGS announced that cross-border cooperation between non-governmental organizations will be considered at the next International Boundary and Water Commission meeting. He then asked City Manager Hall for an update on the 4<sup>th</sup> of July Fireworks Show.

COUNCILMEMBER BILBRAY announced that Candy Unger is interested in giving an update on her fundraising efforts for the 4<sup>th</sup> of July Fireworks Show but is running late to this meeting.

**MOTION BY BRAGG, SECOND BY SPRIGGS, TO PULL ITEM NOS. 2.5 AND 2.6 (WHICH RELATE TO THE 4<sup>TH</sup> OF JULY FIREWORKS SHOW) FROM THE CONSENT CALENDAR FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.**

**COMMUNICATIONS FROM CITY STAFF**

PUBLIC SAFETY DIRECTOR CLARK introduced Lifeguard Sgt. Art Ayala, Lifeguard II Jesus Gonzalez and Lifeguard Sgt. Jason Lindquist, who recently rescued a surfer from the water.

ART AYALA spoke about his rescue effort to save a surfer clinging to a pier piling. The surfer showed his appreciation by giving \$500 which will be donated to the Junior Lifeguard program.

PUBLIC SAFETY DIRECTOR CLARK announced that the Fire Service will be recognized at the San Diego County Fair on June 27<sup>th</sup> and that the Imperial Beach Engine 39 Fire Association will have a car in the Demolition Derby.

**PUBLIC COMMENT**

CITY CLERK HALD announced no speaker slips were submitted.

**PRESENTATIONS (1)**

None.

**CONSENT CALENDAR (2.1-2.4)**

**MOTION BY SPRIGGS, SECOND BY PATTON, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.4. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES.**

Approved the minutes of the April 16, 2014 Regular City Council Meeting.

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

Ratified the following registers: Accounts Payable Numbers 84588 through 84687 with a subtotal amount of \$275,177.43 and Payroll Checks/Direct Deposits 45924 through 45946 for a subtotal amount of \$151,393.23 for a total amount of \$426,570.66.

**2.3 SECOND READING AND ADOPTION OF ORDINANCE NO. 2014-1145 AMENDING THE IMPERIAL BEACH MUNICIPAL CODE ADDING CHAPTER 2.32 CREATING THE IMPERIAL BEACH PARKS AND RECREATION COMMITTEE. (0120-80)**

City Council approved the reading by title only, waived the reading in full and adopted Ordinance No. 2014-1145.

**2.4 DESIGNATION OF VOTING DELEGATE AND ALTERNATE(S) FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 3- 5, 2014. (0140-10)**

1. City Council designated Mayor Janney as the voting delegate and Councilmember Spriggs as the voting alternate for the 2014 League Annual Conference Business Meeting.
2. Directed the City Clerk to complete and submit a Voting Delegate/Alternate Form to the League's office by Friday, August 15, 2014.

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

None.

**PUBLIC HEARINGS (4.1)**

**4.1 AT&T (APPLICANT); ADMINISTRATIVE COASTAL PERMIT (ACP 130060), CONDITIONAL USE PERMIT (CUP 130061), DESIGN REVIEW CASE (DRC 130062), AND SITE PLAN REVIEW (SPR 130063) TO CONSTRUCT A NEW FREESTANDING FAUXTREE WIRELESS TELECOMMUNICATIONS FACILITY AND EQUIPMENT SHELTER AT 772 13<sup>th</sup> STREET (APN 626-312-11-00) IN THE C/MU-1 (GENERAL COMMERCIAL & MIXED-USE) ZONE. MF 1135; RESOLUTION 2014-7491. (0600-20)**

MAYOR JANNEY declared the public hearing open.

SENIOR PLANNER FOLTZ gave a PowerPoint presentation on the item and requested City Council's consideration of the three design options for the faux tree.

SHELLY KILBOURNE, representing AT&T, stated that she is available to answer questions.

COUNCILMEMBER BRAGG expressed concern about a lack of lighting on the backside of the parking lot and requested that when similar projects are considered in the future, to include the addition of lighting.

MAYOR JANNEY closed the public hearing.

**MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. 2014-7491 APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 130060), CONDITIONAL USE PERMIT (CUP 130061), DESIGN REVIEW CASE (DRC 130062), AND SITE PLAN REVIEW (SPR 130063), WHICH MAKES THE NECESSARY FINDING FOR A 40-FOOT BROADLEAF FAUX TREE WIRELESS FACILITY AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.**

CHRISTINE MOORE, Director of External Affairs, spoke about AT&T's partnership with the City and the Imperial Beach community. She understood that the AT&T building on Palm Ave. is located at the gateway into the City and she said that there have been discussions about beautifying the building.

### **REPORTS (5.1-5.3)**

#### **5.1 POLICY DISCUSSION ABOUT EXTENDING STREET-END PARKING TIMES ALONG SEACOAST DRIVE, AND DIRECTION FROM COUNCIL RESULTING IN POSSIBLE FUTURE ACTION. (0920-95)**

PUBLIC SAFETY DIRECTOR CLARK gave a report and asked for City Council's consideration and input on the item.

MAYOR JANNEY commented that extending the hours allows the public better access to the businesses and recreational opportunities on the beachfront, while still prohibiting overnight parking.

MAYOR PRO TEM PATTON stated that it is a great start and supported the item.

COUNCILMEMBER SPRIGGS spoke in support of the item and noted that surfers would benefit in the mornings and the businesses would benefit in the evenings. He questioned having a 12:00 a.m. restriction in the residential areas.

MAYOR JANNEY suggested that the 12:00 a.m. restriction be applied to the street ends between Palm Ave. and Imperial Beach Blvd., that the 10:00 p.m. restriction remain in place at Dunes Park (Daisy Ave.) and the 5:00 a.m. restriction be applied along Seacoast Drive (including South Seacoast Drive).

COUNCILMEMBER BRAGG expressed concern about the public getting confused about a 12:00 a.m. restriction on Date Ave. and a 10:00 p.m. restriction on Daisy Ave. She questioned why the restrictions differed.

PUBLIC SAFETY DIRECTOR CLARK explained that Daisy Ave. is parking for Dunes Park.

MAYOR JANNEY added that the parking area for Dunes Park is not considered a street end.

PUBLIC SAFETY DIRECTOR CLARK announced that he has received direction from City

Council and will return with a staff report for City Council's consideration.

**5.2 RESOLUTION NO. 2014-7494 AWARDED A PUBLIC WORKS CONTRACT, TO WIT: ANNUAL MAIN LINE REPAIRS BY MICROTUNNELING (W12-202) AND APPROPRIATION OF AN ADDITIONAL \$430,280 FROM THE SEWER ENTERPRISE FUND CIP RESERVE TO PROJECT W12-202. (0830-10)**

CITY MANAGER HALL gave a PowerPoint presentation explaining the Sewer Enterprise Fund. He also spoke about the need to move forward with the project due to the severe condition of the deteriorated line. He explained that the bids received were higher than the engineer's estimate due to the unique specialty of microtunneling. He recommended approval of the contract with Blue Pacific Engineering and Construction and appropriating an additional \$430,280 to complete the project.

PUBLIC WORKS DIRECTOR LEVIEN continued with a presentation on the construction details of the project.

COUNCILMEMBER SPRIGGS expressed concern about the variance between the the high bid amounts and the significantly lower cost estimate. He questioned if the correct engineer was utilized.

MAYOR PRO TEM PATTON stated that time is of the essence and a line failure would be catastrophic. He spoke in support for completing the project.

In response to questions of Councilmember Bragg, PUBLIC WORKS DIRECTOR LEVIEN spoke about the logistics of the project, the need to involve CalTrans, and the potential impacts to traffic.

**MOTION BY PATTON, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2014-7494 AWARDED A PUBLIC WORKS CONTRACT, TO WIT: ANNUAL MAIN LINE REPAIRS BY MICROTUNNELING (W12-202) AND APPROPRIATION OF AN ADDITIONAL \$430,280 FROM THE SEWER ENTERPRISE FUND CIP RESERVE TO PROJECT W12-202. MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY spoke about the importance of informing the public and MTS about the changes to traffic as a result of this project.

**5.3 CONSIDERATION AND POTENTIAL ADOPTION OF RESOLUTION NO. 2014-7493 UPDATING COUNCIL POLICY 114 REGARDING CITY COUNCILMEMBERS ATTENDANCE AT CITY SPONSORED PUBLIC WORKSHOPS. (0410-95)**

CITY MANAGER HALL introduced the item. He stated that currently City policy does not allow City Councilmembers to attend City sponsored workshops.

CITY ATTORNEY LYON gave a brief overview of the Ralph M. Brown Act. She noted that a meeting is defined as any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body. She also noted that if a majority of the City Council attends a City sponsored workshop, it would have to be noticed as a City Council meeting.

COUNCILMEMBER SPRIGGS spoke about the importance of having opportunities to hear how the community is responding to particular proposals. He understood that having members of the City Council attend a meeting might stifle public opinions but he noted that there is a difference between being an observer and a participant at a meeting. He spoke in support for having the City Council attend workshops as long as it is understood that attendance at meetings would be as observers only.

MAYOR JANNEY recommended the addition of a statement that the City Council is willing to not participate in discussions at City sponsored workshops.

COUNCILMEMBER BILBRAY suggested a rotation of City Councilmembers to determine who goes to workshop meetings.

MAYOR PRO TEM PATTON spoke in support for having City Councilmembers attend City Council workshops as observers only.

COUNCILMEMBER BRAGG agreed with attending workshops as observers only. She also spoke in support for a policy that is more liberating. She spoke about having a policy that allows as many City Councilmembers attend City sponsored workshops as desired and she spoke in support for noticing the meetings.

In response to Councilmember Spriggs' question about compliance with the Brown Act, CITY ATTORNEY LYON stated that staff will handle the meetings on a case by case basis and depending on the subject matter will remove as many formalities as possible.

MAYOR JANNEY asked City Manager Hall to return to City Council with a revised policy that includes the modifications recommended by City Council.

#### **I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6.1)**

##### **6.1 CONSIDERATION AND ADOPTION OF RESOLUTION NO. 2014-7492 AUTHORIZING THE CITY TO PROCEED WITH AN ALLEY IMPROVEMENT PROJECT (CIP PROJECT S14-104) FOR ALLEY NUMBERS 12, 13, 14, 15, 16, 18, 19, 32, 33, 34, 35, 36, 49, AND 50 AND RESOLUTION NO. SA-14-42 CONDITIONALLY AUTHORIZING THE ALLOCATION OF \$1,274,584 OF 2010 TAX ALLOCATION BOND PROCEEDS FOR THE PROJECT SUBJECT TO PLACEMENT OF THE PROJECT ON THE NEXT RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 14-15B) AND OBTAINING THE REQUIRED APPROVAL BY THE OVERSIGHT BOARD AND CALIFORNIA DEPARTMENT OF FINANCE. (0418-50 & 0720-08)**

PUBLIC WORKS DIRECTOR LEVIEN gave an overview on the history of the item. He noted that the drawings were previously prepared under the standards that were in effect eight years ago and therefore need to be updated. Additionally, the design of each alley needs to be evaluated and updated to meet the standards of the permit issued by the Regional Water Quality Control Board.

ASSISTANT CITY MANAGER WADE reported on the funding option. He recommended that the City Council authorize the City to proceed with the expense of \$50,000 of the Strategic Capital Improvement Reserve to update the plans and prepare the bid specifications for putting the project out to bid. He also recommended authorization of an additional expenditure of up to \$200,000 to facilitate the plans and bid documents because it will cost more than \$50,000 given the number of alleys to be improved. He also recommended placement of the item on the

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ROPS and once approved by the DOF, refund the Strategic Capital Improvement Reserve with the bond funds for all but the \$50,000 that was already authorized by the City Council from the Strategic Capital Improvement Reserve.

COUNCILMEMBER SPRIGGS expressed concern about using funds from the Strategic Capital Improvement Reserve. He recalled that City Council previously supported funding street and alley projects with Gas Tax and Transnet funds. The Strategic Capital Improvement Reserve Fund was to be used as an investment fund for projects such as public/private partnerships that will result in increased return to the City. He noted that while he is just as confident that the funds will be returned through the ROPS process, he stated that it would be setting the wrong precedence to use the Strategic Capital Improvement Reserve Fund to front-end the costs. He preferred the use of Gas Tax and TransNet funds to fund the project.

CITY MANAGER HALL stated that Gas Tax and TransNet Funds come from SANDAG. To follow the paper trail through another agency would be complicated. He recommended using the money through the loan repayment from the DOF to allow the work to proceed.

City Council discussion ensued regarding City Council's previous action to allocate \$500,000 towards alley improvements and the source of funding.

MAYOR PRO TEM PATTON stated that it is clear that the funds will be returned to the City and noted that a lot of residents will benefit from having alleys.

COUNCILMEMBER SPRIGGS stressed that there are plenty of funds in other reserves. He supported switching the fund source to another fund account and staying true to the principle that we need to have a fund source that can generate economic development.

COUNCILMEMBER BILBRAY stated that TransNet and Gas Tax Funds would be taken from other street projects.

COUNCILMEMBER BRAGG stated that the funds will be paid back. She commented that City Council has been working on the alley project for a long time and to see it come to fruition is exciting. She questioned why concrete is being considered over asphalt.

PUBLIC WORKS DIRECTOR LEVIEN stated that asphalt alleys have a maintenance issue. He recommended use of the resources to install concrete alleys.

CITY MANAGER HALL discussed the benefits of having concrete alleys versus asphalt alleys. Staff will look at both products but will deliver the most cost effective method in both initial installation and long-term maintenance. He stated that there is an option to change the funding source to the Capital Reserve rather than the Strategic Reserve in order to move the item forward.

COUNCILMEMBER BILBRAY stated all of the other alleys have been paid for by property owners in the City. The fact that City Council is considering this item may lead to some criticism. He did state, however, that a policy was established to help determine the priority order for which alleys are to be paved, avoiding favoritism.

**MOTION BY BILBRAY, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2014-7492 AUTHORIZING STAFF TO PROCEED WITH THE NECESSARY PORTIONS OF THE ALLEY IMPROVEMENT PROJECT (CIP PROJECT S14-104) TO PREPARE FOR THE CONSTRUCTION OF ALLEY NUMBERS 12, 13, 14, 15, 16, 18, 19, 32, 33, 34, 35, 36, 49, AND 50.**

Discussion ensued regarding funding sources for the project.

MAYOR JANNEY recommended a modification to the motion to use the funds from wherever the City Manager deems appropriate to make everyone happy.

COUNCILMEMBER BILBRAY agreed to the modification to the motion and stated that this is an investment in our neighborhoods.

**MOTION BY BILBRAY, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2014-7492 AUTHORIZING STAFF TO PROCEED WITH THE NECESSARY PORTIONS OF THE ALLEY IMPROVEMENT PROJECT (CIP PROJECT S14-104) TO PREPARE FOR THE CONSTRUCTION OF ALLEY NUMBERS 12, 13, 14, 15, 16, 18, 19, 32, 33, 34, 35, 36, 49, AND 50 AND TO AUTHORIZE THE CITY MANAGER USE THE FUNDS FROM WHEREVER HE DEEMS APPROPRIATE. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. SA-14-42 CONDITIONALLY AUTHORIZING THE ALLOCATION OF \$1,274,584 OF 2010 TAX ALLOCATION BOND PROCEEDS FOR THE ALLEY IMPROVEMENT PROJECT (CIP PROJECT S14-104) SUBJECT TO PLACEMENT OF THE PROJECT AND PROPOSED EXPENDITURE OF THE BOND PROCEEDS ON THE ROPS 14-15B AND OBTAINING THE REQUIRED APPROVAL BY THE OVERSIGHT BOARD AND CALIFORNIA DEPARTMENT OF FINANCE FOR THE EXPENDITURE OF THE BOND PROCEEDS TOWARD THE PROJECT. MOTION CARRIED UNANIMOUSLY.**

**ITEMS PULLED FROM THE CONSENT CALENDAR**

**2.5 ADOPTION OF RESOLUTION NO. 2014-7490 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TIN FISH RESTAURANT FOR COMPENSATION OF LOST EARNINGS DUE TO THE PIER CLOSURE FOR THE 4TH OF JULY FIREWORKS SHOW. (1040-10)**

CANDY UNGER reported that she has raised \$13,233.00, not including t-shirt sales. She said that of the 60 collection cans, there are 35 cans being actively circulated and each can brings in approximately \$100 per week. She noted that money can be raised if people walk the cans through the neighborhoods. She also reported that t-shirt sales have netted approximately \$1,000.00. There will be a fundraiser at SEA 180 on June 23<sup>rd</sup> from 5:00 p.m. to 9:00 p.m. where 15% of the sales will go towards fireworks.

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2014-7490 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TIN FISH RESTAURANT FOR COMPENSATION OF LOST EARNINGS DUE TO THE PIER CLOSURE FOR THE 4TH OF JULY FIREWORKS SHOW. MOTION CARRIED UNANIMOUSLY.**

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**2.6 ADOPTION OF RESOLUTION NO. 2014-7489 RATIFYING THE CITY MANAGER'S SIGNATURE ON AN AGREEMENT WITH PYRO SPECTACULARS, INC. FOR PRODUCTION OF THE 4TH OF JULY FIREWORKS SHOW. (1040-10)**

**MOTION BY PATTON, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2014-7489 RATIFYING THE CITY MANAGER'S SIGNATURE ON AN AGREEMENT WITH PYRO SPECTACULARS, INC. FOR PRODUCTION OF THE 4TH OF JULY FIREWORKS SHOW. MOTION CARRIED UNANIMOUSLY.**

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 8:27 p.m.

\_\_\_\_\_/s/\_\_\_\_\_  
James C. Janney, Mayor

\_\_\_\_\_/s/\_\_\_\_\_  
Jacqueline M. Hald, MMC  
City Clerk