

**MINUTES**

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

**JUNE 20, 2012**

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

***CLOSED SESSION MEETING – 5:30 P.M.  
REGULAR MEETING – 6:00 P.M.***

**CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:34 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present: Bragg, King, Bilbray (arrived at 5:40 p.m.)  
Councilmembers absent: None  
Mayor present: Janney  
Mayor Pro Tem present: Spriggs  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**CLOSED SESSION**

**MOTION BY SPRIGGS, SECOND BY BRAGG, 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)

**MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY adjourned the meeting to Closed Session at 5:35 p.m. and he reconvened the meeting to Open Session at 6:07 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Closed Session Item Nos. 1 and 2, direction was given and no reportable action was taken.

**REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:08 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present: Bragg, King, Bilbray  
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**

None.

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

COUNCILMEMBER BILBRAY recognized Habitat for Humanity and volunteers for their involvement in improving the community.

COUNCILMEMBER KING reported on his attendance at the ACLU's Lawmaker's Forum and the Regional Water Quality Control Board Meeting.

MAYOR JANNEY reported that the County of San Diego is offering grant money through the Live Well San Diego program and forwarded the information to staff.

**COMMUNICATIONS FROM CITY STAFF**

CITY MANAGER BROWN announced the Port of San Diego will hold a meeting regarding Pond 20 at the Dempsey Holder Safety Center on June 25, 2012.

PUBLIC WORKS DIRECTOR LEVIEN introduced Carmen Kasner with Atkins North America, Inc., the City's new City Engineer.

**PUBLIC COMMENT**

APOSTLE VICTOR AMATO, Apostle and Minister, introduced himself and announced that he is considering a move to Imperial Beach.

**PRESENTATIONS (1.1)**

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

MAYOR JANNEY, along with MARCO TOPETE of EDCO, presented the Recycle All-Star Award Certificate, \$100 check and other premiums to the son of Frank Concepcion.

**CONSENT CALENDAR (2.1-2.5)**

**MOTION BY KING, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES.**

Approved the minutes of the Regular Meetings of March 21, 2012 and May 2, 2012.

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

Ratified the following registers: Accounts Payable Numbers 80617 through 80681 with a subtotal amount of \$1,405,421.61 and Payroll Checks 44672 through 44695 for a subtotal amount of \$147,539.49 for a total amount of \$1,552,961.10.

**2.3 RESOLUTION NO. 2012-7207 AUTHORIZING RENEWAL OF THE PARTNERSHIPS WITH INDUSTRY GROUP SERVICES AGREEMENT. (0920-20)**

Adopted resolution.

**2.4 RESOLUTION NO. 2012-7220 AND 2012-7221 AFFIRMING AGREEMENT FOR LANDSCAPE MAINTENANCE WITHIN HIGHWAY RIGHT OF WAY ON STATE ROUTE 75 WITHIN THE CITY OF IMPERIAL BEACH. (0150-30 & 0740-10)**

Adopted resolutions.

**2.5 RESOLUTION NO. 2012-7210 AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT FOR FIRE EQUIPMENT. (0250-05 & 0390-88)**

Adopted resolution.

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

None.

**ORDINANCES – SECOND READING & ADOPTION (4)**

None.

**PUBLIC HEARINGS (5.1)**

**5.1 SPITZER (OWNER/APPLICANT); VARIANCE (VAR 120013) TO CONSTRUCT A PORTION OF A DETACHED TWO-CAR GARAGE WITHIN THE FRONT YARD SETBACK AT 387 BONITO AVENUE (APN 625-110-21-00) IN THE R-1-6000 (SINGLE-FAMILY RESIDENTIAL) ZONE. MF 1092. (0600-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a Power Point presentation on the item.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7206 APPROVING VARIANCE (VAR 120013) WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.**

**REPORTS (6.1-6.8)**

**6.1 RESOLUTION NO. 2012-7213 AMENDING THE FISCAL YEAR 2012-2013 BUDGET AND RE-ESTABLISHING THE GANN LIMIT. (0330-30)**

A revised Exhibit A to Resolution No. 2012-7213 was submitted as last minute agenda information.

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE gave a Power Point presentation on the item.

With concern about the City's future, City Council requested staff return to City Council with information on transient occupancy tax, to develop ways to keep Sheriff's contract costs down; and to hold an Economic Development discussion at the next City Council Workshop meeting scheduled for July 11, 2012.

**MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7213 AMENDING THE FISCAL YEAR 2012-2013 BUDGET AND RE-ESTABLISHING THE GANN LIMIT. MOTION CARRIED UNANIMOUSLY.**

**6.2 ASSESSMENT DISTRICT FORMATION. (0465-05)**

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON reported on the item.

MAYOR JANNEY recommended that staff return to City Council at a workshop in September with more information on assessment districts for public safety, public improvements, parks, and any other possibilities.

**6.3 RESOLUTION NOS. 2012-7215 AND 2012-7222 AUTHORIZING THE FILING OF APPLICATIONS FOR FISCAL YEAR 2011-2012 ACTIVE TRANSPORTATION GRANT PROGRAM FUNDS THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS. (0140-40 & 0680-20)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the Eco Bikeway 7<sup>th</sup> & Seacoast Project; he noted that the proposed traffic circle at 3<sup>rd</sup> Street is a future element and staff will seek funds at that time.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the Bikeway Village Bayshore Bikeway Access Project.

COUNCILMEMBER BRAGG stated that she was not in support of the Eco Bikeway 7<sup>th</sup> & Seacoast Project.

COUNCILMEMBER KING spoke in support for connecting the bike routes to the beach. He spoke in support for the proposed traffic circle to eliminate traffic backing up into residential areas.

MAYOR PRO TEM SPRIGGS expressed concern about peak vehicular traffic flow combined with bicycle traffic especially during the summer months. He suggested that there be an examination of traffic movement west of 4<sup>th</sup> Street.

**MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7215 AUTHORIZING THE FILING OF AN APPLICATION FOR ACTIVE TRANSPORTATION GRANT PROGRAM FUNDS THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR THE BIKEWAY VILLAGE BAYSHORE BIKEWAY ACCESS IMPROVEMENTS, AND ACCEPTING THE TERMS OF THE GRANT AGREEMENT. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7222 AUTHORIZING THE FILING OF AN APPLICATION FOR ACTIVE TRANSPORTATION GRANT PROGRAM FUNDS THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR THE ECO BIKEWAY 7<sup>TH</sup> & SEACOAST PROJECT, AND ACCEPTING THE TERMS OF THE GRANT AGREEMENT. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: BILBRAY, KING, JANNEY**  
**NOES: COUNCILMEMBERS: BRAGG**  
**ABSTENTIONS: COUNCILMEMBERS: SPRIGGS**

**6.4 RESOLUTION NO. 2012-7214 AWARDED CONTRACT FOR CAPITAL IMPROVEMENT PROJECT RTIP FY 10-11 (STREET IMPROVEMENTS) S11-101 CONSTRUCTION. (0680-80 & 0720-10)**

The following were submitted as last minute agenda information:

- a. Revised Page 1 of Resolution No. 2012-7214
- b. Protest letter from Southland Paving, Inc.
- c. Response to Bid Protest from law firm representing Koch-Armstrong General Engineering
- d. City's Response Letter to Southland Paving, Inc.

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON reported that the protest letter submitted by the second lowest bidder was determined not to be valid. Staff is still recommending Koch Armstrong, the lowest responsive and responsible bidder.

**MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7214 AWARDED CONTRACT FOR CAPITAL IMPROVEMENT PROJECT RTIP FY 10-11 (STREET IMPROVEMENTS) S11-101 CONSTRUCTION AS REVISED. MOTION CARRIED UNANIMOUSLY.**

**6.5 RESOLUTIONS 2012-7208 & 2012-7209, AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS FOR SCHOOL RESOURCE OFFICER SERVICES WITH THE SWEETWATER UNION HIGH SCHOOL DISTRICT AND SOUTH BAY UNION SCHOOL DISTRICT, RESPECTIVELY. (0260-10 & 1010-20)**

A revised staff report and Attachment 4 were submitted as last minute agenda information.

CITY MANAGER BROWN introduced the item.

**MOTION BY BILBRAY, SECOND BY KING, TO ADOPT:**

- **RESOLUTION NO. 2012-7208 AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND THE SWEETWATER UNION HIGH SCHOOL DISTRICT FOR THE PURPOSE OF PROVIDING THE SERVICES OF A SHERIFF'S DEPUTY IN THE ROLE OF THE SCHOOL RESOURCE OFFICER AT MAR VISTA HIGH SCHOOL; AND**
- **RESOLUTION NO. 2012-7209 AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND THE SOUTH BAY UNION SCHOOL DISTRICT FOR THE PURPOSE OF PROVIDING THE SERVICES OF A SHERIFF'S DEPUTY IN THE ROLE OF THE SCHOOL RESOURCE OFFICER AT MAR VISTA HIGH SCHOOL.**

**MOTION CARRIED UNANIMOUSLY.**

- 6.6 RESOLUTION NO. 2012-7212 AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT AN APPLICATION FOR THE 2012 ASSISTANCE TO FIREFIGHTERS GRANT FOR THE PURPOSE OF ACQUIRING A NEW FIRE ENGINE. (0250-05 & 0390-88)**

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR CLARK reported on the item.

**MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7212 AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT AN APPLICATION FOR THE 2012 ASSISTANCE TO FIREFIGHTERS GRANT FOR THE PURPOSE OF ACQUIRING A NEW FIRE ENGINE. MOTION CARRIED UNANIMOUSLY.**

- 6.7 RESOLUTION 2012-7211 AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL SHELTER AND ANIMAL CONTROL SERVICES THROUGH FISCAL YEAR 2012/2013. (0200-10)**

CITY MANAGER BROWN introduced and reported on the item.

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7211 AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL SHELTER AND ANIMAL CONTROL SERVICES THROUGH FISCAL YEAR 2012/2013. MOTION CARRIED UNANIMOUSLY.**

- 6.8 NOVEMBER 6, 2012 GENERAL MUNICIPAL ELECTION RESOLUTIONS. (0430-40)**

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD reported on the item and announced a revised Resolution No. 2012-7218 was submitted as last minute agenda information. The candidate's statement cost was changed from \$420 to \$520.

