

MINUTES

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

JULY 18, 2012

**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 5:15 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:	Assistant City Manager Wade; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

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

- 1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (9 CASES)**
Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)
- 2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (9 CASES)**
Initiation of litigation pursuant to Govt. Code Section 54956.9(c)

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:16 p.m. and he reconvened the meeting to Open Session at 6:02 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 JANNEY called the Regular Meeting to order at 6:03 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:	Assistant City Manager Wade; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY announced that Item No. 5.1 may get continued, Item No. 5.2 is being pulled from the agenda, and Item No. 6.3 is time specific for 8:00 p.m.

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

COUNCILMEMBER KING spoke about his attendance at the Employee Appreciation Luncheon hosted by the Kiwanis Club and his attendance at an information session on the expansion of classroom facilities held at Navy Base Coronado. The site that affects Imperial Beach is the Radio Tower.

COUNCILMEMBER BRAGG reported on her attendance at the MTS meeting. Starting in September, the Blue Line will have expanded service in the mornings. She will ask MTS to allocate more funds towards graffiti removal.

MAYOR JANNEY announced that due to short notice for the public scoping process for the EIS for the NBC Coastal Campus, the City of Imperial Beach submitted a letter to the Navy requesting an extension of 30 days.

COMMUNICATIONS FROM CITY STAFF

ASSISTANT CITY MANAGER WADE announced that City Staff presented the City's active transportation planning grants to the SANDAG Bicycle Pedestrian Committee.

PUBLIC COMMENT

ED KRAVITZ announced that he will either reactivate SavelB.com or put it up for sale. He expressed concern about the local newspapers not publishing the City Council meeting agendas prior to City Council meetings. He requested access to the videos for City Council meetings so that he could stream them over the Internet. He spoke in support for the elimination of redevelopment.

JACKI FARRINGTON, resident of the City of San Diego on 13th Street, complained about semi-trucks parking in the neighborhood and starting their motors and idling their engines in the early morning hours.

EDWARD CALIRI, Supervisory Border Patrol Agent, spoke about the ongoing U.S. Border Patrol enforcement activities in the Imperial Beach area. He encouraged the community to report suspicious activity.

LEE BERKOWITZ spoke about his observations of Imperial Beach.

PRESENTATIONS (1.1-1.2)

1.1 RECOGNITION OF SAN DIEGO COUNTY SHERIFF'S DEPUTY JAKE BOOHER AND DEPUTY JORGE MALENO FOR EXCELLENCE IN COMMUNITY INVOLVEMENT. (0410-30)

MAYOR JANNEY, along with SHERIFF'S LIEUTENANT MARCO GARMO, recognized Sheriff's Deputy Jake Booher and Deputy Jorge Maleno for their involvement in the Imperial Beach community.

LIEUTENANT GARMO introduced Sheriff's Captain Pete Callewaert.

1.2 PRESENTATION ON "KEYS TO HOUSING – ENDING FAMILY HOMELESSNESS" BY DELORES DIAZ OF REGIONAL CONTINUUM OF CARE/SD GRANTMAKERS HOMELESSNESS WORKING GROUP. (0660-90)

DELORES DIAZ gave a Power Point presentation on the item. She announced that there are tools available to help communities develop strategies to combat family homelessness in the San Diego region. She asked City Council to consider a resolution endorsing the initiative.

MAYOR JANNEY announced that he would allow Public Comments at this time.

SANDRA ANGELI, representing the Imperial Beach Girls Softball League, asked for donations to help the team travel to the National Tournament in Fort Collins, Colorado.

CONSENT CALENDAR (2.1-2.6)

LIBI UREMOVIC made an accusation that checks were being forged.

MOTION BY BILBRAY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.6. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular and Special Meeting of May 16, 2012, the Regular Meeting of June 6, 2012, the Special Closed Session Meeting of July 11, 2012 and the Special Meeting of July 11, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 80682 through 80841 with a subtotal amount of \$2,336,247.07 and Payroll Checks 44696 through 44748 for a subtotal amount of \$386,551.95 for a total amount of \$2,722,799.02.

2.3 RESOLUTION NO. 2012-7223 AUTHORIZING THE PURCHASE OF AN HP STORAGE AREA NETWORK (SAN) FROM HP TO UPGRADE THE CITY'S INFRASTRUCTURE. (1110-30)

Adopted resolution.

2.4 RESOLUTION NO. 2012-7205 AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE LEASE BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH FOR THE OCEAN BOULEVARD RIGHT-OF-WAY (A PAPER STREET). (0150-70)

Adopted resolution.

2.5 RESOLUTION NO. 2012-7230 APPROVING A TWENTY-FOUR (24) MONTH EXTENSION TO THE STATE ROUTE 75 LANDSCAPE MAINTENANCE PROGRAM AGREEMENT WITH AZTEC LANDSCAPE, INC. OF 1 JANUARY 2010. (0940-10)

Adopted resolution.

2.6 RESOLUTION NO. 2012-7235 APPOINTING MICHAEL MCGRANE AS INTERIM FINANCE DIRECTOR AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERIM FINANCE DIRECTOR EMPLOYMENT AGREEMENT. (0530-60)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1-5.4)

5.1 RESOLUTION NO. 2012-7229 OPPOSING AN INCREASED STATE ROUTE 75 SPEED LIMIT FROM 40 MILES PER HOUR TO 45 MILES PER HOUR EAST OF DELAWARE STREET TO THE WESTERN CITY LIMITS IN BOTH DIRECTIONS. (0740-10 & 0750-60)

MAYOR JANNEY declared the public hearing open.

No public speaker slips were submitted.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO CONTINUE THE PUBLIC HEARING TO AUGUST 15, 2012 AT 6:00 P.M. MOTION CARRIED UNANIMOUSLY.

5.2 RESOLUTION NO. 2012-7224 FOR THE ABATEMENT OF SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S) AT 550 HIGHWAY 75. (0470-20)

MAYOR JANNEY announced that Item No. 5.2 was pulled from the agenda.

5.3 ROMANTIX, PALM AVENUE BOOKS (APPLICANT); ADMINISTRATIVE SIGN PERMIT (ASP 120009) TO CONSTRUCT ONE NEW CABINET SIGN, REFACE ONE EXISTING CABINET SIGN, PROVIDE ONE NEW AWNING SIGN, AND PROVIDE WINDOW SIGNAGE FOR THE ROMANTIX BUSINESS IN A COMMERCIAL BUILDING LOCATED AT 1177 PALM AVENUE (APN 626-302-02-00) IN THE C-1 (GENERAL COMMERCIAL) ZONE. MF 1088. (0600-20)

MAYOR JANNEY declared the public hearing open.

ASSISTANT CITY MANAGER WADE introduced the item.

ASSOCIATE PLANNER FOLTZ gave a Power Point presentation on the item and recommended the following revision to condition #1:

The installation of the new signs and window screens shall be in accordance with the plans on file in the Community Development Department for MF 1088 (ASP 120009), dated April 24, 2012, or as later amended, and the conditions contained herein. Screening on the exterior doors shall match the window screening, shall read "Romantix" to match the wall signs, and shall not exceed 35% of the window area of the door. No other signage is allowed or approved.

ROBERT DEPIANO, attorney representing Romantix, stated that the sign will be applied on the outside of the window with a protective coating. He will discuss with the owner the potential for etching.

JIM KING spoke about a clear film that helps prevent graffiti.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT AMENDED RESOLUTION NO. 2012-7227, APPROVING ADMINISTRATIVE SIGN PERMIT (ASP 120009) WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

5.4 RESOLUTION NO. 2012-7226 AMENDING USER AND RENTAL FEES FOR THE IMPERIAL BEACH SPORTS PARK RECREATION CENTER. (0920-40 & 0390-60)

MAYOR JANNEY declared the public hearing open.

ASSISTANT CITY MANAGER WADE reported that on June 6, 2012, City Council approved the Sports Park User Fees. It was later discovered that the fee chart that was approved was incorrect. The resolution before City Council is to approve the accurate Sports Park User Fees.

LIBI UREMOVIC spoke in opposition to the proposed fees.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7226 AMENDING USER AND RENTAL FEES FOR THE IMPERIAL BEACH SPORTS PARK RECREATION CENTER. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1-6.3)

6.1 QUARTERLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL. (0660-43)

ALLISON ROLFE, Project Manager for Pacifica Companies, gave a Power Point presentation on the item. She announced that the new hotel will be part of Marriott's Autograph Collection which consists of upscale and luxury independent hotels that are iconic properties located in dynamic gateway cities and preferred destinations worldwide. Each hotel is unique and with its own distinct perspective. The opening has been delayed to early 2013.

6.2 BIENNIAL SEWER SYSTEM MANAGEMENT PLAN (SSMP). (0830-95)

ASSISTANT CITY MANAGER WADE introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a Power Point presentation on the item. He noted that SSMP is effective at preventing sanitary sewer overflows, the Sewer CIP projects are leading to increased reliability and will eventually require less maintenance to operate and only minor updates were made to the SSMP document.

LEE BERKOWITZ had questions about a project underway at Evergreen Ave. and Seacoast Dr.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7228 APPROVING THE 2012 SEWER SYSTEM MANAGEMENT PLAN BIENNIAL AUDIT. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called a recess at 7:29 p.m. and reconvened the meeting to Open Session at 8:00 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:	Assistant City Manager Wade; City Attorney Lyon; City Clerk Hald

ITEM NO. 6.3 – TIME SPECIFIC FOR 8:00 P.M.

**6.3 SUBMISSION OF INITIATIVE REGARDING MEDICAL MARIJUANA DISPENSARIES.
(0430-20 & 0610-95)**

The following were submitted as Last Minute Agenda Information:

1. The following information was provided by Marcus Boyd:
 - a. Rubio-Sheffrey, Esther. "An Analysis of Crime and Marijuana in and Near Imperial Beach." Imperial Beach Patch. 13 Jun. 2011. 12 Jul. 2012. <<http://imperialbeach.patch.com/articles/an-examination-of-crime-and-marijuana-in-and-near-imperial-beach>>.;
 - b. Rand Office of Media Relations. "Crime Rises When Medical Marijuana Dispensaries Close." 21 Sept. 2011. Rand Corporation. 5 Oct. 2011. <<http://www.rand.org/news/press/2011/09/21.html>>.;
 - c. San Diego County Grand Jury 2009/2010. "Medical Marijuana in San Diego." 7 Jun. 2010. San Diego County Grand Jury. 12 July 2012. <<http://www.sdcountry.ca.gov/grandjury/reports/2009-2010>>.
2. Correspondence received regarding the item.
3. Phone and Voice Mail messages received regarding the item.

ASSISTANT CITY MANAGER WADE introduced the item.

CITY ATTORNEY LYON reported on the item.

MAYOR JANNEY stated that collectives of three persons or less are allowed in Imperial Beach and that there is not a ban. He stated that there are some terms and conditions that are wrong in the proposed initiative, however, signatures were collected and he supported placing the initiative on the ballot to allow the people of Imperial Beach to vote on the issue.

MOTION BY JANNEY, SECOND BY BILBRAY, TO PLACE THE INITIATIVE ON THE NOVEMBER 2012 BALLOT BY (RECOMMENDATION NO. 2):

- A. **ADOPTING RESOLUTION 2012-7231 (ATTACHMENT 4) ADDING THE PROPOSED ORDINANCE RELATING TO THE REGULATION OF MEDICAL MARIJUANA USE DISPENSARIES TO THE NOVEMBER 6, 2012 ELECTION; AND**
- B. **ADOPTING RESOLUTION 2012-7232 (ATTACHMENT 5), SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND**
- C. **ADOPTING RESOLUTION 2012-7233 (ATTACHMENT 6), PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS.**

City Council discussion ensued.

MAYOR PRO TEM SPRIGGS spoke in support for Staff Recommendation No. 4 – Consideration of a competing ballot measure. He suggested that staff return with a competing ballot measure that would include provisions that the proposed initiative is missing.

MAYOR JANNEY stated that he is not in support for a competing ballot measure as City Council previously approved an ordinance allowing for collectives of three or less persons which is appropriate for the size of Imperial Beach.

COUNCILMEMBER KING supported Mayor Janney's comments and for placing the initiative on the ballot.

COUNCILMEMBER BRAGG stated that she was opposed to the initiative because it allows for dispensaries without size restrictions in Mixed-Use areas, prohibits City officials from denying a business license to any applicant unless the proposed dispensary is within 300 feet of another one and it maintains minimum interior lighting standards. She supported placing the initiative on the ballot.

The following public speakers supported Recommendation No. 2 – Placing the initiative on the ballot:

- Joseph Sego
- Jay Reter
- Shelby Donnan
- Curtis Williams
- Rachel Scoma
- Ben Cisneros (did not wish to speak)
- Heidi Withman
- Nicolas D'amico-Barbour
- Samantha Spear
- Jonathan Cohen
- Brant Will
- Alex Fidel
- Lauren Parish
- Will Johnson
- Jersey
- Rosa Alvarez
- Larry Sweet
- Scott Sharpless
- Michael Gerzen
- Holly Heller
- Vey Linville (Additional speaking time donated by Kile French)
- Libi Uremovic
- Vincent Rappa
- Alex Guerrero (not available to speak)
- John Keltner
- Tracey Rivera
- Michael Dennison
- Marcus Boyd (Additional speaking time donated by Bruce Heitman)
- Don Duncan withdrew his request to speak. He indicated support for the item (Additional speaking time donated by Richard Hertz).
- Eugene Davidovich (additional speaking time donated by Luna and Nemo Lewis)

The following public speakers supported Recommendation No. 3 - City Council to request a report:

Lorenzo Higley provided information to City Council from Communities Against Substance Abuse (Additional speaking time donated by Dana Stevens)

Carol Green

Enrique De La Cruz

Evelyn Hogan

COUNCILMEMBER BILBRAY stated that he would have preferred an initiative that confined dispensaries to one area. He supported placing the initiative on the ballot to let the people of Imperial Beach vote on it.

MAYOR PRO TEM SPRIGGS stated that it is commendable that people were able to obtain so many signatures in Imperial Beach and therefore it should go on the ballot. However, he expressed concern about the ability to locate dispensaries in any and all areas without regard to the land use around them. He supported an alternative measure that allows dispensaries with reasonable distances between parks and other uses that are important to families and children.

CITY ATTORNEY LYON stated that staff is short on time to prepare a competing ballot measure. The deadline for submittal to the Registrar of Voters is August 10. Staff can return to City Council with a competing ballot measure on August 1 or at a special meeting. She explained the motion on the floor (Recommendation No. 2).

VOTES WERE NOW CAST ON ORIGINAL MOTION BY JANNEY, SECOND BY BILBRAY, TO TO PLACE THE INITIATIVE ON THE NOVEMBER 2012 BALLOT (RECOMMENDATION NO. 2) BY:

- A. ADOPTING RESOLUTION 2012-7231 (ATTACHMENT 4) ADDING THE PROPOSED ORDINANCE RELATING TO THE REGULATION OF MEDICAL MARIJUANA USE DISPENSARIES TO THE NOVEMBER 6, 2012 ELECTION; AND**
- B. ADOPTING RESOLUTION 2012-7232 (ATTACHMENT 5), SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND**
- C. ADOPTING RESOLUTION 2012-7233 (ATTACHMENT 6), PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS.**

MOTION CARRIED BY THE FOLLOWING VOTES:

AYES: COUNCILMEMBERS: BILBRAY, KING, BRAGG, JANNEY

NOES: COUNCILMEMBERS: SPRIGGS

ABSENT: COUNCILMEMBERS: NONE

MAYOR PRO TEM SPRIGGS explained that he voted no because the measure is flawed. There should be an alternative measure sent to the voters at the same time as sending this measure to the voters. He requested a discussion of an alternate measure.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO CONSIDER A COMPETING BALLOT MEASURE AND TO PROVIDE DIRECTION TO STAFF REGARDING WHAT COUNCIL WOULD LIKE IN THE MEASURE (RECOMMENDATION NO. 4).

City Council discussion.

