

MINUTES

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

OCTOBER 17, 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 5:16 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 |

CLOSED SESSION

MOTION BY BILBRAY, SECOND BY KING, 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)

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:17 p.m. and he reconvened the meeting to Open Session at 6:05 p.m.

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

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:06 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 reported on his attendance at the Chamber of Commerce Board Meeting and announced the Chamber of Commerce 2012 Street Map and Merchant Guide is now available.

COUNCILMEMBER KING reported on his attendance at the Tijuana Innovadora 2012 Conference and at the Habitat for Humanity project on Florida Street where volunteers are building four new homes.

MAYOR JANNEY also reported on his attendance at the Tijuana Innovadora Conference.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

THEODORE MACK, owner of Thunderbird Hang Gliding, expressed disappointment that due to the activities of another business, the City banned paragliding, hang gliding and ultra-lighting in Imperial Beach. He suggested that the U.S. Hang Gliding Association address the City Council about a permit process allowing the activities in a safe manner and without violating laws.

MICHAEL GANEY was opposed to the argument against Proposition S. He was offended by the reference "carpetbagger" and spoke in support for Proposition S (additional time donated by ERIKA LOWERY).

EUGENE DAVIDOVICH, with the Yes on S Campaign, spoke in support for Proposition S.

LORENZO HIGLEY spoke in opposition to Proposition S.

CAROL GREEN spoke in opposition to Proposition S.

ATHENA MALCOLM spoke in opposition to Proposition S.

PATRICIA MCCOY spoke in opposition to Proposition S.

TOM HETHERINGTON spoke in opposition to Proposition S.

MARY ANNE SCHOULTZ indicated opposition to Proposition S (did not wish to speak).

TED WINTER indicated opposition to Proposition S (did not wish to speak).

DIANE ROSE spoke in opposition to Proposition S (additional speaking time donated by Mayda Winter and Dee McLean).

KATHY LIPPITT spoke in opposition to Proposition S.

MAYOR JANNEY stated that he is opposed to Proposition S. He stressed that there isn't a ban. After the City conducted a study and held several meetings, the City decided to allow collectives of three persons or less which is appropriate for the size of Imperial Beach.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.6)

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

2.1 MINUTES.

Approved the minutes of the Special and Regular City Council Meetings of October 3, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 81268 through 81339 with a subtotal amount of \$226,777.86 and Payroll Checks/Direct Deposit 44887 through 44905 for a subtotal amount of \$143,338.82 for a total amount of \$370,116.68.

2.3 RESOLUTION NO. 2012-7259 SUPPORTING THE PROPOSED EXPANSION OF THE SOUTHERN CALIFORNIA BORDER REGION RECYCLING MARKET DEVELOPMENT ZONE. (0270-30)

Adopted resolution.

2.4 RESOLUTION NO. 2012-7258 SUPPORTING PARTICIPATION IN THE SOUTH BAY ENERGY ACTION COLLABORATIVE. (0230-20)

Adopted resolution.

2.5 RESOLUTION NO. 2012-7260 RECOGNIZING THE IMPORTANCE OF SAN DIEGO COUNTY'S MILITARY SECTOR TO THE WELL-BEING OF SAN DIEGO'S REGIONAL ECONOMY AND ENDORSING LOCAL EFFORTS TO RAISE AWARENESS ABOUT THE NEGATIVE IMPACT OF AUTOMATIC REDUCTIONS IN THE DEPARTMENT OF DEFENSE'S BUDGET. (0620-80)

Adopted resolution.

2.6 RESOLUTION NO. 2012-7261 AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE SOUTHERN CALIFORNIA INTERGOVERNMENTAL TRAINING AND DEVELOPMENT CENTER (0560-20)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2012-7256 REQUESTING ALLOCATION OF THE FISCAL YEAR 2013-14 AND AN ADVANCE OF FISCAL YEARS 2014-15 AND 2015-16 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE AGREEMENT WITH THE COUNTY OF SAN DIEGO. (0650-33)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item. Staff's recommendation is to allocate FY 2013-14 CDBG allocations and an advance of FY 2014-15 and FY 2015-16 CDBG funding to contribute to the purchase of a new fire engine. He noted that in the event that the CDGB Program is terminated, the City would reimburse the County CDBG Housing Development Fund for any affected funds.

JACK FISHER suggested that the City hold off on purchasing a new fire engine if there is no risk to the public.

FIRE CHIEF CLARK stated that the reserve apparatus is 20 years old, the current apparatus is 10 years old and the life expectancy is typically 15 years. He reported that both apparatuses have needed costly repairs and requested support for the purchase of a new apparatus.

CITY MANAGER BROWN explained that it can take up to a year to order and receive a new fire truck which will add another year of wear and tear to the existing stock.

COUNCILMEMBER KING expressed concern about public safety and supported the purchase of a fire engine.

COUNCILMEMBER BILBRAY also expressed concern about public safety and supported the purchase of a fire engine with CDBG funds before the funds are cut.

MAYOR JANNEY expressed concern about the federal government cutting the CDBG Program.

MAYOR PRO TEM SPRIGGS spoke in support for purchasing a new fire engine. He stressed that public safety is our number one concern, that the new fire engine is an asset that will last for many years, that we are fortunate to have CDBG funds but if the vehicle reserve funds are utilized, it would be a prudent way to spend the funds.

MAYOR JANNEY closed the public hearing.

MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7256 APPROVING THE SUBMITTAL OF A CDBG APPLICATION FOR THE PURCHASE OF A NEW FIRE ENGINE, RECEIVING AN ADVANCE OF TWO FISCAL YEAR'S CDBG ALLOCATIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR THE USE OF CDBG FUNDS FOR THIS PURPOSE. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1-6.3)

6.1 REPORT ON DRAINAGE AT THE 9TH AND PALM PROPERTY; SOUTHWEST CORNER. (0640-20)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN explained why there was flooding during a rain storm last spring. He reported that with the site soil serving to absorb storm water and with proper maintenance of the site's BMPs, flooding in the alley is less likely to happen. He gave a PowerPoint presentation showing the site's BMPs.

ASSISTANT CITY MANAGER WADE spoke about the significant upgrades to the storm drain system that is proposed by Sudberry Properties.

COUNCILMEMBER KING suggested a trap and pump be installed at the outlet so water can go out and seawater can't come in.

COUNCILMEMBER BILBRAY suggested that staff look into the matter.

MAYOR JANNEY stated that when there is a large rain event with a high tide there will be flooding in the City of Imperial Beach.

6.2 RESOLUTION NO. 2012-7257 REJECTING ALL BIDS RE: CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 10/11 ANNUAL MAIN LINE REPAIRS – (W11-201). (0830-10)

CITY MANAGER BROWN reported on the item.

MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7257 REJECTING ALL BIDS RE: CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 10/11 ANNUAL MAIN LINE REPAIRS – (W11-201). MOTION CARRIED UNANIMOUSLY.

6.3 DISCUSSION OF THE SAN DIEGO UNIFIED PORT DISTRICT'S APPROVED FISCAL YEAR (FY) 2014-2018 CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS AND CONSIDERATION OF A PROPOSED REVISED PROJECT APPLICATION FOR THE DATE AVENUE STREET END STREETScape IMPROVEMENTS. (0150-70)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item. He recommended that City Council support the submittal of a revised FY 2014-2018 CIP application requesting the reallocation of \$100,000 approved for the Tot Lot to be used instead for the Date Avenue Street End Improvements and up to \$50,000 from the remaining street end improvements to the Date Avenue Streetscape Improvements.

ALLISON ROLFE asked City Council to reallocate the amount of \$225,000 rather than staff's recommendation of \$150,000. She noted that currently there are cost overruns of \$111,000 beyond what the Redevelopment Agency put up and cost overruns are expected to increase due to other construction challenges.

