

MINUTES

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

NOVEMBER 20, 2013

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the City Council meeting to order at 6:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor Present:	Janney
Mayor Pro Tem Present:	Bragg
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald, Assistant City Manager Wade, City Planner Nakagawa, Building Official Holden, Public Works Director Levien, Interim Administrative Services Director Wellcome

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 thanked staff for setting up the lighting demonstration on Seacoast Drive.

MAYOR PRO TEM BRAGG announced that she was reappointed as Chair to the Accessible Services Advisory Committee for MTS.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

BOB MILLER thanked City Council and staff for the Seacoast Drive lighting demonstration and he said that he looked forward to having a discussion on the matter at a future City Council meeting.

CHUCK QUISENBERRY suggested that City Council agendas be placed on the sigalert sign to inform the public of upcoming City Council meetings.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.6)

ASSISTANT CITY MANAGER WADE announced for the record a clerical correction to Item No. 2.4, Article VII – Leave of Absence, Section 4(b)(3): the removal of one of the words “one.”

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

2.1 MINUTES.

Approved the Regular City Council Meeting Minutes of October 16, 2013.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 83458 through 83524 for a subtotal amount of \$347,583.23 and Payroll Checks/Direct Deposit 45585 through 45606 for a subtotal of \$130,938.96 for a total amount of \$478,522.19. Additionally, approved previous payroll checks 45250 through 45274 for \$126,968.93 and 45303-45328 for \$164,627.28.

2.3 ADOPTION OF RESOLUTION NO. 2013-7421 APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR CODE COMPLIANCE HEARING OFFICER. (0470-07)

Adopted resolution.

2.4 ADOPT RESOLUTION NO. 2013-7423 AMENDING ARTICLES VI – SALARY ADJUSTMENT, VII – HOLIDAY WITH PAY (SECTION 3), VII VACATION LEAVE (SECTION 4), IX – DISCIPLINARY PROCEDURES, AND X – GRIEVANCE PROCEDURE OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES. (0500-95)

Adopted resolution.

2.5 RESOLUTION NO. 2013-7427 APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY FOR A FY14 URBAN AREA SECURITY INITIATIVE (UASI) GRANT OF \$13,240 TO FUND A GIS INTERN POSITION FOR THE PURPOSE OF ASSISTING IN THE PREPARATION OF FIREFIGHTING PREPLAN MAPS. (0390-88 & 0510-05)

1. Received report;
2. Authorized the City Manager to accept the City of San Diego Office of Homeland Security FY14 Urban Area Security Initiative (UASI) grant funds when received;
3. Appropriated these grant funds to account no. 503-1923-419-1001; and
4. Authorized the City Manager to sign the Memorandum of Understanding between the City of Imperial Beach and the City of San Diego Office of Homeland Security regarding the FY 14 Urban Area Security Initiative (UASI) Grant Funding when received.

- 2.6 RESOLUTION NO. 2013-7428 TO AFFIRM CHANGE ORDER NO. 1 TO REPLACE THE RECREATION CENTER MANSARD ROOF CIP F14-001 AND APPROPRIATE AN ADDITIONAL \$27,417 FROM THE NEW STRATEGIC CAPITAL IMPROVEMENT GF RESERVE TO CIP PROJECT F14-001. (0330-35 & 0920-40)**
1. Received report;
 2. Affirmed the City Manager's approval on Change Order No. 1 to the "Replace the Recreation Center Mansard Roof" project CIP F14-001 for a total change order cost of \$27,417; and
 3. Appropriated an additional \$27,417 from the New Strategic Capital Improvement GF Reserve Account for the payment of Change Order No. 1 to the "Replace the Recreation Center Mansard Roof" CIP F14-001 contract, account no. 420-5000-532-XXXX.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1-3.2)

- 3.1 ORDINANCE NO. 2013-1140 AND ADOPTION OF RESOLUTION NO. 2013-7410: THE CITY OF IMPERIAL BEACH: GENERAL PLAN AMENDMENT (GPA)/ LOCAL COASTAL PROGRAM AMENDMENT (LCPA) / AND ZONING CODE AMENDMENT (ZCA) 100057/ TO IMPLEMENT COASTAL COMMISSION MODIFICATIONS TO THE IMPERIAL BEACH COMMERCIAL LCPA PROJECT. MF 935. (0610-95)**

CITY MANAGER HALL introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item and he announced a corrected Resolution No. 2013-7410 and corrected Ordinance No. 2013-1140 were submitted as Last Minute Agenda Information. Additionally, clerical corrections were made to the 6th "Whereas" section of the resolution.

MAYOR JANNEY declared the public hearing open.

COUNCILMEMBER SPRIGGS expressed concern about mandatory requirements under the Employer Support of Transit language. He noted that there is no exemption for small employers who would be negatively impacted by these types of requirements. He suggested that the recommendations be encouraged rather than required. He recommended that there be an exemption or limiting language for smaller businesses.

ASSISTANT CITY MANAGER WADE stated that there are many ways in which to implement transportation demand measures and noted that City Staff did not view the language as a burden on any business, whatever the size. The language provides for ideas and he stressed that they are not exclusive. He also noted that the recommendations are a State mandate as per Senate Bill 375 and Assembly Bill 32 to decrease greenhouse gases.

In response to comments made by staff, MAYOR JANNEY clarified that SANDAG does not get involved in local land use issues but instead makes recommendations.

ASSISTANT CITY MANAGER WADE further clarified that actively encouraging these types of recommendations does not mean an outright requirement. He cautioned that if City Council does not want to accept the modification, it would greatly extend the process for approval of all of the amendments before City Council. He stated that the General Plan is a guiding document

while the Zoning Code is the law. He further stated that the proposed language would not require any business to do anything unless it is in the code and again stressed that he did not believe it puts a burden on any business.

In response to Councilmember Spriggs' concern about the California Coastal Commission's (CCC) removal of language allowing for exceptions by a conditional use permit, ASSISTANT CITY MANAGER WADE stated that as staff reviewed the proposed changes made by the CCC, staff had to pick their battles. He stressed that the initial changes proposed by the CCC were a lot worse. He also stated that developers do not want discretionary action requiring them to get a CUP because it adds cost and time to any process. He spoke about the requirements for upper level step backs to preserve view corridors. He gave background on the difficult experience with the CCC staff with regard to the zoning for Bernardo Shores.

CHUCK QUISENBERRY spoke in opposition to the item.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION OF INTENT NO. 2013-7410 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING ATTACHMENT 3 OF RESOLUTION NO. 2012-7236 THAT APPROVED IMPERIAL BEACH COMMERCIAL GENERAL PLAN/ LOCAL COASTAL PROGRAM AMENDMENT (GPA/ LCPA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED MODIFICATIONS TO THE COMMERCIAL LCP AMENDMENT STIPULATED BY THE COASTAL COMMISSION IS CONSISTENT WITH THE COASTAL ACT. MF 935

COUNCILMEMBER SPRIGGS commented that the ordinance represents a hard fought community battle on height limits and density. He also stated that the height limit is lower than many in the community asked for and it preserves the community.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION OF INTENT NO. 2013-7410 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING ATTACHMENT 3 OF RESOLUTION NO. 2012-7236 THAT APPROVED IMPERIAL BEACH COMMERCIAL GENERAL PLAN/ LOCAL COASTAL PROGRAM AMENDMENT (GPA/ LCPA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED MODIFICATIONS TO THE COMMERCIAL LCP AMENDMENT STIPULATED BY THE COASTAL COMMISSION IS CONSISTENT WITH THE COASTAL ACT. MF 935. MOTION CARRIED UNANIMOUSLY.

CITY CLERK HALD read the title of Ordinance No. 2013-1140 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING ATTACHMENT 2 OF ORDINANCE NO. 2012-1130 THAT AMENDED TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING THE PROVISIONS FOR THE C-1, C-2, AND C-3 COMMERCIAL ZONES AND AMENDING THE ZONING MAP FOR PROPERTIES DESIGNATED C-1 (GENERAL COMMERCIAL) IN THE PALM AVENUE STUDY AREA, C-2 (SEACOAST COMMERCIAL) IN THE OLD PALM AVENUE AND SEACOAST DRIVE STUDY AREAS, AND C-3 (NEIGHBORHOOD COMMERCIAL) IN THE 13TH STREET CORRIDOR STUDY AREAS AND AREAS ZONED R-1500 (HIGH DENSITY RESIDENTIAL) THAT WERE SUBJECT TO THE MU-1 (MIXED USED-1) OVERLAY DESIGNATION IN THE PALM AVENUE STUDY AREA AND THE MU-2 (MIXED USE-2) OVERLAY DESIGNATION IN THE

SEACOAST DRIVE STUDY AREA TO SATISFY THE MODIFICATIONS STIPULATED BY THE COASTAL COMMISSION. MF 935.”

MOTION BY SPRIGGS, SECOND BY BRAGG, TO CONTINUE THE PUBLIC HEARING TO THE CITY COUNCIL MEETING OF DECEMBER 4, 2013 AND TO WAIVE FURTHER READING OF ORDINANCE NO. 2013-1140 IN FULL, AND SET THE MATTER FOR A SECOND READING AND ADOPTION ON DECEMBER 4, 2013. MOTION CARRIED UNANIMOUSLY.

3.2 ORDINANCE NO. 2013-1143, INTRODUCTION AND FIRST READING: ADOPTING CALIFORNIA CODE OF REGULATIONS TITLE 24 PARTS 1 THROUGH 12, 2013 EDITION WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS. (0710-95)

CITY MANAGER HALL introduced the item.

BUILDING OFFICIAL HOLDEN stated that the Building Code is 12 volumes of technical information that changes every three years. The changes presented are fairly minor and occurring statewide.

CITY CLERK HALD read the title of Ordinance No. 2013-1143 “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING CHAPTERS 8.50, 15.02, 15.04, 15.06, 15.08, 15.16, 15.20, 15.28 15.32 AND 15.38, ADDING CHAPTERS 15.14, 15.18, AND 15.34 AND REPEALING CHAPTERS 15.24 AND 15.40 OF THE IMPERIAL BEACH MUNICIPAL CODE.”

MOTION BY SPRIGGS, SECOND BY PATTON, TO INTRODUCE AND HOLD THE FIRST READING OF ORDINANCE NO. 2013-1143 BY TITLE ONLY, WAIVE FURTHER READING IN FULL, AND SET THE MATTER FOR SECOND READING BY TITLE ONLY AND ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING OF DECEMBER 4, 2013 AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING/ADOPTION

None.

PUBLIC HEARINGS

None.

REPORTS (6.1-6.4)

6.1 RESOLUTION NO. 2013-7422 ADOPTING AND APPROVING THE CITY SALARY & COMPENSATION PLAN FOR FY 2013-2015. (0520-95)

CITY MANAGER HALL introduced the item.

ASSISTANT CITY MANAGER WADE reported on the item.

MOTION BY PATTON, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2013-7422 ADOPTING AND APPROVING THE SALARY & COMPENSATION PLAN FOR FISCAL

YEARS (FY) 2013-2015.

COUNCILMEMBER SPRIGGS recognized staff and the unions for concluding the negotiations successfully.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY PATTON, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2013-7422 ADOPTING AND APPROVING THE SALARY & COMPENSATION PLAN FOR FISCAL YEARS (FY) 2013-2015. MOTION CARRIED UNANIMOUSLY.

6.2. 10TH STREET (BETWEEN S.R. 75 TO DONAX AVENUE) DESIGN OPTIONS. (0720-10)

CITY MANGER HALL introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

LARRY THORNBURGH, Senior Project Manager for Nasland Engineering, along with PAT O'CONNOR, of Parterre Landscape Architects, presented conceptual plans for the 700 block of 10th Street.

CHUCK QUISENBERRY spoke in opposition to the item. He suggested that the City not spend any more money until the 9th and Palm project is completed.

COUNCILMEMBER PATTON expressed concern about lighting and safety in the area, suggested selection of acceptable lighting without doing test lighting, and supported generous sized parking spaces. He also expressed concern about the weight of the equipment going in and out of the CalAm property.

PUBLIC WORKS DIRECTOR LEVIEN responded that CalAm does not have equipment larger than the City's Public Work's Dept. and he noted that he has not seen an impact on Cherry Ave. where CalAm is currently located.

MAYOR PRO TEM BRAGG stated that she did not support the location of CalAm on the corner of Palm Ave. and 10th Street. She spoke in support for Concept A.

COUNCILMEMBER SPRIGGS expressed concern about investing too much in a commercial area that is located away from residential foot traffic. He spoke in favor of the design and concept but questioned if the area is appropriate for the required amount of time, energy and investment.

PUBLIC WORKS DIRECTOR LEVIEN stated that the design compliments the Palm Ave. Master Plan. He stressed that if the City lets individual businesses do the improvements, it will lead to a mixture of designs. He suggested that the City Council set the standard for the area or else the same level of businesses will continue to exist on that street.

MAYOR JANNEY supported setting the standard for development in order to avoid a mixture of designs.

COUNCILMEMBER SPRIGGS expressed concern about the cost for construction drawings.

COUNCILMEMBER PATTON stated that the concept is a model for consistency of the streets and supported Concept A.

CITY MANAGER HALL spoke about the importance of putting forth information so the developers know what to do and they have some expectation on predictability and time. He also commented that having a development pattern avoids having to come back to City Council for review on every street.

ASSISTANT CITY MANAGER WADE stated that there is no obligation of the City to pay for improvements. The City can place requirements on the developers to incrementally build the improvements.

COUNCILMEMBER SPRIGGS stated that he is fine for the City to proceed with the planning stage. He expressed concern about getting incrementally committed to an area that is already built up. He preferred a focus on target areas such as 9th and Palm and Seacoast Drive where there is a more likely chance of getting investors.

MOTION BY JANNEY, SECOND BY BILBRAY, TO PROCEED WITH THE CONSTRUCTION DRAWINGS FOR THE 700 BLOCK OF 10TH STREET PER THE CONCEPT PLAN "A" AND TO DIRECT STAFF TO RETURN TO CITY COUNCIL FOR AN APPROPRIATION OF FUNDS NECESSARY TO DESIGN THE APPROVED CONCEPT PLAN FOR THE 700 BLOCK OF 10TH STREET. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BILBRAY, PATTON, BRAGG, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSTENTIONS: COUNCILMEMBERS: SPRIGGS

6.3. PERSONNEL STATUS UPDATE, EMPLOYEE FURLOUGH SCHEDULE AND CONSIDERATION OF RESOLUTION NO. 2013-7425 APPROVING A ONE-TIME RETENTION INCENTIVE STIPEND FOR ALL NON-DEPARTMENT HEAD LEVEL EMPLOYEES. (0520-60)

CITY MANAGER HALL reported on the item.

MOTION BY JANNEY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7425 AUTHORIZING THE CITY MANAGER TO ASSIGN ONE-TIME RETENTION INCENTIVE STIPENDS TO NON-DEPARTMENT HEAD EMPLOYEES. MOTION CARRIED UNANIMOUSLY.

6.4. RECOMMENDATION FOR ADOPTION OF A GENERAL FUND FUND BALANCE POLICY. (0300-95)

CITY MANAGER HALL gave a PowerPoint presentation on the item.

Consensus of City Council to support a General Fund Reserve of 40% to 50% of annual expenditures.

CHUCK QUISENBERRY questioned why the funds for the Redevelopment Agency were not included.

CITY MANAGER HALL stated that Redevelopment funds are a function of the State. The State is trying to keep any money that is not due to the City. He noted that there are two sources where the City might get money from the dissolution of redevelopment agencies: recouping money it loaned to the RDA and property tax revenue.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:53 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk