

MINUTES

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

DECEMBER 5, 2012

**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 Regular Meeting to order at 6:13 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Bilbray, King, Bragg
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

Brandon from Cub Scout Pack 866 of Imperial Beach led the Pledge of Allegiance.

INVOCATION

Pastor Douglas Jones gave the invocation.

NOVEMBER 6, 2012 GENERAL MUNICIPAL ELECTION RESULTS

1. **ADOPTION OF RESOLUTION NO. 2012-7276 – RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW. (0430-40)**

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD gave a PowerPoint presentation and announced Resolution No. 2012-7276 and the certified results (Exhibit A) were provided as last minute agenda information. She recited the statement of the result for the November 6, 2012 Election into the record in accordance with California Elections Code 10264.

Statement of Result:

- a. The whole number of votes (ballots) cast in the City was 7,511.
- b. The names of the persons voted for at the election for the office of Member of the City Council are as follows:
 - Valerie Acevez
 - Jim King
 - Erika G. Lowery
 - Brian Pat Bilbray
 - Bobby Patton
 - Write-In Candidate Ron Moody

- c. The measure voted upon was Proposition S – Shall the ordinance permitting medical marijuana dispensaries of any size in any commercial, mixed use or industrial zones, setting regulations for their operation, and repealing the City’s prohibition on medical marijuana dispensaries with more than three members be adopted?
- d. The number of votes given at each precinct to each person and for and against the measure is on file in the Office of the City Clerk (provided as Exhibit A to Resolution No. 2012-7276).
- e. The number of votes given in the city to each person and for and against the measure is as follows:

<u>Member of City Council</u>	<u># of Votes</u>
Bobby Patton	3,697
Brian Pat Bilbray	2,014
Jim King	1,900
Valerie Acevez	1,563
Erika G. Lowery	1,335
Ron Moody (Write-in)	42

<u>Proposition S</u>	<u># of Votes</u>
No	4,122
Yes	2,926

Brian Pat Bilbray was re-elected as Member of the City Council for the full term of four years;

Bobby Patton was elected as Member of the City Council for the full term of four years; and

Proposition S failed.

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7276
RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6,
2012, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.
MOTION CARRIED UNANIMOUSLY.**

CITY CLERK HALD presented Certificates of Election to Councilmember Brian Pat Bilbray and Councilmember-Elect Robert Patton.

3. OATHS OF OFFICE. (0430-65)

CITY CLERK HALD administered the Oath of Office to Councilmember-Elect Robert Patton.

MAYOR JANNEY pinned Councilmember Patton with a lapel pin bearing the City’s classic Woody logo.

CONGRESSMAN BILBRAY administered the Oath of Office to Councilmember Brian Pat Bilbray.

2. LEAVING OFFICE PRESENTATION. (0430-23)

CITY MANAGER BROWN presented tokens of appreciation to outgoing Councilmember King and thanked him for his service to the City of Imperial Beach.

SCOTT HINKLE from California Senator, Juan Vargas' office, presented outgoing Councilmember King with a proclamation in recognition of his exemplary service to the City of Imperial Beach.

GREG MURPHY, Policy Advisor for County Supervisor Greg Cox, presented outgoing Councilmember King with a proclamation and announced that today is Jim King Day throughout San Diego County.

PORT COMMISSIONER MALCOLM presented a proclamation and recognized outgoing Councilmember King for his dedicated service to the City of Imperial Beach and to the County of San Diego.

JUNE ENGEL, S.D. County Library, Imperial Beach Branch Manager, thanked outgoing Councilmember King for his support of the library and she presented him with a gift.

CINDY GOMPER GRAVES, Executive Director for the South County Economic Development Council, presented outgoing Councilmember King with a certificate of appreciation in recognition of his service to Imperial Beach and to the South County.

OLIVIA PICKERING, President of the Imperial Beach Chamber of Commerce, presented a proclamation to outgoing Councilmember King.

MAYOR JANNEY announced letters of recognition or proclamations were submitted by:

Dianne Feinstein U.S. Senator
Barbara Boxer, U.S. Senator
Susan Davis, U.S. Congresswoman
Ben Hueso, State Assemblyman
Cheryl Cox, Mayor of the City of Chula Vista

MAYOR JANNEY, as Vice Chair of SANDAG, presented outgoing Councilmember King with a proclamation for serving on the Transportation Committee.

MAYOR JANNEY presented outgoing Councilmember King with a gift from the City Council.

RECEPTION IN COMMUNITY ROOM

MAYOR JANNEY called a recess at 6:40 p.m. and invited everyone to join him and the City Council in the Community Room for refreshments.

CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 7:21 p.m.

ROLL CALL BY CITY CLERK

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

AGENDA CHANGES

MOTION BY BRAGG, SECOND BY SPRIGGS, TO PULL ITEM NO. 6.4 FROM THE AGENDA AND TO TAKE ITEM NOS. 6.3, 6.1 AND 6.2 BEFORE THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

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

MAYOR JANNEY congratulated Councilmember Patton on his successful election.

COUNCILMEMBER PATTON thanked City Clerk Hald and her staff for their efforts on the November election and he announced that the Christmas Comes to I.B. event is scheduled for December 8, 2012.

COUNCILMEMBER BRAGG reported that she and the Mayor attended the 28th Annual Navy Dinner for Imperial Beach Seniors and announced St. James Church will have a live nativity on December 7 and 8.

MAYOR JANNEY reported that in response to a senior member of the community expressing interest in the installation of benches along the walking path at Veterans Park, Councilmember Bragg suggested that the City work with non-profit organizations on donating the benches.

COMMUNICATIONS FROM CITY STAFF

None

PUBLIC COMMENT

ED KRAVITZ spoke about the history of his attempts at placing a railroad item on the agenda in 1999. He also spoke about his requests for a connection to the City Council Chambers camera so that he can place the video stream on his website.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.8)

A corrected staff report for Item No. 2.7 was submitted as Last Minute Agenda Information.

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

2.1 MINUTES.

Approved the minutes of the Regular and Special Meetings of November 21, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 81549 through 81594 with a subtotal amount of \$114,799.43 and Payroll Checks/Direct Deposit 44974 through 44995 for P.P.E. 11/15/12 for a subtotal amount of \$133,182.70 for a total amount of \$247,982.13.

2.3 LOCAL APPOINTMENTS LIST. (0460-45)

The City Council approved the Local Appointments List in compliance with Government Code §54972, and designated the Imperial Beach Branch Library (the public library with the largest service population within its jurisdiction) to receive a copy of the list in compliance with Government Code §54973.

2.4 ADOPTION OF FAIR POLITICAL PRACTICES COMMISSION FORM 806 – PUBLIC OFFICIAL APPOINTMENTS (0420-86)

Adopted Form 806 listing all Council appointments for which compensation is received and direct the City Clerk to post Form 806 on the City's website and update the form as necessary to reflect new appointments and new positions required to be listed on the Form 806.

2.5 RESOLUTION NO. 2012-7279 AUTHORIZING THE CITY MANAGER TO SIGN AMENDMENTS TO THE AGREEMENTS BETWEEN THE CITY OF IMPERIAL BEACH AND THE SAN DIEGO UNIFIED PORT DISTRICT FOR PUBLIC SAFETY AND TIDELANDS MAINTENANCE SERVICES. (0150-70)

Adopted resolution.

2.6 RESOLUTION NO. 2012-7280 DISPOSITION OF SURPLUS PROPERTY. (0389-45)

Adopted Resolution No. 2012-7280 authorizing the sale of certain surplus City equipment.

2.7 ADOPTION OF RESOLUTION NO. 2012-7274 AMENDING FISCAL YEAR 2011-2013 SALARY AND COMPENSATION PLAN TO ADD THE POSITION DESCRIPTION AND SALARY RANGE FOR HUMAN RESOURCES ANALYST & ADOPTION OF RESOLUTION NO. 2012-7275 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND CYNTHIA TITGEN FOR HUMAN RESOURCES CONSULTING SERVICES. (0510-20, 0520-75 & 0530-60)

Adopted resolutions.

2.8 ROTATION OF MAYOR PRO TEMPORE DUTIES. (0410-13)

Selected Councilmember Bragg as Mayor Pro Tempore for a one-year period pursuant to rotational requirements and be seated at the first Council meeting in January pursuant to requirements as stated under Council Policy No. 112.

REPORTS (6.3, 6.1 & 6.2)

6.3 APPOINTMENT OF IMPERIAL BEACH REPRESENTATIVE TO SERVE ON THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE. (0150-70)

MAYOR JANNEY recommended Jeffrey Kirkeeng to serve on the Port of San Diego's Public Art Committee.

MOTION BY JANNEY, SECOND BY BRAGG, TO APPOINT JEFFREY KIRKEENG TO FILL A THREE YEAR TERM ON THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE.

COUNCILMEMBER BRAGG spoke in support for appointing Jeff Kirkeeng to the Port of San Diego's Public Art Committee.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY JANNEY, SECOND BY BRAGG, TO APPOINT JEFFREY KIRKEENG TO FILL A THREE YEAR TERM ON THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE. MOTION CARRIED UNANIMOUSLY.

6.1 PROPOSED BOY SCOUTS OF AMERICA EAGLE PROJECT PRESENTATION – 4TH STREET MEDIAN. (0720-35)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN introduced Eagle Scout candidate Jason Gros.

EAGLE SCOUT CANDIDATE GROS gave a PowerPoint presentation on the project. He stated that the cost for the project is approximately \$1,143.55.

In response to Councilmember Bilbray, PUBLIC WORKS DIRECTOR LEVIEN stated that the Eagle Scout candidate is responsible for identifying and raising funds to accomplish his project. City Council is being asked to financially support both projects that are being presented tonight. This Council could approve the projects and not provide financial support. It would then be up to the candidates to decide how to raise the money or find another project.

MOTION BY PATTON, SECOND BY BILBRAY, TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR MR. GROS TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF. MOTION CARRIED UNANIMOUSLY.

6.2 PROPOSED BOY SCOUTS OF AMERICA EAGLE PROJECT PRESENTATION – DEMPSEY HOLDER SAFETY CENTER. (0910-20)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN introduced Eagle Scout Candidate Kyle Armstrong.

EAGLE SCOUT CANDIDATE ARMSTRONG gave a PowerPoint presentation on the project and he requested that he be allowed to install a paver recognizing Boy Scout Troop 211.

COUNCILMEMBER PATTON spoke about the importance of proper drainage and to ensure that the pavers don't lift up.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR EAGLE CANDIDATE KYLE ARMSTRONG TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – INTRODUCTION/FIRST READING (3.1-3.2)

3.1 ORDINANCE NO. 2012-1133 AND RESOLUTION NO. 2012-7278 REGARDING THE ADMINISTRATIVE SERVICE DIRECTOR POSITION. (0510-95)

CITY MANAGER BROWN introduced the item.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7278 APPROVING THE REVISED POSITION DESCRIPTION FOR ADMINISTRATIVE SERVICES DIRECTOR AND ESTABLISHING THE COMPENSATION FOR THE POSITION. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2012-1133.

CITY CLERK HALD read the title of Ordinance No. 2012-1133 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING SECTION 2.17.020, REPEALING SECTION 2.56.020, AND AMENDING VARIOUS SECTIONS OF THE IMPERIAL BEACH MUNICIPAL CODE, CONCERNING THE ADMINISTRATIVE SERVICES DIRECTOR."

MOTION BY SPRIGGS, SECOND BY BRAGG, TO DISPENSE FIRST READING OF ORDINANCE NO. 2012-1133 AND SET THE MATTER FOR ADOPTION AT AN ADJOURNED REGULAR CITY COUNCIL MEETING OF DECEMBER 12, 2012. MOTION CARRIED UNANIMOUSLY.

3.2 ORDINANCE NO. 2012-1134 ADDING CHAPTER 12.28.025 STREET PAVEMENT PRESERVATION ORDINANCE. (0720-95)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item and showed images of a recently overlaid street that had street cuts.

PAUL OBOYLE, representing wireless companies, stated that he understood the need for the ordinance and policy. He announced that a letter was sent to the City Attorney expressing his concerns about the exemptions.

CITY ATTORNEY LYON stated that the City Council can move forward with the introduction of the ordinance and staff can bring the policy back with the exemptions if the City finds them to be appropriate.

PUBLIC WORKS DIRECTOR LEVIEN stated that the City currently operates under the Regional Standard Drawings for cuts in the street. The Regional Standard Drawings only address the immediate area that is cut, not the aesthetics beyond the immediate trench area. The policy would give a standard by which to operate from and a standard that is consistent with most other cities in the region.

MAYOR JANNEY questioned the use of a City Council Policy versus a resolution.

CITY MANAGER BROWN stated that the cleanup of the City Council policies is burdensome but will support either method that City Council prefers.

MAYOR JANNEY said that the policy will not be approved tonight and called for the first reading of the title of Ordinance No. 2012-1134.

CITY CLERK HALD read the title of Ordinance No. 2012-1134 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 12.28.025 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO A STREET PAVEMENT PRESERVATION."

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO DISPENSE FIRST READING OF ORDINANCE NO. 2012-1134 AND SET THE MATTER FOR ADOPTION AT AN ADJOURNED REGULAR CITY COUNCIL MEETING OF DECEMBER 12, 2012. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING/ADOPTION/PUBLIC HEARING (4.1)

4.1 ORDINANCE NO. 2012-1132 REPEALING CHAPTER 8.08 AND ADDING A NEW CHAPTER 8.08 TO TITLE 8 OF THE IMPERIAL BEACH MUNICIPAL CODE CONCERNING PERMANENT AND MOBILE FOOD FACILITIES. (0240-28)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

In response to concerns regarding potential impacts to the Farmer's Market and to mobile food facilities, staff will return with additional information including the permit fees.

MAYOR JANNEY called for the second reading of the title of Ordinance No. 2012-1132.

MOTION BY BILBRAY, SECOND BY SPRIGGS, CONTINUE THE PUBLIC HEARING TO JANUARY 23, 2013. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5)

None.

REPORTS (6.4-6.5)

6.4 RESOLUTION NO. 2012-7281 AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – ECO BIKEWAY 7TH AND SEACOAST (7TH STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE AND PALM AVENUE FROM 3RD STREET TO 7TH STREET – (S05-104). (0680-20)

A revised staff report and revised Resolution No. 2012-7281 were submitted as Last Minute Agenda Information.

Item pulled from the agenda.

6.5 RESOLUTION NO. 2012-7277 AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 10/11 ANNUAL MAIN LINE REPAIRS – (W11-201) AND PROJECT BUDGET AMENDMENT OF \$55,000. (0830-10)

Two revised staff reports and two revised resolutions were submitted as last minute agenda information.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

MAYOR PRO TEM SPRIGGS left Council Chambers at 8:40 p.m. due to a potential conflict of interest on the item as his residence is within 500 feet of the project.

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7277
AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FY 10/11 ANNUAL
MAIN LINE REPAIRS – (W11-201) AND PROJECT BUDGET AMENDMENT OF \$100,000.
MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: BILBRAY, PATTON, BRAGG, JANNEY
NOES: COUNCILMEMBERS: NONE
DISQUALIFIED COUNCILMEMBERS: SPRIGGS**

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

CLOSED SESSION

MAYOR JANNEY adjourned to Closed Session at 9:06 p.m. under:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 425 Imperial Beach Blvd., Imperial Beach, CA 91932 (APN: 632-400-33 and
632-400-35)

Agency Negotiators: City Manager, Assistant City Manager, City Attorney

Negotiating Party: Y.M.C.A.

Under Negotiation: Price and terms of payment

MAYOR JANNEY reconvened the meeting to Open Session at 10:15 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council met in Closed Session and no action was taken. The City will release an information piece regarding this matter by next Wednesday highlighting the next steps in this process which will include meetings with interested parties and a public workshop before any decisions are made.

ADJOURNMENT

Mayor Janney adjourned the meeting at 10:16 p.m. to the adjourned regular meeting of December 12, 2012.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk