

MINUTES

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

DECEMBER 18, 2013

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

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

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL BY CITY CLERK

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|-------------------------|--|
| Councilmembers present: | Bilbray, Spriggs |
| Councilmembers absent: | Patton |
| Mayor Present: | Janney |
| Mayor Pro Tem Absent: | Bragg |
| Staff Present: | City Manager Hall, City Attorney Lyon, City Clerk Hald, Assistant City Manager Wade, Public Safety Director Clark, Public Works Director Levien, Administrative Services Director Bradley, Human Resources Technician Cortez |

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the pledge of allegiance.

AGENDA CHANGES

CITY ATTORNEY LYON announced that Closed Session will be taken out of order than originally posted because it will be taken when Mayor Pro Tem Bragg arrives.

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

MAYOR JANNEY announced that the SEA180° Coastal Tavern opened for business this evening at 5:00 p.m.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

JEAN VILLARD asked City Council to consider the following topics on a future agenda: a memorial plaque for Tyrone Woods, street lighting in high crime areas, renaming 13th Street, fishing on the pier and having districts in Imperial Beach.

On behalf of South Bay Youth for Change, GABRIEL MATEUS, thanked City Council for considering and supporting the updated social host ordinance.

MARIA MOSA thanked City Council for considering the updated social host ordinance.

ED KRAVITZ spoke about the efforts of City Manager Hall to address concerns about transparency. He spoke about the possibility of bringing back the railroad issue and that he is available to assist with the effort.

MARCUS BOYD spoke in support for an ordinance for compassionate access to medical marijuana and he provided copies of the draft ordinance to City Council for their review. He requested City Council's consideration of the ordinance on a future agenda and about the possibility of placing it on the ballot.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.6)

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.6. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: PATTON, BRAGG

2.1 MINUTES.

Approved the minutes of the Special Workshop Meeting of October 23, 2013.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 83623 through 83697 with a subtotal amount of \$851,873.04 and Payroll Checks/Direct Deposit 45631 through 45655 for a subtotal amount of \$166,719.59 for a total amount of \$1,018,592.63.

2.3 SECOND READING AND ADOPTION OF ORDINANCE NO. 2013-1142 OF THE CITY OF IMPERIAL BEACH, CALIFORNIA REPEALING CHAPTER 9.54 AND ADOPTING CHAPTER 9.54 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO HOUSE PARTIES AND CONSUMPTION OF ALCOHOL BY MINORS. (0240-95)

Adopted ordinance.

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

Appointed Councilmember Robert Patton 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.

2.5 ADOPTION OF RESOLUTION NO. 2013-7440 AUTHORIZING THE CITY MANGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PROJECT DESIGN CONSULTANTS TO PROVIDE SERVICES FOR THE PALM AVENUE MIXED USE AND COMMERCIAL CORRIDOR MASTER PLAN TO BE FUNDED PRIMARILY BY THE FISCAL YEARS 2011-2013 SMART GROWTH INCENTIVE PROGRAM GRANT. (0620-20 & 0720-55)

Adopted resolution.

- 2.6 RESOLUTION 2013-7439 APPROPRIATING \$23,000 FROM UNAPPROPRIATED GAS TAX TO STREET MAINTENANCE ACCOUNT NUMBER 101-5010-531-2006 FOR THE PREPARATION OF 30% DRAWINGS FOR STREET IMPROVEMENTS ON THE 700 BLOCK, 10TH STREET AND AUTHORIZING THE CITY MANAGER TO APPROVE A PURCHASE ORDER FOR THE CITY ENGINEER FOR THE PREPARATION OF THESE DRAWINGS. (0720-10)**
1. Received Report; and
 2. Adopted resolution appropriating \$23,000 from unappropriated Gas Tax to Street Division account number 101-5010-531-2006 and authorizing the City Manager to approve a purchase order for Atkins North American (City Engineer) to prepare the 30% construction drawings for street improvements on the 700 block of 10th Street.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

PUBLIC HEARINGS (4.1)

- 4.1 MCDONALDS (APPLICANT); ADMINISTRATIVE COASTAL PERMIT (ACP 130001), DESIGN REVIEW (DRC 130002), AND SITE PLAN REVIEW (SPR 130003) PROPOSING TO REMODEL AND ADD ONTO AN EXISTING MCDONALD'S RESTAURANT AND OTHER SITE MODIFICATIONS AT 1135 PALM AVENUE (APN 626-301-18-00 & 626-301-31-00); RESOLUTION 2013-7438. (0600-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER HALL introduced the item.

TYLER FOLTZ gave a PowerPoint presentation on the item. He noted the following two changes to the resolution:

1. The applicant shall provide approximately three (3) palm trees on Palm Ave. right-of-way subject to a CalTrans encroachment permit; and
2. The applicant shall provide approximately three (3) street trees within the Florida Street right-of-way.

MAYOR JANNEY announced that he had prior discussions with the architect.

RON UNDERWOOD, architect and McDonald's representative, stated that McDonald's is continuously testing what best suits the taste of their customers. A good solution to the rehabilitation of an existing building has been developed and he was hopeful that City Council would support the item.

ROB SEDER, owner, was available to speak.

In response to Mayor Janney's question about the sign, SENIOR PLANNER FOLTZ responded that the sign is a legal non-conforming use.

MAYOR JANNEY asked City staff to provide information on signage requirements when an applicant undergoes a major reconfiguration.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION 2013-7438 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 130001), DESIGN REVIEW CASE (DRC 130002), AND SITE PLAN REVIEW (SPR 130003) to REMODEL AND ADD ONTO AN EXISTING MCDONALD'S RESTAURANT AND OTHER SITE MODIFICATIONS AT 1135 PALM AVENUE (APN 626-301-18-00 & 626-301-31-00) IN THE C-1 (GENERAL COMMERCIAL) ZONE AND INCLUDE THE TWO MODIFICATIONS TO THE RESOLUTION AS SUGGESTED BY STAFF. MF 1107. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: PATTON, BRAGG

REPORTS (5.1-5.3)

5.1 PORT OF SAN DIEGO POND 20 FENCE REPLACEMENT ALONG PALM AVENUE/STATE ROUTE 75. (0150-70)

CITY MANAGER HALL introduced the item.

MAYOR PRO TEM BRAGG arrived at 6:32 p.m.

ASSISTANT CITY MANAGER WADE reported on the item and displayed Pond 20 fence design concepts for City Council's consideration.

COUNCILMEMBER SPRIGGS agreed with the comments of the Tidelands Advisory Committee stating that surfboards are not appropriate for the area. He supported the undulating fence design as opposed to the straight fence design. He noted that the coloration is difficult to visualize without actually seeing the color palette.

ASSISTANT CITY MANAGER WADE noted that the Port is not addressing the sidewalk conditions because it is cost prohibitive and because of environmental and permitting process issues.

COUNCILMEMBER BILBRAY commented that anything is better than what is there now. He primarily favored design option A3 with B3 coming in second.

MAYOR PRO TEM BRAGG favored design option A1.

MAYOR JANNEY stated that he favors design options A1, A2 or A3. He asked the Port to move forward with the fence project to improve the appearance of the entrance into Imperial Beach.

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY adjourned the meeting to Closed Session at 6:40 p.m. and City Council left Council Chambers.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(d)(2) with existing facts and circumstances per Govt. Code Section 54956.9(e)(3): 5 cases

MAYOR JANNEY called the meeting to order at 6:48 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON stated that except for Councilmember Spriggs, who recused himself from discussion of the Closed Session item due to the location of his residence, the other three City Councilmembers met in Closed Session and voted unanimously to deny the late claim applications.

ROLL CALL

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|-------------------------|-----------------|
| Councilmembers present: | Spriggs |
| Councilmembers absent: | Bilbray, Patton |
| Mayor Present: | Janney |
| Mayor Pro Tem Present: | Bragg |

MAYOR JANNEY reported that Councilmember Bilbray left the Council Chambers because he was not feeling well.

REPORTS (5.2-5.3)

5.2 RESOLUTION NO. 2013-7437 AWARDING A PUBLIC WORKS CONTRACT; TO WIT: RTIP FY 11-12 (STREET IMPROVEMENTS) CIP # S12-104. (0720-10)

CITY MANAGER HALL introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and he responded to questions of City Council regarding some of the bidders. He announced that the project should begin in January and be completed in 3 months.

MOTION BY JANNEY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION 2013-7437 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AWARDING A PUBLIC WORKS CONTRACT; TO WIT: RTIP FY 11-12 (STREET IMPROVEMENTS) CIP # S12-104. MOTION CARRIED BY THE FOLLOWING VOTE:

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

5.3 ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS FOR 2014. (0410-50)

A draft list of Mayor Janney's City Council Assignments for 2014 was submitted as last minute agenda information.

MAYOR JANNEY reviewed the draft list of assignments.

COUNCILMEMBER SPRIGGS requested further discussion on the Council Chambers Liaison when the full City Council is in attendance.

MOTION BY JANNEY, SECOND BY BRAGG, TO APPROVE THE ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS FOR 2014 AS SUBMITTED AS LAST MINUTE AGENDA INFORMATION WITH THE EXCEPTION OF THE CHAMBER OF COMMERCE LIAISON WHICH WILL BE BROUGHT BACK FOR CITY COUNCIL DISCUSSION ON A FUTURE AGENDA. MOTION CARRIED BY THE FOLLOWING VOTE:

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

CITY ATTORNEY LYON stated for the record that there is a State law that requires a Form 806 to be posted on the City's website and it allows for Councilmembers to vote on the appointments.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:08 p.m.

_____/s/_____
James C. Janney, Mayor

_____/s/_____
Jacqueline M. Hald, MMC
City Clerk