

**MINUTES**

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

**APRIL 20, 2011**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

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

**CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

**ROLL CALL**

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

**CLOSED SESSION**

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:**

**1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(3)(A)  
No. of Cases: 1

**2. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6:

Agency Negotiator: City Manager  
Employee organizations: Imperial Beach Firefighters' Association (IBFA)  
Service Employees International Union (SEIU), Local 221  
Unrepresented Employees  
Management

**3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Attorney

**MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:03 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council considered Closed Session Items 2 and 3, direction was given and had no reportable action; and Item 1 was removed from the agenda.

**REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:04 p.m.

**ROLL CALL**

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem Present:	Bilbray
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 KING reported on a SANDAG meeting he attended with City Manager Brown and Community Development Director Wade where they discussed the capabilities of SANDAG to conduct studies that the City currently uses consultants for; by utilizing SANDAG the City could save on staff time, reduce costs, and increase the City's ranking when being considered for projects by SANDAG.

COUNCILMEMBER BRAGG reported on a League of California Cities meeting she attended in Ontario on October 14<sup>th</sup>; she expressed disappointment with the Governor's budget and noted elected city officials throughout the State are grappling with budget challenges similar to those facing the City of Imperial Beach.

MAYOR JANNEY thanked Councilmember King and staff for meeting with SANDAG; he thanked Public Works Director Levien, staff and the Chamber of Commerce for the new Woody logo street signs; and he announced SANDAG will release the draft 2050 Regional Plan on Friday.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

JUNE ENGEL, Imperial Beach Library Branch Manager, announced a collection of old newspapers were donated to the library by the Bonita Museum and Cultural Center.

JOHN WALSH stated projects over \$25,000 requires a labor compliance program in accordance with the California Labor Code 1771.5(b), the Coastal and Beach Protection Act of 2002 requires a labor compliance program; there should be prevailing wage for all tradesmen on site; there should be one apprentice for every 5 journeymen; and he spoke in support for a ratio of Imperial Beach residents to work on the construction of the new hotel.

**PRESENTATIONS (1.1)**

**1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)**

MAYOR JANNEY, along with MARCO TOPETE, of EDCO, presented the Recycle All-Star Award Certificate, \$100 check and other premiums to Bruce Rockwell.

MR. TOPETE announced the Home Front Clean-up event is scheduled for the first Saturday in May.

**1.2 PRESENTATION BY SANDAG ON THE IMPERIAL BEACH ENERGY ROADMAP. (0140-40 & 0230-20)**

SUSAN FREEDMAN, Senior Regional Energy Planner at SANDAG, presented a PowerPoint presentation on the item; she reviewed how to save energy in City government buildings and in the community which would result in cost savings and benefits to the environment.

JULIE YUNKER from SDG&E reported on incentive/rebate programs.

**CONSENT CALENDAR (2.1 - 2.2)**

**MOTION BY BILBRAY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.2. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES.**

Approved the revised minutes of the Regular City Council Meeting of November 17, 2010, (*revision on Page 6, Item 6.3*). and the minutes of the Regular City Council Meeting of February 16, 2011.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 72997 through 78111 with the subtotal amount of \$576,901.35 and Payroll Checks 43706 through 43741 for the pay period ending 03/24/11 with the subtotal amount of \$149,281.69, for a total amount of \$726,183.04.

**ORDINANCES – INTRODUCTION/FIRST READING (3)**

None.

**ORDINANCES – SECOND READING & ADOPTION (4)**

None.

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.1-6.5)**

**6.1 CITY COUNCIL SELECTION OF OPTIONAL SITES FOR FURTHER STUDY FOR AN OFF-LEASH AREA FOR DOGS ON THE BEACH. (0920-90)**

COUNCILMEMBER SPRIGGS announced the need to recuse himself from discussion of the item as his residence is within 500 feet of some of the proposed off-leash sites; he requested the opportunity to speak to the item as well as remain in the audience; he left the dais and took a seat in the audience at 6:46 p.m.

CITY ATTORNEY LYON stated California Regulations 18702.4(b) allows Councilmember Spriggs, who has a potential conflict of interest on the item, to properly recuse himself and then speak as a member of the general public; he can only speak as it affects his personal interests, he is not allowed to advocate on the behalf of others and he can listen from the audience.

CITY MANAGER BROWN reported on the item and discussed the proposed sites for off-leash areas for dogs on the beach; he noted that the dog beaches located in the other cities are in isolated areas away from residences.

ED SPRIGGS, speaking on his own behalf, stated he observed dogs off leash and owners not picking up after their dogs on the beach near Descanso Ave.; he spoke of occasions when dogs entered residents' yards; and he expressed concern that with more users there would be more impacts on residents.

JESSICA DYKES, President of IB Yappy, stated they do not want a dog beach south of Imperial Beach Blvd.; their preferred location is between Carnation Ave. and Palm Ave.; she also spoke in support for a leash free area at Veterans Park; she suggested a 3-compartment fenced area to separate large and small dogs with a third compartment for doggie parties; and she spoke about potential funding from Ocean Blue.

MAYOR JANNEY spoke in support for a leash free dog beach on a trial basis; he was uncertain about locating a dog park at Veterans Park as it is the only large park in Imperial Beach; to designate an area for animals would take area away from other users of the park.

MAYOR PRO TEM BILBRAY spoke in support for a trial period at this time; he suggested dog owners be informed of their responsibilities and that violators could ruin it for others; his area of preference was Palm Ave. to Carnation Ave.; and he suggested looking into the plot of land by Oneonta Ave. and Ream Field as another option.

In response to Councilmember Bragg's concern about liability, CITY ATTORNEY LYON stated she was not aware of cases where City's were held liable for dog bites, typically dog owners take on that responsibility.

COUNCILMEMBER KING spoke in support for a trial period of 6 months at Palm Ave. and Carnation Ave.; and he encouraged IB Yappy to inform owners to comply with the rules.

**MOTION BY JANNEY, SECOND BY BRAGG, TO SUPPORT A TRIAL LEASH-FREE DOG BEACH, TO PROCEED WHEN THE CITY STAFF CAN GET THE SIGNAGE CHANGED IN THE AREA BETWEEN PALM AVE. AND CARNATION AVE. FOR A TIME PERIOD NOT TO EXCEED 6 MONTHS.**

City Council discussion:

CITY MANAGER BROWN stated staff will work as fast as possible to have the trial up and running.

COUNCILMEMBER BRAGG expressed concern about a trial period during the summer months and questioned the time period for the trial; she also questioned the status of the location in the river valley area that was presented by Dr. McCoy at a recent City Council meeting; she stated that she was not against a trial period but will vote in support with trepidation.

MAYOR JANNEY clarified that his motion was not to wait for the summer season to end, but rather move forward as soon as staff is able; and he responded that the County of San Diego does not have funding to pursue the site in the river valley area.

COUNCILMEMBER BRAGG withdrew her second.

MAYOR PRO TEM BILBRAY seconded the motion.

COUNCILMEMBER KING spoke in support for the location at Palm Ave. to Carnation Ave.

CITY MANAGER BROWN stated staff will proceed with a trial run from Palm Ave. to Carnation Ave. for a period of 6 months; and staff will report back to City Council if problems arise.

**VOTES WERE NOW CAST ON MOTION BY JANNEY, SECOND BY BILBRAY, TO SUPPORT A TRIAL LEASH-FREE DOG BEACH AND TO PROCEED WHEN THE CITY STAFF CAN GET THE SIGNAGE CHANGED IN THE AREA BETWEEN PALM AVE. AND CARNATION AVE. FOR A TIME PERIOD NOT TO EXCEED 6 MONTHS. MOTION CARRIED BY THE FOLLOWING VOTES:**

**AYES: COUNCILMEMBERS: KING, BILBRAY, JANNEY**  
**NOES: COUNCILMEMBERS: BRAGG**  
**DISQUALIFIED: COUNCILMEMBERS: SPRIGGS (DUE TO A POTENTIAL CONFLICT OF INTEREST)**

COUNCILMEMBER SPRIGGS returned to the dais at 7:27 p.m.

## **6.2 GOALS FOR 2011-2015. (0100-10)**

CITY MANAGER BROWN reported on the item and added the following items based on discussion at the recent City Council workshop:

- Explore next steps to capitalize on opportunities presented by the new Seacoast Inn. Take these steps once they're identified
- Work with Council on ways to build the City's revenues
- Present ideas to improve marketing of the city

MAYOR JANNEY stated staff will return to City Council with studies that have been done on the Seacoast Area.

COUNCILMEMBER SPRIGGS noted that since the new hotel is becoming a reality, he supported another review of priorities in the Seacoast area.

**MOTION BY KING, SECOND BY BILBRAY, TO ADOPT THE GOALS FOR THE 2011-2015 PERIOD AS AN AMENDMENT TO THE 2010-2014 GOALS. MOTION CARRIED UNANIMOUSLY.**

**6.3 RESOLUTION NO. 2011-7027 AWARDED CAPITAL IMPROVEMENT PROJECT DESIGN SERVICES TO CITY ENGINEER – BDS ENGINEERING – TO WIT RTIP STREET IMPROVEMENTS FY 10/11 CIP PROJECT S11-101. (0720-25)**

CITY MANAGER BROWN introduced the item.

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

**MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7027 AWARDED CAPITAL IMPROVEMENT PROJECT DESIGN SERVICES TO CITY ENGINEER – BDS ENGINEERING – TO WIT RTIP STREET IMPROVEMENTS FY 10/11 CIP PROJECT S11-101. MOTION CARRIED UNANIMOUSLY.**

**6.4 RESOLUTION NO. 2011-7029 SUPPORTING THE EXPEDITED DEMOLITION OF THE SOUTH BAY POWER PLANT. (0150-10)**

A letter of support from City of Chula Vista Councilmember Steve Castaneda was submitted as last minute agenda information.

MAYOR JANNEY reported on the item and spoke in support for the resolution.

**MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7029 SUPPORTING THE EXPEDITED DEMOLITION OF THE SOUTH BAY POWER PLANT. MOTION CARRIED UNANIMOUSLY.**

**6.5 UPDATE ON NAVY HELICOPTER DRAFT EA. (0620-80)**

CITY MANAGER BROWN reported on the item.

MAYOR JANNEY reported on a meeting he had with Captain Lindsey; he noted that the Captain is willing to meet with residents of Seaside Point; and the Navy is looking into doing noise studies at Seaside Point, Oneonta School, and the Tijuana Estuary Reserve Center.

COUNCILMEMBER SPRIGGS commended staff for drafting the letters; he stressed the need to mention in the letters that the impact to Imperial Beach is already high and that a 30% increase to an already established high level of impact should require further review as well as mitigation by the Navy.

COUNCILMEMBER KING stressed that the impacts have not been addressed; the Navy has an obligation to the citizens of this country to evaluate their impacts and come up with mitigation measures; and he spoke in support for the Navy to move their flight pattern a half mile north so that flights do not go over homes.

ROBERT TAYLOR stated the noise from the helicopters is a major problem; he expressed concern about the impacts of noise on health; and he suggested the City contact CalTrans to conduct sound studies.

MAYOR JANNEY supported adding the comments made by Councilmember Spriggs to the first and last paragraphs of the letters; he noted that he is not willing to sign the letter addressed to the California Coastal Commission; however, he supported the letter addressed to the Navy.

In response to Mayor Janney, CITY COUNCIL spoke in support for providing the California Coastal Commission with information on Imperial Beach's concerns; it was also noted that the Commission has a jurisdictional obligation to respond to those concerns; and they supported the submittal of the letters.

MAYOR PRO TEM BILBRAY suggested staff contact SANDAG and other cities to support Imperial Beach.

MAYOR JANNEY suggested that the two letters be submitted; however he was opposed to signing the letter addressed to the California Coastal Commission.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 8:15 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, MMC  
City Clerk