

MINUTES

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

MAY 2, 2012

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

***CLOSED SESSION MEETING – 5:30 p.m.
REGULAR MEETING – 6:00 p.m.***

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:33 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Bilbray (arrived at 5:38 p.m.), King, Bragg
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: Spriggs
Staff present: City Manager Brown, Deputy City Attorney Park, City Clerk Hald

CLOSED SESSION

MOTION BY SPRIGGS, SECOND BY KING, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a) (1 case)
Charge No. 488-2012-00162

MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBER: KING, BRAGG, SPRIGGS, JANNEY
NOES: COUNCILMEMBER: NONE
ABSENT: COUNCILMEMBER: BILBRAY**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:34 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, DEPUTY CITY ATTORNEY PARK announced City Council discussed the Closed Session item, direction was given and no reportable action was taken.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 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, Deputy City Attorney Park, City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY BILBRAY, SECOND BY BRAGG, TO TAKE ITEM NO. 6.1 IMMEDIATELY AFTER ITEM NO. 1.1 AND TO PULL ITEM NO. 6.5 OFF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

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

COUNCILMEMBER BRAGG reported on her attendance at the recent MTS meeting. She stated that MTS anticipates serving approximately 90 million passengers in 2013, MTS has one of the best fare box recovery rates in the nation, and cautioned riders that there has been an increase in cell phone thefts.

MAYOR JANNEY distributed information on the San Diego Regional Beach Sand Project that was prepared by SANDAG and asked staff to post the information on the City's website. He announced that the toll rates for SR 125 will be discussed at the SANDAG Transportation Meeting. He spoke about the need for MTS to upgrade the Blue Line with low-floor trolleys.

COMMUNICATIONS FROM CITY STAFF

LIEUTENANT GARMO reported that the recent threats of a rooftop shooter and bombs planted at Mar Vista High School were a hoax.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1)

1.1 PRESENTATION OF PROCLAMATION TO DAN MARTIN, SANDAG PROJECT IMPLEMENTATION PROGRAM MANAGER, IN RECOGNITION OF NATIONAL BIKE MONTH – MAY 2012. (0410-30)

MAYOR JANNEY presented DAN MARTIN, SANDAG Project Implementation Program Manager, with a proclamation in recognition of National Bike Month – May 2012.

REPORTS (6.1)

6.1 PROPOSED BSA EAGLE PROJECT PRESENTATION. (0940-10)

CITY MANAGER BROWN introduced the item.

EVAN NICHOLS, Eagle Scout Candidate, gave a Power Point presentation on the item.

CONSENSUS OF CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR MR. NICHOLS TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF.

CONSENT CALENDAR (2.1-2.3)

MOTION BY BRAGG, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular Meeting of April 18, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 80326 through 80428 with a subtotal amount of \$308,967.19 and Payroll Checks 44572 through 44596 for a subtotal amount of \$145,254.71 for a total amount of \$454,221.90.

2.3 RESOLUTION NO. 2012-7191 ADOPTING FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND CYNTHIA TITGEN FOR BENEFIT CONSULTANT SERVICES. (0530-60)

Adopted resolution.

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

3.1 PUBLIC HEARING TO CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140 B. OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES. (0830-95)

MAYOR JANNEY declared the public hearing open.

FINANCE DIRECTOR MCGRANE gave a Power Point presentation on the item and he responded to questions of City Council regarding the percentage of funds kept in reserves.

In response to Mayor Pro Tem Spriggs' concern about the future costs to Imperial Beach for upgrading the Point Loma Treatment Plant, PUBLIC WORKS DIRECTOR LEVEIN stated that he is watching the situation closely and that a consultant will conduct a sewer rate study and consider the anticipated costs associated with the upgrade.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO CLOSE THE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

DEPUTY CITY ATTORNEY PARK announced one (1) protest letter was received and advised City Council to proceed with the item.

CITY CLERK HALD read the title of Ordinance No. 2012-1128 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140 B. OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES."

MOTION BY KING, SECOND BY BILBRAY, TO DISPENSE FIRST READING OF ORDINANCE NO. 2012-1128 BY TITLE ONLY AND SET THE MATTER OF ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

3.2 FIRST READING/INTRODUCTION OF ORDINANCE NO. 2012-1127 AND PUBLIC HEARING/ADOPTION OF RESOLUTION NO. 2012-7188: REX BUTLER FOR BIKEWAY VILLAGE LLC (APPLICANT) AND THE CITY OF IMPERIAL BEACH: DESIGN REVIEW (DRC) 100006, GENERAL PLAN AMENDMENT (GPA)/LOCAL COASTAL PROGRAM AMENDMENT (LCPA) 100007/ ZONING CODE AMENDMENT (ZCA) 100008/ SITE PLAN REVIEW (SPR) 100009 AND MITIGATED NEGATIVE DECLARATION (EIA 100010) FOR THE CONVERSION/ REDEVELOPMENT OF EXISTING WAREHOUSE BUILDINGS TO ECOTOURISM COMMERCIAL USES AT 536 13th STREET & 535 FLORENCE STREET AND AIRPORT PARCEL 616-021-10-00 @ 500 13TH STREET. MF 1034. (0610-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and noted that the property adjacent to the Bikeway Village project was recently purchased by the applicant.

CITY PLANNER NAKAGAWA gave a Power Point presentation on the item.

JACKI FARRINGTON, Board Member for the Bayside Villas Homeowners Association, stated she was not opposed to the project. She desired a project that dovetailed with ecotourism and with the future plans for Pond 20 and she expressed concern about a potential increase in noise and traffic.

COUNTY SUPERVISOR GREG COX spoke in support for the project.

City Council discussion ensued. Appreciation was expressed to Rex Butler for presenting a signature project for Imperial Beach.

CITY PLANNER NAKAGAWA reviewed the project timeline.

MAYOR JANNEY encouraged staff to engage with the California Coastal Commission as soon as possible to keep the project moving forward. He also spoke about City Council being advocates for projects that make Imperial Beach a better place.

MAYOR PRO TEM SPRIGGS supported a proactive approach for accelerating projects in order to expedite new investment into the community.

MAYOR JANNEY closed the public hearing.

MOTION BY JANNEY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7188 APPROVING THE PROPOSED GENERAL PLAN/LOCAL COASTAL PROGRAM AMENDMENT (GPA 100007), FINDING AND CERTIFYING THAT THE PROPOSED ZONING AMENDMENT IS CONSISTENT WITH THE COASTAL ACT, APPROVING THE DESIGN REVIEW (DRC 100006) AND SITE PLAN REVIEW (SPR 100009) APPLICATIONS, AND CERTIFYING THE MND (SCH# 2012031034), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2012-1127.

CITY CLERK HALD read the title of Ordinance No. 2012-1127 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 19.25 COMMERCIAL/RECREATION – ECOTOURISM (C/R-ET) ZONE AND APPLYING THE C/R-ET ZONE TO THE BIKEWAY VILLAGE SITE. MF 1034."

MOTION BY SPRIGGS, SECOND BY BRAGG, TO WAIVE FURTHER READING OF ORDINANCE NO. 2012-1127 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 SECOND READING AND ADOPTION ORDINANCE NO. 2012-1126 ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES. (0750-95)

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR CLARK responded to questions of City Council.

MAYOR JANNEY called for the second reading of the title of Ordinance No. 2012-1126.

CITY CLERK HALD read the title of Ordinance No. 2012-1126 "AN ORDINANCE ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES IN PUBLIC PROPERTY) THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES."

MOTION BY SPRIGGS, SECOND BY BRAGG, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2012-1126. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1)

5.1 PUBLIC HEARING RELATING TO THE LEVY OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 67M. (0345-10)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item. He noted a correction to Resolution No. 2012-7189, Page 2, Section 7 where it states 2011 should be corrected to read 2012.

In response to concerns of City Council regarding the current assessment rate not fully covering the cost to maintain the district, that the City contributes General Fund money to help cover the annual costs, and their questions regarding how to increase the assessment rate, CITY MANAGER BROWN stated that staff will return to City Council with information on assessment district procedures.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY KING, TO APPROVE AND ADOPT RESOLUTION NO. 2012-7189 CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M). MOTION CARRIED UNANIMOUSLY.

REPORTS (6.2-6.5)

6.2 ACTIVE TRANSPORTATION GRANT APPLICATION FOR ECO BIKEWAY 7th & SEACOAST (PALM AVENUE FROM 7TH STREET TO 3RD STREET) AND (7TH STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE) CIP CONSTRUCTION PROJECT (SO5-104). (0680-20)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

COUNCILMEMBER BRAGG stated that she did not support the item because she is opposed to the reduction of lanes on Palm Ave.

MOTION BY JANNEY, SECOND BY BILBRAY, TO DIRECT STAFF TO PREPARE AN “ACTIVE TRANSPORTATION GRANT” APPLICATION FOR THE PURPOSE OF CONVERTING PALM AVENUE CONSISTENT WITH THE CITY’S BTP.

City Council discussion.

MAYOR PRO TEM SPRIGGS stated that approximately one year ago a traffic study was presented to City Council on the impacts to traffic flow by the narrowing of Palm Ave. to one lane each way. He stated that the issue is still a concern for him and suggested that staff monitor the traffic after the project is completed. If there is a problem with traffic and safety, other mitigation measures should be considered at that time.

COUNCILMEMBER BILBRAY supported the financial assistance for paving the roads although the reduction of the lanes and potential impacts to traffic is a concern.

COUNCILMEMBER KING supported the project because the reduction of lanes is a traffic calming measure and there would be a connection to the beach from the Bayshore Bikeway.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY JANNEY, SECOND BY BILBRAY, TO DIRECT STAFF TO PREPARE AN “ACTIVE TRANSPORTATION GRANT” APPLICATION FOR THE PURPOSE OF CONVERTING PALM AVENUE CONSISTENT WITH THE CITY’S BTP. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBER: BILBRAY, KING, SPRIGGS, JANNEY

NOES: COUNCILMEMBER: BRAGG

ABSENT: COUNCILMEMBER: NONE

6.3 BUDGET IDEAS FOR SPORTS PARK RECREATION CENTER. (0390-55 & 0920-40)

A revised staff report and attachment 1 was submitted as last minute agenda information.

CITY MANAGER BROWN introduced the item.

RECREATION PROGRAM COORDINATOR COATES gave a Power Point presentation on the item.

In response to City Council's comments and concerns, CITY MANAGER BROWN stated staff will review the savings listed under items 1 and 2 of the staff report to ensure there is no overlap, contact the Navy about the possibility of an agreement for them to use the Sports Park facility for recreational programs, and return to City Council in June to consider revenue concepts and adoption of the fee schedule.

6.4 ADOPTION OF RESOLUTION 2012-7187, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICER SERVICES WITH THE SWEETWATER UNION HIGH SCHOOL DISTRICT. (0260-10 & 1010-20)

CITY MANAGER BROWN introduced the item and noted that there was a reluctance by the school district to pay their fair share for the school resource officer.

PUBLIC SAFETY DIRECTOR CLARK reported on the item and recommended adoption of the resolution approving the agreement and to allow staff to continue with negotiations.

City Council discussion ensued. Concern was raised about the City's share for funding for the school resource officer position. It was stressed that funding is a policy decision and that staff is to negotiate in the best interest of the community.

MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION 2012-7187, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICER SERVICES WITH THE SWEETWATER UNION HIGH SCHOOL DISTRICT. MOTION CARRIED UNANIMOUSLY.

6.5 RESOLUTION NO. 2012-7190 APPROVING CHANGE ORDER NO. 1 TO THE STREET IMPROVEMENT RDA PHASE 3B CIP (S04-108) PROJECT AND TRANSFERRING FUNDS FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP S04-108. (0720-25)

Item pulled from the agenda by prior City Council action.

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 8:16 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk