

MINUTES

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

MAY 16, 2012

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

**REGULAR & SPECIAL CLOSED SESSION MEETING – 5:15 P.M.
REGULAR MEETING – 6:00 P.M.**

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Regular and Special Closed Session Meetings to order at 5:18 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Bragg, King, Bilbray (arrived at 5:19 p.m.)
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: Spriggs (arrived at 5:20 p.m.)
Staff present: City Manager Brown, City Attorney Lyon, City Clerk Hald

CLOSED SESSION

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

1. 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

2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (1 CASE)

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)

3. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (3 CASES)

Initiation of litigation pursuant to Govt. Code Section 54956.9(c)

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: BILBRAY, SPRIGGS

MAYOR JANNEY adjourned the meeting to Closed Session at 5:19 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Closed Session Item Nos. 1 through 3 on the Regular Meeting agenda and Closed Session Item No. 1 from the Special Meeting agenda. 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:	Bragg, King, Bilbray
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

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY JANNEY, SECOND BY BILBRAY, TO TAKE ITEM NO. 7.1 – RESOLUTION NO. SA-12-07 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADVANCE AND ALLOCATION OF AN ADDITIONAL PORTION OF TAX INCREMENT FUNDS ALLOCATED FOR HOUSING PURPOSES IN THE TOTAL AMOUNT OF \$369,637 TOWARD PAYMENT OF THE DEBT SERVICE ON THE 2003 TAX ALLOCATION BONDS SERIES DUE ON OR BEFORE MAY 25, 2012 UPON CERTAIN CONDITIONS AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

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

COUNCILMEMBER KING reported on his attendance at the SANDAG Board meeting and announced funding for the South Bay Expressway was approved and lower toll rates are anticipated.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

ED SORRELS stated that he needs assistance from the Building Department on the building upgrades being made to his home.

LIBI UREMOVIC stated that the purpose of AB 26 was not to close down redevelopment but to make the money accountable, she was critical of the wording Ordinance No. 2011-1121, stating that she is the owner of the company, she will audit her books and that she wants to figure out how to make the money work for the people.

JUNE ENGEL introduced Jose Robles, the new Assistant Manager at the Imperial Beach Branch Library.

PRESENTATIONS (1.1-1.3)

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

MAYOR JANNEY, along with JOHN SNYDER, Vice President of EDCO, presented the Recycle All-Star Award Certificate, \$100 check and other premiums to Patrick Orourke.

1.2* PRESENTATION OF PROCLAMATION – PUBLIC WORKS WEEK. (0270-30)

MAYOR JANNEY presented Public Works Director Levien with a proclamation in honor of Public Works Week.

1.3* PRESENTATION ON THE BAYSHORE BIRDING AND WALKING TRAIL PROJECT BY KURT ROBLEK, WILDLIFE REFUGE SPECIALIST, TIJUANA SLOUGH AND S.D. BAY NATIONAL WILDLIFE REFUGES. (0620-25)

PUBLIC WORKS DIRECTOR LEVIN introduced the item.

KURT ROBLEK gave a Power Point presentation on the item.

CONSENT CALENDAR (2.1-2.4)

MOTION BY SPRIGGS, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of April 4, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 80429 through 80492 with a subtotal amount of \$138,705.70 and Payroll Checks 44597 through 44621 for a subtotal amount of \$142,559.33 for a total amount of \$277,411.40.

2.3 RESOLUTION NO. 2012-7192 AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2011-2012 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT ALSO KNOWN AS THE COPS GRANT. (0530-60)

Adopted resolution.

2.4 RESOLUTION NO. 2012-7193 APPROVING PLANNING COMMISSION INTERPRETATION (PCI 110029) THAT AMENDS PARAMETERS FOR CERTAIN VENDING MACHINES THAT ARE ALLOWED TO OPERATE OUTDOORS IN COMMERCIAL ZONES – MF 1048. (0610-95)

Adopted resolution.

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

7.1 RESOLUTION NO. SA-12-07 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADVANCE AND ALLOCATION OF AN ADDITIONAL PORTION OF TAX INCREMENT FUNDS ALLOCATED FOR HOUSING PURPOSES IN THE TOTAL AMOUNT OF \$369,637 TOWARD PAYMENT OF THE DEBT SERVICE ON THE 2003 TAX ALLOCATION BONDS SERIES DUE ON OR BEFORE MAY 25, 2012 UPON CERTAIN CONDITIONS. (0418-20 & 0418-95)

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE reported on the item.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. SA-12-07 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADVANCE AND ALLOCATION OF AN ADDITIONAL PORTION OF TAX INCREMENT FUNDS ALLOCATED FOR HOUSING PURPOSES IN THE TOTAL AMOUNT OF \$369,637 TOWARD PAYMENT OF THE DEBT SERVICE ON THE 2003 TAX ALLOCATION BONDS SERIES DUE ON OR BEFORE MAY 25, 2012 UPON CERTAIN CONDITIONS. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2012-1129 AMENDING SECTION 10.56.180 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO RIDING BICYCLES ON SIDEWALKS. (0680-95)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN stated that the ordinance is consistent with the Bicycle Transportation Plan approved by City Council in 2009, that the ordinance helps prevent collisions between bicyclists and vehicles, and makes sidewalks more walkable for pedestrians.

City Council discussion ensued. Concerns were raised regarding potential issues with enforcement, that the ordinance may be confusing, that the age minimum should be raised above 11, and that it is premature to bring forward the ordinance at this time. It was suggested that the ordinance be considered after the bike lanes are in place. City Council supported having members of the bicycle community and Walk San Diego educate the City Council on the matter at a future meeting.

PUBLIC SAFETY DIRECTOR CLARK stated that the ordinance is about education and how to ride bicycles safely. He noted that the ordinance supports grant programs that the City is pursuing.

CITY MANAGER BROWN stated staff will contact Walk San Diego and bicycle organizations to give City Council a presentation on the matter at a future City Council meeting.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2012-1128 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)

CITY MANAGER BROWN introduced the item.

LIBI UREMOVIC spoke and submitted a letter in opposition to the ordinance.

MAYOR JANNEY called for the second reading of the title of Ordinance No. 2012-1128.

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 BILBRAY, SECOND BY KING, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2012-1128 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4.2)

4.2 SECOND READING/ADOPTION OF ORDINANCE NO. 2012-1127: REX BUTLER FOR BIKEWAY VILLAGE LLC (APPLICANT) AND THE CITY OF IMPERIAL BEACH: ADOPTION OF COMMERCIAL/RECREATION-ECOTOURISM (C/R-ET) ZONE AND THE REZONING FROM R-3000-D (RESIDENTIAL TWO-FAMILY – DETACHED) TO C/R-ET 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.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing and called for the second 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 BILBRAY, SECOND BY SPRIGGS, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2012-1127 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1)

5.1 CONSIDER ADOPTION OF THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION. (0270-40)

MAYOR JANNEY announced he had a potential business conflict on the item and left Council Chambers at 7:13 p.m.

MAYOR PRO TEM SPRIGGS declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR PRO TEM SPRIGGS closed the public hearing.

COUNCILMEMBER BRAGG announced a fee increase has not occurred since 2008. She thanked EDCO for their support for community events and she spoke in support for the item. She asked John Snyder, Vice President of EDCO to provide rate information to Senior Citizens Center.

JOHN SNYDER, Vice President of EDCO, spoke about the recycling process and noted that only 8 properties are not in compliance with the Commercial Recycling Mandate which requires businesses generating 4 cubic yards or more of trash to recycle.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7198 CONFIRMING THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION PURSUANT TO THE 2009 CONTRACT AMENDMENT. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BILBRAY, SPRIGGS, KING, BRAGG
NOES: COUNCILMEMBERS: NONE
DISQUALIFIED: COUNCILMEMBERS: JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

MAYOR JANNEY returned to Council Chambers at 7:23 p.m.

REPORTS (6.1-6.5)

6.1 RESOLUTION NO. 2012-7194 AWARDED CITY ENGINEER SERVICES CONTRACT TO ATKINS NORTH AMERICA, INC. (0700-05)

CITY MANAGER BROWN reported on the item.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7194 AWARDED CITY ENGINEER SERVICES CONTRACT TO ATKINS NORTH AMERICA, INC. MOTION CARRIED UNANIMOUSLY.

6.2 RESOLUTION NO. 2012-7196 AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S12-103). (0720-50)

CITY MANAGER BROWN introduced the item and reported that there is a difference of \$28,000 between the total estimated cost and the lowest bid. He requested concurrence from City Council to have staff process the paperwork to transfer the remaining funds to the crosswalk project located by Sports Park and the high school.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7196 AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP AND AUTHORIZE STAFF TO PROCESS THE PAPERWORK TO TRANSFER THE REMAINING FUNDS TO THE IMPERIAL BEACH BLVD. CROSSWALK PROJECT LOCATED BY SPORTS PARK AND THE HIGH SCHOOL. MOTION CARRIED UNANIMOUSLY.

6.3 REPORT ON RESULTS OF CAPITAL IMPROVEMENTS PROGRAM PROJECT “TELEWISE PIPE SECTIONS / SEWER MAINS” W10-202 AND RESOLUTION TO AMEND THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FY 2009-2010 THROUGH 2013-2014 “ANNUAL MAIN LINE REPAIRS” CIP BUDGET. (0830-10)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7195 AMENDING THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FY 2009-2010 THROUGH 2013-2014 “ANNUAL MAIN LINE REPAIRS” CIP BUDGET, AUTHORIZING THE REORDERING OF THE “ANNUAL MAIN LINE REPAIRS” CIP PROJECTS TO INSERT THE “RED FLAG” AND “HIGH PRIORITY” PROJECTS DESCRIBED ABOVE IN THE Y8 11/12 WORK YEAR AND TO DEFER THE WORK SCHEDULED FOR “ANNUAL MAIN LINE REPAIRS” CIP PROJECTS BEGINNING IN Y8 11/12 AND SEQUENTIALLY THEREAFTER BY ONE YEAR, AND AUTHORIZING AN INCREASE IN THE Y8 11/12 ANNUAL MAIN LINE REPAIRS CIP BUDGET TO \$400,000. MOTION CARRIED UNANIMOUSLY.

6.4 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. (0830-35)

CITY MANAGER BROWN introduced the item and announced a revised staff report and resolution were submitted as last minute agenda information.

PUBLIC WORKS DIRECTOR LEVIEN gave a Power Point presentation on the proposed carbon odor control system.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADOPT 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.

JOHN KELTNER questioned why staff is relocating the project across the street from its current location.

PUBLIC WORKS DIRECTOR LEVIEN responded that the location on the north side of Imperial Beach Blvd. could not accommodate the infrastructure to allow room for ADA compliance.

6.5 RESOLUTION NO. 2012-7199 AUTHORIZING THE CITY MANAGER TO IMPLEMENT LAYOFFS OF CITY EMPLOYEES IN ORDER TO REMEDY THE IMPENDING SHORTFALL OF THE CITY’S GENERAL FUND. (0500-35)

CITY MANAGER BROWN reported on the item and he announced the following correction to the list of positions to be considered for layoffs: Maintenance Worker I should be corrected to Maintenance Worker.

