

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

MAY 18, 2011

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

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

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:32 p.m.

ROLL CALL

Councilmembers present:	Spriggs, Bragg, King (arrived at 5:40 p.m.)
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem Present:	Bilbray
Staff present:	City Manager Brown; Deputy City Attorney Mendoza; City Clerk Hald

CLOSED SESSION

MOTION BY BILBRAY, SECOND BY BRAGG, 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

MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY adjourned the meeting to Closed Session at 5:33 p.m. and he reconvened the meeting to Open Session at 6:06 p.m.; there was no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:07 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; Deputy City Attorney Mendoza; 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 spoke about receiving positive feedback on the City's Code Enforcement Program; and he reported on his attendance at the SANDAG Board meeting where there was a discussion on the Regional Transportation Plan.

COUNCILMEMBER BRAGG reported on her attendance at a MTS meeting stating that ridership increased by 2.7% as a result of higher gas prices and there is a new text messaging feature for riders to find out the arrival times for buses or trolleys; she spoke about her attendance at the Seaside Point Neighborhood meeting with Navy Captain Lindsey regarding increased operations at the Naval Outlying Landing Field (NOLF) and announced noise complaints can now be reported online and by telephone.

MAYOR PRO TEM BILBRAY represented the City at a ribbon-cutting ceremony at the South Bay International Wastewater Treatment Plant for the upgrade of the plant to the level of secondary treatment.

MAYOR JANNEY thanked City staff for improving the City's website and making it user friendly.

COMMUNICATIONS FROM CITY STAFF

According to Navy environmental staff, CITY MANAGER BROWN stated a Record of Decision will be issued within 30 days of May 17.

MAYOR JANNEY suggested the City Manager explore the cost for installing a camera at the end of 5th Street and Iris Avenue to monitor the number of fights at NOLF.

PUBLIC COMMENT

DR. JAN KOONTZ complained about an incident involving the Sheriff's Department when she played music and displayed a sign at Triangle Park.

MAYOR JANNEY referred the matter to the City Manager.

PRESENTATIONS (1.1)

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

MAYOR JANNEY presented the Recycle All-Star Award Certificate and other premiums to Andy Riechkhoff and stated the EDCO check for \$100 will be sent to him by mail.

CONSENT CALENDAR (2.1 - 2.5)

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 City Council Meetings of March 2, 2011, March 16, 2011 and April 6, 2011 and the Special City Council Meeting of March 2, 2011.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 78187 through 78292 with the subtotal amount of \$699,347.29 and Payroll Checks 43780 through 43813 for the pay period ending 04/21/11 with the subtotal amount of \$153,250.60 for a total amount of \$852,597.89.

2.3 RESOLUTION NO. 2011-7038 ESTABLISHING A FILING FEE FOR PROCESSING MUNICIPAL INITIATIVE PETITIONS. (0430-95)

Adopted Resolution.

2.4 RESOLUTION NO. 2011-7042 APPROVING TIME EXTENSION FOR IB3D BY THE SEA/HARMON NELSON III (OWNER); REGULAR COASTAL DEVELOPMENT PERMIT (CP 070034), DESIGN REVIEW CASE (DRC 070035), SITE PLAN REVIEW (SPR 070036), AND TENTATIVE PARCEL MAP (TPM 070089) TO CONSTRUCT THREE NEW ATTACHED CONDOMINIUM UNITS LOCATED AT 1008 OCEAN LANE, IN THE R-1500/MU-2 (HIGH DENSITY RESIDENTIAL/SEACOAST MIXED USE OVERLAY) ZONE. MF 924. (0600-20)

Adopted Resolution.

2.5 RESOLUTION NO. 2011-7039 CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 AND APPROVING COUNCIL POLICY 420. (0300-95 & 0410-95)

Adopted Resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2011-1116 TO CONSIDER ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2012. (0830-95)

CITY MANAGER BROWN reported on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2011-1116.

CITY CLERK HALD read the title of Ordinance No. 2011-1116, 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 – DESIGNATED.

MOTION BY KING, SECOND BY BRAGG, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2011-1116. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1-5.2)

5.1 RESOLUTION NO. 2011-7040 FINDING AND DECLARING THAT THE NOTICE AND ORDER TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 741 HICKORY COURT IS APPROPRIATE AND ASSESSING COSTS OF ABATEMENT, AN ADMINISTRATIVE FEE AND CIVIL PENALTIES. (0470-20)

A revised staff report and resolution were submitted as Last Minute Agenda Information.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CODE ENFORCEMENT OFFICER GARCIAS reported on the conditions of the property and the actions taken by staff as a result of unabated violations.

DONNA MUSIC explained why little maintenance has occurred, she spoke of the repairs that have been completed and requested additional time to continue with the repairs.

MAYOR JANNEY closed the public hearing.

City Council supported continuance of the public hearing to allow the property owner to continue with repairs to the property to achieve compliance.

DEPUTY CITY ATTORNEY MENDOZA stated the Municipal Code allows for continuation of a public hearing while keeping the public hearing open.

MAYOR JANNEY re-opened the public hearing and he stated fines will not accumulate between now and June 15, 2011.

MOTION BY BILBRAY, SECOND BY BRAGG, TO CONTINUE THE PUBLIC HEARING TO THE CITY COUNCIL MEETING OF JUNE 15, 2011. MOTION CARRIED UNANIMOUSLY.

5.2 AMENDMENT NO. 10-09/JULY 2011 TO THE TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS (PROJECTS FOR FISCAL YEARS 2012-2016). (0680-80)

MAYOR JANNEY declared the public hearing open.

DEPUTY CITY ATTORNEY MENDOZA announced Councilmember King has an economic interest involving real property (his residence); he is disqualified from discussion of the item however there is an exception in the law that allows him to speak as a member of the public.

COUNCILMEMBER KING stepped down from the dais at 6:41 p.m. and sat in the audience.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and he reviewed a map displaying the street segments to be included in the RTIP.

JIM KING, speaking on his own behalf, requested the project on Daisy Ave. continue down to 4th Street in order to include the block that terminates at Corvina Ave. and he stated that a handicap ramp should be installed at the corner of 3rd Street.

PUBLIC WORKS DIRECTOR LEVIEN explained the process for selection of the street segments and spoke about difficulties due to limited funds.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2011-7041 ADOPTING THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2012 THROUGH 2016, AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SUBMIT TRANSNET AMENDMENT TO SANDAG AND APPROVE THE RTIP PROJECTS BEING ADDED TO AND INCLUDED IN THE CITY OF IMPERIAL BEACH ADOPTED 5-YEAR TRANSNET CIP. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY stated he understood Councilmember King's concerns but due to limited funding the section he recommended cannot be added to the project at this time.

COUNCILMEMBER KING returned to the dais at 7:10 p.m.

REPORTS (6.1-6.8)

Consensus of City Council to take Item No. 6.2 before 6.1.

6.2 MONTHLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL. (0660-43)

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item due to the location of her previous employment and left the Council Chamber at 7:11 p.m.

CITY MANAGER BROWN introduced the item.

ALLISON ROLFE, Project Manager, reported on the status of the construction of the new hotel and the opening is planned for late Summer of 2012; in response to comments from a public speaker at a previous City Council meeting, she stated that it is a prevailing wage project, the contractor is required to ensure there are five journeymen hours for every one apprenticeship hour, all subcontractors are from San Diego County, Imperial Beach companies are used for catered meals; Pacifica prepared a vendor memo informing interested vendors to state: if the

company is woman or minority owned, the percentage of staff or subcontractors that live within Imperial Beach, the census information regarding minority employees, any efforts to assist the community of Imperial Beach regarding employment, economic development and minority services; and she spoke about the benefits as a result of receiving new market tax credits.

MAYOR JANNEY suggested Ms. Wolfe contact the Chamber of Commerce and Southbay Workforce Partnership to reach out to Imperial Beach residents for job opportunities.

COUNCILMEMBER BRAGG returned to Council Chambers at 7:20 p.m.

Consensus of City Council to take items in the following order 6.3, 6.6, and 6.1.

6.3 PROPOSED TERMS AND CONDITIONS OF THE PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT WITH SUDBERRY PROPERTIES, INC. FOR THE DEVELOPMENT OF THE 9TH & PALM REDEVELOPMENT PROJECT SITE. (0640-10)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item and submitted a revised site plan and diagram.

ESTEAN LENYOUN, Director of Urban Redevelopment for Sudberry, responded to City Council's concerns regarding future market conditions, drainage issues, traffic signals for the visually impaired and alley issues.

MOTION BY JANNEY, SECOND BY BRAGG, TO DIRECT STAFF TO DEVELOP A DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE REDEVELOPMENT OF THE 9TH & PALM REDEVELOPMENT PROJECT. MOTION CARRIED UNANIMOUSLY.

6.6 OUTDOOR USES UPDATE (MF 1048). (0610-95)

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item.

In response to Councilmember Spriggs concerns, COMMUNITY DEVELOPMENT DIRECTOR WADE stated regulating outdoor sales on a zone by zone basis may lead to difficulties in enforcement and issues of equality and preferential treatment; other jurisdictions regulate similarly throughout their jurisdictions.

MARK SCHUMM, representing Glacier Water, spoke in support for outdoor sales; he reported 390 consumers visit their 12 locations in Imperial Beach every day.

ROGER SANDOVAL, representing 7-Eleven, spoke in favor of Redbox movie rental kiosks.

CHRISTOPHER WILSON, a 7-Eleven Business Consultant for the Imperial Beach area, submitted a petition with 365 signatures in support of outdoor sales; he claimed Redbox movie rentals have helped underperforming stores increase sales transactions.

In response to City Council's questions, concerns, and interest in pursuing outdoor vending regulations, COMMUNITY DEVELOPMENT DIRECTOR WADE stated vending regulations will be separated out for City Council's consideration and review due to the amount of time it will take to have the Coastal Commission review and approve outdoor sales regulations and permitted uses; With regard to preventing proliferation of vending machines, regulations can be specific to the type of business establishment in front of which vending machines can locate; For outdoor sales displays, they can be regulated based on the percentage of the frontage area with respect to the size of the retail store (larger buildings would have a larger area for display, smaller buildings would have smaller areas for display); He offered the following suggestions should City Council desire specific regulations for the Seacoast Drive area: require Design Review Board review; allow for vending machines in front of specific uses or for uses not located on Seacoast Dr., or prohibit them; and he stressed the need to be as direct as possible and not have regulations that promote what is not desired.

MAYOR JANNEY called a recess at 8:39 p.m. and reconvened the meeting to Open Session at 8:49 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; Deputy City Attorney Mendoza; City Clerk Hald

Consensus of City Council to take Item No. 6.1, followed by 6.8.

6.1 DISCUSSION OF PROPOSED FISCAL YEAR 2011-12 AND 2012-13 OPERATING BUDGETS. (0330-30)

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE gave a PowerPoint presentation on the item noting that although the proposed 2-year Budget is balanced, there are some unknown impacts from the State of California such as the proposed elimination of RDA and loss of jail booking fees and the COPS grant; he noted that the elimination of the RDA could have an impact of \$300,000.

CITY MANAGER BROWN announced a City Council workshop will be held next week to discuss the budget and sources of revenue.

MAYOR JANNEY announced that the item will return to City Council on June 15th.

6.8 CASH AND INVESTMENT REPORTS FOR THE QUARTER ENDED MARCH 31, 2011. (0300-90 & 0350-90)

FINANCE DIRECTOR MCGRANE gave a report on the item and suggested that a portion of the funds now with LAIF be invested in the County of San Diego's investment pool.

6.4 ECO-BIKEWAY CONSTRUCTION PROJECT – PALM AVENUE (3RD STREET TO 7TH STREET) AND 7TH STREET (BAYSHORE BIKEWAY TO PALM AVENUE). (0680-20)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation detailing the history of the project.

City Council discussion included; a preference for seeking grant funds from SANDAG, opposition to cars parked along Palm Ave. between 3rd and 5th Streets, there was a suggestion to remove the traffic lights and stop signs and replace them with traffic circles and to be a model to other cities by making traffic flow along the main arterial streets a priority.

COUNCILMEMBER BRAGG spoke in opposition to the project due to the cost.

A majority of City Council supported direction to staff to proceed with grant applications as appropriate.

CITY MANAGER BROWN confirmed for the record that per City Council's direction staff will seek grant money to fund project.

6.7 SYSTEMATIC CODE COMPLIANCE PROGRAM UPDATE. (0470-95)

Item removed from the agenda.

6.5 UPDATE ON NEW STORM WATER PERMIT. (0770-85)

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a PowerPoint presentation on the item; he reported on the efforts of the San Diego County Copermittees and regional neighbors to influence the shape and content of the new storm water permit that will be issued in January 2012; and he reviewed the Copermittees' vision and goals.

CITY MANAGER BROWN suggested to the Technical Group that in order to adopt the new plan the State of California needs to provide money for the unfunded mandates.

City Council expressed support for the following future City Council briefing topics: Wastewater treatment collaboration between US and Mexico, Bi-national perspective on Tijuana River, IBWC Operations and Tijuana issues of interests.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 10:35 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk