

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

JUNE 1, 2011

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

CLOSED SESSION MEETING – 4:45 P.M.
REGULAR MEETING – 6:00 P.M.

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 4:45 p.m.

ROLL CALL

Councilmembers present: Bragg, King
Councilmembers absent: Spriggs
Mayor Pro Tem Present: Bilbray
Mayor present: Janney
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY BILBRAY, 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

Pursuant to Government Code Section 54956.9(b)(3)(A)

No. of Cases: 2

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, BILBRAY, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: SPRIGGS

MAYOR JANNEY adjourned the meeting to Closed Session at 4:46 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 Item Nos. 1 and 2, direction was given and no reportable action was taken.

REGULAR MEETING CALL TO ORDER BY MAYOR

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Bragg, King
Councilmembers absent: Spriggs
Mayor Pro Tem Present: Bilbray
Mayor present: Janney
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 BRAGG, SECOND BY BILBRAY, TO TAKE ITEM NO. 6.1 – PRESENTATION ON NAVAL FLIGHT PATTERNS RELATED TO EXPANDED HELICOPTER OPERATIONS BY CAPT. LINDSEY AFTER ITEM NO. 1.1. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY announced Item No. 6.4 was removed from the agenda and will be considered by City Council at a future meeting.

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

COUNCILMEMBER BRAGG announced she and City Manager Brown attended the San Diego Tax Payers Association's Annual Golden Watch Dog and Fleece Awards Dinner where Imperial Beach was nominated for an award for the Public/Private Partnership category for projects completed by Boy Scout Troop No. 53 under the leadership of Public Works Director Levien; and she and Councilmember King were guests of the Port of San Diego as they sailed the San Diego Bay on the tall ship Californian.

MAYOR JANNEY thanked Christine Moore of AT&T who informed the City of the opportunity to apply for the award mentioned by Councilmember Bragg; and he announced that SANDAG released the draft EIR for the Regional Beach Sand Project II.

COMMUNICATIONS FROM CITY STAFF

PUBLIC WORKS DIRECTOR LEVIEN introduced Russell Mercer, the new GIS Administrator.

PUBLIC SAFETY DIRECTOR CLARK introduced Marco Garmo, the new Lieutenant at the Imperial Beach Sheriff's Station.

PUBLIC COMMENT

MARLA CASTENEDA and EVERARDO AGUILAR, of the National Children's Study, announced Imperial Beach was chosen to be in a monumental study looking at children's health and their environment.

PRESENTATIONS (1.1)

1.1* DEBUT OF NEW SAN DIEGO COUNTY LIBRARY BOOKMARKS FEATURING IMPERIAL BEACH LIFEGUARDS. (0150-20)

JUNE ENGEL presented City Council with the new bookmark featuring Imperial Beach Lifeguards.

REPORTS (6.1)

6.1 PRESENTATION ON NAVAL FLIGHT PATTERNS RELATED TO EXPANDED HELICOPTER OPERATIONS BY CAPT. LINDSEY. (0620-80)

A revised staff report and correspondence from Dante Pamintuan and Lenora Porcella were submitted as last minute agenda information.

CAPTAIN LINDSEY gave a PowerPoint presentation on the airfield hours, FAA Rules, Course Rules, and runway patterns; he noted that helicopter operations have taken place on the runway closest to the City over the past several months due to construction on the long runway and the majority of the helicopter operations will return to the long runway by the end of June; he also spoke about the noise complaint process and the need for complainants to provide the date, time and identification of the plane or helicopter; he reported that only 15 complaints have been received this year; he showed the hourly traffic count of helicopter flights for 2010 and that the proposed increase in operations will not exceed 9 to 10 helicopters at any point in time; in response to questions of Council, he stated that the Navy is analyzing the comments and concerns that were submitted on the Environmental Assessment and will prepare a response.

ANGELIC DOLAN, Public Affairs Officer for Naval Base Coronado, spoke about the noise complaint process and that an online complaint system should be completed soon.

DANTE PAMINTUAN expressed concern about safety when helicopters fly over the fence line and close to homes; he suggested that the helicopter operations move to the helo pads and away from the northern runway; he opposed the Environmental Assessment and stated that the Navy will be sued if it does not conduct an EIS (Additional time donated by CHRISTINE HILLGER).

JOHN MUNNS spoke in opposition to the proposed increase in operations at NOLF.

JEFF KNOX spoke in support for an EIS due to the proposed increase in operations; he expressed concern about noise and an increase in unspent jet fuel over the estuary and homes.

MICHAEL BIXLER read and submitted a letter for the record expressing his opposition to expanded operations at NOLF.

MAYOR JANNEY requested a copy of the Navy's Air Operations Manual and looked forward to the Navy's response and mitigation measures for the comments they received on the Environmental Assessment.

CONSENT CALENDAR (2.1 - 2.9)

MOTION BY KING, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS 2.1 THRU 2.9. MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 MINUTES.

Approved the minutes of the City Council Workshop Meeting of April 13, 2011 and the Regular City Council Meetings of April 20, 2011 and May 4, 2011.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 78293 through 78379 with the subtotal amount of \$789,772.93 and Payroll Checks 43814 through 43850 for the pay period ending 05/05/11 with the subtotal amount of \$157,266.28 for a total amount of \$947,039.21.

2.3 RESOLUTION NO. 2011-7049 AUTHORIZING THE SALE OF CERTAIN SURPLUS CITY EQUIPMENT. (0380-45)

Adopted Resolution.

2.4 RESOLUTION NO. 2011-7050 AUTHORIZING ADOPTION OF THE 2009 EDITION OF THE SAN DIEGO AREA REGIONAL STANDARD DRAWINGS. (0720-95)

Adopted Resolution.

2.5 RESOLUTION NO. 2011-7047 AUTHORIZING THE CITY OF IMPERIAL BEACH TO RECEIVE CLEANUP AND ABATEMENT ACCOUNT FUNDS FOR THE LOS LAURELES CANYON TRANS-BORDER TRASH TRACKING STUDY. (0390-86 & 0620-75)

Adopted Resolution.

2.6 RESOLUTION NO. 2011-7046 TIME EXTENSION APPROVAL FOR CONDITIONAL USE PERMIT (CUP 05-285) AND SITE PLAN REVIEW (SPR 05-286) FOR A MIXED-USE PROJECT LOCATED AT 198-200 PALM AVENUE, IN THE SEACOAST COMMERCIAL (C-2) ZONE: GREG NEIL OWNER/APPLICANT. MF 807. (0600-20)

Adopted Resolution.

2.7 RESOLUTION NO. 2011-7051 AUTHORIZING RENEWAL OF THE AGREEMENT WITH PARTNERSHIPS WITH INDUSTRIES FOR TIDELANDS MAINTENANCE SERVICES. (0920-20)

Adopted Resolution.

2.8 RESOLUTION NO. 2011-7044 AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2010-2011 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT ALSO KNOWN AS THE COPS GRANT. (0260-15 & 0390-86)

Adopted Resolution.

2.9 RESOLUTION NO. R-11-260 AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE EXCLUSIVE NEGOTIATION AGREEMENT WITH SUDBERRY PROPERTIES. (0640-10)

Adopted Resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 FIRST READING OF ORDINANCE NO. 2011-1117 – AFFIRMATIVE ACTION. (0380-95)

CITY ATTORNEY LYON reported on the item.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2011-1117.

CITY CLERK HALD read the title of Ordinance No. 2011-1117 “An Ordinance of the City Council of the City of Imperial Beach repealing Chapter 2.44 of the Imperial Beach Municipal Code regarding affirmative action in public contracting.”

MOTION BY BILBRAY, SECOND BY KING, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION OF ORDINANCE NO. 2011-1117 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:

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

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2011-7048 SUE ELENBAAS AND MICHAEL HENTSCH (APPLICANT/OWNER); ADMINISTRATIVE COASTAL PERMIT (ACP 110001) AND CONDITIONAL USE PERMIT (CUP 110002) TO PROVIDE A SENIOR HOUSING DEVELOPMENT (“BY THE SEA”) LOCATED AT 829 EMORY STREET (APN 626-322-04-00) IN THE R-3000 (TWO FAMILY RESIDENTIAL) ZONE. MF 1064. (0600-20)

Correspondence from Bob Vasquez, received on May 31, 2011 was submitted as Last Minute Agenda Information.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item; and in response to concerns of City Council, he stated staff would verify if the house numbers comply with the code and if the hot tub requires railings.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7048 APPROVING THE ADMINISTRATIVE COASTAL PERMIT (ACP 110001) AND CONDITIONAL USE PERMIT (CUP 110002), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS (6.2 - 6.7)

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

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item.

JOHN PERNO indicated opposition to hiring additional staff (He did not wish to speak).

CHARLES QUISENBERRY spoke in support for eliminating the Code Compliance Division.

MATTHEW WALTHER spoke about his personal experience with code enforcement and having to demolish a garage conversion and enclosed patio to bring his property into compliance; it was discovered that there was bad wiring, mold, and plumbing that wouldn't drain, avoiding a catastrophic situation; he questioned why code enforcement has not gone after similar homes with garage conversions; and he spoke in support for uniform and systematic enforcement of building standards.

City Council spoke about the positive impacts code enforcement has had on the appearance of neighborhoods and the quality of life in Imperial Beach; it was noted that a main focus of the Neighborhood Revitalization Committee was code enforcement; there was opposition to eliminating the Code Enforcement Department and to adding additional staff; there was support for a priority focus on code complaints while limiting the scope of systematic compliance to clearly visible violations; there was concern about redundancy in some of the codes used in the systematic process; further direction was to divide the City into six (6) sections and to inspect all sections within one year.

CITY MANAGER BROWN understood Council's direction to make complaints a higher priority, divide the City into six (6) sections and conduct systematic enforcement in each section for two (2) months at a time; he stressed it is unlikely that electrical or plumbing problems will be found with the systematic process as staff will only address problems that are obvious from the street; and staff will return to City Council with an update.

COMMUNITY DEVELOPMENT DIRECTOR WADE confirmed that staff will narrow the enforcement list used in the systematic process and address the most egregious violations; he was hopeful that the new process will allow staff to address the back log of citizen complaints.

6.3 REVIEW AND DIRECTION REGARDING PROCESSING AND FISCAL ALTERNATIVES FOR AN OFF-LEASH TEST SITE ON THE BEACH BETWEEN PALM AVE. AND CARNATION AVE. (NORTH CITY LIMITS). (0920-90)

CITY MANAGER BROWN outlined the steps for considering a trial period for an off-leash test site on the beach between Palm Ave. and Carnation Ave. as listed in the staff report.

MIKE MCCOY, a Veterinarian, expressed concern about the possibility of confrontations with dogs and owners on the beach; he encouraged City Council to consider fiscal impacts, public access to the beach, liability issues, encounters with unvaccinated dogs, and the cost to treat an injured animal.

JOHN PERNO indicated that a leash free area in Imperial Beach was long overdue (he did not wish to speak).

GENE HILLGER, President of Ocean Blue Foundation, spoke in support for an off-leash site and said that his foundation will add additional dispensers and maintain the supply of the dog waste bags if the off-leash site is approved.

TIM ONEAL spoke in support for the off-leash area and expressed concern about IB Yappy paying for the study.

DEBORAH A. GOETZ, representing IB Yappy, spoke in support for an off-leash area; and she noted that she did not foresee an increase in dog waste at the proposed test site since on-leash dogs are currently allowed at the site (Additional speaking time donated by CANDY UNGER).

COUNCILMEMBER KING spoke in support for spaying and neutering of animals and for an off-leash trial period; he encouraged staff to first determine if there would be a conflict with environmental rules before moving forward; and stated that a method for evaluating the test site is needed.

COUNCILMEMBER BRAGG was concerned about the cost for the environmental review and questioned if there is another location that can be considered, she also expressed concern with possible encounters between the children in the Jr. Lifeguard Program with off-leash dogs; she supported spaying and neutering of animals and entering into a MOU with IB Yappy; and she questioned the method for evaluating the test area.

CITY MANAGER BROWN stated that the Public Safety Director has arranged with the City of Chula Vista Animal Shelter four (4) spay and neuter clinics per year in Imperial Beach.

MAYOR PRO TEM BILBRAY spoke in support for the six (6) month trial period, and for an MOU with IB Yappy; he stressed the importance of being a responsible dog owner and that owners are liable for their dogs.

MICHAEL DENNISON suggested the use of Navy property for the off-leash area.

MAYOR JANNEY supported a trial period on the beach and expressed concern about the cost for the environmental review.

Consensus of City Council to:

1. Enter into a MOU with IB Yappy regarding operation and maintenance of the trial off-leash area;
2. Conduct a public hearing and send notices to residents within the test site area informing them of the off-leash test site;
3. The City may be required to pay for the processing of the Coastal Development Permit and environmental review;
4. Prepare an Ordinance suspending enforcement of the on-leash provision of the Municipal Code until the trial is terminated (Maximum of 6 months);
5. If during the public hearing or during the review process there is a significant opposition or potential litigation, the City should abandon the leash free idea.
6. Consider a Workshop to discuss a City Council policy on community group requests that require considerable City staff and financial resources.

6.4 IMPERIAL BEACH SHERIFF STATION 2010 YEAR END REVIEW. (0260-80)

Item removed from the agenda.

6.5 ADA COMPLIANCE IMPROVEMENTS AT 9TH STREET AND IMPERIAL BEACH BLVD. (0720-40)

CITY MANAGER BROWN introduced the item.

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

Consensus of City Council to proceed with alternative 2 as presented by Mr. Levien.

City Council asked staff to provide information on traffic circles.

6.6 RESOLUTION NO. 2011-7043 APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE CITY OF IMPERIAL BEACH REGARDING FIRE AND EMERGENCY MEDICAL DISPATCH SERVICES. (0250-32)

CITY MANAGER BROWN reported on the item.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7043 APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE CITY OF IMPERIAL BEACH REGARDING FIRE AND EMERGENCY MEDICAL DISPATCH SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:

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

6.7 RESOLUTION NO. 2011-7045 APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE (SHELTER) AND ANIMAL CONTROL SERVICES. (0200-50)

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR CLARK reported on the cost for the intake of dogs to the Chula Vista Animal Shelter.

MOTION BY BRAGG, SECOND BY BILBRAY, TO APPROVE RESOLUTION NO. 2011-7045 APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE (SHELTER) AND ANIMAL CONTROL SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:

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

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 9:08 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk