

**MINUTES**

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

**JUNE 5, 2013**

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

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

**CLOSED SESSION MEETING CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:02 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present: Patton, Bilbray (arrived at 5:12 p.m.), Spriggs (arrived at 5:14 p.m.)  
Councilmembers absent: None  
Mayor present: Janney  
Mayor Pro Tem present: Bragg  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**CLOSED SESSION MEETING**

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

**1. PUBLIC EMPLOYEE APPOINTMENT**

Pursuant to Government Code Section 54957  
Title: City Manager

**2. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6  
Agency Representatives: Mayor  
Unrepresented Employee: City Manager

**3. PUBLIC EMPLOYEE APPOINTMENT**

Pursuant to Government Code Section 54957  
Title: Interim City Manager

**4. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6  
Agency Representatives: Mayor  
Unrepresented Employee: Interim City Manager

**5. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

Pursuant to Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9  
Name of Case: Case No. 37-2013-00044362-CU-MC-CTL

**MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY adjourned the meeting to Closed Session at 5:03 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 discussed Item Nos. 1 through 5, City Council gave direction and no reportable action was taken.

The Closed Session Meeting was adjourned at 6:04 p.m.

### **REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:05 p.m.

### **ROLL CALL BY CITY CLERK**

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg
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 REMOVE ITEM NO. 6.4 FROM THE AGENDA FOR CONSIDERATION ON A FUTURE MEETING AGENDA AND TO PULL ITEM NO. 2.5 FROM THE CONSENT CALENDAR FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.**

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

MAYOR PRO TEM BRAGG reported on her attendance at the Chamber of Commerce Breakfast meeting where City Manager Brown was recognized for his service to Imperial Beach.

### **COMMUNICATIONS FROM CITY STAFF**

None.

### **PUBLIC COMMENT**

MARCUS BOYD spoke about an article that appeared in Imperial Beach Patch about the high prices and expired products at Wally's Marketplace and about a Channel 10 news reporter going undercover and finding expired and rotten products at the market. In response, the owner of the market challenged shoppers to find any expired items in the store. If any are found, the price of the expired products would be transacted as a discount coupon.

### **PRESENTATIONS (1)**

None.

### **CONSENT CALENDAR (2.1-2.4)**

COUNCILMEMBER SPRIGGS disqualified himself on Item No. 2.4 due to the location of his residence and left the dais at 6:12 p.m.

GREGORY FISCHER encouraged City Council to read a letter from his home owners association president which was submitted as Last Minute Agenda Information. Upon showing a picture of the beach shore, he noted that the beach level now exceeds that which the rip rap was designed for as a result of the sand project. He expressed concern about the lack of a slope back to the beach and spoke in support for banking sand against the rip rap to slow down water transfer. He encouraged the City to approach SANDAG about the concerns raised regarding the slope of the beach to hold them accountable (additional speaking time donated by Ed Spriggs).

ALICE DE LA TORRE asked City Council for answers on how the beach will be fixed. She was concerned about flooding and the slope of the beach. She requested consideration of long term damage by an engineer.

DAVE VAN DE WATER stated that the beaches should not be flat but rather sloped towards the beach. He requested that the problem be fixed by SANDAG.

ROB RUNDLE stated that the beach was built to the design specifications and SANDAG has addressed the issues related to the lip formation and the ponding. He stated that as the lip formation is removed, it reappears. This has occurred in other cities as well as in Imperial Beach. He also stated that SANDAG will ask the engineers to address the questions raised regarding the slope of the beach.

MAYOR PRO TEM BRAGG asked for more information on the formation of the lip.

**MOTION BY BILBRAY, SECOND BY PATTON, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.4.**

**WITH REGARD TO ITEM NOS. 2.1 THROUGH 2.3, MOTION CARRIED UNANIMOUSLY.**

**WITH REGARD TO ITEM NO. 2.4, MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS: BILBRAY, PATTON, BRAGG, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS: NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS: NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS: SPRIGGS</b>

**2.1 MINUTES.**

Approved the minutes of the Regular City Council Meeting of May 1, 2013 and the Special Closed Session Meeting of May 15, 2013.

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

Ratified the following registers: Accounts Payable Numbers 82457 through 82553 for a subtotal amount of \$1,267,721.92 and Payroll Checks/Direct Deposit 45227 through 45249 for a subtotal of \$130,471.87 for a total amount of \$1,398,193.79.

**2.3 RESOLUTION NO. 2013-7339 ADOPTING APPROPRIATE REFERENCE DOCUMENTS AS THE CONSTRUCTION STANDARD WITH THE CITY WHEN PERFORMING PUBLIC WORKS PROJECTS TO WIT: STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK), 2012 EDITION; 2013 SUPPLEMENT TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK), 2012 EDITION; STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION 2009 EDITION; AND 2012 SAN DIEGO REGIONAL STANDARD DRAWINGS. (0720-95)**

Adopted resolution.

**2.4 AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SANDAG AND IMPERIAL BEACH REGARDING THE REGIONAL BEACH SAND REPLENISHMENT PROJECT II. (0140-40 & 0220-70)**

Approved the amendment to the MOU.

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

None.

**ORDINANCES – SECOND READING/ADOPTION (4.1)**

**4.1 ORDINANCE NO. 2013-1139 AUTHORIZING RECOVERY OF ANY FEES INCURRED BY THE CITY IN THE ATTEMPT TO COLLECT OUTSTANDING DEBT. (0390-70)**

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the second reading of the title of Ordinance No. 2013-1139.

CITY CLERK HALD read the title of Ordinance No. 2013-1139 “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING SECTION 10.36.190 AND ADDING CHAPTER 1.24 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO PENALTIES FOR THE PARKING, STANDING, AND STOPPING OF VEHICLES.”

**MOTION BILBRAY, SECOND BY SPRIGGS, TO WAIVE FURTHER READING OF ORDINANCE NO. 2013-1139 AND ADOPT ORDINANCE BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2013-7340 CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M). (0465-10)**

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.

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7340 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 (6.1-6.8)**

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

PUBLIC WORKS DIRECTOR LEVIEN introduced the item.

BSA TROOP 53 EAGLE SCOUT CANDIDATE MATTHEW EIS gave a PowerPoint presentation on the item.

COUNCILMEMBER SPRIGGS thanked Mr. Eis for presenting the project. He recognized BSA Troop 53 for the amount of time and effort they have contributed towards beautifying the City. He stated that the troop has been a low cost alternative to having the Public Works staff perform the work.

**MOTION BY JANNEY, SECOND BY BRAGG, TO SIGN THE EAGLE PROJECT PLAN FOR MR. EIS TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION. MOTION CARRIED UNANIMOUSLY.**

## **6.2 MANAGEMENT OF SPORTS PARK. (0920-40)**

The following were submitted as Last Minute Agenda Information:

- a. E-mail message from Candy Under, dated May 31, 2013
- b. E-mail message from Gwendolyn Albert, dated May 31, 2013
- c. E-mail message from Erika Lowery, dated June 1, 2013
- d. E-mail message from Vincent Farnsworth, dated June 3, 2013
- e. E-mail message from Vincent Farnsworth, dated June 4, 2013
- f. E-mail message from Candy Unger and the following attachments:
  - i. Imperial Beach Sports Park Collaborative Proposal
  - ii. Boys and Girls Clubs Programs and Activities
  - iii. Boys and Girls Clubs New Proposed Sports Park Programs and Activities
  - iv. Boys and Girls Clubs Deal Points
  - v. Online Petition Comments
  - vi. Recreation Programing for Sports Park
  - vii. Petitions
  - viii. Flyer
- g. Community Collaborative Information submitted by Candy Unger
- h. I.B. Community Parks and Recreation Community Survey submitted by Candy Unger

CITY MANAGER BROWN reported on the item.

MAYOR JANNEY stated that this is an opportunity to look at management of the Sports Park by a professional organization. It is not considered privatization but rather a public-private partnership. He announced that the following people submitted speaker slips opposing staff's recommendation and did not wish to speak on the matter: Mike Hastings, Elsie Slatter, and Chris Pardines.

CITY MANAGER BROWN reviewed the deal points noting that the Leagues would not be charged any more than they currently pay. They would pay for their use of electricity at the concession stand.

COUNCILMEMBER SPRIGGS stressed that the previously proposed fee of \$25 per player was eliminated and there is no charge for the use of Skate Park for Imperial Beach kids who are 18 and under.

FE FERNANDEZ indicated opposition to the item (she did not wish to speak).

EMILY YOUNG indicated opposition to the item. She noted support for citizen-based collaborative planning for the future of Sports Park and for the creation of a Parks and Recreation Committee (she did not wish to speak).

PETER RAMSEIER indicated opposition to the item (he did not wish to speak).

CANDY UNGER, speaking on behalf of the I.B. Sports Park Collaborative, stated that the group had the following points:

- No increased fees for I.B. Little League and I.B. Girls Softball
- Uncertainties about YMCA and what they are offering
- High fees for membership
- New fees for the Skate Park
- Duplication of programs already offered in the community
- Lack of new programs
- No mention of adult or senior programs
- The YMCA bringing in programs that compete with local businesses
- Loss of a public park

A proposed option is the formation of a foundation or committee that would provide fund raising ideas and present grant opportunities to help offset the City's financial shortfalls.

PAMELA OLVERA indicated opposition to the item (she did not wish to speak).

VINCENT FARNSWORTH spoke against having the YMCA manage the Sports Park. He expressed concern about losing access to a public park. He urged City Council to vote no.

GUNNAR WIEBER echoed the comments of Candy Unger. He spoke about the Collaborative's desire to allow youth and teens to use the facility without having to buy a membership.

MICHEL DEDINA spoke in opposition to the YMCA.

DON SPICER, President of I.B. Little League, spoke in support for the proposal submitted by the I.B. Sports Park Collaborative.

GREG HUGHES spoke passionately about skateboarding and opposed the item.

CHERYL QUINONES spoke in opposition to the YMCA.

AMANDA LACCONE spoke in opposition to the YMCA.

JIM LACCONE, President of I.B. Girls Softball, supported the proposal submitted by the I.B. Sports Park Collaborative.

SERGE DEDINA spoke in opposition to staff's recommendation. He spoke in support for development of a Parks and Recreation Commission with a Sports Park Subcommittee and working with the community.

WYATT WALISCH echoed comments made by Candy Unger and spoke in support for the Collaborative's proposal.

JEAN VILLARD stated that he donated his time to Candy Unger.

CANDY UNGER asked City Council to consider the Collaborative's proposal.

SERGIO DELOS REYES indicated opposition to the item (he did not wish to speak).

JIM KING asked City Council to table the item at this time. He supported exploring the matter further and engaging the community in the process.

ELIZABETH MCKAY indicated opposition to the item (she did not wish to speak).

ERIKA LOWERY asked City Council to consider a formal Request for Proposal for the management of the Sports Park and she spoke against the procedure that lead to the recommendation of the YMCA (additional speaking time donated by Chad Stevens).

City Council appreciated the efforts of the Collaborative on developing a proposal. There was support for postponing discussion of the item at this time, allowing for participation by the Collaborative, and for City Council to make a decision by the first meeting in September.

COUNCILMEMBER BILBRAY supported postponing the item to allow for public participation. He made a motion to table the item at this time and to bring it back at a future City Council meeting.

Motion failed due to a lack of a second.

MAYOR JANNEY stressed the need for setting a process before moving forward.

CONGRESSMAN BILBRAY spoke about his positive experience with a 5-member Parks and Recreation Commission when he was Mayor of Imperial Beach. He noted that City staff has come a long way since this item was first presented to City Council and that the community has successfully come together with a proposal. He stressed that the two sides have moved towards each other and in Imperial Beach that is a rare occurrence.

**CONSENSUS OF CITY COUNCIL TO HAVE COUNCILMEMBERS BILBRAY AND PATTON WORK WITH STAFF ON DEFINING A PROCESS BY WHICH CITY COUNCIL MIGHT DECIDE WHAT ORGANIZATION SHOULD MANAGE THE SPORTS PARK.**

### **6.3 TIJUANA RIVER WATERSHED UPDATE. (0770-87)**

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a PowerPoint presentation on the item.

MAYOR PRO TEM BRAGG asked City staff to share information on this item with the Chamber of Commerce.

In response to questions from City Council, MR. HELMER stated that the Tijuana Estuary is being monitored by the Tijuana Estuary staff. They are aware of the changes at the river mouth, that what is happening is to be expected and they have no concerns at this time. He also stated that the Navy is interested in the hydrology model. However, the project was put on hold due to budget sequestration.

### **6.4 CONTRACT AMENDMENT FY 10-11 ANNUAL MAINLINE REPAIRS (W11-201). (0830-10)**

Item No. 6.4 was removed from the agenda for consideration on a future City Council meeting agenda by prior City Council action.

**6.5 RESOLUTION NO. 2013-7337 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AS-NEEDED AGREEMENT WITH KEYSER MARSTON ASSOCIATES FOR FINANCIAL/ECONOMIC CONSULTING SERVICES ON VARIOUS PROJECTS. (0640-05)**

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER WADE reported on the item.

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2013-7337 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AS-NEEDED AGREEMENT WITH KEYSER MARSTON ASSOCIATES FOR FINANCIAL/ECONOMIC CONSULTING SERVICES ON VARIOUS PROJECTS. MOTION CARRIED UNANIMOUSLY.**

**6.6 RESOLUTION NO. HA-13-13 APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AS-NEEDED PROFESSIONAL SERVICES AGREEMENT WITH KEYSER MARSTON ASSOCIATES FOR FINANCIAL/ECONOMIC CONSULTING SERVICES ON AFFORDABLE HOUSING PROJECTS. (0412-50)**

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item.

**MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. HA-13-13 APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AS-NEEDED PROFESSIONAL SERVICES AGREEMENT WITH KEYSER MARSTON ASSOCIATES FOR FINANCIAL/ECONOMIC CONSULTING SERVICES ON AFFORDABLE HOUSING PROJECTS. MOTION CARRIED UNANIMOUSLY.**

**6.7 RESOLUTION NO. 2013-7338 AUTHORIZING PUBLIC SAFETY TO PURCHASE THREE (3) AUTOCITE HANDHELD DEVICES AND RELATED SOFTWARE, ACCESSORIES, WITH TRAINING, INSTALLATION AND IMPLEMENTATION SERVICES, FOR ISSUING PARKING TICKETS WITHIN THE CITY OF IMPERIAL BEACH. (0390-70)**

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR CLARK reported on the item.

COUNCILMEMBER PATTON asked staff to return to City Council with an update within six (6) months of the start of the program.

**MOTION BY PATTON, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7338 AUTHORIZING PUBLIC SAFETY TO PURCHASE THREE (3) AUTOCITE HANDHELD DEVICES AND RELATED SOFTWARE, ACCESSORIES, WITH TRAINING, INSTALLATION AND IMPLEMENTATION SERVICES, FOR ISSUING PARKING TICKETS WITHIN THE CITY OF IMPERIAL BEACH. MOTION CARRIED UNANIMOUSLY.**

**6.8 REQUEST BY MEMBER OF THE CITY COUNCIL TO PLACE AN ITEM ON A CITY COUNCIL AGENDA – HISTORICAL REPOSITORY. (0410-10)**

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER SPRIGGS suggested that future requests by members of the City Council for placement of items on a City Council agenda be considered under Consent Calendar.

**CONSENSUS OF CITY COUNCIL TO PLACE THE ITEM ON A FUTURE MEETING AGENDA AFTER STAFF WORK, IF ANY, IS COMPLETED.**

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

**7.1 SUCCESSOR AGENCY RESOLUTIONS APPROVING PROFESSIONAL SERVICES AGREEMENTS AND OTHER REQUIRED ACTIONS FOR THE POSSIBLE REFUNDING OF THE 2003A TAX ALLOCATION BONDS. (0340-10 & 0418-50)**

A staff report was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

ADMINISTRATIVE SERVICES DIRECTOR VONACHEN reported on the item.

MICHAEL KREMER, Senior Vice President of First Southwest, gave a PowerPoint presentation on the refinancing of the Series 2003A Tax Allocation Bonds.

**MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. SA-13-25 APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH JONES HALL TO PROVIDE BOTH BOND AND DISCLOSURE COUNSEL SERVICES FOR THE POSSIBLE REFUNDING OF THE 2003A TAX ALLOCATION BONDS. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. SA-13-24 APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH FIRST SOUTHWEST COMPANY TO PROVIDE FINANCIAL ADVISORY SERVICES FOR THE POSSIBLE REFUNDING OF THE SERIES 2003A TAX ALLOCATION BONDS. MOTION CARRIED UNANIMOUSLY.**

**ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

**2.5 RESOLUTION NO. 2013-7341 IN SUPPORT OF THE DEVELOPMENT OF AN INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC/CILA) MINUTE TO THE 1944 U.S.-MEXICO WATER TREATY TO REDUCE THE TRANS-BORDER FLOW OF TRASH, SEDIMENT, AND WASTEWATER. (0230-70)**

COUNCILMEMBER BILBRAY requested transmittal of a letter with a preference for trash removed from the river valley be placed in Mexican landfills rather than American landfills.

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2013-7341 IN SUPPORT OF THE DEVELOPMENT OF AN INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC/CILA) MINUTE TO THE 1944 U.S.-MEXICO WATER TREATY TO REDUCE THE TRANS-BORDER FLOW OF TRASH, SEDIMENT, AND WASTEWATER. MOTION CARRIED UNANIMOUSLY.**

