

MINUTES

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

JULY 15, 2015

**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 MEETING CALL TO ORDER

Mayor Pro Tem Bilbray called the Closed Session meeting to order at 5:30 p.m.

ROLL CALL BY CITY CLERK

Councilmembers Present: Spriggs, Bragg, Patton
Councilmembers Absent: None
Mayor Absent: Dedina
Mayor Pro Tem Present: Bilbray
Staff Present: City Manager Hall, City Attorney Lyon, City Clerk Hald

CLOSED SESSION

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

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code section 54957.6:

Agency Designated Representatives: City Manager, City Attorney, Assistant City Manager, Human Resources Manager, Administrative Services Director

Employee Organizations: Imperial Beach Firefighters' Association (IBFA), Local 4692
Service Employees International Union (SEIU), Local 221

Unrepresented Employees: Confidential, Mid-management, Management

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, BRAGG, SPRIGGS, BILBRAY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: DEDINA

Mayor Pro Tem Bilbray adjourned the meeting to Closed Session at 5:31 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 No. 1, City Council gave direction and no reportable action was taken.

ADJOURN CLOSED SESSION

Mayor Pro Tem Bilbray adjourned the Closed Session meeting at 6:01 pm.

REGULAR MEETING CALL TO ORDER

Mayor Pro Tem Bilbray called the Regular Meeting to order at 6:02 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Patton, Bragg, Spriggs
Councilmembers absent: None
Mayor Absent: Dedina
Mayor Pro Tem Present: Bilbray
Staff Present: City Manager Hall, City Attorney Lyon, City Clerk Hald, Assistant City Manager Dush, Senior Planner Foltz, Public Works Director Levien, Administrative Services Director Bradley

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Imperial Beach Boy Scout Troop 866.

AGENDA CHANGES

Councilmember Patton proposed moving Item No. 5.4 after the Consent Calendar.

Councilmember Spriggs recommended pulling Item No. 2.2 from the Consent Calendar for discussion at the end of the agenda.

Mayor Pro Tem Bilbray stated Item No. 2.8 needs to be stricken from the agenda.

City Manager Hall recommended moving Item Nos. 5.1 and 5.2 to the beginning of the agenda.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO MOVE ITEM NO. 5.4 AFTER THE CONSENT CALENDAR, TO PULL ITEM NO. 2.2 FROM THE CONSENT CALENDAR FOR DISCUSSION AT THE END OF THE AGENDA, TO STRIKE ITEM NO. 2.8 FROM THE AGENDA, AND TAKE ITEM NOS. 5.1 AND 5.2 AT THE BEGINNING OF THE AGENDA.

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, BRAGG, SPRIGGS, BILBRAY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: DEDINA

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

Councilmember Patton reported on his attendance at the League of CA Cities Mayors and Councilmembers Executive Forum in Monterey and the grand opening of McDonald's. He announced the upcoming 59th Sun and Sea Festival.

Councilmember Spriggs reported on his attendance at the League of CA Cities Mayors and Councilmembers Executive Forum in Monterey. He also reported on his attendance at the Port of San Diego Board meeting where there was support to have the majority of Pond 20 used for environmental mitigation with the proceeds going to Imperial Beach and District 8 of San Diego.

Mayor Pro Tem Bilbray announced the following upcoming events: the Sun and Sea Festival, the Surf Dog Competition, and Relay for Life. He thanked the I.B. Firefighters for hanging the flags for the 4th of July holiday and he reported on his attendance at the SANDAG Board meetings.

COMMUNICATIONS FROM CITY STAFF

City Manager Hall introduced Steve Dush, the City's new Assistant City Manager/Community Development Director.

Steve Dush introduced himself and spoke about his background.

PUBLIC COMMENT

Josie Hamada invited the community to the Relay for Life event on August 1, 2015.

Meli Peron stated in response to rumors that there will be another discount grocery store at the 9th and Palm project, she sent a letter in support of a high-end grocery store to Sudberry, which she read aloud.

CAPT. William E. Zedbeck announced the upcoming Kids 'n Kastles event that is sponsored by the Optimist Club and he recognized Candy Unger and Tim O'Neal for their efforts on the 4th of July fireworks.

Chris Brown praised the 4th of July Fireworks but complained about the number of tents that were erected at Pier Plaza.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1, 2.3 - 2.7 & 2.9)

MOTION BY PATTON, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.3 THROUGH 2.7 AND 2.9. MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 MINUTES.

Approved the Regular Meeting Minutes of June 3 and June 17, 2015.

2.3 RECEIVE TREASURER'S REPORT. (0300-90)

Received the monthly Treasurer's report.

2.4 ADOPTION OF RESOLUTION NO. 2015-7604 AUTHORIZING THE CITY MANAGER TO PROVIDE ONE-TIME RETENTION INCENTIVE STIPENDS TO RETURNING SEASONAL BEACH LIFEGUARDS. (0520-60)

Adopted resolution.

2.5 RESOLUTION NO. 2015-7610 AWARDED CONTRACT TO NEVWEST, INC. TO REPLACE AND UPGRADE THE ACCESS CONTROL SYSTEM AT DEMPSEY HOLDER SAFETY CENTER. (0910-20)

Adopted resolution.

2.6. ADOPTION OF RESOLUTION NO. 2015-7608 AUTHORIZING THE EXTENSION OF A SIDE LETTER CONTINUING THE CURRENT HEALTH BENEFITS DURING ONGOING NEGOTIATIONS WITH SEIU. (0520-50)

Adopted resolution.

2.7 RENEWAL OF A FRANCHISE AGREEMENT WITH CALIFORNIA AMERICAN WATER COMPANY FOR A PERIOD OF 25 YEARS BY SECOND READING AND ADOPTION OF ORDINANCE NO. 2015-1152. (0840-70 & 0840-95)

The City Council waived further reading in full and adopted Ordinance No. 2015-1152.

2.9 ADOPTION OF RESOLUTION NO. 2015-7607 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE MEMBERS OF THE IMPERIAL BEACH FIREFIGHTERS' ASSOCIATION (IBFA) LOCAL 4692. (0540-50)

Adopted resolution.

Councilmember Spriggs recognized Administrative Services Director Bradley for preparing a monthly report on the City's assets (Item No. 2.3).

- 2.8 SECOND READING AND ADOPTION OF ORDINANCE NO. 2015-1151: COASTAL COMMISSION STIPULATED MODIFICATIONS TO THE ZONING IMPLEMENTATION OF THE 2013-2021 IMPERIAL BEACH HOUSING ELEMENT. MF 1060. (0610-95)**
Item No. 2.8 was stricken from the agenda by prior City Council action.

REPORTS (5.4, 5.1 & 5.2)

5.4 UPDATE OF RECREATION PROGRAMS. (1020-90)

Management Analyst Vea reported on the item.

Aaron Ruiz, Unit Director for the Boys and Girls Club of South County, gave a PowerPoint presentation on the recreational services and programs offered at the Sports Park.

Mathew McCoy, Chief Umpire for the Girls' Softball League and Vice President of the Sports Park Committee, reported on the Girls Softball activities for the past year.

Don Spicer, President of IB Little League, reported on the League's activities for the past year.

City Clerk Hald announced no speaker slips were submitted.

Councilmember Patton offered positive comments and suggested staff place some of the presentation slides on the City's website.

Councilmember Bragg stated recreation is important to this community and this report shows that the City is on the right track. She requested hard copies of information in the future and suggested looking into pickle ball.

Councilmember Spriggs congratulated staff on a great report. He recognized those involved for their hard work.

5.1 PROPOSED BSA EAGLE PROJECT PRESENTATION – OLIVER ERBES. (0920-40 & 0940-10)

5.2 PROPOSED BSA EAGLE PROJECT PRESENTATION – FRED SMYTH. (0920-40 & 0940-10)

Public Works Director Levien introduced the item.

Oliver Erbes and Fred Smyth gave a PowerPoint presentation on their proposed improvements and they responded to questions from City Council.

City Clerk Hald announced no speaker slips were submitted.

MOTION BY SPRIGGS, SECOND BY PATTON, TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR OLIVER ERBES TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, BRAGG, SPRIGGS, BILBRAY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: DEDINA

MOTION BY SPRIGGS, SECOND BY PATTON, TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR FRED SMYTH TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, BRAGG, SPRIGGS, BILBRAY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: DEDINA

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

PUBLIC HEARINGS (4.1)

4.1 KEGEL (APPLICANT); CONSIDERATION OF REGULAR COASTAL PERMIT (CP 140023), CONDITIONAL USE PERMIT (CUP 140024), DESIGN REVIEW CASE (DRC 140025), SITE PLAN REVIEW (SPR 140026), AND TENTATIVE PARCEL MAP (TPM 140027), AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES 15332 (IN FILL DEVELOPMENT) FOR THE DEMOLITION OF ONE EXISTING RESIDENTIAL UNIT AND CONSTRUCTION OF A NEW MIXED-USE DEVELOPMENT WITH THREE RESIDENTIAL CONDOMINIUM UNITS ABOVE COMMERCIAL SPACE AT 951 SEACOAST DRIVE (APN 625-352-23-00). MF 1149. (0600-20)

Mayor Pro Tem Bilbray declared the public hearing open.

Senior Planner Foltz gave a PowerPoint presentation on the item.

Correspondence (9 email messages) received after the agenda posting were submitted as Last Minute Agenda Information.

Mayor Pro Tem Bilbray limited the time for public speakers to two minutes each.

The following public speakers were opposed to the item:

Terri Johnson
Ben Swearingen
Dane Crosby
Randy Putland (additional speaking time donated by Pace Putland)
Elizabeth Shapiro (additional speaking time donated by Thierry Heno)
Joseph Fallon
Veronica Archer
Daren Johnson (additional speaking time donated by Raelynn Warren)

Mayor Pro Tem Bilbray called a recess at 7:35 p.m. and called the meeting back to order at 7:40 p.m.

ROLL CALL:

Councilmembers present: Patton, Bragg, Spriggs
Councilmembers absent: None
Mayor Absent: Dedina
Mayor Pro Tem Present: Bilbray

The following public speakers were opposed to the item:

Lora Robbins
Ruth Cole
Benny Holt (indicated opposition – did not speak)
Kylie Kavanagh (indicated opposition – did not speak)
Rick Emilson requested a continuance.
Eileen Henot

The following public speakers were in support of the item:

Irene Fombon
Bob Miller, representing the Seacoasters
Patricia Dehart
Anji Marcus

Cy Nuzum
Darrin Fernandes
Soraya Pizzezy

City Council discussion:

Councilmember Spriggs thanked everyone who provided public input. He suggested staff carefully oversee the public noticing process to avoid a similar noticing problem in the future. He said several public forums, such as those held for the Commercial Zoning Review, addressed the matter of striking the right balance between preservation of core community values and a reasonable amount of development. He also stated the Commercial Zoning and Design Guidelines, involving extensive community participation, lays out the current vision for the types of development that should take place along Palm Ave., Seacoast Drive and the commercial area along 13th Street. Additionally, these documents state the expectation that there will be pedestrian serving retail on the ground floor with residential on the upper floors and there is no statement of how much or how little there will be. He also spoke about the funding set aside for the Seacoast Drive Aesthetics Project which will be the vision and a consistent approach for what will happen on Seacoast Drive. He spoke in support for the project.

Councilmember Bragg recognized the public speakers for providing input. She noted this project has been considered six times (either by the Design Review Board and City Council) and this meeting was to rectify the noticing issue. She also stated that she resented the remarks about this project being railroaded to the community and that City Council is making a lot of money because these statements are not true.

Senior Planner Foltz responded to questions of Councilmember Bragg. He spoke about parking regulations and Transportation Demand Management (TDM) strategies noting the project meets and exceeds parking requirements. He addressed concerns regarding setbacks and stepbacks stating the regulations today almost mirror those that were implemented in 1994. He also stated that although setbacks and stepbacks are not required for this project (except for along Seacoast Drive), the developer is setting portions of the building back from the eastern property line. He also stated implementation of side yard setbacks and stepbacks is to protect public views of street ends. He noted that the project does not encroach upon any street end and that the City does not have an ordinance protecting private views. He spoke about building height and building height exceptions, stating the project meets those requirements. He reviewed in detail the proposed landscaping and how runoff will be addressed. He also stated vacation rentals would be a permitted use per the City's municipal code. With regard to safety, pedestrians and vehicles will be visible, the streets and alleys will remain clear for emergency vehicles, and the Sheriffs Department and Fire Department did not have concerns about this project. With regard to sidewalks, he stated the building will be located on the property line, would not take up any public space, and on Seacoast Drive the building will be set back to allow for tables. He stated there are no variances for this project. He reviewed provisions, which are in the municipal code, allowing for height of 35 feet with incentives and adjustments to the commercial dimension from 15 feet to 13.5 feet.

Councilmember Bragg stated change is coming and it is the job of City Council to manage it. She commented on the amount of time individual Councilmembers spent with staff regarding this project and she stressed that this project meets code.

City Attorney Lyon stated the City does not have any view protection ordinances in place and adjacent property owners do not have any private property interests in prohibiting development on adjacent sites.

Councilmember Patton stated he liked the design and interior layout. He expressed concern about the height and spoke about the need to adhere to core values on height.

With regard to projects approved with TDM strategies, Councilmember Spriggs questioned how the City verifies that commercial properties and retailers have implemented TDM strategies. He spoke about the need to be mindful about parking conditions and how they will worsen as new investment occurs in the City. He spoke in support for an overall comprehensive plan for parking as the City grows.

Councilmember Bragg commented on how the City addressed the issue of Pier South employees using parking spaces at Dunes Park.

City Manager Hall commented on how the City Council and community came together to establish priorities for the City including height, setbacks and stepbacks. He also spoke about the need to strike a balance in having development that benefits the community, allows the community to move forward, and is still economically feasible.

Mayor Pro Tem Bilbray stated the previous City Council revised the zoning code because nothing was getting built in the City. He spoke of the need for revenue in order to provide residents with lighting, paved streets, and recreation. He said hotels and mixed use projects help increase revenues and stressed how these types of projects are important to the City's survival.

Without dissention of the City Council, Mayor Pro Tem Bilbray closed the public hearing.

MOTION BY SPRIGGS, SECOND BY BRAGG, THAT CITY COUNCIL RESCINDS RESOLUTION NO. 2015-7577 AND ADOPTS RESOLUTION NO. 2015-7606, APPROVING REGULAR COASTAL PERMIT (CP 140023), CONDITIONAL USE PERMIT (CUP 140024), DESIGN REVIEW CASE (DRC 140025), SITE PLAN REVIEW (SPR 140026), AND TENTATIVE PARCEL MAP (TPM 140027) FOR THE DEMOLITION OF ONE EXISTING RESIDENTIAL UNIT AND THE CONSTRUCTION OF A NEW, MIXED-USE DEVELOPMENT WITH THREE RESIDENTIAL CONDOMINIUM UNITS ABOVE APPROXIMATELY 2,118 SQUARE FEET OF COMMERCIAL/RETAIL SPACE AT 951 SEACOAST DRIVE (APN 625-352-23-00). MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBERS: BRAGG, SPRIGGS, BILBRAY
NOES: COUNCILMEMBERS: PATTON
ABSENT: COUNCILMEMBERS: DEDINA**

REPORTS (5.3 & 5.5)

5.3 ADOPTION OF RESOLUTION NO. 2015-7609 REQUESTING THAT THE SAN DIEGO BOARD OF SUPERVISORS NAME THE FRIENDS OF THE LIBRARY STORE IN THE IMPERIAL BEACH LIBRARY IN MEMORY OF FREDA ELLIOTT-ADAMS. (0150-20)

City Manager Hall reported on the item.

On behalf of the Woman's Club, Karen W. Odermatt stated the Woman's Club supports the naming of the Imperial Beach Library Community Room after Freda Elliott-Adams and she distributed a biography on Mrs. Elliot-Adams.

Nancy Stone, representing the Imperial Beach Friends of the Library, spoke in support for naming the Imperial Beach Library Community Room after Freda Elliott-Adams (additional speaking time donated by Virginia Syverson).

The July 13, 2015 minutes of the Imperial Beach Friends of the Library were submitted as last minute agenda information.

Councilmember Bragg read the letter submitted by former Mayor Diane Rose who supports naming the Imperial Beach Friends of the Library bookstore in honor of Freda Elliott-Adams. She displayed the notebook that Freda Elliot-Adams used for writing her Imperial Beach history book and she spoke about Mrs. Elliott-Adams' passion for the library. She spoke in support for naming the Imperial Beach Friends of the Library bookstore after Freda Elliott-Adams.

Councilmember Spriggs spoke about the need for locating a historical space that can be the repository for historical items.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2015-7609 REQUESTING THAT THE SAN DIEGO BOARD OF SUPERVISORS NAME THE FRIENDS OF THE LIBRARY STORE IN THE IMPERIAL BEACH LIBRARY IN MEMORY OF FREDA ELLIOTT-ADAMS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, BRAGG, SPRIGGS, BILBRAY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: DEDINA

5.5 RESOLUTION NO. 2015-7605 AWARDDING PUBLIC WORKS CONTRACT TO WIT: ALLEY IMPROVEMENT PROJECT (S14-104). (0600-20)

Public Works Director Levien reported on the item.

City Manager Hall spoke about the importance this project is to the community.

Chris Brown stated she paid for maintenance of streets, sidewalks, and alleys out of her pocket. If the City proceeds with the project, she will send a bill to the City to cover a portion of her paving fees. She said it is not fair for the City to cover the cost when others have paid their share.

Councilmember Spriggs stated City Council had discussions over many years on what to do about the unpaved alleys. He spoke about the unsuccessful attempts to get the alleys paved, the need to move forward with a solution to improve the alleys, and the lack of other alternatives.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2015-7605 AWARDDING PUBLIC WORKS CONTRACT TO WIT: ALLEY IMPROVEMENT PROJECT (S14-104) AND WHEN THE PROJECT IS DONE AND IF THERE ARE REMAINING FUNDS, DIRECT STAFF TO RETURN TO CITY COUNCIL. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, BRAGG, SPRIGGS, BILBRAY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: DEDINA

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (ITEM NO. 2.2)

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Administrative Services Director Bradley and Public Works Director Levien responded to Councilmember Spriggs' questions regarding the large items listed on the Warrant Register.

Councilmember Patton left Council Chambers at 9:26 p.m. and returned at 9:28 p.m.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO RATIFY THE FOLLOWING REGISTERS: ACCOUNTS PAYABLE NUMBERS 86780 THROUGH 86921 WITH A SUBTOTAL AMOUNT OF \$1,148,856.66, EFT #'S 15-27 WITH A SUBTOTAL AMOUNT OF \$23,975.76, AND PAYROLL CHECKS/DIRECT DEPOSITS 46568 THROUGH 46602 FOR A SUBTOTAL

AMOUNT OF \$307,057.59 FOR A TOTAL AMOUNT OF \$1,479,890.01. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, BRAGG, SPRIGGS, BILBRAY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: DEDINA

ADJOURN REGULAR MEETING

Mayor Pro Tem Bilbray adjourned the regular meeting at 9:29 p.m.

/s/
Brian P. Bilbray,
Mayor Pro Tem

/s/
Jacqueline M. Hald, MMC
City Clerk