

**MINUTES**

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

**AUGUST 15, 2012**

**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 CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

**ROLL CALL BY CITY CLERK**

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

**CLOSED SESSION**

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

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

Significant exposure to litigation pursuant to Govt. Code Section GC 54956.9(b)(1)(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 5:31 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 one case under Closed Session Item No. 1. City Council gave direction 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  
Councilmembers absent: Bilbray  
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 BRAGG, SECOND BY SPRIGGS, TO TAKE ITEM NO. 7.1 AFTER THE CONSENT CALENDAR AND TO TAKE ITEM NO. 6.1 AT THE END OF THE AGENDA. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

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

COUNCILMEMBER BRAGG announced that on Saturday, August 18, the Port of San Diego will be hosting the Big Bay Ballroom event and the Chamber of Commerce will be hosting the Taste of Imperial Beach event. On August 26 the Chamber of Commerce is hosting a Triathlon Event.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

JACK FISHER complained about the growth of weeds at the Palm Ave. and 9<sup>th</sup> Street property.

**PRESENTATIONS (1)**

None.

**CONSENT CALENDAR (2.1-2.4)**

**MOTION BY BRAGG, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**2.1 MINUTES.**

Approved the minutes of the Special Workshop Meeting of March 14, 2012.

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

Ratified the following registers: Accounts Payable Numbers 80903 through 80990 with a subtotal amount of \$332,351.28 and Payroll Checks/Direct Deposit 44782 through 44815 for a subtotal amount of \$157,483.31 for a total amount of \$489,834.59.

**2.3 RESOLUTION NO. 2012-7241 AUTHORIZING THE SALE OR TRANSFER OF SURPLUS PROPERTY AND COMMUNITY GROUP POLICY. (0380-45)**

Adopted resolution.

**2.4 RATIFICATION OF NAVAL BASE CORONADO (NBC) COASTAL CAMPUS ENVIRONMENTAL IMPACT STATEMENT (EIS) SCOPING COMMENTS. (0620-80)**

Ratified letter.

**I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS/CITY COUNCIL (7.1)**

**7.1 (1) SUCCESSOR AGENCY ADOPTION OF RESOLUTION NO. SA-12-15 APPROVING THE TERMS OF THE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE CITY OF IMPERIAL BEACH (CITY) AND SADBERRY-PALM AVENUE LLC AND APPROVING THE TRANSFER OF OWNERSHIP OF REAL PROPERTY AND THE RETENTION AND OWNERSHIP OF CERTAIN PUBLIC IMPROVEMENTS; AND**

**(2) CITY COUNCIL ADOPTION OF RESOLUTION NO. 2012-7243 APPROVING, SUBJECT TO CONDITIONS PRECEDENT, THE CITY'S TRANSFER TO THE SUCCESSOR AGENCY OF THE RESIDUAL PROCEEDS RECEIVED FROM THE SALE OF THE PROPERTY PURSUANT TO THE DDA. (0418-50 & 0640-10)**

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MAANGER WADE gave a Power Point presentation on the item and announced that the following were submitted as last minute agenda information:

- Attachment 4 – Economic Benefit Analysis
- Attachment 7 – Exhibit A to Memorandum of Agreement

ESTEAN LENYOUN, representing Sudberry Properties, stated that their goal has been to maintain the partnership with Imperial Beach and he believed that the project will come to fruition. He anticipated building the project in one phase.

**MOTION BY JANNEY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. SA-12-15 APPROVING THE TERMS OF THE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE CITY OF IMPERIAL BEACH (CITY) AND SADBERRY-PALM AVENUE LLC AND APPROVING THE TRANSFER OF OWNERSHIP OF REAL PROPERTY AND THE RETENTION AND OWNERSHIP OF CERTAIN PUBLIC IMPROVEMENTS.**

**MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**MOTION BY KING, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7243 APPROVING SUBJECT TO CONDITIONS PRECEDENT, THE CITY'S TRANSFER TO THE SUCCESSOR AGENCY OF THE RESIDUAL PROCEEDS RECEIVED FROM THE SALE OF THE PROPERTY PURSUANT TO THE DDA. MOTION CARRIED BY THE FOLLOWING**

**VOTE:**

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

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

None.

**ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4.1)**

**4.1 ORDINANCE NO. 2012-1130 AND PUBLIC HEARING / ADOPTION OF RESOLUTION NO. 2012-7236: THE CITY OF IMPERIAL BEACH: LOCAL COASTAL PROGRAM AMENDMENT (LCPA) / ZONING CODE AMENDMENT (ZCA) 100057 FOR THE COMMERCIAL ZONING AMENDMENT PROJECT. MF 935. (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. 2012-1130.

CITY CLERK HALD read the title Ordinance No. 2012-1130 “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING THE PROVISIONS FOR THE C-1, C-2, AND C-3 COMMERCIAL ZONES AND AMENDING THE ZONING MAP FOR PROPERTIES DESIGNATED C-1 (GENERAL COMMERCIAL) IN THE PALM AVENUE STUDY AREA, C-2 (SEACOAST COMMERCIAL) IN THE OLD PALM AVENUE AND SEACOAST DRIVE STUDY AREAS, AND C-3 (NEIGHBORHOOD COMMERCIAL) IN THE 13TH STREET CORRIDOR STUDY AREAS AND AREAS ZONED R-1500 (HIGH DENSITY RESIDENTIAL) THAT ARE SUBJECT TO THE MU-1 (MIXED USE-1) OVERLAY DESIGNATION IN THE PALM AVENUE STUDY AREA AND THE MU-2 (MIXED USE-2) OVERLAY DESIGNATION IN THE SEACOAST DRIVE STUDY AREA. MF 935.”

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2012-1130. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2012-7229 OPPOSING AN INCREASED STATE ROUTE 75 SPEED LIMIT FROM 40 MILES PER HOUR TO 45 MILES PER HOUR EAST OF DELAWARE STREET TO THE WESTERN CITY LIMITS IN BOTH DIRECTIONS. (0740-10 & 0750-60)**

An e-mail message and Fact Sheet on Effects of Raising and Lowering Speed Limits on Selected Roadway Sections from Charles Gray, Branch Chief, Operations Planning & Engineering Support for the CA Dept. of Transportation (CalTrans) was provided as last minute agenda information.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item and spoke in opposition to increasing the speed limit on SR 75 for reasons as listed on the staff report.

JOE HULL, Director of Traffic Operations for CalTrans, stated currently there is no enforceable speed limit. He noted that speed limits are based on a Federal Guide named the Manual of Uniform Traffic Control Devices (MUTCD) and explained how the proposed speed limit was determined. He further explained that the California Vehicle Code requires that a public hearing be held to allow the local agency the opportunity to comment on the proposed speed limit increase. He reported that CalTrans can reevaluate speed limits and possibly reduce speed limits if improvements are based on the guidelines in Complete Streets and the Main Street Guidelines.

COUNCILMEMBER BRAGG was opposed to increasing the speed limit.

CHARLES GRAY reported the survey site between 7<sup>th</sup> Street and Rainbow Ave. took place on January 19, 2012 between 10:22 a.m. and 1:00 p.m. with a speed of 46 mph. The second survey site between 10th Street and Emory St. took place on November 10, 2011 between 11:32 a.m. and 12:30 p.m. with a speed of 43 mph. He noted that if in the study there was anything missed that is allowed in the MUTCD or in the California Vehicle Code, CalTrans is willing to look at it.

COUNCILMEMBER KING was concerned about the safety of pedestrians and with the goals and objectives of the community, he supported alternatives with decreased speed entering the City from the Strand.

MAYOR PRO TEM SPRIGGS also expressed concern about the speed of traffic coming from the Strand and about the safety of pedestrians.

PUBLIC SAFETY DIRECTOR CLARK stated that from a public safety perspective, he did not support the proposed increase in speed.

MAYOR JANNEY expressed concern about unmarked crosswalks and the ability of pedestrians to cross SR 75 with increased traffic speeds.

JOE HULL suggested staff review the provisions of the MUTCD, which makes it clear on what leeway and flexibility there is and he encouraged staff to offer traffic control suggestions.

COUNCILMEMBER KING suggested that the public hearing be continued to allow CalTrans and staff the time to work on alternative ways to deal with the issue.

No public speaker slips were submitted.

**MOTION BY KING, SECOND BY BRAGG, TO CONTINUE THE PUBLIC HEARING TO SEPTEMBER 19, 2012 AT 6:00 P.M. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, JANNEY**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: BILBRAY**

### **REPORTS (6.1-6.7)**

#### **6.2 REVIEW OF AND DIRECTION FOR THE DESIGN AND CONSTRUCTION OF A REVISED DRIVEWAY EXIT AT SPORTS PARK. (0750-30 & 0920-40)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a Power Point presentation on the item.

COUNCILMEMBER KING spoke in support for increased parking at Sports Park and suggested that Alternative D be kept on file for consideration as a future potential project.

Consensus of City Council to move forward with the project using staff's design and to keep Alternative D on file as a future potential project.

**6.3 TIJUANA RIVER BACTERIA SOURCE IDENTIFICATION STUDY FINAL UPDATE.  
(0230-70)**

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a Power Point presentation on the item.

**6.4 FATS, OILS, AND GREASE (FOG) CONTROL PROGRAM UPDATE. (0830-95)**

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a Power Point presentation on the item.

COUNCILMEMBER BRAGG suggested that information on the FOG program be included with annual business license renewals. She also suggested that staff design a form for the maintenance of records of the grease control devise system and that the ordinance be revised so that kitchen exhaust filter systems are cleaned annually, at a minimum.

**6.5 LEAGUE RESOLUTIONS FOR THE SEPTEMBER ANNUAL CONFERENCE.  
(0140-10)**

CITY MANAGER BROWN introduced the item.

Consensus of City Council to allow Councilmember Bragg to make her best judgment on the resolutions and vote as she deems in the best interest of Imperial Beach and other California cities.

**6.6 VISUAL SIMULATIONS FOR SEACOAST DRIVE. (0600-90 & 0720-60)**

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER WADE showed the visual simulations for Seacoast Drive.

RICHARD PILGRIM stated that the Seacoast area is the economic engine for Imperial Beach and spoke in support for a vision plan for Seacoast Drive.

BOB MILLER spoke in support for pedestrian scale lighting on Seacoast Drive.

JULIA SIMMS stated that the renderings will be a great tool for attracting developers. She cautioned that the shepherds hook lights may not emit enough lighting to support a nighttime

economy, however, those on Orange Ave. would emit enough lighting (photos of Orange Ave. were submitted for the record). She urged City Council to increase revenue to the City by attracting nighttime tourists and hotel developers. (Additional time donated by Alma Skerston and Richard Schaumburg)

COUNCILMEMBER BRAGG questioned what the businesses could be doing to increase lighting. She stated that she will ask MTS to do something about lighting the bus stops and noted that lighting is still deficient with pedestrian scale lighting.

MAYOR PRO TEM SPRIGGS stated that the night simulations reflect the type of lighting that is desired.

## **6.7 ACTIONS TO PROMOTE ECONOMIC DEVELOPMENT. (0620-20)**

CITY MANAGER BROWN gave a Power Point presentation on the item and focused on five main work areas:

1. Focus on specific sites: Specific sites in commercial areas that have reasonably good chances for new development or substantial redevelopment.
2. Public Private Partnerships: Work with small businesses, the Business Improvement District, Chamber of Commerce, Seacoasters, the Tijuana Estuary, Pier South (the new hotel), Camp Surf and others to see how they want to work together to improve economic conditions.
3. Marketing: Define and carry-out marketing plans.
4. Improve zoning and other factors: Make conditions more receptive for economic development.
5. Neighborhoods: Actions to enhance the quality of life in neighborhoods as the backbone to our predominantly residential community.

MAYOR JANNEY spoke in support for laying the ground work for economic development in the commercial corridor.

JACK FISHER spoke in support for a partnership with the US Open Sandcastle Committee, to look for economic development especially at the beach, hiring a marketing professional to promote the City, the need for more community involvement and to get information on events out to the public in a timely manner.

JULIA SIMMS said that the developers at the City Council Workshop stated that the number one way to increase revenues in the City is by hotel development along the beachfront. She supported a focus on the things that can be done to increase the beauty, atmosphere and ambiance along Seacoast Drive. (Additional speaking time donated by Alma Skerston and Richard Schaumburg)

RICHARD PILGRIM said that at the City Council Workshop, Brett Miller spoke about finding the common thing that the local community and the people who visit the community enjoy, using Little Italy as an example. He spoke of the need to get people to spend money in Imperial Beach and to create a vision for Seacoast Drive.

BOB MILLER expressed concern about nighttime safety and the need for pedestrian street lighting. He also spoke about the need for business improvement.

COUNCILMEMBER KING stated as the City moves forward there needs to be prioritization.

With RDA gone we are poised for a new way of doing business and there is a need for a critical mass of businesses to come in to I.B. in order to change things around. Pedestrian street lighting will not bring investment in to the community. It will only enhance what we already have.

MAYOR JANNEY stated that a goal is to contact the property owners who want to develop their land and to also have staff look at empty lots and commercial buildings.

COUNCILMEMBER BRAGG spoke in support for recreational tourism. She suggested reaching out to partners in this community such as the Chamber of Commerce to promote buying local programs, to review the process of development proposals, to allow for granny flats; do business with the Dept. of Corrections, encourage the SCEDC, South Bay Chambers of Commerce and Otay Mesa to be partners, create an inventory map and contact the property owners.

MAYOR PRO TEM SPRIGGS spoke in support for setting priorities, focusing on tourism, the visitor serving industry and ecotourism, to develop Seacoast Drive because it is the engine of economic growth, to have public relations for the City, to take a look at bringing back the Sandcastle event, to explore funding possibilities and tools for development; and to have a focused strategy and move forward.

MAYOR JANNEY reminded City Council of the City's Mission Statement and that it does not mention the visitor serving industry nor does it promote tourism. If City Council wants to pursue a different strategy, City Council needs to be prepared to respond to the whole community.

COUNCILMEMBER KING stated that the City has moved forward strategically. Projects identified by the Community have been implemented such as 9<sup>th</sup> and Palm, the new hotel and improvements on Seacoast Dr.

CITY MANAGER BROWN stated that he has suggested a host of actions. He noted that staff will meet with property owners or developers as opportunities come up. Staff already handles some of the suggestions that City Council brought up. There is a constant effort by staff that isn't always reported to City Council.

**6.1 RESOLUTION APPROVING STREET IMPROVEMENTS PHASE 4/5 (CIP S11-105) PROJECT CHANGE ORDERS 4, 5, 6 AND 7 WITH SOUTHLAND PAVING, INC. AND ALLOCATING AN ADDITIONAL \$70,000 TO THE PROJECT BUDGET. (0720-25)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a Power Point presentation on the item. He recommended transferring funds from Street Improvements Phase 3B to Street Improvements Phase 4/5 as RDA money needs to be contracted. He stressed that if the funds aren't used, the State may take it away.

BOB MILLER spoke in support for keeping the \$70,000 in the Seacoast Project.

JULIA SIMMS spoke in support for using the surplus money for pedestrian scale street lighting on Seacoast Dr. (Additional speaking time donated by Alma Skerston and Richard Schaumburg)

RICHARD PILGRIM (submitted a speaker slip but did not speak).

**MOTION BY JANNEY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7242 APPROVING STREET IMPROVEMENTS PHASE 4/5 (CIP S11-105) PROJECT CHANGE ORDERS 4, 5, 6 AND 7 WITH SOUTHLAND PAVING, INC. AND ALLOCATING AN ADDITIONAL \$70,000 TO THE PROJECT BUDGET.**

MAYOR PRO TEM SPRIGGS spoke in support for using alternative funding sources for the change orders when Seacoast Dr. is the priority for this community's future.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY JANNEY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7242 APPROVING STREET IMPROVEMENTS PHASE 4/5 (CIP S11-105) PROJECT CHANGE ORDERS 4, 5, 6 AND 7 WITH SOUTHLAND PAVING, INC. AND ALLOCATING AN ADDITIONAL \$70,000 TO THE PROJECT BUDGET. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, BRAGG, JANNEY**  
**NOES: COUNCILMEMBERS: SPRIGGS**  
**ABSENT: COUNCILMEMBERS: BILBRAY**

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

None.

**ADJOURNMENT**

Mayor Janney adjourned the meeting at 10:27 p.m.

\_\_\_\_\_  
/s/  
James C. Janney, Mayor

\_\_\_\_\_  
/s/  
Jacqueline M. Hald, MMC  
City Clerk