

MINUTES

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

SEPTEMBER 19, 2012

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

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

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 4:49 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Bragg, King (arrived at 5:05 p.m.), Bilbray
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: Spriggs
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

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

- 1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (9 CASES)**
Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)
- 2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (9 CASES)**
Initiation of litigation pursuant to Govt. Code Section 54956.9(c)
- 3. CONFERENCE WITH LABOR NEGOTIATOR**
Pursuant to Government Code Section 54957.6:
Agency Negotiator: City Manager
Employee Organizations: Service Employees International Union (SEIU), Local 221
- 4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 425 Imperial Beach Blvd., Imperial Beach, CA 91932 (APN: 632-400-33 and 632-400-35)
Agency Negotiator: City Manager, City Attorney
Negotiating Party: Y.M.C.A
Under Negotiation: Price and terms of payment

MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY adjourned the meeting to Closed Session at 4:50 p.m. and he reconvened the meeting to Open Session at 6:07 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Item Nos. 1 thru 4; City Council gave direction and no reportable action was taken.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:08 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Bragg, King, Bilbray
Councilmembers absent:	None
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. There was a moment of silence for Ty Woods, former U.S. Navy Seal who was recently killed in Libya.

AGENDA CHANGES

MOTION BY BILBRAY, SECOND BY KING, TO TAKE ITEM NO. 6.1 IMMEDIATELY AFTER THE CONSENT CALENDAR AND TO TAKE ITEM NO. 2.3 OFF 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 JANNEY gave an update on the sand replenishment project. He reported on his recent trip to Washington D.C. with the San Diego Regional Chamber of Commerce where he was able to talk to with Congressional representatives about issues affecting Imperial Beach and the San Diego region. He spoke about his trip to Los Angeles where he met with the Army Corp of Engineers on a long range sediment management program.

COUNCILMEMBER BRAGG reported that she was the City's representative at the League of California Cities Annual Conference held in San Diego. She noted that of the five resolutions that were presented, three were passed and two were pulled from discussion.

MAYOR PRO TEM SPRIGGS also reported on his attendance at the League of California Cities Annual Conference where he had the opportunity to attend informative workshops. A workshop of particular interest was on City Financing and how cities are being creative with ways to provide services as budgets are reduced. One strategy is the use of volunteers for providing City services where there is no longer a budget to support City staff.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

JUNE ENGEL announced the Imperial Beach Blvd. Boo event is scheduled for October 27, 2012.

MARCUS BOYD, representing Yes on S, spoke in favor of Proposition S.

LORENZO HIGLEY, representing Communities Against Substance Abuse, spoke about drug use by youth and opposed increased access to marijuana.

EUGENE DAVIDOVICH, representing Yes on S, spoke in support of Proposition S.

VERA BRYANT asked City Council to form an advisory committee to evaluate the recreational service needs of the community (additional speaking time donated by Kristine Wiesmann).

JAMES COATES, Recreation Coordinator, spoke about the history of the Sports Park, introduced the Sports Park employees and asked City Council to form an advisory committee to address the recreational needs of the community (Additional time donated by Mike Murphy).

FE FERNANDEZ spoke in support for the creation of a recreation services advisory committee.

ANDREW MC KEE spoke against outsourcing recreation services.

JOSHUA RICE asked City Council to form a recreation services advisory committee (Additional speaking time donated by Allen Camp).

SHAWN KELLY asked City Council to create an advisory committee to evaluate recreational service needs of the City.

BRENT MOORE spoke about his experiences at the Sports Park and opposed closing the Sports Park.

DYLAN CAMP spoke in opposition to closing the Sports Park.

ISAIAH BRYANT asked City Council not to take away the Sport Park.

PRESENTATIONS (1.1-1.2)

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

MAYOR JANNEY, along with MARCO TOPETE of EDCO, announced the Recycle All-Star Award Certificate, \$100 check and other premiums will be mailed to Marie Williams.

1.2 PRESENTATION OF PROCLAMATION - RIDESHARE 2012 AND WALK AND BIKE TO SCHOOL DAY. (0410-30)

MAYOR JANNEY encouraged the community to rideshare and to walk and ride to school. He presented Proclamations for Rideshare 2012 and Walk and Bike to School Day to Joshua Eliano, member of the SANDAG iCommute Team.

CONSENT CALENDAR (2.1-2.2 & 2.4)

MOTION BY KING, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.2 AND 2.4. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meetings of June 20, July 18, and August 15, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 80991 through 81186 with a subtotal amount of \$2,699,090.56 and Payroll Checks/Direct Deposit 44816 through 44864 for a subtotal amount of \$311,343.99 for a total amount of \$3,010,434.55.

2.4 RESOLUTION 2012-7246 AUTHORIZING THE CITY MANAGER TO SIGN AMENDMENTS TO THE AGREEMENTS BETWEEN THE CITY OF IMPERIAL BEACH AND THE SAN DIEGO UNIFIED PORT DISTRICT FOR PUBLIC SAFETY AND TIDELANDS MAINTENANCE SERVICES. (0150-70)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4)

None.

REPORTS (6.1)

6.1 PROPOSED BSA EAGLE SCOUT PROJECT PRESENTATION. (0720-25)

CITY MANAGER BROWN introduced the item.

EAGLE SCOUT CANDIDATE MICHAEL LINDGREN gave a PowerPoint presentation on his proposed improvements to a grassy area on the east side of the Veterans park soccer field.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR MR. LINDGREN TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1-5.3)

5.1 CONTINUATION OF PUBLIC HEARING; 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)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY asked for as much signage and street markings as possible and asked staff to work with CalTrans on a time to conduct a future traffic study.

MAYOR PRO TEM SPRIGGS questioned if there is an exception under CA Vehicle Code Section 627 to reduce the speed by 5 mph.

JOE HULL stated that CalTrans is investigating pedestrian safety at 7th and 9th Streets. They have a requirement to make sure that traffic flows at the appropriate speed. He stressed that based on the study only 42% of the drivers were under 40 mph so there is no way to use the information they have to have to set a speed limit lower than 45 mph. CalTrans is able to come back in the future to do another study. He spoke about the sign plan that was submitted as last minute agenda information. He stressed that since the 40 mph speed limit is expired the current speed limit is 65 mph so it is important to establish the 45 mph speed limit as soon as possible so enforcement can take place.

COUNCILMEMBER KING was interested in having another survey in the future.

MAYOR PRO TEM SPRIGGS stated that there is a curve in the road making it difficult for drivers to see clearly compared to being on a road that is straight. This road condition along with bicycle and pedestrian safety qualify as exceptions to allow for a reduction in the speed limit by 5 mph. He commented that if there was adequate signage at 40 mph, maybe the survey would not have resulted in data for a speed limit of 45 mph.

COUNCILMEMBER BILBRAY expressed concern about the safety of pedestrians as the current speed limit is 65 mph. He supported moving forward as quickly as possible.

COUNCILMEMBER KING spoke in opposition to increasing the speed limit but supported moving forward due to the need to have an enforceable speed limit.

MAYOR JANNEY asked staff to look into relinquishment of SR 75.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7250 ACCEPTING THE SPEED SURVEY STUDY RESULTS AND ENCOURAGING CALTRANS TO WORK WITH THE CITY TO IMPLEMENT TRAFFIC CALMING MEASURES AND PEDESTRIAN AND BICYCLE SAFETY MEASURES ON S.R. 75 WITHIN THE CITY OF IMPERIAL BEACH.

City Council discussion.

MAYOR PRO TEM SPRIGGS stated that the speed limit can be fixed by the exceptions mentioned earlier as well as by another speed survey. He was opposed to agreeing with the conclusions imposed by CalTrans.

SHERIFF'S LT. GARMO stated that if tickets are written in that area, it would be in bad faith. They take the risk of going to court and it would not show favorability on the City or the Sheriff's Department.

CHARLES GRAY stated that the sign ordering process could take between 2 to 6 months.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7250 ACCEPTING THE SPEED SURVEY STUDY RESULTS AND ENCOURAGING CALTRANS TO WORK WITH THE CITY TO IMPLEMENT TRAFFIC CALMING MEASURES AND PEDESTRIAN AND BICYCLE SAFETY MEASURES ON S.R. 75 WITHIN THE CITY OF IMPERIAL BEACH. MOTION CARRIED BY THE FOLLOWING VOTE:

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

5.2 RESOLUTION NO. 2012-7251 – APPROVAL OF THE FISCAL YEAR 2011-12 ANNUAL REPORT FOR THE JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLAN (JURMP). (0770-65)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

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

No public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7251 AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SIGN AND FORWARD THE CITY'S JURISDICTIONAL URBAN RUNOFF MANAGEMENT PROGRAM (JURMP) ANNUAL REPORT FOR FISCAL YEAR 2011-12 TO THE REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION. MOTION CARRIED UNANIMOUSLY.

5.3 DISE (OWNER/APPLICANT); VARIANCE (VAR 120020) TO CONSTRUCT A FENCE MEASURING 8 FEET 7 INCHES IN HEIGHT WITHIN THE REAR YARD OF A LOT WITH AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 963 IRIS AVENUE (APN 632-390-04-00) IN THE R-1-6000 (SINGLE-FAMILY RESIDENTIAL) ZONE. MF 1099. (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item.

PAUL AND DENISE DISE, Applicants, were available to speak.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7248 APPROVING VARIANCE (VAR 120020) WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.2-6.6)

6.2 PROPOSED PROJECT PROPOSALS FOR THE FISCAL YEAR 2013-2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM. (0650-33)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY spoke in support for the purchase of a new fire engine.

COUNCILMEMBER KING supported the purchase of a fire engine and he expressed interest in a roundabout on 3rd Street.

MAYOR JANNEY suggested that staff research the cost and possible locations for a roundabout trial area somewhere in the City.

COUNCILMEMBER BILBRAY concurred with comments about purchasing a new fire engine. He suggested that a roundabout be located at the the four way stop at Donax Ave.

JACK FISHER spoke against the installation of roundabouts.

COMMUNITY DEVELOPMENT DIRECTOR WADE announced for the record that a Roundabout Study by Kansas State University was submitted as last minute agenda information for this item, not for Item No. 5.1.

MAYOR PRO TEM SPRIGGS supported the purchase of a fire truck. He also spoke in support for a roundabout trial period. In addition to determining the location, he spoke of the need to gather data that is helpful by first determining how to survey the roundabout as well as study how it works.

CONSENSUS OF CITY COUNCIL TO SCHEDULE A PUBLIC HEARING ON OCTOBER 17, 2012, TO CONSIDER RECOMMENDED PROJECTS.

6.3 NO ITEM.

6.4 RESOLUTION 2012-7249 AFFIRMING THE CITY MANAGER'S INCREASE IN CHANGE ORDER NO. 1 (PUMP STATION 1B ODOR CONTROL) TO THE STREET IMPROVEMENTS RDA PHASE 3B CAPITAL IMPROVEMENT PROJECT (CIP S04-108) AND THE TRANSFER OF AN ADDITIONAL \$20,000 FROM SEWER ENTERPRISE RESERVE FUND TO THE CIP S04-108 PROJECT. (0830-35)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7249 AFFIRMING THE CITY MANAGER'S INCREASE IN CHANGE ORDER NO. 1 (PUMP STATION 1B ODOR CONTROL) TO THE STREET IMPROVEMENTS RDA PHASE 3B CAPITAL IMPROVEMENT PROJECT (CIP S04-108) AND THE TRANSFER OF AN ADDITIONAL \$20,000 FROM SEWER ENTERPRISE RESERVE FUND TO THE CIP S04-108 PROJECT. MOTION CARRIED UNANIMOUSLY.

6.5 VETERANS PARK DEDICATION PLAQUE. (0920-70)

CITY MANAGER BROWN introduced the item.

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

City Council supported the installation of a base that is smaller in scale compared to what was proposed by staff and to locate the plaque in a garden by the main entrance to the park.

6.6 REQUEST BY MEMBER OF THE CITY COUNCIL TO PLACE AN ITEM ON A CITY COUNCIL AGENDA. (0410-14)

CITY MANAGER BROWN introduced the item.

JACK FISHER spoke in support for placing the item on a future City Council agenda.

COUNCILMEMBER BILBRAY asked for a report on the flooding problem, if any, and what can be done to fix it.

Consensus of City Council to bring the item back to a future agenda.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS/CITY COUNCIL (7)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

2.3 RESOLUTION NO. 2012-7245 – ACCEPTANCE OF OFFER TO DEDICATE (OTD) LATERAL COASTAL ACCESS EASEMENT LOCATED AT 1590-1690 SEACOAST DRIVE IN THE R-1500 ZONE. OWNER: BOCA RIO BEACH CONDO ASSOCIATION. MF 1098. (0480-60)

CITY MANAGER BROWN introduced the item.

JOHN HAUPT asked City Council to postpone their decision on this item until the HOA can obtain counsel to investigate issues of concern and negotiate a mutually satisfactory resolution.

ROBIN CLEGG, HOA Board President, expressed concern that the deadline to accept the dedication may have already lapsed. She asked for additional time to look into the matter (Additional speaking time donated by Cindy Killman).

ASSISTANT CITY MANAGER WADE stated that the document provided to the City by the State of California Coastal Conservancy was recorded on September 26, 1991. The dedication was a special condition of approval required by the California Coastal Commission and was approved by the applicant, Boca Rio, for revetment repair that took place in 1989. He stressed that the area of beach is from the toe of the revetment to the mean high tide line and that the area has been a lateral access point for the public for many years.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item. He noted that the Offer to Dedicate expires September 26, 2012, that the City has been maintaining the beach and that a number of sand replenishment projects deposited sand onto the same stretch of beach. If neither the City nor the Coastal Conservancy accepts the OTD, the area reverts back to the Boca Rio. The Boca Rio will incur the liability, maintenance, and insurance costs. Additionally, the area might not be eligible for future sand replenishment projects. However, the public may have acquired prescriptive rights to the beach area. This condition would still need to be satisfied if they were to apply for a revetment repair.

MAYOR PRO TEM SPRIGGS spoke in support for accepting the dedication. If there is a challenge then that is up to the homeowners but they must take into consideration the consequences of that. The area has been treated as public property and he does not see a reason for not taking the action recommended by Staff. He suggested that they consider further discussion with staff or seek legal action if they want to pursue it.

ASSISTANT CITY MANGER WADE stated that with acceptance of the dedication, the active use of the area will not change.

COUNCILMEMBER KING spoke in support for Staff's recommendation. He encouraged Staff to verify the deadline.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7245 – ACCEPTANCE OF OFFER TO DEDICATE (OTD) LATERAL COASTAL ACCESS EASEMENT LOCATED AT 1590-1690 SEACOAST DRIVE IN THE R-1500 ZONE. OWNER: BOCA RIO BEACH CONDO ASSOCIATION.

City Council discussion ensued.

COUNCILMEMBER BRAGG stated that the consequences of not moving forward is greater than not moving forward. She spoke in support for Staff's recommendation.

COUNCILMEMBER BILBRAY asked Staff to keep the HOA informed of discussions with the Coastal Commission.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7245 – ACCEPTANCE OF OFFER TO DEDICATE (OTD) LATERAL COASTAL ACCESS EASEMENT LOCATED AT 1590-1690 SEACOAST DRIVE IN THE R-1500 ZONE. OWNER: BOCA RIO BEACH CONDO ASSOCIATION. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Mayor Janney adjourned the meeting at 9:15 p.m.

_____/s/
James C. Janney,
Mayor

_____/s/
Jacqueline M. Hald, MMC
City Clerk