

## MINUTES

### IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

OCTOBER 5, 2011

Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932

**CLOSED SESSION MEETING – 5:15 P.M.**  
**REGULAR MEETING – 6:00 P.M.**

#### **CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:15 p.m.

#### **ROLL CALL**

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

#### **CLOSED SESSION**

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

**1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code §54956.9(b)(1) (1 case)

**2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code §54956.9(c) (1 case)

**3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code §54957

Title: City Manager

**4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

Property: Unimproved site of 1.15 acres with a paved Class I bike path, Imperial Beach, CA 91932, APN 616-021-10

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: San Diego County Regional Airport Authority

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

**MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:16 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 considered Closed Session Items 1 through 4, direction was given and no reportable action was taken on all four items.

**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:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
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**

None.

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

COUNCILMEMBER KING reported on his recent attendance at the South County Economic Development Council Annual Summit Meeting where he sat on a panel of elected officials and spoke about the dissolution of redevelopment agencies by the state of California; he also reported on the South County Economic Development Council meeting where Supervisor Cox spoke about the state of California's plan to shift state prisoners to the local prison system.

COUNCILMEMBER BRAGG reported on her attendance at the MTS Accessible Services Advisory Committee meeting where they discussed drafting an ordinance to address accessibility issues due to riders using carts/carriages that block access, she asked for a report back to the committee on what happened during the recent countywide black out and for policies and procedures for trolley and bus riders in the event of another blackout; she reported on her attendance at the League of California Cities Annual Conference in San Francisco; and she attended the SANDAG Board meeting where there was a presentation on the draft 2050 Regional Transportation Plan.

COUNCILMEMBER SPRIGGS reported on his attendance at the League of California Cities Annual Conference where he attended informative sessions and had the opportunity to meet other representatives to discuss common problems facing small cities; and he asked staff to address the concerns raised by the community relating to the demolition of the buildings located at 9<sup>th</sup> Street and Palm Ave.

MAYOR JANNEY announced MTS unveiled new trolley cars that will provide better access to passengers.

**COMMUNICATIONS FROM CITY STAFF**

In response to Councilmember Spriggs, CITY MANAGER BROWN stated that several e-mails in support for the demolition were received and that the following steps will take place to address demolition concerns: installation of a fence (with a mesh screen) to capture dust, watering down of the site twice a day during the demolition, installation of rat traps, and demolition limited to the hours of 7:00 a.m. to 5:00 p.m.

**PUBLIC COMMENT**

WILLIAM KALEB stated that he is able to donate his time to community service.

RICHARD PILGRIM inquired about the status of ecotourism marketing for Imperial Beach, reminded City Council of the potential economic impact ecotourism can have on the local community and he submitted a copy of his transcript for the record.

JUNE ENGEL recognized the Fire Department for hosting the Local Heroes Story Time; she reported on a presentation she gave on the LSTA Grant Program in San Jose; and she announced the upcoming Annual Costume Contest and presentation on disaster preparedness by the CERT Team.

CLAUDIA VALENZUELA, Public Affairs Manager for SDG&E, gave an update report on the recent countywide blackout and encouraged everyone to have an emergency plan in place in the event of another emergency.

COUNCILMEMBER SPRIGGS encouraged residents to obtain battery powered radios to stay informed during an emergency.

MARCUS BOYD requested that the City Council revisit the medical marijuana issue; he spoke in support for regulating, not banning, safe access; and he recommended formation of a task force to allow input from the local community.

WILLIAM PERNO, Co-Founder of People Against Spice (synthetic drugs) Sales; announced a Community Forum will be held on October 20<sup>th</sup>; he spoke about the dangers of using synthetic drugs and the need for awareness, education and outreach on the threat synthetic drugs bring to communities; and he stated that the cities of Chula Vista and National City are considering ordinances that ban these type of drugs.

**PRESENTATIONS (1.1-1.2)**

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

MAYOR JANNEY, along with MARCO TOPETE of EDCO, presented the Recycle All-Star Award Certificate, \$100 check and other premiums to Eugene Bondoch.

**1.2\* PRESENTATION OF PROCLAMATION IN RECOGNITION OF FIRE PREVENTION MONTH. (0410-30)**

MAYOR JANNEY presented a proclamation to Public Safety Director Clark.

FIREFIGHTER/PARAMEDIC HIDALGO spoke about the events that will take place during Fire Prevention Month and she announced the Fire Station Open House is scheduled for Saturday, October 8<sup>th</sup>.

**CONSENT CALENDAR (2.1-2.5)**

MAYOR JANNEY announced Last Minute Agenda Information was submitted for Item No. 2.3:

- Corrected Page 4 of the FY 2011-13 Salary & Compensation Plan
- Corrected Page 7 of the FY 2011-13 Salary & Compensation Plan

MAYOR PRO TEM BILBRAY announced that he would abstain from voting on Item No. 2.1 as he did not attend one of the meetings.

**MOTION BY BILBRAY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.2 THROUGH 2.5. MOTION CARRIED UNANIMOUSLY.**

**WITH REGARD TO ITEM NO. 2.1, MOTION CARRIED BY THE FOLLOWING VOTE:**

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

Concerning Item No. 2.3, MAYOR JANNEY thanked staff for negotiating with the City in good faith.

**2.1 MINUTES.**

Approved the minutes of the Regular City Council Meeting August 17, 2011 and the Special meeting of August 24, 2011.

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

Ratified the following registers: Accounts Payable Numbers 78957 through 79176 with the subtotal amount of \$1,757,455.12 and Payroll Checks 44138 through 44168 for the pay period ending 08/25/11, Payroll Checks 44169 through 44200 for pay period ending 09/08/11 and Payroll Checks 44201 through 44232 for pay period ending 09/22/11 for a subtotal amount of \$513,544.31, for a total amount of \$2,270,999.43.

**2.3 RESOLUTION NO. 2011-7088 APPROVING THE FISCAL YEAR 2011-12 AND FISCAL YEAR 2012-13 SALARY AND COMPENSATION PLAN FOR ALL EMPLOYEES AND RECOGNIZING THOSE CLASSIFICATIONS REPRESENTED BY THE SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 221, CTW, CLC AND THE IMPERIAL BEACH FIREFIGHTERS ASSOCIATION. (0520-75)**

Adopted resolution.

**2.4 RESOLUTION NO. 2011-7087 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE MEMBERS OF THE CITY'S MISCELLANEOUS CLASSIFIED SERVICE/ SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 221, CTW, CLC. (0540-20)**

Adopted resolution.

**2.5 ADOPT RESOLUTION NO. 2011-7089 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE MEMBERS OF THE IMPERIAL BEACH FIREFIGHTERS' ASSOCIATION LOCAL 4692. (0540-20)**

Adopted resolution.

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

None.

**ORDINANCES – SECOND READING & ADOPTION (4)**

None.

**PUBLIC HEARINGS (5.1-5.5)**

**5.1 CONSIDER FINAL APPROVAL OF THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND AUTHORIZE THE LEVYING OF THE 2011/2012 FISCAL YEAR ASSESSMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989. (0465-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7096 APPROVING THE REPORT FROM THE BID ADVISORY BOARD FOR FY 2010-2011 AND THE BUDGET AND PROPOSED ACTIVITIES FOR FY 2011/2012 AND LEVYING THE ASSESSMENT FOR PROPERTIES WITHIN THE BID FOR FY 2011/2012. MOTION CARRIED UNANIMOUSLY.**

**5.2 HITZKE CONSULTING (APPLICANT)/AMERICAN LEGION POST, BARBARA JACOBS (PROPERTY OWNER); ADMINISTRATIVE COASTAL PERMIT (ACP 110016), CONDITIONAL USE PERMIT (CUP 110017), DESIGN REVIEW (DRC 110018), SITE PLAN REVIEW (110019), AND TENTATIVE PARCEL MAP (TPM 110020) FOR THE DEMOLITION OF A SINGLE FAMILY RESIDENCE, 6 ATTACHED RESIDENTIAL UNITS, AND AMERICAN LEGION POST, AND CONSTRUCTION OF A NEW MIXED-USE PROJECT THAT WOULD PROVIDE 30 RESIDENTIAL UNITS (29 AFFORDABLE UNITS, 1 MANAGER UNIT) AND 3,600 SQUARE FOOT AMERICAN LEGION POST AT 1252 1268 PALM AVENUE AND 655 FLORENCE STREET (APNS 626-242-09-00, 626-242-23-00, 626-242-24-00). MF 1072. (0640-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a Power Point presentation on the proposed project.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a Power Point presentation on the new air lots.

PAUL SLATINSKY, Post Commander for the American Legion, spoke in support for the project.

MAYOR JANNEY closed the public hearing.

With regard to the type of trees to be planted, City Council spoke in support for the following:

- Palm trees planted along Palm Ave. should be consistent with the types of Palm trees planted along Old Palm Ave.; and
- Staff to determine the type of tree to be planted along Florence Street (of the four types presented, avoid the Southern Magnolia Tree).

**MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7098 APPROVING ADMINISTRATIVE COASTAL PERMIT (110016), CONDITIONAL USE PERMIT (CUP 110017), DESIGN REVIEW CASE (DRC 110018), SITE PLAN REVIEW (SPR 110019), AND TENTATIVE PARCEL MAP (TPM 110020) WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.**

**5.3 NUISANCE ABATEMENT – ADOPTION OF RESOLUTION NO. 2011-7097 FINDING AND DECLARING THAT THE NOTICE AND ORDER TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 741 HICKORY COURT IS APPROPRIATE AND AUTHORIZING STAFF TO CONTINUE TO MONITOR THE PROPERTY FOR COMPLIANCE WITH THE IMPERIAL BEACH MUNICIPAL CODE, AND TO RECORD A NOTICE OF VIOLATION WITH THE OFFICE OF THE COUNTY RECORDER. (0470-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the case; he announced the following revised recommendation was submitted as last minute agenda information: that the civil penalties that have accrued be held in abeyance, to issue and record a notice of violation on the property and to continue to monitor the property for compliance; he spoke about the lack of response by the property owner to the notice of violations and administrative citations.

DONNA MUSIC submitted photos showing the work on the roof has been completed; she stated that she has limited access to the home; she questioned what is left to be repaired; and she questioned why there was an \$11,000 lien on the property tax bill.

COMMUNITY DEVELOPMENT DIRECTOR WADE reviewed the history of the case noting that the notice of violation and subsequent administrative citations were not responded to by the property owner and that each notice and citation alerts the property owner of the possibility of a lien being placed on the property; the violations accrued a late payment penalty of 25% for a total of \$11,610.00 and the notice of lien was sent to the owner prior to placement of the lien on the property; he further stated that the City Manager has the ability to reduce the fines to no less than \$1,000 if the violations have been abated; and he stressed that the property owner has not applied for the required building permit nor made contact with the City.

MAYOR JANNEY closed the public hearing.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that the property owner needs contact the City in order to obtain a permit and noted that staff continues to receive complaints on the property.

CITY MANAGER BROWN encouraged Ms. Music to contact Mr. Wade to discuss the matter and to abate the violations on the property before he can consider a reduction of the fines.

COUNCILMEMBER BRAGG urged Ms. Music to meet with staff.

**MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7097 FINDING AND DECLARING THE NOTICE AND ORDER TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S) IS APPROPRIATE, DETERMINING THAT THE CONDITIONS EXIST WHICH CONSTITUTE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS, ORDERING THE ABATEMENT OF SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS, AND AUTHORIZING THE CITY MANAGER OR CITY MANAGER'S DESIGNEE TO CONTINUE TO MONITOR THE PROPERTY FOR COMPLIANCE WITH THE IMPERIAL BEACH MUNICIPAL CODE, AND TO RECORD A NOTICE OF VIOLATION WITH THE OFFICE OF THE COUNTY RECORDER. MOTION CARRIED UNANIMOUSLY.**

**5.4 RESOLUTION NO. 2011-7091 ABATEMENT OF SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S) AT 1257 EAST LANE. (0470-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a Power Point presentation on the item.

JOHN PALMER complained about the code enforcement process.

MAYOR JANNEY closed the public hearing.

**MOTION BY BRAGG, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2011-7091 FINDING AND DECLARING THAT THE NOTICE AND ORDER TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 1257 EAST LANE IS APPROPRIATE AND ASSESSING A \$500.00 ADMINISTRATIVE FEE FOR NUISANCE ABATEMENT PROCEEDINGS AND \$12,600.00 IN ACCRUED CIVIL PENALTIES, AND AUTHORIZE STAFF TO OBTAIN AN INSPECTION WARRANT TO DETERMINE CONDITIONS INSIDE THE PROPERTY, AND SEEK LEGAL ACTION TO EITHER COMPEL THE PROPERTY OWNER TO CLEAN UP THE PROPERTY OR TO OBTAIN AN ABATEMENT WARRANT TO CAUSE THE ABATEMENT TO BE COMPLETED BY CITY FORCES OR PRIVATE CONTRACT. MOTION CALLED UNANIMOUSLY.**

**5.5 RESOLUTION NO. 2011-7094 REQUESTING ALLOCATION OF THE FISCAL YEAR 2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE AGREEMENT WITH THE COUNTY OF SAN DIEGO. (0650-34)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN reported on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7094 WHICH APPROVES THE SUBMITTAL OF CDBG APPLICATION FOR THE 5<sup>TH</sup> STREET AND IMPERIAL BEACH BOULEVARD CROSSWALK PROJECT AND AUTHORIZES THE CITY MANAGER TO EXECUTE THE APPROPRIATE AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR THE USE OF CDBG FUNDS FOR THE 5<sup>TH</sup> STREET AND IMPERIAL BEACH BOULEVARD CROSSWALK PROJECT. MOTION CARRIED UNANIMOUSLY.**

**REPORTS (6.1-6.5)**

**6.1 QUARTERLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL. (0660-43)**

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item due to the location of a previous place of employment and left Council Chambers at 8:21 p.m.

ALLISON ROLFE, Project Manager for Pacifica Companies, gave an update report stating that the September 14<sup>th</sup> concrete pour was successful and had no complaints, she announced another concrete pour is scheduled for October 31<sup>st</sup>, steel will be erected on November 21<sup>st</sup> and the grand opening is scheduled for September 2012.

COUNCILMEMBER KING requested that the concrete pour not take place on October 31<sup>st</sup> as he was concerned for the safety of children celebrating Halloween.

COUNCILMEMBER SPRIGGS encouraged Ms. Rolfe to attend the upcoming City Council workshop meeting where there will be a discussion on priorities for Seacoast Drive in order to capture economic opportunities.

MS. ROLFE reaffirmed their support for a mutual collaboration with the City; she noted that the marketing team will not be in place until 3 months prior to the opening of the hotel; there is an understanding that the hotel will require unique marketing; and she stated that she would provide staff with the details on the next concrete pour.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported that staff continues to meet with the construction management team on a bi-weekly basis; and stated the plans for the street end have not been submitted to the Port but he was assured that the plans would be submitted by the end of the month.

**6.2 RESOLUTION NO. 2011-7095 RATIFYING SCHOOL RESOURCE OFFICER CONTRACT WITH SWEETWATER UNION HIGH SCHOOL DISTRICT. (0260-10)**

CITY MANAGER BROWN reported on the item.

COUNCILMEMBER BRAGG expressed concern about losing the school resource officer next year and questioned what measures will be taken to prevent it from happening.

PUBLIC SAFETY DIRECTOR CLARK responded that staff will be meeting with the Principal and the Sheriff to discuss the matter.

COUNCILMEMBER SPRIGGS suggested to staff to explore possible solutions such as those that were brought up at the League of California Cities Annual Conference including a creative use of volunteers and looking at other models for how the school can be served in different ways (i.e. educational function as opposed to enforcement function).

**MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7095 RATIFYING SCHOOL RESOURCE OFFICER CONTRACT WITH SWEETWATER UNION HIGH SCHOOL DISTRICT. MOTION CARRIED UNANIMOUSLY.**

**6.3 RESOLUTION NO. 2011-7092 AWARDED TRAFFIC ENGINEER SERVICES CONTRACT TO KOA CORPORATION. (0750-05)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a Power Point presentation showing a list of initial projects requiring traffic engineer services, he reviewed the process for selecting the engineer, he stressed that the decision process was objective and there was consistency across the board with all applicants.

In response to Councilmember King's request for staff to consider the services of SANDAG for City projects, CITY MANAGER BROWN stated that a meeting has been scheduled for next week with SANDAG staff to discuss this matter.

COUNCILMEMBER BRAGG questioned if the consultants will take a look at the signal lights at 9<sup>th</sup> Street & Palm Ave.

MAYOR PRO TEM BILBRAY reminded staff of the need to comply with AB 32 relating to green house gas emissions.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that anything done will have to comply with the standards of state legislation; staff has asked the engineer to redesign the crosswalk and the signalization of the intersection which are subject to CALTRANS approval.

COUNCILMEMBER BRAGG asked staff to consider installation of crosswalk buttons that emit sound.

MAYOR JANNEY asked staff to have KOA look at the timing of the lights and crosswalk issues on Palm Ave.

COUNCILMEMBER SPRIGGS expressed concern about CO2 emissions of idling cars due to the timing of signals; he encouraged staff to obtain current data on traffic flows and stoppages.

**MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7092 AWARDED TRAFFIC ENGINEER SERVICES CONTRACT TO KOA CORPORATION. MOTION CARRIED UNANIMOUSLY.**

**6.4 RESOLUTION 2011-7093 AWARDED SEWER ENGINEER SERVICES CONTRACT TO TRAN CONSULTING ENGINEERS. (0830-05)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN responded to questions of Council regarding the difference in rates for sewer engineers compared to the traffic engineers.

