

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
December 21, 2005
CLOSED SESSION – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CALL TO ORDER

MAYOR ROSE called the Closed Session Meeting to order at 5:35 p.m.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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CLOSED SESSION

MOTION BY ROSE, SECOND BY MCLEAN, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Pursuant to
Government Code Section 54956.9(b)(1)
Number of Potential Cases: 1

MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE adjourned the meeting to Closed Session at 5:37 p.m. and she reconvened the meeting to Open Session at 6:05 p.m. Reporting out of Closed Session, MAYOR ROSE announced Council met earlier in Closed Session, received information from staff, gave direction, and had nothing to report at this time.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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PLEDGE OF ALLEGIANCE

MAYOR ROSE led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR ROSE recommended continuance of all reports after 7.1 to a meeting in January.

MOTION BY ROSE, SECOND BY MCLEAN, TO CONTINUE ITEM NOS. 7.2 THROUGH 7.7 TO A MEETING DATE IN JANUARY (TO BE DETERMINED BY STAFF). MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL ANNOUNCEMENTS

COUNCILMEMBER WINTER wished everyone a happy and safe holiday; and spoke about the recent passing of Art Zamisch, who has been known as the Santa Claus for Imperial Beach.

MAYOR ROSE wished everyone a safe and happy holiday.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

No speaker slips were submitted.

PRESENTATIONS/PROCLAMATIONS (1.1)

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

MAYOR ROSE announced that Brian and Karen Bilbray were the recipients of the Recycle All-Star award, however, were not in attendance.

CONSENT CALENDAR (2.1 - 2.14)

MAYOR ROSE pulled Item No. 2.7 for discussion immediately after the Consent Calendar, and she announced that Councilmembers McCoy and Winter had conflicts of interest on Item No. 2.10 due to the proximity of their homes to the project.

MAYOR PRO TEM JANNEY announced that he had a potential conflict of interest on Item 2.1.

MAYOR ROSE announced Mayor Pro Tem Janney would not be voting on Item No. 2.1 and Councilmembers McCoy and Winter would not be voting on Item No. 2.7.

MOTION BY ROSE, SECOND BY WINTER, TO PULL ITEM NO. 2.7 – ADOPTION OF RESOLUTION NO. 2005-6260 AUTHORIZING ACCEPTANCE OF A \$100,000 GRANT FOR SAND RENOURISHMENT FROM THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS BEACH EROSION CONTROL PROGRAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THESE FUNDS FOR DISCUSSION AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE announced that with Council's approval of Item No. 2.3, Councilmember McLean would take over the duties of Mayor Pro Tem in January; she thanked Mayor Pro Tem Janney for the superb job he did this past year representing the City on her behalf and the community. She thanked David Garcias of the SEIU, Craig Weaver of the IBFA, and Tom Ritter for their efforts on labor negotiations.

MOTION BY ROSE, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.2 THRU 2.6, 2.8, 2.9 AND 2.11 THRU 2.14. MOTION CARRIED UNANIMOUSLY.

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

AYES:	COUNCILMEMBERS:	MCCOY, WINTER, MCLEAN, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

IN REGARD TO ITEM NO. 2.10, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCLEAN, JANNEY, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	MCCOY, WINTER (DUE TO A POTENTIAL CONFLICT OF INTEREST)

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified Accounts Payable Numbers 60758 through 60908 for the period ending 11/24/05 and Payroll Register Numbers 36406 through 36458 for the period ending 11/24/05 in the amount of \$944,791.03.

2.2 LOCAL APPOINTMENTS LIST. (0460-45)

City Council approved the Local Appointments List in compliance with Government Code §54972 and authorized the City Clerk to post said list at City Hall and the Library in compliance with Government Code §54973.

2.3 ROTATION OF MAYOR PRO TEMPORE DUTIES. (0410-13)

Appointed Councilmember Fred McLean as Mayor Pro Tempore for a one-year period, to be seated at the first Council meeting in January pursuant to requirements as stated under Council Policy No. 112.

2.4 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AUTHORIZING GRANT OF EASEMENT AND AGREEMENT FOR ACCESS BY CITY OF IMPERIAL BEACH. (0480-40)

Adopted Resolution No. 2005-6258 authorizing grant of easement and agreement for access by the City of Imperial Beach.

- 2.5 RESOLUTION APPROVING THE AWARD OF CONTRACT TO SOUTHWEST SECURITIES FOR ALLEY IMPROVEMENTS RDA/CIP ASSESSMENT DISTRICT (AD 72). (0465-10)**
1. Received report; and
 2. Adopted Resolution No. R-05-86, authorizing the City Manager to enter into a Professional Services Agreement with Southwest Securities.
- 2.6 RESOLUTION AUTHORIZING THE PAYMENT OF \$20,000 TO PAUL HOBSON, ARTIST OF BLUE WAVE SCULPTURE. (1000-10)**
1. Received report;
 2. Adopted Resolution No. 2005-6259 authorizing the City Manager to approve the purchase order to pay the invoice from Mr. Paul Hobson and approving the expenditure of \$20,000 of Prop A funds for payment.
- 2.8 1050 GEORGIA STREET CONDOMINIUMS; FINAL MAP (TM 05-193) FOR THE PROPOSED CONVERSION OF SIX RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 1050 GEORGIA STREET, IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. OWNER/APPLICANT: 1050 GEORGIA ST., LLC/MALCOLM DAVIES. MF 768. (0600-20)**
- City Council approved the Final Map (TM 05-193) and made the findings as listed in the staff report.
- 2.9 REJECTION OF CLAIM FILED – PATRICK IVISON. (0190-10)**
- City Manager's Recommendation: It is respectfully requested that the City Council reject the claim from Patrick Ivison.
- 2.10 ADOPTION OF RESOLUTION NO. R-05-89 FOR AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH NASLAND ENGINEERING (NASLAND) FOR CIVIL ENGINEERING CONSULTING SERVICES FOR THE OLD PALM AVENUE STREETScape IMPROVEMENT. (0620-20)**
- The Redevelopment Agency of the City of Imperial Beach adopted resolution.
- 2.11 RESOLUTION NO. 2005-6263 APPROVING AN AGREEMENT WITH BOB MURRAY & ASSOCIATES TO CONDUCT A RECRUITMENT FOR ADMINISTRATIVE SERVICES DIRECTOR AND BUDGET \$25,000 FROM UNALLOCATED RESERVES FOR THIS PURPOSE. (0550-05)**
- Adopted Resolution.
- 2.12 ADOPT RESOLUTION NO. 2005-6262 APPROVING A MEMORANDUM OF UNDERSTANDING ON WAGES AND OTHER TERMS AND CONDITIONS BETWEEN THE CITY AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) AND AMENDING THE BUDGET FOR A TWO YEAR TERM COMMENCING JULY 1, 2005 AND ENDING JUNE 30, 2007. (0540-20)**
- Adopt Resolution.
- 2.13 ADOPT RESOLUTION NO. 2005-6265 APPROVING THE FY 2005-06 SALARY AND COMPENSATION PLAN FOR ALL EMPLOYEE GROUPS AND RECOGNIZING THOSE CLASSIFICATIONS REPRESENTED BY THE SERVICE EMPLOYEES INTERNATIONAL UNION FOR FY 2005-06. (0520-75)**
- Adopted Resolution.

2.14 ADOPT RESOLUTION NO. 2005-6261 APPROVING A MEMORANDUM OF UNDERSTANDING ON WAGES AND OTHER TERMS AND CONDITIONS BETWEEN THE CITY AND THE IMPERIAL BEACH FIREFIGHTERS' ASSOCIATION (IBFA) AND AMENDING THE BUDGET FOR A TWO YEAR TERM COMMENCING JULY 1, 2005 AND ENDING JUNE 30, 2007. (0540-20)

Adopted Resolution.

2.7 ADOPTION OF RESOLUTION NO. 2005-6260 AUTHORIZING ACCEPTANCE OF A \$100,000 GRANT FOR SAND RENOURISHMENT FROM THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS BEACH EROSION CONTROL PROGRAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THESE FUNDS. (0220-70)

CITY ATTORNEY LOUGH explained that a majority of City Council has a conflict of interest on the item due to living within 500 feet of the project. In this situation, straws are drawn or some other means to determine who will participate in the decision; this was done in the past on this type of project, however, recommended a redraw as there has been a change in Council; the Councilmember whose name is drawn would be mandated to participate on the decision of this item tonight and also on the item thereafter until there are other changes on the City Council.

CITY MANAGER BROWN introduced the item and announced that Councilmembers McLean, Winter, and McCoy live within 500 feet of the beach and, therefore, have potential conflicts of interest on the item.

CITY ATTORNEY LOUGH announced that Councilmember McCoy's name was drawn out of the fishbowl and that Councilmembers McLean and Winter would not participate in the decision on this item, yet they were allowed to stay in the Council Chambers on a Consent item.

**MOTION BY ROSE, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2005-6260.
MOTION CARRIED BY THE FOLLOWING VOTE:**

AYES:	COUNCILMEMBERS:	MCCOY, JANNEY, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	WINTER, MCLEAN (DUE TO A POTENTIAL CONFLICT OF INTEREST)

ORDINANCES - INTRODUCTION/FIRST READING (3)

None.

ORDINANCES - SECOND READING & ADOPTION (4.1 - 4.2)

4.1 SECOND READING OF ORDINANCE NO. 2005-1038 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH ADDING CHAPTER 15.18 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE ADOPTION OF THE 2005 BUILDING ENERGY EFFICIENCY STANDARDS. (0710-95)

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD read the title of Ordinance No. 2005-1038, an ordinance of the City Council of the City of Imperial Beach adding Chapter 15.18 of the Imperial Beach Municipal Code related to the adoption of the 2005 Building Energy Efficiency Standards.

MOTION BY ROSE, SECOND BY MCLEAN, TO DISPENSE SECOND READING AND ADOPT ORDINANCE NO. 2005-1038 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

4.2 SECOND READING OF ORDINANCE NO. 2005-1039 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING CHAPTER 15.28 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE ADOPTION OF THE CALIFORNIA MECHANICAL CODE, 2001 EDITION. (0710-95)

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD read the title of Ordinance No. 2005-1039, An ordinance of the City Council of the City of Imperial Beach amending Chapter 15.28 of the Imperial Beach Municipal Code related to the adoption of the California Mechanical Code, 2001 Edition.

MOTION BY ROSE, SECOND BY WINTER, TO DISPENSE SECOND READING AND ADOPT ORDINANCE NO. 2005-1039 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6)

None.

REPORTS (7.1 - 7.7)

7.1 PROPOSED REDEVELOPMENT OF THE PALM AVENUE SHOPPING CENTER. (0620-20 & 0640-05)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY reported on the item; he spoke in support of redevelopment, noting that the redevelopment of the proposed project would create economic growth and establish economic stability both of which are goals and objectives of the Imperial Beach General Plan, the Redevelopment Plan, the Five-Year Implementation Plan, and the Economic Development Plan. The proposed development contains mixed-use, retail, and entertainment-oriented projects, with a market rate housing component.

PAUL MARRA, of Keyser Marston Associates, clarified that in the introduction of the 9th Street and Palm Ave. Redevelopment Site Analysis of Alternative Scenarios (Attachment 2 of the staff report) there should be a correction from 3.5 acres to 5+ acres and he noted that the correction would not change the analysis. He reviewed the three development scenarios, the proposed retail square footage, the possible retailers, and the financial gap for each scenario.

REDEVELOPMENT COORDINATOR SELBY explained that the item before Council is to authorize staff to negotiate an exclusive negotiation agreement (ENA) with D.R. Horton rather than the approval of the plan; he also spoke about the benefits of choosing D.R. Horton over Lennar Homes.

MICHEL DEDINA supported redevelopment of 9th Street and Palm Avenue and livable space above the shops; he suggested that homes be offered to teachers, city employees, doctors and nurses; he also supported underground parking; and he preferred a name other than South Beach Colony, preferably a name that included Imperial Beach.

SHAZA ALHAMAD requested a timeline for the project.

BRIAN JONES expressed concern about the rush to go forward; he questioned if the public were aware of the project; he suggested that a community meeting be held, and he expressed concern about the scale of the project and if it conflicted with a small town atmosphere.

PAMELA SAWHNEY, M.D., stated that she has practiced medicine in I.B. for the past 24 years, and she expressed concern about the project displacing five practitioners.

ROBERT BRIANS expressed concern about the project interfering with his view, if the increased development would impact the sewer, and the construction as well as traffic on neighborhood streets.

DANA CLARK requested that staff reports be placed on the website, as well as the agreement if it is approved.

JOHN FISHER supported redevelopment, yet expressed concern about the size of the project and the ability to enter and exit the shopping center.

CARLEEN HESS questioned why a grocery store and a drug store were being suggested when they already exist across the street; she supported the comments made by Mr. Dedina and Mr. Jones; she expressed a desire to see the hotel project move forward.

MAYOR ROSE noted that there is a hotel update report on every agenda, and she announced the project should break ground in 2006.

MICHAEL CAREY stated this is one of the top projects that came out of the RDA Workshops; he expressed concern about the project having 80% residential; he spoke of the need for community support of the project and he supported holding a workshop to get the public involved.

MAXX STALHEIM supported the selection of D.R. Horton; he supported retail space of 70,000 sq. ft., as opposed to 100,000 sq. ft.; and he urged Council's support of staff's recommendation.

MAYOR ROSE stated that she was not available to attend the last meeting, however she did read the minutes; she expressed concern about the impacts to the surrounding neighborhood during construction, public awareness of the project, and the need to take extra steps to do outreach to the community by mailings and the website; she supported holding one more workshop on this item on January 12th.

DAVID STEARN, representing D.R. Horton, stated that the drawings are a vision for the project, and that the item before Council is the authorization to enter into an ENA; if it has been determined that they are participants in the project, they will ensure that the project is developed in concert with the community.

CITY MANAGER BROWN added that once authorized to enter into an ENA, more public meetings and involvement will occur.

COUNCILMEMBER WINTER clarified that the developer submitted a concept and philosophy and that there are no blueprints at this time; once the City and developer enter into an ENA, then the public workshops would take place; she supported holding another workshop, however, she did not want the public disillusioned that there are plans because there are none.

MAYOR ROSE stated that her concern is that the public has stated that even the concept and philosophy is not understood by the public; she added that this is the largest development that the City has ever seen; she requested Council's support of a citywide mailing.

MAYOR PRO TEM JANNEY echoed Councilmember Winter's comments.

COUNCILMEMBER MCCOY supported public input and she expressed concern about the City's financial picture and stressed the need to look at ways to improve it.

MAYOR ROSE stated that she desired further public comment and participation before approving an ENA.

CITY MANAGER BROWN recommended that at the January 12th meeting solely focus on this item.

MAYOR ROSE requested that there be community outreach prior to the January 12th meeting; she also requested additional information on traffic flow, traffic patterns and the impacts to the surrounding area; she also questioned if there would be increased costs for public safety and public services.

CITY MANAGER BROWN clarified that at the workshop, City Council will not be deciding whether or not to move forward with the project, but rather authorization to negotiate and ENA with D.R. Horton; after the ENA has been executed, then the developer will work on traffic studies, views, impacts, etc.; he also noted that an outline will be provided at the workshop.

MOTION BY ROSE, SECOND BY MCLEAN, TO CONTINUE THE ITEM TO JANUARY 12, 2006 AS THE SOLE ISSUE ON THE AGENDA, AT 6:00 P.M., AT THE MEETING BRING FORWARD THE ITEM, IN A WORKSHOP FORMAT, THE DISCUSSION OF THE PROJECTS OVERALL IN A GENERIC SENSE, DISCUSS THE MECHANISMS FOR HOW THE PROCESS WOULD WORK; AT THE END OF THE WORKSHOP, CITY COUNCIL/REDEVELOPMENT AGENCY WOULD RECOMMEND APPROVAL OR DECIDE WHAT TO DO ULTIMATELY AND THE CITY MANAGER WOULD BE DELEGATED WITH THE AUTHORITY TO MAKE ALL APPROPRIATE PUBLIC NOTICING TO ALLOW THAT THE COMMUNITY AT LARGE AROUND THE PROJECT ARE AWARE OF THE WORKSHOP. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE questioned why staff recommended choosing one of the two proposals from the owner/tenants, rather than the option of not accepting either proposal and going out for another RFP.

DANIEL LOPEZ expressed concern that the delay in making a decision tonight may result in the developer losing interest in the project.

7.2 SEACOAST DRIVE STREETScape DESIGN CONCEPT; REPORT OF WORKING GROUP PROJECT. (0720-90)

Item continued to a meeting in January (that will be determined by staff) by prior City Council action.

7.3 RESOLUTION NO. 2005-6264 – APPROVAL OF REVISIONS TO COUNCIL POLICY 801: POLICIES AND REGULATIONS GOVERNING USE PERMITS FOR PARKS AND RECREATION FACILITIES. (0920-95 & 0930-10)

Item continued to a meeting in January (that will be determined by staff) by prior City Council action.

7.4 UPDATE ON 50TH ANNIVERSARY CELEBRATION. (0160-75)

Item continued to a meeting in January (that will be determined by staff) by prior City Council action.

7.5 REPLACEMENT STREET TREES ADJACENT TO CIVIC CENTER COMPLEX. (0940-50)

Item continued to a meeting in January (that will be determined by staff) by prior City Council action.

7.6 PROGRESS REPORT REGARDING SEACOAST INN REDEVELOPMENT. (0660-43)

Item continued to a meeting in January (that will be determined by staff) by prior City Council action.

7.7 SEWAGE ISSUE STRATEGY/SECONDARY TREATMENT STATUS. (0620-75)

Item continued to a meeting in January (that will be determined by staff) by prior City Council action.

REPORTS OF MAYOR AND COUNCILMEMBERS

The meeting adjourned at 8:07 p.m.

Diane Rose, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk