

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
May 2, 2007
CLOSED SESSION – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.
MARINA VISTA CENTER
1075 8th Street
Imperial Beach, California**

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:31 p.m.

ROLL CALL

| | |
|-------------------------|----------------------|
| Councilmembers present: | McLean, Bragg, McCoy |
| Councilmembers absent: | None |
| Mayor present: | Janney |
| Mayor Pro Tem present: | Winter |

CLOSED SESSION

MOTION BY MCCOY, SECOND BY WINTER, TO ADJOURN TO CLOSED SESSION UNDER:

Pursuant to Government Code Section 54956.8:

Property: 701-7 Palm Ave., Imperial Beach, CA 91932, APN 626-250-02
Agency Negotiator: City Manager
Negotiating Parties: Parmela Sawhney S Revoc Trust 10-09-02
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 735 Palm Ave., Imperial Beach, CA 91932, APN 626-250-03
Agency Negotiator: City Manager
Negotiating Parties: North Island Federal Credit Union
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04
Agency Negotiator: City Manager
Negotiating Parties: Sam & Sandra Dimenstein Trust
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 761-779 Palm Ave., Imperial Beach, CA 91932, APN 626-250-05
Agency Negotiator: City Manager
Negotiating Parties: Sam & Sandra Dimenstein Trust
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 743-849 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06
Agency Negotiator: City Manager
Negotiating Parties: Sam & Sandra Dimenstein Trust
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:32 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, gave direction, and had nothing to report at this time.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

| | |
|-------------------------|----------------------|
| Councilmembers present: | McLean, Bragg, McCoy |
| Councilmembers absent: | None |
| Mayor present: | Janney |
| Mayor Pro Tem present: | Winter |

| | |
|----------------|---|
| Staff present: | City Manager Brown; City Attorney Lough; City Clerk Hald |
|----------------|---|

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

In accordance with AB 1234 COUNCILMEMBER MCCOY, MAYOR PRO TEM WINTER and MAYOR JANNEY announced they attended the League of California Cities – San Diego County Division Quarterly Dinner Meeting.

MAYOR PRO TEM WINTER spoke about an article that appeared in the City of Poway's newsletter regarding disposal of unwanted or expired medications; she spoke of the importance of not flushing or tossing them into the trash, as it may lead to harmful effects on fish/wildlife; she requested the information also be conveyed to the residents of Imperial Beach.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS/PROCLAMATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.7)

In regard to the Workshop Minutes from April 10, 2007, ALBERT KNECHT reiterated that he spoke about being a petition facilitator for no residences at Palm Avenue and 9th Street; he also noted that he had expressed concern about 18 wheelers on residential streets and requested the minutes be changed to include this concern; he also requested that the Sheriff's Dept. address the issue of 18 wheelers as soon as possible.

MAYOR JANNEY responded that the minutes were sufficient as written.

MOTION BY MCLEAN, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.7. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meetings of April 4, 2007 and April 18, 2007, and the Workshop meeting of April 10, 2007.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 63683 through 63686 with the subtotal amount of \$6,707.72; and Payroll Register Numbers 38256 through 38296 for the pay period ending 04/12/07 with the subtotal amount of \$121,626.51; for a total of \$128,334.23.

2.3 CASH AND INVESTMENT REPORTS FOR THE QUARTER ENDED MARCH 31, 2007. (0350-90)

Received and filed the Quarterly Investment Reports for the quarter ended March 31, 2007.

2.4 APPROVE A FIVE-YEAR LEASE FOR AN OFFICE COPY MACHINE WITH XEROX CORPORATION. (1110-05)

Adopted Resolution No. 2007-6474.

2.5 ADOPT RESOLUTION NO. 2007-6476 RATIFYING THE LOCATION OF THE CITY OF IMPERIAL BEACH 50TH ANNIVERSARY TIME CAPSULE AS UNDER THE CENTER OF THE VETERAN'S PARK ROTUNDA TO BE OPENED IN THE YEAR 2106. (1040-10)

Adopted resolution.

2.6 RATIFICATION OF LETTER OF SUPPORT FOR SB 1000. (0460-40)

Ratified letter of support.

2.7 RESOLUTION NO. 2007-6479 APPROVING A CHANGE ORDER TO ANNUAL 5-YEAR TREE TRIMMING SERVICES 2005 CONTRACT. (0940-60)

1. Received report; and
2. Adopted resolution.

ORDINANCES - INTRODUCTION/FIRST READING (3.1)

3.1 FIRST READING OF ORDINANCE, DESCRIBING THE REDEVELOPMENT AGENCY'S EXISTING PROGRAM TO EXERCISE EMINENT DOMAIN POWERS WITHIN THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT AREA, AS REQUIRED BY CALIFORNIA HEALTH AND SAFETY CODE SECTION 33342.7(A). (0640-95)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT DIRECTOR SELBY gave a PowerPoint presentation on the item.

SUSAN COLA, attorney for Kane, Ballmer & Berkman, clarified that legal residential uses conforming to the Zoning Code would not be subject to the powers of eminent domain.

ALBERT KNECHT spoke in opposition to any use of eminent domain and opposed the ordinance.

MAYOR JANNEY noted that eminent domain is a tool for redevelopment and also stated that eminent domain could be of benefit to some of the property owners.

COUNCILMEMBER MCCOY stressed that the power of eminent domain would not be used on property on which people reside.

MAYOR JANNEY announced he received a public speaker slip that he would take at this time.

PUBLIC COMMENT

MAXX STALHEIM questioned when the draft City budget would be ready for review.

MAYOR JANNEY responded that there was Budget discussion at the April 10, 2007 City Council Workshop.

CITY MANAGER BROWN announced a Budget Workshop will be held on May 22, 2007 followed by public hearings.

MAYOR JANNEY called for the introduction of Ordinance No. 2007-1055.

CITY CLERK HALD read the title of Ordinance No. 2007-1055, an Ordinance of the City Council of the City of Imperial Beach, California describing the program of the Redevelopment Agency of the City of Imperial Beach to acquire property by eminent domain within the Palm Avenue/Commercial Redevelopment Project Area.

MOTION BY MCLEAN, SECOND BY MCCOY, TO DISPENSE FIRST READING OF ORDINANCE NO. 2007-1055 AND SET THE MATTER FOR PUBLIC HEARING AND ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.

ORDINANCES - SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1 - 6.2)

6.1 762 9th STREET – NOTICE OF SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS AND PROBATION VIOLATION. (0470-20)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY declared the public hearing open.

CODE COMPLIANCE OFFICER GARCIAS gave a PowerPoint presentation on the item.

ALBERT KNECHT expressed sympathy for the property owner.

Discussion ensued regarding the history of the property; that the goal is to obtain compliance, and the recommendation of an abatement warrant to bring the property up to code, as assessing civil penalties will not necessary lead to compliance, with the costs of the abatement warrant borne by the property owner.

MOTION BY MCLEAN, SECOND BY WINTER, TO OBTAIN AN ABATEMENT WARRANT AND CONTINUE THE PUBLIC HEARING TO THE JUNE 20, 2007. MOTION CARRIED UNANIMOUSLY.

6.2 PUBLIC HEARING SETTING THE ANNUAL SEWER CAPACITY FEE. (0390-55)

The public hearing was opened.

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY closed the public hearing.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2007-6475 AUTHORIZING THE RETENTION OF THE CURRENT ANNUAL SEWER CAPACITY FEE RATE. MOTION CARREID UNANIMOUSLY.

REPORTS (7.1 - 7.2)

7.1 REPORT ON THE STATUS OF THE PALM AND CARNATION AVENUE STREET-ENDS IMPROVEMENT PROJECT. (0150-70 & 0600-20)

MAYOR PRO TEM WINTER and COUNCILMEMBER MCCOY left Council Chambers at 6:52 p.m., as they own property within 500 feet of the project.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item; he provided an update on the project and discussed the construction plans for the project; and he announced Linda Scott, Capital Project Manager, of the Port was in attendance.

A majority of City Council recommended the following:

| ITEM | ISSUE | RECOMMENDATION |
|---------------------|-----------------|---|
| Interlocking Pavers | Color | Blue |
| Lighting | Type and Height | 20-foot "Vehicular Street Light" to be used in vehicular area (Palm Ave. between Seacoast Drive and Ocean Lane) and 12-foot "Pedestrian Street Light" in pedestrian plaza |
| Trash Receptacles | Type | Square |
| Palm Trees | New or Re-use | Sell 11 existing trees (20-50 feet tall) and plant 24 new trees (20 feet tall) |
| Benches | Type/Design | Install equal number of surfboard and ADA Compliant Benches |

MAYOR PRO TEM WINTER and COUNCILMEMBER MCCOY returned to Council Chambers at 7:24 p.m.

7.2 REALLOCATION OF UNEXPENDED RTIP (PROP A) FUNDS TO NEW PROJECTS. (0140-40 & 0680-80)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item and submitted a list showing the reallocation of unexpended RTIP funds.

MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2007-6478 AND FORWARD THE REALLOCATION PLAN TO SANDAG FOR APPROVAL. MOTION CARRIED UNANIMOUSLY.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCLEAN stated that MTS reviewed taxi permits.

COUNCILMEMBER BRAGG congratulated the Paint IB Committee for a successful event and thanked staff for their participation.

COUNCILMEMBER MCCOY requested Gary Gallegos, of SANDAG, be contacted for a presentation to City Council and she spoke about a letter received from the City of Chula Vista requesting support of the Kyoto Resolution and requested that a similar resolution be brought forward in the future.

MAYOR PRO TEM WINTER also spoke about the letter from the City of Chula Vista and gave a copy to the City Manager and also requested that the item be brought forward in the future.

MAYOR JANNEY announced the rededication ceremony at Veteran's Park is scheduled for Friday, May 4th; Citywide Cleanup Day is scheduled for Saturday, May 5th; the Pole Pulling Ceremony on 9th Street, which was made possible by Prop 20A funds, was held Monday, April 30th; and he announced that he had the opportunity to meet with the Mayor of Tijuana.

ADJOURNMENT

The meeting adjourned at 7:42 p.m.

James C. Janney, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk