

## MINUTES

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

**DECEMBER 3, 2008**

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

**REGULAR MEETING – 6:00 P.M.  
CLOSED SESSION MEETING – AT END OF AGENDA**

### **REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

### **ROLL CALL**

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

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

GIRL SCOUT TROOP 5134 led everyone in the Pledge of Allegiance.

### **INVOCATION**

PASTOR CAREY NORMAN gave the invocation.

Consensus of City Council to take the Consent Calendar at this time.

### **CONSENT CALENDAR (2.1 - 2.3)**

**MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3. MOTION CARRIED UNANIMOUSLY.**

#### **2.1 MINUTES.**

Approved the minutes of the Regular City Council meeting of November 19, 2008.

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

Ratified the following registers: Accounts Payable Numbers 67548 through 67598 with the subtotal amount of \$52,250.16; and Payroll Checks 40392 through 40443 for the pay period ending 11/06/08 with the subtotal amount of \$149,441.40; for a total amount of \$201,691.56.

**2.3 RESOLUTION NO. 2008-6695 – SALE OF SURPLUS PROPERTY. (0380-45)**

Adopted resolution.

Consensus of City Council to take Item No. 3.1 at this time.

**ORDINANCES – INTRODUCTION/FIRST READING (3.1)**

**3.1 ORDINANCE NO. 2008-1075 – MAKING CERTAIN CLARIFYING CHANGES TO TITLE 2 OF THE IMPERIAL BEACH MUNICIPAL CODE. (0410-95)**

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH reviewed the proposed changes to Title 2.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2008-1075.

CITY CLERK HALD read the title of Ordinance No. 2008-1075, an ordinance of the City Council of the City of Imperial Beach, California, making certain clarifying changes to Title 2 of the Imperial Beach Municipal Code.

**MOTION BY MCCOY, SECOND BY MCLEAN, TO DISPENSE THE FIRST READING AND INTRODUCE ORDINANCE NO. 2008-1075, SET THE MATTER FOR ADOPTION AT THE NEXT REGULAR CITY COUNCIL MEETING OF DECEMBER 17, 2008, AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.**

**OATH OF OFFICE CEREMONY**

**1. RESOLUTION NO. 2008-6694 – RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008 DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW. (0430-40)**

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD announced that a staff report and resolution were submitted as Last Minute Agenda Information; she gave a PowerPoint presentation and recited the following results of the Canvass of the November 4, 2008 General Municipal Election for two Members of the City Council:

“On Tuesday, November 4, 2008, a General Municipal Election was held in the City of Imperial Beach for the purpose of electing: Two (2) Members of the City Council for full terms of four (4) years. The whole number of votes (ballots) cast in the precincts except vote by mail voter ballots and provisional ballots was 4,936. That the whole number of vote by mail voter ballots plus the whole number of provisional ballots cast in the City was 3,035, making a total of 7,971 votes (ballots) cast in the City.

That the names of persons voted for at the election for Member of the City Council are as follows:

Fred McLean	receiving 3,756 votes
M.L. Maxx Stalheim	receiving 2,364 votes

Jim King receiving 2,961 votes

Fred McLean was re-elected as member of City Council for a full term of four (4) years.

Jim King was elected as member of the City Council for a full term of four (4) years.

**MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6694 – RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW, AND THAT THE CITY CLERK SHALL PRESENT CERTIFICATES OF ELECTION AND ADMINISTER OATHS OF OFFICE TO COUNCILMEMBER FRED MCLEAN AND COUNCILMEMBER-ELECT JIM KING, AND EACH PERSON ELECTED SHALL THEN BE INDUCTED INTO THE RESPECTIVE OFFICE TO WHICH THEY HAVE BEEN ELECTED.**

**2. LEAVING OFFICE PRESENTATION. (0430-23)**

OUTGOING COUNCILMEMBER WINTER was presented with certificates and plaques from the City of Imperial Beach and other organizations for her many years of dedicated service to the City of Imperial Beach.

**3. OATHS OF OFFICE. (0430-65)**

CITY CLERK HALD presented Certificates of Election and administered Oaths of Office to Councilmember Fred McLean and Councilmember-elect Jim King.

MAYOR JANNEY recessed the meeting at 7:14 p.m. for refreshments in the Community Room. He reconvened the meeting to Open Session at 7:47 p.m.

**ROLL CALL**

Councilmembers present:	King, McLean, Bragg
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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**AGENDA CHANGES**

None.

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE & COMMUNITY ANNOUNCEMENTS**

COUNCILMEMBER MCLEAN announced the following upcoming events: Christmas Comes to IB on December 6 and the Pearl Harbor Memorial on December 7; he spoke about attending the South County Economic Development Council meeting where they received a presentation on a proposal of a high speed train from Los Angeles to San Diego and through the Inland Empire and took place at the San Ysidro Health Center, where over 50,000 people without medical insurance are treated.

COUNCILMEMBER BRAGG announced the first recognized Native American Heritage Day was on November 28.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

PORT COMMISSIONER BIXLER gave an update on the Palm Avenue street end project; he announced the Port District issued a change order on the project to allow for the trenching of conduits and relocation of an electrical meter and motor control; the ribbon cutting ceremony is scheduled for January 3 from 10:00 a.m. to 12:00 p.m.; the Port of San Diego will sponsor an Imperial Beach art walk later in the year.

**PRESENTATIONS (1)**

None.

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

None.

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.1)**

**6.1 RESOLUTION NO. 2008-6697 – AWARDING CONTRACT FOR WATER QUALITY MONITORING AND ANALYSIS OF THE PALM AVENUE LOW-FLOW URBAN RUNOFF DIVERTER PROJECT. (0770-10)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

**MOTION BY BRAGG , SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2008-6697 – AWARDING THE CONTRACT FOR WATER QUALITY MONITORING AND ANALYSIS OF THE PALM AVENUE LOW-FLOW URBAN RUNOFF DIVERTER PROJECT. MOTION CARRIED UNANIMOUSLY.**

**ITEMS PULLED FROM THE CONSENT CALENDAR**

None.

## **MAYOR/COUNCIL REPORTS ON ASSIGNMENTS AND COMMITTEES**

MAYOR PRO TEM MCCOY announced she sent a letter to MTS expressing her disappointment with the service on the Blue Line and has yet to receive a response.

COUNCILMEMBER MCLEAN stated that Mayor Pro Tem McCoy's letter was distributed to each Boardmember; he announced that he is now on the Executive Board and will bring the matter to their attention in the morning; he concurred with the concerns expressed by Mayor Pro Tem McCoy and will look into the matter.

MAYOR JANNEY stated that he has had a discussion with CEO Paul Jablonski regarding concerns with the Blue Line; he congratulated Councilmember McLean on his appointment to the Executive Board; and he suggested to MTS that an express train run from the border to downtown.

## **CLOSED SESSION MEETING CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 8:10 p.m.

## **CLOSED SESSION**

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

### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a):

Name of Case: City of Imperial Beach v. Christopher N. Nasser  
Case No.: 37-2008-00070389-CU-MC-SC

### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

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

Property: 735 Palm Avenue, 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

**MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY adjourned the meeting to Closed Session at 8:06 p.m. and he reconvened the meeting to Open Session at 8:46 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session. CITY ATTORNEY LOUGH announced City Council received information from staff and gave direction, and had no reportable action.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 8:47 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, CMC  
City Clerk