

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
June 20, 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

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

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:
Number of potential cases: 1

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 and had nothing to report.

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
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

In accordance with AB 1234, MAYOR PRO TEM WINTER announced she attended the League of California Cities – S.D. Division Legislative Committee Meeting and Monthly Luncheon Meeting.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

STEVE FUTTERMAN spoke in support of an alcoholic beverage license for the Pierside Café.

J. PALMER expressed concern about dirt and trash in an alley located at Connecticut Street and East Lane and wanted to file an official complaint.

MAYOR JANNEY recommended that Mr. Palmer fill out and submit an official complaint form.

JAN KOONTZ questioned why the minutes and backup material for the Warrant Register were not available on the website prior to adoption.

CITY CLERK HALD explained that the minutes from the last City Council meeting were not on the agenda and, therefore, were not available for review; she also explained that staff reports and corresponding attachments are made available on the City website.

BOB WADHAM announced he was moving to the City of San Diego and bid all farewell.

PRESENTATIONS/PROCLAMATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.11)

MAYOR JANNEY announced speaker slips were submitted on Item Nos. 2.2 and 2.5 and recommended pulling those items for discussion at the end of the agenda.

CITY ATTORNEY LOUGH stated he had a conflict of interest on Item No. 2.10; however, since it is on the Consent Calendar, he would remain at the dais.

MOTION BY MCCOY, SECOND BY WINTER, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.3, 2.4 AND 2.6 THRU 2.11. MOTION CARRIED UNANIMOUSLY.

- 2.1 RESOLUTION AUTHORIZING THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND TELEVIDEO SAN DIEGO (TVSD) FOR THE UPGRADE OF COUNCIL CHAMBERS AUDIO-VISUAL SYSTEM AND ASSOCIATED CHAMBER ACCOUTREMENTS (CIP F05-201). (0910-10)**
1. Received the report; and
2. Adopted Resolution No. 2007-6512.
- 2.3 PURCHASE OF THE CISCO SECURITY SYSTEM HARDWARE AND SOFTWARE FROM AT&T. (1110-05)**
Adopted Resolution No. 2007-6503.
- 2.4 LETTER IN SUPPORT OF PROP 42 FUNDING. (0460-40)**
Authorized the Mayor to sign letter and whatever other steps he deems necessary to secure Prop 42 funding.
- 2.6 RESOLUTION SUPPORTING \$1B STATE BUDGET ALLOCATION OF PROP 1B FUNDS TO CITIES IN 2007-08. (0460-40)**
Adopted Resolution No. 2007-6507.
- 2.7 RESOLUTION APPROVING A SERVICE CONTRACT WITH STATE OF CALIFORNIA, DEPARTMENT OF CORRECTIONS, INMATE COMMUNITY WORK CREWS (AGREEMENT NUMBER RJD07006). (0920-20)**
Adopted Resolution No. 2007-6510.
- 2.8 RENEWAL OF MICHAL PIASECKI'S CONTRACT FOR FISCAL YEAR 2007/2008. (1110-05)**
Adopted Resolution No. 2007-6487.
- 2.9 RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF IMPERIAL BEACH TO SIGN THE FIRST AMENDMENT TO NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM SAN DIEGO REGIONAL STORM WATER COPERMITTEE MEMORANDUM OF UNDERSTANDING OF DECEMBER 3, 2001. (0770-70)**
1. Received report; and
2. Adopted Resolution No. 2007-6509.
- 2.10 RESOLUTIONS APPROVING AN AGREEMENT WITH MCDOUGAL LOVE ECKIS SMITH BOEHMER & FOLEY FOR CITY ATTORNEY AND SPECIAL LEGAL SERVICES. (0440-30)**
Adopted Resolution Nos. 2007-6505 and R-07-128.
- 2.11 SALE OF SURPLUS PROPERTY. (0380-45)**
Adopted Resolution No. 2007-6504 authorizing the sale/transfer of surplus property as listed on Exhibit A to resolution.

ORDINANCES - INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1 - 6.6)

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

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and reported that the property owner was given additional time to initiate and complete the cleanup of her property; he noted that little progress had been made.

CODE COMPLIANCE OFFICER GARCIAS gave an update on the item and noted that the property owner had not followed through on what she had agreed to do by tonight's meeting; he recommended that the public hearing be continued to allow staff time to seek legal action to compel the property owner to clean up the property.

JAN KOONTZ questioned if the City were applying equitable code enforcement throughout the City.

City Council discussion ensued regarding the chronic nature of this case as it has gone on for over ten years and bringing the item back under Closed Session to review options available to gain compliance.

MOTION BY MCLEAN, SECOND BY MCCOY, TO CONTINUE THE PUBLIC HEARING TO AUGUST 1, 2007. MOTION CARRIED UNANIMOUSLY.

MOTION BY MCLEAN, SECOND BY WINTER, TO DIRECT STAFF TO SEEK LEGAL ACTION TO COMPEL THE PROPERTY OWNER TO CLEAN UP THE PROPERTY AND DIRECT STAFF TO KEEP A CLOSE MONITOR ON THE PROPERTY. MOTION CARRIED UNANIMOUSLY.

6.2 JENNIFER PETERSON, (PROPERTY OWNER/APPLICANT); VARIANCE (VAR 060448) FOR THE PROPOSED CONVERSION OF A SINGLE-CAR GARAGE INTO HABITABLE LIVING SPACE AT AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 155 CITRUS AVENUE, IN THE R-1-6000 (SINGLE-FAMILY RESIDENTIAL) ZONE. MF 889. (0600-20)

MAYOR PRO TEM WINTER and COUNCILMEMBER MCCOY announced they had potential conflicts of interest on the item as they both live within 500 feet of the property and left Council Chambers at 6:40 p.m.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSISTANT PLANNER FOLTZ gave a PowerPoint presentation on the item.

GREG NEIL spoke in support of the variance.

RON PETERSON, applicant's husband, submitted 11 photos for the record that show other properties in the City that feature converted garages; he noted that, in addition to street parking, there are three parking spaces in the driveway.

WILLIAM JOHNSON expressed concern about the property becoming a multi-family rental in the future.

MAYOR JANNEY closed the public hearing and then reopened the public hearing so the applicant could address Council's questions regarding possible remodeling plans in the future.

MAYOR JANNEY closed the public hearing.

MOTION BY MCLEAN, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2007-6501, DENYING VARIANCE (VAR 060448) WHICH PROPOSES TO CONVERT ONE, 100% ENCLOSED, PARKING SPACE INTO HABITABLE LIVING SPACE, WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES REASONS FOR DENIAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	MCCOY, WINTER (DUE TO POTENTIAL CONFLICTS OF INTEREST)

MAYOR PRO TEM WINTER and COUNCILMEMBER MCCOY returned to Council Chambers at 7:00 p.m.

6.3 ROGER SANDOVAL (OWNER)/GEORGE BRAUDAWAY (APPLICANT); DESIGN REVIEW (DRC 060337) AND SITE PLAN REVIEW (SPR 060338) FOR 5 ATTACHED RESIDENTIAL UNITS LOCATED AT 1192 11th STREET, IN THE R-2000 (MEDIUM DENSITY RESIDENTIAL) ZONE. MF 832. (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item and submitted a material board for Council's review.

GREG NEIL spoke in support of the project.

MAYOR JANNEY closed the public hearing.

City Council discussion ensued regarding delineation of the entryway through landscaping or through architectural detail.

MOTION BY WINTER, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2007-6499, APPROVING DESIGN REVIEW (DRC 060337) AND SITE PLAN REVIEW (SPR 060338) FOR THE CONSTRUCTION OF FIVE ATTACHED RESIDENTIAL UNITS ON A 10,013 SQUARE FOOT PARCEL LOCATED AT 1192 11TH STREET (APN 632-013-37) IN THE R-2000 (MEDIUM DENSITY RESIDENTIAL) ZONE, WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS, WITH THE REVISION TO INCLUDE THE REQUIREMENT FOR ENHANCED LANDSCAPING FOR THE ENTRIES OF UNITS 1, 3, AND 5. MOTION CARRIED UNANIMOUSLY.

6.4 GREG AND ELTA NEIL (OWNER/APPLICANT); ADMINISTRATIVE COASTAL PERMIT (ACP 05-283), DESIGN REVIEW (DRC 05-284). CONDITIONAL USE PERMIT (CUP 05-285), SITE PLAN REVIEW (SPR 05-286) AND TENTATIVE MAP (TM 05-287) FOR A MIXED-USE PROJECT LOCATED AT 198-200 PALM AVENUE, IN THE SEACOAST COMMERCIAL (C-2) ZONE. MF 807. (0600-20)

MAYOR PRO TEM WINTER and COUNCILMEMBER MCCOY announced they had potential conflicts of interest on the item as they both live within 500 feet of the project and left Council Chambers at 7:17 p.m.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item.

BRIAN JONES disagreed with the number of parking spaces proposed for the project; and asked Council to close the parking area in the back of the building in order to eliminate noise and light pollution (additional speaking time donated by WILLIAM JOHNSON).

ALLEN BRACKETT spoke in opposition to the project.

ILANA ZUCKERMAN-BRACKETT submitted four photos for the record to show potential shadow effects by the project; she expressed concern about pollution and lack of privacy; and spoke in opposition to the project.

JENNY HEISSIKOPOULOS spoke in opposition to the project.

GREG NEIL spoke in support of the project (additional speaking time donated by RON PURNUM, JOHN PERNO, ALAN WINKELMAN, ELTA NEIL, PAT HUTCHINS).

DONN HALL, architect, addressed concerns raised by other speakers and spoke in support of the project.

MAYOR JANNEY closed the public hearing.

MAYOR JANNEY spoke in support of the resolution with a condition to increase the height of the back wall by one foot; he noted for the record that a letter in opposition to the project was received from Russell and Kristine Fowler and was submitted as Last Minute Agenda Information.

CITY ATTORNEY LOUGH recommended the addition of a condition to increase the back wall to seven feet.

MOTION BY BRAGG, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2007-6498, APPROVING ACP 05-283, DRC 05-284, CUP 05-285, SPR 05-286, TM 05-287, WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS WITH THE ADDITION OF A CONDITION INCREASING THE BACK WALL TO SEVEN FEET. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	MCCOY, WINTER (DUE TO POTENTIAL CONFLICTS OF INTEREST)

MAYOR PRO TEM WINTER and COUNCILMEMBER MCCOY returned to Council Chambers at 8:06 p.m.

6.5 APPLICATION (MASTER FILE 885) FOR AN ADMINISTRATIVE COASTAL PERMIT (060441) AND TENTATIVE MAP (060442) FOR THE CONVERSION OF 16 RESIDENTIAL UNITS TO CONDOMINIUM UNITS ON AN APPROXIMATELY 9,472 SQUARE FOOT PARCEL LOCATED AT 777 SEACOAST DRIVE (APN 625-193-01-00). THE PROPERTY IS DESIGNATED C-2 (SEACOAST COMMERCIAL) ON THE ZONING MAP. (0600-20)

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item as her place of employment is within 500 feet of the project and left Council Chambers at 8:07 pm

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

MOTION BY MCCOY, SECOND BY WINTER, TO CONTINUE THE PUBLIC HEARING TO JULY 18, 2007. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCLEAN, MCCOY, WINTER, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	BRAGG (DUE TO POTENTIAL CONFLICTS OF INTEREST)

COUNCILMEMBER BRAGG returned to Council Chambers at 8:09 p.m.

6.6 LEVY OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 67M. (0465-10)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY WINTER, SECOND BY MCCOY, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6508 CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M). MOTION CARRIED UNANIMOUSLY.

REPORTS (7.1)

7.1 ADOPT FY 2007/2009 TWO-YEAR OPERATING BUDGET FOR THE CITY OF IMPERIAL BEACH AND THE IMPERIAL BEACH REDEVELOPMENT AGENCY. (0330-30)

CITY MANAGER BROWN introduced the item.

DEBBI VALENTINI expressed concern regarding comments made by candidates during the last election with regard to the City's financial status.

JAN KOONTZ expressed concern about illegal short-term rentals on South Seacoast Drive.

STEVE FUTTERMAN stated he had submitted a speaker slip for Item No. 6.4 and supported the project; he expressed concern about the City's expenditures.

MAYOR JANNEY requested that the City Attorney look into a mechanism to charge repeat offenders for Sheriff costs; and he spoke about differences between the operating and the CIP budget.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NOS. 2007-6502, 2007-6511 AND R-07-126. MOTION CARRIED UNANIMOUSLY.

CONSENT CALENDAR

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

CITY MANAGER BROWN introduced the item

JAN KOONTZ addressed her concerns under Public Comment and did not wish to speak at this time.

MOTION BY MCCOY, SECOND BY WINTER TO RATIFY THE FOLLOWING REGISTERS: ACCOUNTS PAYABLE NUMBERS 63933 THROUGH 64063 WITH THE SUBTOTAL AMOUNT OF \$700,211.04; AND PAYROLL REGISTER NUMBERS 38383 THROUGH 38435 FOR THE PAY PERIOD ENDING 05/24/07 WITH THE SUBTOTAL AMOUNT OF \$124,329.94; FOR A TOTAL OF \$824,540.98. MOTION CARRIED UNANIMOUSLY.

2.5 RESOLUTION NO. R-07-127 – AUTHORIZATION FOR AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH KEYSER MARSTON ASSOCIATES (KMA) FOR ECONOMIC CONSULTING SERVICES. (0640-05)

CITY MANAGER BROWN introduced the item

JAN KOONTZ spoke in opposition to the recently adopted ordinance pertaining to eminent domain and in opposition to this item.

MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. R-07-127. MOTION CARRIED UNANIMOUSLY.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCLEAN thanked Assistant City Manager Ritter for his work on the Skate Park Workshop; he also thanked staff for their efforts on the Tsunami Plan Workshop.

COUNCILMEMBER BRAGG spoke about attending the Pow Wow by the Sea event; and she also thanked Assistant City Manager Ritter for his efforts on the Skate Park Workshop.

MAYOR PRO TEM WINTER expressed concern about Councilmembers attending workshops as Councilmembers have not attended workshops in the previous years; she requested that the workshops be noticed in the future to allow all Councilmembers to attend.

MAYOR JANNEY requested that the issue be an item for discussion at the upcoming City Council workshop.

CITY MANAGER thanked Finance Director Ladrido for her efforts on the 2007/2009 Operating Budget.

ADJOURNMENT

The meeting adjourned at 8:40 p.m.

James C. Janney, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk