

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
April 5, 2006
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 5:32 p.m.

ROLL CALL

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

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

COUNCILMEMBER MCCOY announced that she had a potential conflict of interest on the item as she lives within 500 feet and would not participate in discussion on the item.

COUNCILMEMBER WINTER announced that she had a potential conflict of interest on the item as she lives within 500 feet and would not participate in discussion on the item.

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Name of Case:

Winkelman Trust v. Imperial Beach (Superior Court Case No. GIS 20940)

MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE adjourned the meeting to Closed Session at 5:33 p.m. and she reconvened the meeting to Open Session at 6:05 p.m. Reporting out of Closed Session, MAYOR ROSE announced that a majority of City Council met earlier in Closed Session, received information from staff, gave direction, with disqualifications from Councilmembers McCoy and Winter, and had nothing to report at this time.

MAYOR ROSE called the Regular Meeting to order at 6:07 p.m.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

MAYOR ROSE led everyone in the Pledge of Allegiance.

AGENDA CHANGES

CITY MANAGER BROWN announced that, in regard to Item No. 5.1, the City received a letter from the property owner requesting continuance of the item and a letter of opposition from Gerald Farrelly were submitted as last minute agenda information, and he recommended continuance of the item.

MOTION BY ROSE, SECOND BY MCCOY, TO CONTINUE ITEM NO. 5.1 - LETTER OF REQUEST TO RE-OPEN ALL OR A PORTION OF AN ALLEY PREVIOUSLY CLOSED BY CITY COUNCIL RESOLUTION NO. 97-4705 LOCATED BETWEEN OCEAN LANE AND SEACOAST DRIVE AND DATE AND ELM AVENUES TO MAY 1, 2006. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL ANNOUNCEMENTS

COUNCILMEMBER MCCOY encouraged Council and public to participate in the Smart Growth workshops held by SANDAG.

MAYOR ROSE announced the Citywide Garage Sale is scheduled for April 22nd and the Paint IB event is scheduled for April 29th.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

CITY CLERK HALD announced no speaker slips were submitted.

PRESENTATIONS/PROCLAMATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.14)

MOTION BY ROSE, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.14. MOTION CARRIED UNANIMOUSLY.

- 2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)**
Ratified Accounts Payable Numbers 61350 through 61429 for the period ending 03/16/06 and Payroll Register Numbers 36733 through 36825 for the period ending 03/16/06 in the amount of \$1,174,688.09.
- 2.2 RESOLUTION NO. 2006-6304 – APPROVING THE ENGINEER’S REPORT FOR PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN A SPECIAL ASSESSMENT DISTRICT – AD 67M. (0345-10)**
Approved and adopted resolution.
- 2.3 RESOLUTION NO. 2006-6305 – DECLARING INTENT TO PROVIDE AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN A SPECIAL ASSESSMENT DISTRICT (AD 67M) AND SETTING A TIME AND A PLACE FOR THE PUBLIC HEARING THEREON. (0345-10)**
Approved and adopted resolution.
- 2.4 RESOLUTION NO. R-06-97 – APPROVING A CHANGE ORDER FOR STREET IMPROVEMENTS PHASE II, RDA/CIP CONTRACT WITH PORTILLO CONCRETE, INC. (CIP# S04-107). (0720-25)**
1. Received report;
 2. Affirmed the removal of Ebony Avenue from the Portillo Concrete, Inc. contract;
 3. Authorized the inclusion of 700/800 blocks of Encina Avenue to the Portillo Concrete, Inc. contract; and
 4. Adopted Resolution No. R-06-97 authorizing the City Manager to sign a change order removing 300 block Ebony Avenue from the Project contract and adding 700/800 block Encina Avenue to the Project contract.
- 2.5 RESOLUTION NO. R-06-98 – AUTHORIZATION FOR SECOND AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH WARNER ARCHITECTURE + DESIGN FOR FAÇADE IMPROVEMENT PROGRAM DESIGN SERVICES. (0620-80 & 1000-10)**
The Redevelopment Agency adopted Resolution No. R-06-98 approving an Amendment to Agreement with Warner for Façade Improvement Program Design Services to add \$50,000 to compensation currently approved. The total compensation will not exceed \$115,000.
- 2.6 REVISION TO AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH A MARKETING CONSULTANT FOR ALLEY IMPROVEMENTS ASSESSMENT DISTRICT (AD 72). (0465-10)**
1. Received report;
 2. Rescinded Resolution No. R-06-93; and
 3. Adopted Resolution No. R-06-99 to approve a professional services agreement with Koppel & Gruber Public Finance as AD 72 Project Management Consultant at a cost of \$38,700.
- 2.7 RESOLUTION NO. 2006-6302 – ACCEPTING FISCAL YEAR 2003 PART II DEPARTMENT OF HOMELAND SECURITY, STATE HOMELAND SECURITY GRANT PROGRAM AWARD FOR \$4,607 AMENDING YEAR “ONE” OF FISCAL YEAR 2005/2007 BUDGET BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2007. (0390-86)**
Adopted Resolution.

- 2.8 RESOLUTION NO. 2006-6303 – ACCEPTING FISCAL YEAR 2004 DEPARTMENT OF HOMELAND SECURITY, STATE HOMELAND SECURITY GRANT PROGRAM AWARD FOR \$12,857 AMENDING YEAR “ONE” OF FISCAL YEAR 2005/2007 BUDGET BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2007. (0390-86)**
Adopted Resolution.
- 2.9 RESOLUTION NO. 2006-6306 – ACCEPTING FISCAL YEAR 2005 DEPARTMENT OF HOMELAND SECURITY, STATE HOMELAND SECURITY GRANT PROGRAM AWARD FOR \$22,071 AMENDING YEAR “ONE” OF FISCAL YEAR 2005/2007 BUDGET BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2007. (0390-86)**
Adopted Resolution.
- 2.10 ENDORSEMENT OF APPLICATION FOR COMMUNITY ACTION FOR A RENEWED ENVIRONMENT (CARE) FUNDS. (0230-80)**
Authorized a letter for the Mayor’s signature endorsing Wildcoast’s application for EPA CARE funding.
- 2.11 RESOLUTION NO. 2006-6309 – EMPLOYER PAID MEMBER CONTRIBUTIONS AND RESOLUTION NO. 2006-6310 – FOR EMPLOYER PICK-UP. (0520-70)**
Adopted Resolutions.
- 2.12 RATIFY THE PURCHASE OF 50TH ANNIVERSARY MERCHANDISE FROM THE IMAGE ONE MARKETING GROUP IN THE AMOUNT OF \$12,990.26. (0190-75)**
Ratified the purchase of \$12,990.26 in 50th Anniversary Logo Merchandise from the Image One Marketing Group for wholesale and retail sales.
- 2.13 MEASURE TO SECURE TRANSPORTATION FUNDING. (0460-40)**
Adopted Resolution No. 2006-6308 in support of the initiative for a constitutional amendment to ensure that the state tax on gasoline goes to transportation projects.
- 2.14 FINAL MAP (TM 05-204) FOR THE PROPOSED CONVERSION OF TWELVE RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 575 7TH ST., IN THE R-3000-D (TWO-FAMILY DETACHED RESIDENTIAL) ZONE. OWNER/APPLICANT: KEVIN AND NANCY MCCABE. MF 772. (0600-20)**
Approved the Final Map for recordation along with the recordation of any required documents as security for the required improvements.

ORDINANCES - INTRODUCTION/FIRST READING (3)

None.

ORDINANCES - SECOND READING & ADOPTION (4.1)

- 4.1 ORDINANCE NO. 2006-1041 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF IMPERIAL BEACH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM. (0520-70)**

CITY MANAGER BROWN introduced and reported on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR ROSE called for the reading of Ordinance No. 2006-1041.

CITY CLERK HALD read the title of Ordinance No. 2006-1041, an Ordinance of the City Council of the City of Imperial Beach authorizing an amendment to the contract between the City of Imperial Beach and the Board of Administration of the California Public Employees' Retirement System.

MOTION BY ROSE, SECOND BY MCCOY, TO DISPENSE WITH THE SECOND READING AND ADOPT ORDINANCE NO. 2006-1041. MOTION CARRIED UNANIMOUSLY.

WRITTEN COMMUNICATIONS (5.1)

5.1 LETTER OF REQUEST TO RE-OPEN ALL OR A PORTION OF AN ALLEY PREVIOUSLY CLOSED BY CITY COUNCIL RESOLUTION NO. 97-4705 LOCATED BETWEEN OCEAN LANE AND SEACOAST DRIVE AND DATE AND ELM AVENUES. (0720-08)

Item continued to May 1, 2006 by previous Council action.

PUBLIC HEARINGS (6.1)

6.1 TENTATIVE MAP (TM 04-164) AND ADMINISTRATIVE COASTAL PERMIT (ACP 04-163) FOR THE PROPOSED CONVERSION OF 24 RESIDENTIAL UNITS TO CONDOMINIUMS AT 589 11TH STREET, IN THE R-2000 (MEDIUM DENSITY RESIDENTIAL) ZONE. OWNER: LEE MEYER OF BLUE ANCHOR LTD/REPRESENTATIVE: PAUL MCCULLOUGH. MF 754. (0600-20)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item.

Discussion ensued regarding noticing requirements and the condominium conversion process.

CITY CLERK HALD announced no speaker slips were submitted.

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

MOTION BY ROSE, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2006-6301, APPROVING THE TENTATIVE MAP (TM 04-164) AND ADMINISTRATIVE COASTAL PERMIT (ACP 04-163), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

REPORTS (7.1)

ITEM NO. 7.1 – TIME SPECIFIC FOR 6:30 P.M.

7.1 ART SCULPTURE. (1000-10)

CITY MANAGER BROWN introduced the item.

GAIDI FINNIE, of the Imperial Beach Cultural Arts Board, gave a PowerPoint presentation on the item and he responded to Council's questions regarding art sculpture color, height and type of materials.

ALLAN TAIT, Project Manager in the Public Art Department for the Port of San Diego, stated that the Port of San Diego would be responsible for the maintenance of the art sculpture as well as be responsible for ensuring handicap accessibility, liability, environmental reviews, and permitting.

JAY ROBBINS spoke in opposition of the item.

KELLY TRACEY spoke in support of the item.

JEFF KIRKEENG spoke in support of the item.

Discussion ensued regarding foundation size and appearance and the proposed location for the art sculpture.

MOTION BY ROSE, SECOND BY MCLEAN, TO AUTHORIZE A LETTER TO THE PORT STATING COUNCIL'S SUPPORT OF THE PROJECT. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (6.2 - 6.3)

6.2 VARIANCE (VAR 060343); OWNER/APPLICANT: GARRY LUSK; HEIGHT/STORY VARIANCE FOR A NEW ATTACHED RESIDENCE LOCATED AT 261 ELM AVENUE, IN THE R-2000 (MEDIUM DENSITY) ZONE. MF 538. (0600-20)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item.

Discussion ensued regarding the building inspection process, how the project deviated from the approved plans, and the purpose for the room structure.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that the applicant claims that changes to the project and to the structure were approved in the field by a former building inspector; however, no documentation of the changes was found in the files.

GARRY LUSK, owner/applicant, provided six photographs that show that the storage room was part of the initial construction of the building and also copies of inspection forms for the record.

ERIC JONES, framing contractor, claimed that the former Building Inspector approved the framing of the building.

Discussion ensued regarding the building inspection process; the procedure for processing field changes; concern that the structure may be used for storage; and the need for language that stipulates the structure is to be used only for the housing of the elevator.

CITY ATTORNEY LOUGH recommended the following:

1. Denial of the variance;
2. Make a finding that the structure is part of the elevator shaft within the definition of the code and the applicant is to submit as-built plans; and
3. A deed restriction to prevent storage or habitation.

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

MOTION BY ROSE, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2006-6300, DENYING VARIANCE (VAR 060343), WHICH MAKES THE NECESSARY FINDINGS IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY MCLEAN, TO DECLARE THE STRUCTURE AS PART OF THE ELEVATOR SHAFT WITHIN THE DEFINITION OF THE CODE, THAT THE APPLICANT SUBMIT AS BUILT PLANS REFLECTING THE CHANGE, AND A DEED RESTRICTION BE RECORDED ON THE PROPERTY TO PREVENT STORAGE AND/OR HABITATION IN THAT AREA. MOTION CARRIED UNANIMOUSLY.

6.3 ADOPTING THE TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2007 THROUGH 2011. (0680-80)

COUNCILMEMBER JANNEY stated that he had a potential conflict of interest on the item as his street is in the 5th year of the program and left Council Chambers at 7:30 p.m.

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY ROSE, SECOND BY MCLEAN, TO CLOSE THE PUBLIC HEARING. 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)

MOTION BY ROSE, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2006-6299, ADOPTING THE TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2007 THROUGH 2011. 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)

MAYOR ROSE requested that Councilmember McCoy inform SANDAG that with the new requirements increased staff time is required and suggested using Regional Transportation Improvement Program (RTIP) money to help fund increased costs.

COUNCILMEMBER JANNEY returned to Council Chambers at 7:43 p.m.

REPORTS (7.2 - 7.7)

7.2 ACCEPT REPORT FROM MAXIMUS ON THE LONG-TERM FISCAL SUSTAINABILITY OF THE CITY OF IMPERIAL BEACH AND APPROVE RECOMMENDED NEXT STEPS. (0300-30)

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER RITTER gave a report on the item.

BRIAN FOSTER of Maximus presented a PowerPoint presentation on the Long-Term Fiscal Sustainability for the City of Imperial Beach and provided copies of the report for Council's review. He noted that revenues are not growing as quickly as expenditures and also not as quickly as inflation, that there is a structural deficit that began a couple of years ago but it wasn't apparent at that time as one-time contingency funds were used for shortages; the deficit is growing in size and will continue to grow absent correction; the general fund will be exhausted by FY 2008-09, but the problem can be averted if steps are taken now; he noted that redevelopment alone cannot solve the city's problems; he emphasized that major structural changes were needed (i.e., those that have significant revenues or significant expenditure reductions). He also emphasized that now is the time to take action and to take steps to resolve the problems.

City Council discussion ensued regarding the ballot measure process, conducting workshops to discuss possible budget cuts, the need to plan for the future, and creating legislation that would change how RDA funding is used.

Consensus of City Council to stop general one-time expenditures on capital improvement projects, staff to return in May with information pertaining to a ballot measure process and costs for a tax measure; Council requested staff provide a recommendation for the structure of the workshops.

City Council discussion continued on the need to work with the other Sheriff contract cities to deal with Sheriff's costs; a suggestion was made to form a joint powers authority.

MAYOR ROSE called a recess at 8:50 p.m. and called the meeting to order at 9:13 p.m.

7.3 FENCING MATERIALS AND PROFILE OF PUBLIC WORKS YARD MASTER PLAN CIP (F05-101). (0910-30)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a presentation on the item.

MOTION BY ROSE, SECOND BY WINTER, TO APPROVE THE CANOPY IMPROVEMENTS CONCEPTS AS DESCRIBED IN THE STAFF REPORT AND DEPICTED IN THE PHOTO-ENHANCED PROFILE OF THE PUBLIC WORKS FACILITY, AND TO APPROVE THE FENCE CONSTRUCTION OF CHAIN-LINK MATERIAL WITH LANDSCAPE SHIELDING INCLUDED. MOTION CARRIED UNANIMOUSLY.

7.4 AMENDMENT TO 5-YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009 - CIVIC CENTER MASTER PLAN "RE-ROOF ALL FACILITIES" PROJECT. (0910-10)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a presentation on the item.

MAYOR ROSE encouraged staff to utilize the services of the National Electrical Contractors Association for installation of photovoltaic cells.

COUNCILMEMER JANNEY encouraged staff to contact the San Diego Energy office to conduct an energy study of City facilities.

MOTION BY ROSE, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2006-6307 AMENDING THE ADOPTED "FIVE YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET FISCAL YEARS 2004/2005 THROUGH FISCAL YEAR 2008/2009; AMENDMENTS APPROVED DECEMBER 7, 2005," CIVIC CENTER MASTER PLAN, RE-ROOF ALL FACILITIES PROJECT. MOTION CARRIED UNANIMOUSLY.

7.5 RESOLUTION NO. 2006-6311 – ADOPTING A RECORDS RETENTION SCHEDULE AND AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS. (0170-45)

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD gave a report on the item.

MOTION BY MCCOY, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2006-6311, ADOPTING A RECORDS RETENTION SCHEDULE AND AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS. MOTION CARRIED UNANIMOUSLY.

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

CITY MANAGER BROWN reported on the item and noted that due to the need for additional studies, the schedule will be adjusted.

Council discussion ensued regarding the delays of the project.

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

CITY MANAGER BROWN gave a verbal report to Council.

COUNCILMEMBER WINTER discussed the Bajagua project and noted that on www.pogo.org there is a case study on the politics of sole-sourcing.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCCOY reported she recently attended a SANDAG board meeting where they received reports on the Maglev study and the City of Encinitas and how they are unable to do their fair share of affordable housing; she provided the City Manager with information on the housing needs for his review; and she announced that May 19th is Bike to Work Day.

COUNCILMEMBER WINTER expressed a desire for the City to be an official Bike to Work Pit Stop; she provided City Manager Brown with information on the California Integrated Waste Management Board's \$3 million in rubberized asphalt paving grants.

MAYOR ROSE reported on her meeting with City of San Diego Councilmember Ben Hueso.

CITY MANAGER BROWN announced that a Community Meeting for Assessment District 72 is scheduled for tonight and staff, along with City Attorney Lough, is currently reviewing the draft Municipal Storm Water Permit Order No. R9-2006-0011.

The meeting adjourned at 9:40 p.m.

Diane Rose, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk