

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PUBLIC FINANCING AUTHORITY

OCTOBER 17, 2007

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER BY MAYOR

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

ROLL CALL BY CITY CLERK

Councilmembers present:	McLean, Bragg
Councilmembers absent:	McCoy
Mayor present:	Janney
Mayor Pro Tem present:	Winter
Staff present:	City Manager Brown; Deputy City Attorney Jung; Deputy City Clerk Wolfson

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY recommended Item No. 2.5 be removed from the Consent Calendar and be continued to a future meeting.

MOTION BY MCLEAN, SECOND BY MCCOY, TO REMOVE ITEM NO. 2.5 – RESOLUTION NO. R-07-133 – BUDGET AMENDMENT AND PROFESSIONAL SERVICES AGREEMENT AMENDMENT FOR ECO-BIKEWAY AND PALM AVENUE TRAFFIC CALMING PROJECT (S05-104) WITH KOA CORPORATION FROM THE CONSENT CALENDAR AND BE CONTINUED TO A FUTURE MEETING. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

COUNCILMEMBER MCLEAN mentioned that Section 9 of the Bayshore Bikeway was approved unanimously by San Diego City Council and was approved by the California Coastal Commission; he stated that at tomorrow's MTS meeting there will be discussion regarding fare increases and service changes; Taste of I.B. will be held Sunday.

COUNCILMEMBER MCCOY visited the Rockies and discussed how small cities (i.e., Boulder, Colo.) face budget constraints and how I.B. comparatively is doing well.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

ARCHIE MCALLISTER presented a public hearing notice for the San Diego County Board of Education meeting on November 6 regarding a proposal for geographic school board seats.

DAN MALCOLM expressed concern that the smoke shop on Seacoast Drive is selling drug paraphernalia; he spoke of the General Plan and how the business is not compatible with the neighborhood; he expressed desire that the shop be closed (additional time donated by Richard Pilgrim).

MAYOR JANNEY announced that Item No. 3.1 addresses Mr. Malcolm's concerns to some extent, but is not specific to the shop on Seacoast Drive; he continued by saying that Council cannot take action on an item under Public Comments but staff would look into this further.

JIM KING also expressed concern regarding the smoke shop on Seacoast Drive.

DANA CLARK spoke about the MTS board meeting and expressed concern with regard to increased fares; he requested City Council's support and for a no vote at tomorrow's meeting.

EUGENE KOCHER expressed concern regarding the smoke shop on Seacoast Drive and said the shop was inconsistent with City's improvements over the last 10 years.

PRESENTATIONS (1.1 - 1.2)

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

MAYOR JANNEY presented the All-Star Award Certificate to Richard Hidalgo.

RON OLIVER, of EDCO, presented the \$100.00 check and used oil recycling premiums to Richard Hidalgo.

1.2 PRESENTATION OF PROCLAMATION – LIGHTS ON AFTERSCHOOL! (0130-08 & 0410-30)

MAYOR JANNEY presented the proclamation to Peter Salisbury, of the Boys & Girls Club.

CONSENT CALENDAR (2.1 - 2.4 AND 2.6 - 2.7)

With regard to Item No. 2.1, COUNCILMEMBER MCCOY abstained since she was not present at the City Council meeting of October 3.

MOTION BY MCLEAN, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NO. 2.1. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCLEAN, BRAGG, WINTER, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAINED:	COUNCILMEMBERS:	MCCOY

MOTION BY MCLEAN, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.2 THRU 2.4 AND 2.6 THRU 2.7. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular and Special City Council Meeting of September 19, 2007 and Regular City Council meeting of October 3, 2007.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 64868 through 65018 with the subtotal amount of \$1,306,200.15; and Payroll Register Numbers 38923 through 38974 for the pay period ending 09/27/07 with the subtotal amount of \$134,012.23; for a total amount of \$1,440,212.38.

2.3 RESOLUTION NO. 2007-6547 – AUTHORIZING EXECUTION OF THE THIRD AMENDMENT TO THE METRO WASTEWATER JOINT POWERS AUTHORITY AGREEMENT REGARDING ADDITION OF THE CITY OF CHULA VISTA AS A PARTICIPATING AGENCY. (0830-05)

Adopted resolution.

2.4 RESOLUTION NO. 2007-6550 – APPROVAL OF ADDITIONAL FUNDING FOR THE PROFESSIONAL SERVICES CONTRACT (OF APRIL 16, 2007) BETWEEN THE CITY OF IMPERIAL BEACH AND JUAN PABLO RODRIGUEZ (GUINDOS.COM). (1110-05)

Adopted resolution.

2.6 CASH AND INVESTMENT REPORTS FOR THE QUARTER ENDED SEPTEMBER 30, 2007. (0300-90 & 0350-90)

Received and file the attached Quarterly Investment Reports for the quarter ended September 30, 2007.

2.7 RESOLUTION NO. 2007-6551 – BUDGET AMENDMENT TO TRANSFER VEHICLE UNRESTRICTED FUND BALANCE FUNDS (501-000-263-0000) TO FLEET MAINTENANCE BUDGET (501-1921-419-5004) AND AUTHORIZE A PURCHASE ORDER FOR THE REPLACEMENT OF SEDAN #100. (1130-55)

Adopted resolution.

ITEM PULLED FROM THE CONSENT CALENDAR

None.

ORDINANCES - INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2007-1058 – AN INTERIM ORDINANCE AS AN URGENCY MEASURE, PROHIBITING ADDITIONAL RETAIL ESTABLISHMENTS SELLING TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA DURING A 45-DAY SPECIAL STUDY PERIOD. (0240-35)

CITY MANAGER BROWN gave background on the item.

JOSEPH ALLENDE spoke about the smoke shop on Seacoast Drive and expressed concern that the store would attract young people into drugs.

TIMOTHY LABT said he is a citizen and an employee of the Job Corps; he discussed the smoke shop on Seacoast Drive; he expressed concern that the shop is promoting drug use; he also expressed concern about theft and bad elements attracted to the shop.

CAPTAIN WILLIAM ZIDBECK, U.S. Navy (Ret.), expressed disappointment with regard to the smoke shop on Seacoast Drive.

CHERYL MOLINA expressed opposition to drug paraphernalia in the shop; she expressed concern that the shop does not promote improvements in I.B.

TRAVIS BRAZIL spoke as a member of the Chamber of Commerce and Business 2 Business; he questioned if the business promoted a positive image for I.B. and suggested the City revisit the zoning ordinance if the smoke shop were allowed to stay in business.

MARY ANNE SCHOULTZ spoke about how one smoke shop changed the neighborhood where she previously lived and requested Council look at the shop on Seacoast Drive.

JIM KING requested the shop not be located on Seacoast Drive.

DAN MALCOLM supported tonight's ordinance; he commented it doesn't go far enough and it should include specific language with regard to drug paraphernalia.

In response to comments made by Mayor Pro Tem Winter and Councilmember McCoy, DEPUTY CITY ATTORNEY JUNG noted that State law prohibits the sale of drug paraphernalia and the City cannot further regulate it; he stated this is an interim ordinance and will give staff 45 days to look at zoning and age prohibitive ordinances.

ERIKA BELANDRES, of South Bay Partnership, suggested City staff look at San Diego's tobacco ordinance that was passed yesterday and included a clause regarding drug paraphernalia.

MARK BUCHANAN expressed concern that the smoke shop on Seacoast Drive is selling drug paraphernalia.

Council expressed desire to see a copy of the business license application submitted by the smoke shop on Seacoast Drive.

COUNCILMEMBER BRAGG was pleased with the number of residents who came to tonight's meeting; she spoke of the necessity of an interim ordinance.

Discussion ensued regarding smoke shops promoting drug use, preventing minors from entering the store, compatibility with the General Plan, details to include in a draft ordinance that addresses Council's concerns, and how to handle future applications for smoke shops. Council also discussed the incomplete business license application submitted by the smoke shop on Seacoast Drive.

DEPUTY CITY CLERK WOLFSON read the title of Ordinance No. 2007-1058, an interim ordinance as an urgency measure, prohibiting additional retail establishments selling tobacco products and tobacco paraphernalia during a 45-day special study period.

MOTION BY MCLEAN, SECOND BY WINTER, TO INTRODUCE, READ, PASS, AND ADOPT ORDINANCE NO. 2007-1058. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (6.1)

6.1 RESOLUTION NO. 2007-6548 – PROJECT PROPOSALS FOR THE FISCAL YEAR 2008-2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM. (0650-05)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

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

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6548 – REQUESTING AUTHORIZATION TO EXECUTE AN AGREEMENT WITH COUNTY OF SAN DIEGO FOR THE MANAGEMENT AND IMPLEMENTATION OF A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT (“CDBG”). MOTION CARRIED UNANIMOUSLY.

REPORTS (7.1 - 7.2)

7.1 AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) PROGRESS REPORT. (0680-10).

CITY MANAGER BROWN introduced the item

CITY PLANNER NAKAGAWA gave a PowerPoint presentation and background on the item; he indicated that he is scheduled to meet with the Navy next week to discuss the AICUZ; he reported that if the City were to overrule the Airport Authority, then the City would assume liability for any accidents in the project area; and he responded to questions of Council.

7.2 RESOLUTION NO. 2007-6549 APPROVING THE SEWER SYSTEM MANAGEMENT PLAN – GOALS AND ORGANIZATION ELEMENTS – AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003 STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS. (0830-95)

CITY MANAGER BROWN introduced the item and announced that a revised Exhibit B – SSMP Organization and Chain of Communication chart was presented as Last Minute Agenda Information.

PUBLIC WORKS DIRECTOR LEVIEN commented on Item No. 7.1 and then gave a PowerPoint presentation for Item No. 7.2; and he answered questions of Council.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2007-6549 APPROVING THE SEWER SYSTEM MANAGEMENT PLAN – GOALS AND ORGANIZATION ELEMENTS – AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003 STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS. MOTION CARRIED UNANIMOUSLY.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCLEAN urged citizens to listen to Roger Hedgecock's show on AM 600 KOGO tomorrow as discussion would take place regarding the Gaylord Project and the stadium.

COUNCILMEMBER MCCOY attended the SANDAG meeting on Friday where they discussed the TransNet tax measure; she spoke about the region-wide preserve system.

Discussion ensued regarding the MTS fare increase.

MAYOR PRO TEM WINTER reported on the last Metro Commission meeting where it was announced that Mayor Sanders would now attend quarterly meetings; she was appointed to chair a subcommittee and she will work with Mayor Cox's office to identify key issues that need to be addressed at those quarterly meetings; she spoke of an ongoing capacity study that will look at the needs of participating agencies and possibly set up a bank to lease excess capacity to those agencies who have a shortage; she thanked her colleagues for supporting the pharmacy bill AB 966 that passed and ways to implement the bill are being investigated.

CITY MANAGER BROWN spoke about agenda planning and requested a lead time of approximately one week to place items on the agenda.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:18 p.m.

James C. Janney, Mayor

Lisa Wolfson
Deputy City Clerk