

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
April 4, 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 WINTER, SECOND BY MCLEAN, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 800 Seacoast Dr., Imperial Beach, CA 91932; APN 625-262-01

Agency Negotiator: City Manager

Negotiating Parties: Imperial Coast Ltd. Partnership

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

CITY ATTORNEY LOUGH announced Councilmember Bragg had a potential conflict of interest on the item and, therefore, would not participate in Closed Session.

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 6:05 p.m. Reporting out of Closed Session, MAYOR JANNEY announced City Council met earlier in Closed Session, and had nothing to report at this time.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:06 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

MOTION BY MCLEAN, SECOND BY WINTER, TO TAKE ITEM NO. 6.1 – DOS DELMAR/ EDWIN JOHNSON (OWNER)/TIM MONAHAN OF NEWTRAC PACIFIC (APPLICANT)/JEFF FISCHFOGT (ARCHITECT); REGULAR COASTAL DEVELOPMENT PERMIT (CP 04-58), DESIGN REVIEW (DRC 04-59), SITE PLAN REVIEW (SPR 04-60), ENVIRONMENTAL INITIAL ASSESSMENT (EIA 04-61), AND VARIANCE (VAR 050313) FOR TWO ATTACHED RESIDENTIAL UNITS LOCATED AT 684-686 OCEAN LANE, IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. MF 701 IMMEDIATELY AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

COUNCILMEMBER MCCOY announced Lifeguard Captain Stabenow appeared on NPR where he discussed the City's Tsunami Plan.

MAYOR PRO TEM WINTER announced a Clean Water Bill was approved by the House of Representatives and will now go to the Senate for review; it would provide over \$1.7 billion over five years in federal grants to states and municipalities to modernize waste water systems and control sewage overflows.

COUNCILMEMBER BRAGG announced Dr. Louise Phipps, Principal of Mar Vista High School, was named High School Principal of the Year in the State of California.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

ALEXANDRA COMPTON expressed concerns about the closure of the Navy beach, and the Animal Control Officer ticketing dog owners for walking dogs off leashes while on the beach.

ANDREA MARTIN spoke about how she had enjoyed the beach with her dog and expressed concern about restrictions being enforced.

CHUCK MOORE expressed concern about not allowing dogs to roam freely on the beach; he announced that he is the computer instructor at the adult school and needs more students.

CARLEEN HESS expressed concern about the Navy beach closure and questioned why it was closed without explanation, and why the Animal Control Officer is doing enforcement on non-city property.

MAYOR JANNEY responded that he and the City Manager would look into the situation.

PRESENTATIONS/PROCLAMATIONS (1.1)

1.1 REPORT ON PORT DISTRICT ACTIVITIES FROM PORT COMMISSIONER BIXLER. (0150-70)

PORT COMMISSIONER BIXLER gave a PowerPoint presentation on the item and spoke about Port of San Diego activities in Imperial Beach. He reported on the reopening of the pier, the installation of "Banner Art," the Palm Ave. Street End Project, public art for the street ends, the Port Maintenance agreements and the Port services agreements (i.e., Lifeguard, Fire, Emergency Medical, Animal Control and Sheriff); he stated that Catherine Sass will ensure that the art inventory would be forwarded to the City Council; he encouraged City Council to forward their suggestions for priority projects to the Port.

CONSENT CALENDAR (2.1 - 2.7)

COUNCILMEMBER MCCOY AND MAYOR PRO TEM WINTER disqualified themselves on Item No. 2.4, as their residences are located within 500 feet of the item.

CITY ATTORNEY LOUGH announced he had a conflict on Item No. 2.5.

MOTION BY MCLEAN, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3 AND 2.5 THRU 2.7. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO ITEM NO. 2.4, 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)

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 63531 through 63597 with the sub-total amount of \$527,736.48; and Payroll Register Numbers 38178 through 38218 for the pay period ending 03/15/07 with the sub-total amount of \$122,011.94; for a total of \$649,748.42.

2.2 RESOLUTION NO. 2007-6465 AUTHORIZING THE CITY MANAGER TO SUBMIT A LETTER TO THE PORT OF SAN DIEGO REQUESTING CHANGE IN VENUE FOR THE 2007 CONCERT EVENT. (1040-10)

Adopted resolution.

- 2.3 RESOLUTION NO. 2007-6464 SETTING THE TIME AND PLACE FOR PUBLIC HEARING TO REVIEW THE SETTING OF THE SEWER CAPACITY FEE. (0390-55)**
Adopted resolution.
- 2.4 RESOLUTIONS DECLARING THE PUBLIC WORKS DIRECTOR AS THE CITY'S REPRESENTATIVE FOR THE PURPOSES OF ENTERING INTO A CLEAN BEACHES INITIATIVE GRANT AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE PALM AVENUE LOW-FLOW URBAN RUNOFF DIVERSION PROJECT, AND FOR EXECUTING ANY AMENDMENTS THERETO. (0390-86)**
1. Received report; and
2. Adopted Resolution Nos. 2007-6466 and 2007-6467.
- 2.5 AUTHORIZATION TO INCREASE THE PURCHASE ORDER FOR LOUNSBERY FERGUSON ALTONA & PEAK LLC PROFESSIONAL SERVICES AGREEMENT. (0440-30)**
1. Received report; and
2. Adopted Resolution No. 2007-6469.
- 2.6 SALE OF SURPLUS PROPERTY. (0380-45)**
Adopted Resolution No. 2007-6470 authorizing the sale of surplus property.
- 2.7 AB 1459. (0460-40)**
Adopted Resolution No. 2007-6468 opposing Assembly Bill 1459.

PUBLIC HEARINGS (6.1)

- 6.1 DOS DELMAR/ EDWIN JOHNSON (OWNER)/TIM MONAHAN OF NEWTRAC PACIFIC (APPLICANT)/JEFF FISCHFOGT (ARCHITECT); REGULAR COASTAL DEVELOPMENT PERMIT (CP 04-58), DESIGN REVIEW (DRC 04-59), SITE PLAN REVIEW (SPR 04-60), ENVIRONMENTAL INITIAL ASSESSMENT (EIA 04-61), AND VARIANCE (VAR 050313) FOR TWO ATTACHED RESIDENTIAL UNITS LOCATED AT 684-686 OCEAN LANE, IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. MF 701. (0600-20)**

MAYOR PRO TEM WINTER AND COUNCILMEMBER MCCOY announced they had potential conflicts of interest on the item and left Council Chambers at 7:00 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 and he announced the applicant agreed to a public access easement.

JONNI ONEAL owns the property to the north of the project; she requested Council pay special attention to the conditions of approval and to make sure that the conditions are fulfilled; and she requested that she be notified prior to construction so that she can alert those living in the home.

SCOTT WILLIAMS owns nearby properties; he expressed concern about how the stringline and setbacks are developed; and he expressed concern for future development for nearby properties.

DAVID SKELLY, applicant, announced he was available to answer technical questions.

TIM MONAHAN, representing the owner, supported staff's recommendation.

Discussion ensued regarding the process by which the California Coastal Commission establishes stringlines.

MAYOR JANNEY closed the public hearing.

Discussion ensued regarding noticing requirements prior to construction.

MAYOR JANNEY reopened the public hearing.

MR. SKELLY responded to Council's concerns regarding noticing; he stated that construction will occur during normal business hours; a survey will be done of Ms. Oneil's property and she will be given a copy of the report; and he noted that good communications have been established with her.

MAYOR JANNEY closed the public hearing.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6463, APPROVING REGULAR COASTAL PERMIT (CP 04-58), DESIGN REVIEW (DRC 04-59), SITE PLAN REVIEW (SPR 04-60), ENVIRONMENTAL INITIAL ASSESSMENT (EIA 04-61)/MITIGATED NEGATIVE DECLARATION, AND VARIANCE (VAR 050313), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS; AND APPROVE THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THIS PROJECT.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that the motion should also include the addition of a condition that an easement for public safety vehicles, public access and maintenance vehicles over the beach area be established in a form acceptable to the City Attorney.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6463, APPROVING REGULAR COASTAL PERMIT (CP 04-58), DESIGN REVIEW (DRC 04-59), SITE PLAN REVIEW (SPR 04-60), ENVIRONMENTAL INITIAL ASSESSMENT (EIA 04-61)/MITIGATED NEGATIVE DECLARATION, AND VARIANCE (VAR 050313), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS; APPROVE THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THIS PROJECT AND THE ADDITION OF A CONDITION THAT AN EASEMENT FOR PUBLIC SAFETY VEHICLES, PUBLIC ACCESS AND MAINTENANCE VEHICLES OVER THE BEACH AREA BE ESTABLISHED IN A FORM ACCEPTABLE TO THE CITY ATTORNEY. 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 7:30 p.m.

ORDINANCES - INTRODUCTION/FIRST READING (3.1)

3.1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING SECTION 10.04.020 (HOLIDAY) OF THE IMPERIAL BEACH MUNICIPAL CODE. (0760-95)

CITY MANAGER BROWN reported on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY called for the introduction of Ordinance No. 2007-1054.

CITY CLERK HALD read the title of Ordinance No. 2007-1054, an Ordinance of the City Council of the City of Imperial Beach, California amending Section 10.04.020 (Holiday) of the Imperial Beach Municipal Code.

MOTION BY MCCOY, SECOND BY WINTER, TO DISPENSE FIRST READING OF ORDINANCE NO. 2007-1054 BY TITLE ONLY AND SET THE MATTER FOR 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 (4.1)

4.1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH TO AMEND CHAPTER 13.08 (UNDERGROUND UTILITIES) OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING SECTION 13.08.020 (DEFINITIONS), SECTION 13.08.050 (SUBDIVISIONS-DEFERMENT OF REQUIREMENTS), SECTION 13.08.060 (APPLICABILITY TO NEW STRUCTURES) AND SECTION 13.08.190 (UNDERGROUND AGREEMENT). (0810-95)

CITY MANAGER BROWN reported on the item.

ROBERT ADKINS questioned undergrounding requirements.

PUBLIC WORKS DIRECTOR LEVIEN responded to Mr. Adkins' questions.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2007-1053.

CITY CLERK HALD read the title of Ordinance No. 2007-1053, an Ordinance of the City Council of the City of Imperial Beach to amend Chapter 13.08 (Underground Utilities) of the Imperial Beach Municipal Code by amending Section 13.08.020 (Definitions), Section 13.08.050 (Subdivisions-Deferment of Requirements), Section 13.08.060 (Applicability to New Structures) and Section 13.08.190 (Underground Agreement).

MOTION BY WINTER, SECOND BY MCCOY, TO DISPENSE SECOND READING BY TITLE ONLY AND ADOPT ORDINANCE NO. 2007-1053. MOTION CARRIED UNANIMOUSLY.

WRITTEN COMMUNICATIONS (5)

None.

REPORTS (7.1 - 7.5)

7.1 APPOINTMENTS TO COASTAL CITIES INTEREST GROUP. (0140-10 & 0410-40)

MAYOR JANNEY recommended himself to serve as the City's representative and Councilmember McCoy to serve as the alternate to the Coastal Cities Issues Group.

MOTION BY MCLEAN, SECOND BY WINTER, TO APPROVE THE MAYOR'S RECOMMENDATION TO APPOINT HIMSELF AS THE CITY'S REPRESENTATIVE AND COUNCILMEMBER MCCOY AS ALTERNATE TO THE COASTAL CITIES ISSUES GROUP. MOTION CARRIED UNANIMOUSLY.

7.2 APPOINTMENTS TO LEAGUE LEGISLATIVE COMMITTEE. (0140-10 & 0410-40)

MAYOR JANNEY recommended Councilmember Winter to serve as the City's representative and CITY MANAGER BROWN to serve as the alternate to the League Legislative Committee.

MOTION BY MCLEAN, SECOND BY MCCOY, TO APPROVE THE MAYOR'S RECOMMENDATION TO APPOINT COUNCILMEMBER WINTER AS THE CITY'S REPRESENTATIVE AND CITY MANAGER BROWN AS THE ALTERNATE TO THE LEAGUE LEGISLATIVE COMMITTEE. MOTION CARRIED UNANIMOUSLY.

7.3 RESOLUTION NO. R-07-121 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR LEGAL SERVICES WITH KANE, BALLMER & BERKMAN. (0440-30 & 0640-05)

CITY MANAGER BROWN reported on the item.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-07-121 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR LEGAL SERVICES WITH KANE, BALLMER & BERKMAN. MOTION CARRIED UNANIMOUSLY.

7.4 REDEVELOPMENT PLANNING CONSULTANT FOR A PLAN AMENDMENT TO THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PLAN - REQUEST FOR QUALIFICATIONS/PROPOSALS. (0640-05)

CITY MANAGER BROWN reported on the item.

MOTION BY MCCOY, SECOND BY MCLEAN, TO AUTHORIZE STAFF TO ISSUE THE RFQ/P FOR A REDEVELOPMENT PLANNING CONSULTANT FOR A PLAN AMENDMENT TO THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PLAN. MOTION CARRIED UNANIMOUSLY.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCCOY submitted the SANDAG report to City Manager Brown.

COUNCILMEMBER MCLEAN spoke about the ribbon cutting for dedication of low income units at 1360 Hemlock Avenue.

CITY MANAGER BROWN announced May 17th is Bike to Work Day.

COUNCILMEMBER WINTER requested that the City provide Bike to Work Day participants with refreshments.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

James C. Janney, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk