

**MINUTES**

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

**DECEMBER 17, 2008**

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

**CLOSED SESSION MEETING – 5:00 P.M.  
REGULAR MEETING – 6:00 P.M.**

**CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present: King, McLean, Bragg

Councilmembers absent: None

Mayor present: Janney

Mayor Pro Tem present: McCoy

Staff present: City Manager Brown; City Attorney Lough;  
Deputy City Clerk Wolfson

**CLOSED SESSION**

**MOTION BY MCCOY, 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: Nadine G. Braudaway vs. City of Imperial Beach

Case No. 37-2007-00076449-CU-EI-SC

Pursuant to Government Code Section 54956.9(a)

Name of Case: Emma Magana vs. City of Imperial Beach

Case No. 37-2007-00076925-CU-PO-CTL

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(b)

Number of Potential Cases: 2

**MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, CITY ATTORNEY LOUGH announced that Council unanimously approved a settlement agreement with Nadine Braudaway.

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

MAYOR JANNEY called the Regular Meeting to order at 6:01 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; Deputy City Clerk Wolfson
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### **PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

### **AGENDA CHANGES**

None.

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

COUNCILMEMBER MCLEAN thanked Debra Carey for her many years of service on the Tideland Advisory Committee; he thanked Deb and Jim Janney for sponsoring a Christmas tree in Triangle Park; he thanked the lifeguards for their efforts performing a rescue at the south end of the beach during early morning hours; he praised the Chamber of Commerce and Joanne Barrows for the recent Christmas Comes to I.B. event and the successful holiday mixer.

COUNCILMEMBER BRAGG attended the League of California Cities luncheon on December 8, where they discussed the push for 1A funds and the concern that redevelopment funds will be targeted; on December 9 she attended the San Diego Airport Authority's holiday reception; on December 10 she attended the 27<sup>th</sup> Annual Naval luncheon that took place at the Senior Center; she announced that the community received a \$10,000 grant for a skate park from the Tony Hawk Foundation.

MAYOR PRO TEM MCCOY also discussed the Tony Hawk Foundation grant; she stated the \$10,000 isn't enough to get the skate park underway and she recommended applying for additional grant opportunities; she regretted missing the Pearl Harbor celebration and the lunch at the Senior Center; she announced a holiday food drive will continue until December 23 and she encouraged all to donate canned goods.

MAYOR JANNEY stated he also attended many of the events attended by other members of Council.

CITY MANAGER BROWN encouraged all to participate in tomorrow's "Bring Your Own Bag" and stated it was a good way to conserve resources.

COUNCILMEMBER KING commended Senior Center member Jean Kuneff for picking up trash from the streets every Sunday and he appreciated that she took ownership of her community.

MAYOR JANNEY also voiced his appreciation of citizens who voluntarily do their part to keep I.B. clean.

### **COMMUNICATIONS FROM CITY STAFF**

None.

### **PUBLIC COMMENT**

J.P. PALMER spoke about a citation he received for having vehicles in his backyard, parked on an unpaved surface, that caused a visual blight; he expressed desire for an apology from the Code Compliance Department and he expressed disappointment about the \$1,000 fine; he said that working on older vehicles is a hobby of his and the sign posted by Code Compliance Officer Garcias caused a visual blight.

MAYOR JANNEY referred the matter to City Manager Brown.

### **PRESENTATIONS (1)**

None.

### **CONSENT CALENDAR (2.1 - 2.6)**

MAYOR PRO TEM MCCOY announced she had a potential conflict of interest on Item No. 2.4 due to her residence being within 500 feet of the project.

**MOTION BY MCLEAN, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3 AND 2.5 THRU 2.6. MOTION CARRIED UNANIMOUSLY.**

#### **2.1 MINUTES.**

Approved the minutes of the joint meeting of the City Council and Design Review Board meeting of October 8, 2008.

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

Ratified the following registers: Accounts Payable Numbers 67599 through 67754 with the subtotal amount of \$957,145.17; and Payroll Checks 40444 through 40501 for the pay period ending 11/20/08 with the subtotal amount of \$152,386.04; for a total amount of \$1,109,531.21.

#### **2.3 ROTATION OF MAYOR PRO TEMPORE DUTIES. (0410-13)**

Appointed Councilmember Lorie Bragg as Mayor Pro Tempore for a one-year period pursuant to rotational requirements and be seated at the first Council meeting in January pursuant to requirements as stated under Council Policy No. 112.

#### **2.5 RESOLUTION NO. 2008-6704 – AMENDING THE FY 2008-09 BUDGET TO ADD AN ADDITIONAL PART-TIME RESIDENTIAL FIRE/SAFETY INSPECTOR AND DESIGNATE \$10,000 FROM UNDESIGNATED RESERVES FOR THIS PURPOSE.**

**(0330-30 & 0520-05)**

Adopted resolution.

**2.6 RESOLUTION NO. 2008-6705 – APPROVING A SIDE LETTER AGREEMENT WITH THE COUNTY OF SAN DIEGO DEPARTMENT OF GENERAL SERVICES FOR INCREASED FOOTPRINT. (0150-20 & 0910-50)**

Adopted resolution.

**WITH REGARD TO ITEM NO. 2.4, MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, MCLEAN, BRAGG, JANNEY**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: NONE**

**DISQUALIFIED: COUNCILMEMBERS: MCCOY (DUE TO A POTENTIAL CONFLICT OF INTEREST)**

**2.4 RESOLUTION NO. R-08-165 – APPROVING STREET IMPROVEMENTS, RDA PHASE 3 (CIP S04-108) CHANGE ORDER NO. 3 WITH NASLAND ENGINEERING. (0720-25)**

Adopted resolution.

**ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3)**

None.

**ORDINANCES – SECOND READING & ADOPTION (4.1)**

**4.1 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.

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

DEPUTY CITY CLERK WOLFSON 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 BRAGG, TO DISPENSE THE SECOND READING AND ADOPT ORDINANCE NO. 2008-1075 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARINGS (5.1 - 5.4)**

**5.1 RESOLUTION NO. 2008-6702 – FORMATION OF AN UNDERGROUND UTILITY DISTRICT – ELM AVENUE AND 7<sup>TH</sup> STREET UTILITY UNDERGROUND DISTRICT – CIP PROJECT NO. S08-901. (0810-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item; he reported

that properties abutted by the district also received notification of the proposed district; he indicated that the property owner of 907 Connecticut is not part of district but requested inclusion; he advised her that would have to expand district to next nearest pole and the purpose of district was to clean up utilities in the corridor of Elm & 7<sup>th</sup> as it is highly visible; he has spoken to the utility companies and to do this 909 and 911 Connecticut would also need to be included in the district, an additional cost of \$50,000 for trench work.

JOYCE TORRES stated her property's backyard abuts Thorn St. and wanted to know if her property would be affected by the district formation.

PUBLIC WORKS DIRECTOR LEVIEN responded that there would be no undergrounding of utilities that are in backyards.

BO TUBBS asked if the red line depicted on Attachment 2 indicated where trenching would occur and he expressed concern that the trenching would in front yards.

PUBLIC WORKS DIRECTOR LEVIEN responded that the red line represented the district boundaries, no trenching would take place in front yards, and only poles along Elm Ave. and 7<sup>th</sup> St. would be removed.

CARSON DOLLICK understood the benefit of undergrounding utilities, although he was concerned about health and safety, and general welfare issues; he also questioned the trenching process; he expressed concern that the transformer would lower his property value and asked about the type of equipment to be used and if additional easements would be needed.

PUBLIC WORKS DIRECTOR LEVIEN responded there would be an individual trench to each property and that trenches typically go from the street to the meter on the side yard of each property; he indicated that SDG&E engineers would do the design work and when plans are complete, he would contact the affected property owners so they can see the trenching plans; at that point, property owners can ask the engineers specific questions with regard to trenching and equipment; he commented that there are no costs to the owners in bringing service from the street to the meter and the only potential cost would be if the house or service connection were not up to current electrical code and would need to be upgraded; additional easements would be needed only if space were needed to install transformers.

CITY ATTORNEY LOUGH commented that when the Public Utilities Commission established this program, it was determined to be safe to the general welfare and it is an aesthetic project only.

PUBLIC WORKS DIRECTOR LEVIEN stated that a letter would be sent out with additional information regarding undergrounding; after SDG&E engineers have plans or drawings of electrical lines, a meeting would be set up with the property owners to discuss specific issues unique to them.

Council asked questions regarding fiscal impact and existing poles; they expressed their concern regarding need for additional lighting in the city.

PUBLIC WORKS DIRECTOR LEVIEN responded to Council's questions by stating that wooden poles would be removed; two years ago an electrical engineer was consulted to ensure that standard illumination on the streets and the information obtained from that study was to be used

for this district; there may be five or six additional poles installed; in the next CIP budget, he hopes to have street lighting similar to that on 9<sup>th</sup> St. and he will propose funding for the lighting be included.

MAYOR PRO TEM MCCOY voiced concern for the property owners whose landscaping would be impacted and she expressed her desire for those property owners' needs to be heeded. MAYOR JANNEY closed the public hearing.

**MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6702 – ESTABLISHING THE FORMATION OF AN UNDERGROUND UTILITY DISTRICT – ELM AVENUE AND 7<sup>TH</sup> STREET UTILITY UNDERGROUND DISTRICT – CIP PROJECT NO. S08-901. MOTION CARRIED UNANIMOUSLY.**

**5.2 THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT (BID) FY 2008-09 BUDGET AND ACCEPT AGREED UPON PROCEDURES REVIEW FOR FY 2005-06 AND 2006-07, AND ANNUAL ACTIVITIES REPORT FOR FY 2005-06, 2006-07 AND 2007-08. (0465-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER RITTER gave a report on the item.

JACK VAN ZANDT, president of the BID, gave a report on the BID and stated the BID has been negligent in submitting the budget information; he spoke of the projects sponsored by the BID, such as the Paint the Box program, the Taste of I.B., and Christmas comes to I.B.; he expressed his desire to maximize the BID's visibility, outreach, and return on the investment to its members/business owners; he wants to recruit more varied businesses into the district and establish micro districts; no strategic planning meeting has taken place yet; he emphasized that the BID is a volunteer organization.

MAYOR PRO TEM MCCOY spoke of the challenges of operating a business improvement district; she thanked Mr. Van Zandt for chairing the district.

MR. VAN ZANDT reiterated the BID's commitment to paperwork and other administrative tasks to operate the BID.

COUNCILMEMBER MCLEAN asked for Council's support of the BID and its events.

COUNCILMEMBER BRAGG voiced her support for the Chamber of Commerce and the BID; she stated the Chamber is very busy fielding calls for the Sandcastle Competition and other events.

MAYOR JANNEY closed the public hearing.

**MOTION BY BRAGG, SECOND BY MCLEAN, TO ACCEPT THE WRITTEN AND VERBAL REPORT FROM THE BID BOARD ON THE FY 2005-06 AND 2006-07 AGREED UPON PROCEDURES REVIEW, FY 2005-06, 2006-07, 2007-08 ACTIVITY REPORTS, AND FY 2008-09 BUDGET AS PRESENTED. MOTION CARRIED UNANIMOUSLY.**

**5.3 KEVIN HILL, FOR I.B. BEAUTIFUL (APPLICANT)/SILVER STRAND PLAZA, LLC (OWNER); APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 080033), CONDITIONAL USE PERMIT (CUP 080034), DESIGN REVIEW CASE (DRC 080035), SITE PLAN REVIEW (SPR 080036) TO PROVIDE A CERTIFIED FARMER'S MARKET LOCATED AT 600 PALM AVENUE (SILVER STRAND PLAZA) IN THE C-1 (GENERAL COMMERCIAL) ZONE. MF 985. (0130-30 & 0600-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and announced a resolution was submitted as Last Minute Agenda Information.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item.

MAYOR JANNEY asked about the Conditional Use Permit and about the property owner's role and if the CUP only addresses the applicant; he expressed concern that there is no documentation of the approval between the property owner and the applicant.

CITY PLANNER NAKAGAWA responded that the permit would be issued to applicant and the property owner has consented.

COMMUNITY DEVELOPMENT DIRECTOR WADE commented that CUPs typically run with the land and if the property owner were to change, the CUP would still be in effect.

CITY ATTORNEY LOUGH confirmed with Community Development Director Wade that the property owner signed the application; he explained that the CUP is with the land and there are different property rights between landlord and tenant; the City would not be able to approve the project if the landlord opposed it; oftentimes cities require permission of the owner to place something on the property and there is still the typical landlord/tenant relationship; he continued by saying that the right to operate a farmers market will be granted to the applicant; after the approval process, the CUP would stay with the land, much like the way zoning ordinance would, but the permit would be owned by a particular person (i.e., I.B. Beautiful); if I.B. Beautiful were to leave, a new permit would need to be obtained to continue operating the farmers market at that location; he emphasized that cities have oversight authority with regard to CUPs, and that the City could revoke the permit if the conditions of approval were violated and farmers markets are required to have annual reviews.

COMMUNITY DEVELOPMENT DIRECTOR WADE added that the annual reviews would be conducted in the form of public hearings and that any change in the operator of the farmers market would require obtaining a new permit as there are no transferring rights; he responded to Mayor Janney by saying that the public hearings would not incur any costs borne by the applicant.

KEVIN HILL, representing the applicant, responded to questions of Council; he stated the farmers market has been approved by San Diego County and informed Council of its requirements to adhere to operating as a farmers market and not transform into a flea market; he hopes that the number of farmers participating will increase and he doesn't desire any additional vendors; he stated Silver Strand Plaza was chosen since it has the potential to expand; I.B. Beautiful has a contract with the Chula Vista farmers market manager who has helped establish I.B. Beautiful's farmers market; he commented that when he started the process, he conducted a survey and developed a list of farmers who would participate; the

process is on hold until approval is granted by the City and then the County; he added that most of the shopkeepers in the plaza are in approval.

Council spoke of the extensive knowledge needed to establish a farmers market and voiced their appreciation of Mr. Hill's efforts.

MAYOR JANNEY closed the public hearing.

COMMUNITY DEVELOPMENT DIRECTOR WADE commented that Condition #34 had to do with public safety/emergency vehicle access; he added that as part of the CUP process, all residents and tenants in the area were notified of tonight's meeting.

**MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6701, APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 080033), CONDITIONAL USE PERMIT (CUP 080034), DESIGN REVIEW CASE (DRC 080035), AND SITE PLAN REVIEW (SPR 080036), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.**

**5.4 SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM ("SCOUP")  
COASTAL DEVELOPMENT PERMIT (CP 080052). MF 996. (0220-70)**

COUNCILMEMBER MCLEAN announced he had a potential conflict of interest on the item as his residence is within 500 feet of the project, and he left Council Chambers at 7:08 p.m.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and announced that email correspondence from Serge Dedina of Wildcoast had been submitted as Last Minute Agenda Information.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item; he announced that Ryan Leslie of Moffat & Nichol was in attendance and has helped with staff's efforts; he reported that the Tidelands Advisory Committee reviewed the item at their meeting of December 8 and the objective is to bring every potential opportunity for identified sources of sand to Council and the TAC for review and public input.

In response to Council's questions and concerns, RYAN LESLIE stated that permits would be obtained from the U.S. Army Corps of Engineers and the San Diego Regional Water Quality Control Board concurrently to streamline the process; the environmental document addresses the Endangered Species Act's feeding period for the snowy plover and least tern in which there are tighter restrictions with regard to placement, volumes, and timing.

MAYOR PRO TEM MCCOY expressed a desire that the placement site be at least a mile from the river mouth and to consult with Clay Philips of the Tijuana Estuary and Dr. Jeff Crooks regarding turbidity.

With regard to Council's concerns about damaging the river mouth with the placement site less than a mile from it, COMMUNITY DEVELOPMENT DIRECTOR WADE responded that the Mitigated Negative Declaration or Environmental Impact Report did not identify any impacts with location of this site and added that the amount of sand being moved a tenth of a mile north would not have any negative impacts; he commented that projects dealing with smaller

placement are meant to be more manageable and have less impact to the environment; the staging area would be at the Elkwood parking lot and this would preclude trucks being on the newly renovated Palm Ave. street end.

**MOTION BY JANNEY, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2008-6698, APPROVING A REGULAR COASTAL PERMIT (CP 080052) FOR THE SCOUP PROJECT, WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES PROTOCOLS, PARAMETERS, AND CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>KING, BRAGG, MCCOY, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS:</b>	<b>MCLEAN (DUE TO A POTENTIAL CONFLICT OF INTEREST)</b>

COUNCILMEMBER MCLEAN returned to the Council Chambers at 7:37 p.m.

## **REPORTS (6.1 - 6.5)**

### **6.1 PALM AVENUE COMMERCIAL CORRIDOR MASTER PLAN. (0620-90 & 0640-90)**

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item; he announced Steve Lang and Ryan Zellers from Moore Iacono and Goltsman (MIG) were in attendance.

STEVE LANG and RYAN ZELLERS, of MIG, gave a PowerPoint presentation on the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE requested Council's support of the closing Delaware St. alternative as depicted in the PowerPoint presentation, adding that staff met with Caltrans last week.

COMMUNITY DEVELOPMENT DIRECTOR WADE and MR. ZELLERS responded to Council's questions regarding bike lanes on Rainbow Dr. and transitioning the eco-bikeway or whether to re-route the bikeway, traffic and neighborhood impacts if Delaware St. were closed, and added that this the first ideation of the concept.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported that additional analysis would be conducted before presenting to the public at the community workshop to be held January 12.

### **6.2 RESOLUTION NO. R-08-166 – AMENDMENT TO THE CAPITAL IMPROVEMENT BUDGET FY 2004-09 – DEVELOPMENT OF 9<sup>TH</sup> STREET & PALM AVENUE SHOPPING CENTER FOR \$3,262,000 AND AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTIES LOCATED AT 741 THRU 849 PALM AVENUE (APN 626-250-04, 05 & 06) AND 735 PALM AVENUE (APN 626-250-003). (0480-10 & 0640-20)**

CITY MANAGER BROWN gave a report on the item; he commented that the Finance Director

has made the detailed entries in order to move bond money and tax increment money, and those details would be approved concurrent to the Five-Year CIP budget.

REDEVELOPMENT COORDINATOR SELBY reported on the costs of the project and indicated it does not include relocating costs, which staff estimates to be between \$1.5 million and \$2 million, and total costs relating to the acquisition of this project, including preparation of this site for development, will be approximately \$15 million; he added that bond proceeds, tax increment, and interest from those two have accumulated and are additional sources of revenue.

**MOTION BY MCCOY, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. R-08-166 – AMENDING THE CAPITAL IMPROVEMENT BUDGET FY04/09 AND AUTHORIZE THE ACQUISITION OF PROPERTIES LOCATED AT 741 THRU 849 PALM AVENUE (APN 626-250-04, 05, &06) AND 735 PALM AVENUE (APN 626-250-003). MOTION CARRIED UNANIMOUSLY.**

**6.3 RESOLUTION NO. 2008-6703 – AWARDED CONTRACT FOR DAHLIA AVENUE AND 5<sup>TH</sup> STREET OVERLAY CIP PROJECT. (0720-25)**

MAYOR JANNEY announced he had a potential conflict of interest on the item as his residence is within 500 feet of the project, and he left Council Chambers at 8:45 p.m.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item; he responded to questions of Council regarding the closure of Delaware St. as discussed under Item No. 6.1, by saying that this was not at the same intersection and that there is flexibility to reprioritize the projects with SANDAG.

**MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6703 – AWARDED CONTRACT FOR “DAHLIA AVENUE & FIFTH STREET OVERLAY” CIP PROJECT (S08-106). MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>KING, MCLEAN, BRAGG, MCCOY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS:</b>	<b>JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)</b>

MAYOR JANNEY returned to the Council Chambers at 8:48 p.m.

**6.4 ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS. (0410-50)**

CITY MANAGER BROWN introduced the item and announced that a strikethrough version of the assignment list was submitted as Last Minute Agenda Information.

CITY ATTORNEY LOUGH announced that Councilmembers appointed to positions that receive stipends are to disqualify themselves from the vote for that particular position due to an advice letter released by the FPPC.

MAYOR JANNEY nominated the following for City Council representation assignments:

**SOUTH BAY MAYORS AND CITY MANAGERS COMMITTEE:**

Primary - Mayor Janney  
1st Alternate – Mayor Pro Tem Bragg  
2nd Alternate – Councilmember McLean

**SD DIVISION, LEAGUE OF CALIFORNIA CITIES:**

Primary – Mayor Pro Tem Bragg  
1st Alternate – Mayor Janney

**SD DIVISION, LEAGUE OF CALIFORNIA CITIES – LEGISLATIVE SUBCOMMITTEE:**

Primary – Mayor Pro Tem Bragg  
1st Alternate – Mayor Janney

**LEAGUE OF CALIFORNIA CITIES – COASTAL CITIES INTEREST GROUP:**

Primary – Mayor Janney  
1st Alternate – Councilmember McCoy

**METROPOLITAN TRANSIT SYSTEMS BOARD:**

Primary – Councilmember McLean  
1st Alternate – Mayor Janney

**SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) BOARD:**

Primary – Mayor Janney  
1st Alternate – Councilmember McCoy  
2nd Alternate – Councilmember King

**SANDAG – SHORELINE PRESERVATION WORKING GROUP:**

Primary – Mayor Janney  
1st Alternate – Mayor Pro Tem Bragg

**CHAMBER OF COMMERCE LIAISON:**

Primary – Councilmember McLean  
1st Alternate – Mayor Janney

**METRO WASTEWATER COMMISSION/JPA:**

Primary – Councilmember McCoy  
Alternate – Mayor Janney

**BAYSHORE BIKEWAY WORKING GROUP:**

Primary – Councilmember McLean  
Alternate – Mayor Janney

**JOB CORPS LIAISON:**

Primary – Mayor Pro Tem Bragg  
Alternate – Mayor Janney

**SOUTH COUNTY ECONOMIC DEVELOPMENT COUNCIL:**

Primary – Councilmember King  
1st Alternate – Councilmember McLean

**HEARTLAND COMMUNICATIONS FACILITY AUTHORITY JPA BOARD:**

Primary – Mayor Pro Tem Bragg

1st Alternate – Mayor Janney

**OTAY RIVER WATERSHED MANAGEMENT PLAN POLICY COMMITTEE:**

Primary – Councilmember McLean

1<sup>st</sup> Alternate – Councilmember King

**MOTION BY MCCOY, SECOND BY MCLEAN, TO APPROVE MAYOR JANNEY'S APPOINTMENTS AND CHANGES TO THE CITY COUNCIL REPRESENTATION ASSIGNMENTS. MOTION CARRIED UNANIMOUSLY EXCEPT FOR THE FOLLOWING REPRESENTATION ASSIGNMENTS:**

**FOR PRIMARY REPRESENTATION ON THE METROPOLITAN TRANSIT SYSTEMS BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>KING, BRAGG, MCCOY, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSTAIN:</b>	<b>COUNCILMEMBERS:</b>	<b>MCLEAN</b>

**FOR 1<sup>ST</sup> ALTERNATE REPRESENTATION ON THE METROPOLITAN TRANSIT SYSTEMS BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>KING, MCLEAN, BRAGG, MCCOY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSTAIN:</b>	<b>COUNCILMEMBERS:</b>	<b>JANNEY</b>

**FOR PRIMARY REPRESENTATION ON THE SAN DIEGO ASSOCIATION OF GOVERNMENT (SANDAG) BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>KING, MCLEAN, BRAGG, MCCOY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSTAIN:</b>	<b>COUNCILMEMBERS:</b>	<b>JANNEY</b>

**FOR 1<sup>ST</sup> ALTERNATE REPRESENTATION ON THE SAN DIEGO ASSOCIATION OF GOVERNMENT (SANDAG) BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>KING, MCLEAN, BRAGG, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSTAIN:</b>	<b>COUNCILMEMBERS:</b>	<b>MCCOY</b>

**FOR 2<sup>ND</sup> ALTERNATE REPRESENTATION ON THE SAN DIEGO ASSOCIATION OF GOVERNMENT (SANDAG) BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>MCLEAN, BRAGG, MCCOY, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSTAIN:</b>	<b>COUNCILMEMBERS:</b>	<b>KING</b>

**FOR PRIMARY REPRESENTATION ON THE METRO WASTEWATER COMMISSION/JPA, MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>KING, MCLEAN, BRAGG, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>

**ABSTAIN: COUNCILMEMBERS: MCCOY**

**FOR ALTERNATE REPRESENTATION ON THE METRO WASTEWATER COMMISSION/JPA, MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, MCLEAN, BRAGG, MCCOY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: NONE**  
**ABSTAIN: COUNCILMEMBERS: JANNEY**

**FOR PRIMARY REPRESENTATION ON THE HEARTLAND COMMUNICATIONS FACILITY AUTHORITY/JPA BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, MCLEAN, MCCOY, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: NONE**  
**ABSTAIN: COUNCILMEMBERS: BRAGG**

**FOR 1<sup>ST</sup> ALTERNATE REPRESENTATION ON THE HEARTLAND COMMUNICATIONS FACILITY AUTHORITY/JPA BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, MCLEAN, BRAGG, MCCOY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: NONE**  
**ABSTAIN: COUNCILMEMBERS: JANNEY**

#### **6.5 2009 CITY COUNCIL MEETING AND WORKSHOP CALENDAR. (0410-05)**

CITY MANAGER BROWN introduced the item.

**MOTION BY JANNEY, SECOND BY MCCOY, TO APPROVE THE 2009 CITY COUNCIL CALENDAR WHICH INCLUDES CITY COUNCIL STRATEGIC WORKSHOPS ON JANUARY 13 AND 14, 2009, AND CITY COUNCIL QUARTERLY WORKSHOPS ON APRIL 21, 2009, JULY 21, 2009 AND OCTOBER 13, 2009. STAFF FURTHER RECOMMENDS RESCHEDULING THE SEPTEMBER 16, 2009 CITY COUNCIL MEETING TO SEPTEMBER 23, 2009 AND CANCELING THE JANUARY 6, 2010 CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.**

#### **ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

None.

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

MAYOR JANNEY learned about a California financing entity that has suspended infrastructure monies until January, and this stops funding for mental health hospitals, school bonds, schools for the deaf and blind, and freeways, etc., and will most likely affect I.B. eventually.

MAYOR PRO TEM MCCOY requested a presentation from SANDAG's Executive Director Gary Gallegos regarding the state budget cuts; she also encouraged the public to attend the Otay Valley Regional Park JPA meetings which meet Thursdays at 2 p.m. at Montgomery Waller Park; Mike McCoy and Bob Miller attend those meetings and interested persons can call them for details.

MAYOR JANNEY added that the Otay Valley Regional Park was among the list of items to have funding suspended.

CITY MANAGER BROWN announced that Public Works Director Levien and City Planner Nakagawa are busy working on a list of potential public works improvement projects for federal economic stimulus; it was learned that a better refinement of environmental analysis was needed, and that list must be submitted by tomorrow.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 9:03 p.m.

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James C. Janney, Mayor

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Lisa Wolfson  
Deputy City Clerk