

**MINUTES**

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

**FEBRUARY 6, 2008**

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

**CLOSED SESSION – 5:30 P.M.  
REGULAR MEETING – 6:00 P.M.**

**CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

**ROLL CALL**

Councilmembers present: Bragg, Winter  
Councilmembers absent: McLean  
Mayor present: Janney  
Mayor Pro Tem present: McCoy

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

**CLOSED SESSION**

**MOTION BY WINTER, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS.**

Pursuant to Government Code Section 54956.8:

Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04

Agency Negotiator: City Manager

Negotiating Parties: Sam & Sandra Dimenstein Trust

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

Property: 761-779 Palm Ave., Imperial Beach, CA 91932, APN 626-250-05

Agency Negotiator: City Manager

Negotiating Parties: Sam & Sandra Dimenstein Trust

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

Property: 743-849 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06

Agency Negotiator: City Manager

Negotiating Parties: Sam & Sandra Dimenstein Trust

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

**MOTION CARRIED BY THE FOLLOWING VOTE:**

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

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:03 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff and took no action.

### **REGULAR MEETING CALL TO ORDER BY MAYOR**

MAYOR JANNEY called the Regular Meeting to order at 6:04 p.m.

### **ROLL CALL BY CITY CLERK**

Councilmembers present:	Bragg, Winter
Councilmembers absent:	McLean
Mayor present:	Janney
Mayor Pro Tem present:	McCoy

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**

CITY MANAGER BROWN recommended Item No. 7.3 be taken off the agenda.

MAYOR JANNEY announced staff's recommendation is to take Item No. 7.3 off the agenda as they have new information and are not ready to move forward at this time; the speaker that submitted a speaker slip on Item No. 7.3 would be allowed to speak under public comments.

### **MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS**

MAYOR PRO TEM MCCOY reported she and Mayor Janney attended the SANDAG retreat in Borrego Springs where they discussed the needs of the San Diego County region.

MAYOR JANNEY also reported on the SANDAG retreat and spoke of an informative presentation made by Ron Sims of King County, Washington regarding climate changes and quality of life.

### **COMMUNICATIONS FROM CITY STAFF**

None.

## **PUBLIC COMMENT**

TERESA IRISH spoke in opposition to development at Palm Ave. and 9<sup>th</sup> Street.

MAYOR JANNEY explained that Item No. 7.3, which was removed from the agenda, is for approval to enter into an Exclusive Negotiation Agreement with a developer for the properties at 9<sup>th</sup> Street and Palm Ave.; he noted that the City has not settled on a project and it is not the same project that was proposed last year.

TRAVIS BRAZIL, Chairman of the Business 4 Business Program, spoke on behalf of Christine LaPausky of D'Ames Fitness; he stated he compared the cost of IB's business license fees to that of the City of Coronado's and he expressed concern that IB's fees were higher; he requested staff take another look at the fees.

CHRIS GOFF expressed concern about recent crime events that took place on Emory Street between Imperial Beach Blvd. and Fern Ave.

MAYOR PRO TEM MCCOY reported that there was also a business north of the area that was recently burglarized and requested an update on the recent burglaries.

MIKE MURTAUGH also expressed concern about the crime that took place on Emory Street between Imperial Beach Blvd. and Fern Ave.; he questioned if there is something that he and his neighbors could do to help prevent the crime from happening in the future.

MAYOR JANNEY referred concerns to City staff for follow-up.

## **PRESENTATION/REPORT (1.1 - 1.4)**

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

MAYOR JANNEY, along with RON OLIVER of EDCO, presented the Recycle All-Star Award Certificate, \$100.00 check and used oil-recycling premiums to Mike Reynolds.

### **1.2 PRESENTATION OF COURSE COMPLETION CERTIFICATES TO COMMUNITY EMERGENCY RESPONSE TEAM (CERT) ACADEMIES #7 AND #8 AND PRESENTATION OF PROCLAMATION TO CERT MEMBER MIKE WILLIAMS. (0210-11)**

CAPTAIN FRENCH presented Course Completion Certificates to CERT Academies #7 and #8 to those graduates in attendance: Amy Desbien, Amanda Fraser, Martha Gaus, Tracey Lynch, Russell McKay, Victoria Mulligan, and John Perno. The following graduates were presented their certificates in absentia: Randy Agte, Patrice Mucerino, Julana Senette, Mary Coates, and Greg Majors.

MAYOR JANNEY presented a proclamation to CERT Member Mike Williams in recognition of his voluntary service and serving as president of the CERT team.

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

PORT CHAIR BIXLER gave a report of Port district activities and proudly announced a possible partnership between the Port of San Diego and SDG&E to light up the pier during the holiday season.

**1.4 PRESENTATION BY YELENA FELDMAN, MANAGER OF COMMUNITY AND GOVERNMENT AFFAIRS FOR SAN DIEGO WORKFORCE PARTNERSHIP.  
(0150-10)**

YELENA FELDMAN, of San Diego Workforce Partnership, gave a presentation on the services provided by the San Diego Workforce Partnership.

**CONSENT CALENDAR (2.1 - 2.5)**

**MOTION BY MCCOY, SECOND BY BRAGG, TO ACCEPT CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED BY THE FOLLWING VOTE:**

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

**2.1 MINUTES.**

Approved the minutes of the Regular City Council Meeting of October 17, 2007.

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

Ratified the following registers: Accounts Payable Numbers 65571 through 65755 with the subtotal amount of \$461,628.91; and Payroll Register Numbers 39243 through 39286 for the pay period ending 01/03/08, Payroll Register Numbers 39287 through 39325 for the pay period ending 01/17/08 with the subtotal amount of \$266,967.88; for a total amount of \$728,596.79.

**2.3 ECONOMIC STIMULUS PACKAGE. (0460-20)**

Approved letter to be sent to Senators Feinstein and Boxer.

**2.4 RESOLUTION NO. 2008-6576 – APPROVING THE JOB DESCRIPTION FOR HUMAN RESOURCES TECHNICIAN AND INCREASING THE BUDGETED HOURS FOR THIS POSITION FROM 35 TO 40 HOURS PER WEEK AND AMENDING THE FY 07-09 BUDGET AND SALARY AND COMPENSATION PLAN ACCORDINGLY.  
(0510-20 & 0520-75)**

Adopted resolution.

**2.5 RESOLUTION NO. 2008-6572 – AUTHORIZING THE PUBLIC SAFETY DIRECTOR/FIRE CHIEF TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE SAN DIEGO COUNTY OFFICE OF EMERGENCY SERVICES FOR USE OF A MASS NOTIFICATION SYSTEM. (0210-10)**

Adopted resolution.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

None.

**ORDINANCES – INTRODUCTION/FIRST READING (3.1)**

**3.1 AN INTRODUCTION OF ORDINANCE NO. 2008-1062, AMENDMENT TO CHAPTER 8.30 OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROL; ORDINANCE NO. 2008-1063, AMENDMENT TO CHAPTER 8.32, PERTAINING TO THE STANDARD URBAN STORMWATER MITIGATION PLAN; AND ORDINANCE NO. 2008-1064, AMENDMENT TO CHAPTER 15.54, PERTAINING TO GRADING PERMITS AND PLANS. (0770-75)**

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH reported on the ordinances.

MAYOR JANNEY called for the introduction of Ordinance No. 2008-1062.

CITY CLERK HALD read the title of Ordinance No. 2008-1062 – an Ordinance amending Chapter 8.30 of the City of Imperial Beach Municipal Code: “Urban Runoff Management and Discharge Control.”

**MOTION BY WINTER, SECOND BY MCCOY, TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 2008-1062 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE.**

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

MAYOR JANNEY called for the introduction of Ordinance No. 2008-1063.

CITY CLERK HALD read the title of Ordinance No. 2008-1063 – an Ordinance amending Chapter 8.32 of the Imperial Beach Municipal Code: “Standard Urban Stormwater Mitigation Plan (SUSMP).”

**MOTION BY MCCOY, SECOND BY BRAGG, TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 2008-1063 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE.**

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

MAYOR JANNEY called for the introduction of Ordinance No. 2008-1064.

CITY CLERK HALD read the title of Ordinance No. 2008-1064 – an Ordinance amending Chapter 15.54 of the Imperial Beach Municipal Code: “Grading Permits and Plans.”

**MOTION BY BRAGG, SECOND BY WINTER, TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 2008-1064 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE.**

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

CITY ATTORNEY LOUGH thanked Public Works Director Levien and Environmental Program Manager Keir for their assistance on the item.

**ORDINANCES – SECOND READING & ADOPTION (4)**

None.

**WRITTEN COMMUNICATIONS (5)**

None.

**PUBLIC HEARINGS (6.1)**

**6.1 ADMINISTRATIVE COASTAL PERMIT (ACP 060427) AND TENTATIVE MAP (TM 060428) FOR THE PROPOSED CONDOMINIUM CONVERSION OF THIRTY-SEVEN (37) UNITS LOCATED AT 1037 AND 1047 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 878. (0600-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and recommended the item be continued to February 20 due to recommendations made by the California Coastal Commission.

**MOTION BY MCCOY, SECOND BY WINTER, TO CONTINUE THE PUBLIC HEARING TO FEBRUARY 20, 2008.**

MAYOR JANNEY announced a speaker slip was submitted and would allow comments at this time.

MARK BRECHT questioned if condominiumization is the best and highest use for one of the last remaining large parcels of land by the beach; he expressed concern that the community may lose control of a site that could be a major commercial development, such as a hotel or multiuse development, due to 37 individual ownerships.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCCOY, SECOND BY WINTER, TO CONTINUE THE PUBLIC HEARING TO FEBRUARY 20, 2008. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**REPORTS (7.1 - 7.5)**

**7.1 RESOLUTION NO. 2008-6570 – AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR SAND LOBBYIST. (0220-70)**

CITY MANAGER BROWN introduced the item.

No discussion.

**MOTION BY BRAGG, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6570 – AUTHORIZING THE CITY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MARLOWE & COMPANY FOR LOBBYING SERVICES TO OBTAIN FEDERAL SAND RENOURISHMENT FUNDING. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**7.2 PROJECT OVERVIEW, BUDGET AMENDMENT AND PROFESSIONAL SERVICES AGREEMENT AMENDMENT FOR ECO-BIKEWAY AND PALM AVENUE TRAFFIC CALMING PROJECT (S05-104) WITH KOA CORPORATION. (0680-20 & 0750-90)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

Discussion ensued regarding the two models used for analysis for the roadway segment conditions and CEQA requirements.

**MOTION BY WINTER, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-08-137 – APPROVING A BUDGET AMENDMENT TO THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009 ADOPTED BY RESOLUTION NO. 2005-6089 AND AS AMENDED DECEMBER 7, 2005 – RESOLUTION NO. 2005-6253; CIP PROJECT S05-104 “ECO-BIKEWAY, 7<sup>TH</sup> & SEACOAST” AND APPROVING A PROFESSIONAL SERVICES AGREEMENT AMENDMENT FOR “ECO-BIKEWAY AND PALM AVENUE TRAFFIC CALMING PROJECT” (S05-104) WITH KOA CORPORATION. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: WINTER, MCCOY, JANNEY  
NOES: COUNCILMEMBERS: BRAGG  
ABSENT: COUNCILMEMBERS: MCLEAN**

**7.3 PROPOSED REDEVELOPMENT OF THE MIRACLE SHOPPING CENTER LOCATED ON THE SOUTH SIDE OF STATE ROUTE 75/PALM AVENUE AND BETWEEN 9<sup>TH</sup> AND DELAWARE STREETS. (0640-20)**

CITY MANAGER BROWN recommended the item be removed from the agenda.

By order of the Chair, Item No. 7.3 was removed from the agenda, to be brought back on a future agenda.

**7.4 RESOLUTION NO. 2008-6575 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – RENOVATIONS TO TEEPLE PARK (P06-101), REAMA PARK (P05-601), & SPORTS PARK RECREATION CENTER (P08-701). (0920-30, -40 & -50)**

CITY MANAGER BROWN introduced the item and noted that a revised staff report and resolution were submitted as Last Minute Agenda Information.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item; he reported that staff will go back to HUD for authorization of other elements within the three parks to be funded through CDBG.

CITY ATTORNEY LOUGH spoke about a bid protest received from CDM Construction; he recommended rejection of all bids except for the winning bid and to deny the bid protest.

**MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6575 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – RENOVATIONS TO TEEPLE PARK (P06-101), REAMA PARK (P05-601), & SPORTS PARK RECREATION CENTER (P08-701). MOTION CARRIED BY THE FOLLOWING VOTE.**

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

**7.5 RESOLUTION NO. 2008-6574 – ADOPTION OF “AMENDMENT APPROVED FEBRUARY 6, 2008, FIVE-YEAR CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009.” (0330-35)**

CITY MANAGER BROWN introduced the item and announced a CIP Workshop would be held in March.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

**MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6574 – ADOPTION OF “AMENDMENT APPROVED FEBRUARY 6, 2008, FIVE-YEAR CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009.” MOTION CARRIED BY THE FOLLOWING VOTE.**

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

MAYOR JANNEY announced a public speaker slip was submitted by John Haupt and would allow him to speak at this time.

**PUBLIC COMMENT**

JOHN HAUPT questioned what recourse future condo owners of the Seacoast Inn would have if the owners were to be dissatisfied with their investment; he also questioned how much TOT is actually generated in Imperial Beach.

MAYOR JANNEY recommended that he contact staff for more information.

**REPORTS OF MAYOR AND COUNCILMEMBERS**

COUNCILMEMBER WINTER reported that in regard to the Point Loma Treatment Facility, Mayor Sanders did not have an enthusiastic reaction to the Plan B Option; she spoke about a recent press release by Becnet/University of Arizona regarding 12 water and wastewater projects in the Mexican state of Baja.

COUNCILMEMBER BRAGG reported on the January 24 meeting of the Heartland Communications Facility Authority JPA Board meeting.

COUNCILMEMBER WINTER spoke about the Plan B Option, a twin-track approach to submit a waiver as well as support negotiations with the EPA regarding secondary treatment; the City of San Diego is on a single track approach for a waiver only.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 8:24 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, CMC  
City Clerk