

MINUTES

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

FEBRUARY 20, 2008

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

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

SPECIAL & REGULAR CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Special and Regular Closed Session Meetings to order at 5:00 p.m.

ROLL CALL

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

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

SPECIAL & REGULAR CLOSED SESSION

MOTION BY BRAGG, SECOND BY MCCOY, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of potential cases: 1

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: City Attorney

MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY adjourned the Special and Regular Closed Session meetings at 5:01 p.m. and he reconvened the meetings to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information, and had nothing to report.

REGULAR MEETING CALL TO ORDER BY MAYOR

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL BY CITY CLERK

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

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

None.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

COUNCILMEMBER WINTER encouraged volunteers to become "Grunion Greeters" by attending a workshop Saturday, April 19 at the Tijuana National Estuarine Research Reserve.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

MAXX STAHLHEIM questioned the status of the 45-day interim ordinance prohibiting businesses from selling tobacco products and tobacco paraphernalia.

CITY MANAGER BROWN responded that the City Council recently approved an ordinance that extended the moratorium by 10 months and 15 days.

CAPT. WEAVER, IBFA President, thanked City Council for allocating funds towards the remodel of the Imperial Beach fire station; and recognized Superintendent Lau, Public Safety Director Sotelo, and Management Analyst Hernandez for their efforts during the remodel.

PRESENTATION/REPORT (1.1 - 1.2)

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 Casey Jones, son of Kirk Jones.

1.2 TIJUANA ESTUARY FATE AND TRANSPORT STUDY PRESENTATION BY CLAY PHILLIPS, SUPERINTENDENT FOR CALIFORNIA STATE PARKS AND MANAGER OF THE TIJUANA RIVER NATIONAL ESTUARINE RESEARCH RESERVE. (0150-40)

CLAY PHILLIPS, of the Tijuana River National Estuarine Research Reserve, gave a PowerPoint presentation on the item.

CONSENT CALENDAR (2.1 - 2.8)

MOTION BY MCCOY, SECOND BY WINTER, TO APPROVE CONSENT CALENDAR ITEMS 2.1 - 2.8. MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 MINUTES.

Approved the minutes of the Regular City Council Meetings of January 9, January 16, and February 6, 2008, and the Regular Workshop Meeting of January 29, 2008.

2.2 ADMINISTRATIVE COASTAL PERMIT (ACP 060474) AND FINAL MAP (TM 060475) FOR A THIRTY-SIX (36) UNIT CONDOMINIUM CONVERSION LOCATED AT 740-798 FLORIDA STREET AND 1100-1114 DONAX AVENUE IN THE R-1500/MU-1 (HIGH DENSITY RESIDENTIAL WITH A MIXED-USE OVERLAY) ZONE. (0600-20)

Approved Final Map for recordation along with the recordation of any required documents as security for the required improvements.

2.3 RESOLUTION NO. 2008-6579 – AUTHORIZING THE MAYOR ON BEHALF OF THE CITY TO ENTER INTO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND CITY OF IMPERIAL BEACH FOR A COMMUNITY DEVELOPMENT PROGRAM AND SIGN OTHER ANCILLARY DOCUMENTS NECESSARY TO IMPLEMENT THE AGREEMENT. (0650-33)

Adopted resolution.

2.4 RESOLUTION NO. R-08-140 – APPROVING A REQUEST FROM IMPERIAL BEACH PROFESSIONAL BUILDING FOR FAÇADE IMPROVEMENT PROGRAM MATCHING FUNDS AT 1340 IMPERIAL BEACH BOULEVARD. (0640-20)

Adopted resolution.

2.5 RESOLUTION NO. 2008-6581 – UPGRADE TO MICROSOFT OFFICE 2007 AND REPLACE TEN COMPUTERS. (1110-40)

Adopted resolution.

2.6 RESOLUTION NO. 2008-6582 – PURCHASE OF THE CISCO SWITCHES HARDWARE FROM AT&T. (1110-30)

Adopted resolution.

2.7 RESOLUTION NO. 2008-6584 – AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2007-2008 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT, ALSO KNOWN AS THE COPS GRANT. (0390-86)

Adopted resolution.

2.8 RESOLUTION NO. 2008-6586 – RATIFYING AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE 2007 ANNUAL CONCERT EVENT. (1040-10)

Adopted resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR

None.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2008-1065 TO AMEND THE PROVISIONS OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE, ADDING SECTION 10.36.085 TO CHAPTER 10.36 TO THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO PARKING, STANDING, AND STOPPING VIOLATIONS OF THE MUNICIPAL CODE. (0920-95)

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a report on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2008-1065.

CITY CLERK HALD read the title of Ordinance No. 2008-1065 - adding section 10.36.085 to Chapter 10.36 of the Imperial Beach Municipal Code relating to parking, standing, and stopping violations of the municipal code.

MOTION BY MCCOY, SECOND BY BRAGG, TO DISPENSE FIRST READING OF ORDINANCE NO. 2008-1065 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 BY THE FOLLOWING VOTE:

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

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 SECOND READING AND ADOPTION 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.

Ordinance No. 2008-1062:

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

CITY CLERK HALD read the title of Ordinance No. 2007-1062 – an Ordinance amending Chapter 8.30 of the City of Imperial Beach Municipal Code: “Urban Runoff Management and Discharge Control.”

MOTION BY MCCOY, SECOND BY BRAGG, TO DISPENSE SECOND READING AND ADOPT 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

Ordinance No. 2008-1063:

MAYOR JANNEY called for the reading 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 DISPENSE SECOND READING AND ADOPT 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

Ordinance No. 2008-1064:

MAYOR JANNEY called for the reading 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 MCCOY, SECOND BY BRAGG, TO DISPENSE SECOND READING AND ADOPT 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

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1 - 6.2)

6.1 ROBERT MILLER: REGULAR COASTAL PERMIT (CP 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.

COUNCILMEMBER WINTER announced that although there is no legal conflict for her to participate in the discussion of the item, she chose to disqualify herself from discussion of the item as the applicant is on the board of SWIA and she left Council Chambers at 6:27 p.m.

CITY MANAGER BROWN announced that the applicant preferred that the item be continued to the next regular meeting of March 5, 2008.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY MCCOY, SECOND BY BRAGG, TO CONTINUE THE PUBLIC HEARING TO MARCH 5, 2008. MOTION CARRIED BY THE FOLLOWING VOTE:

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, MCCOY, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	MCLEAN
DISQUALIFIED:	COUNCILMEMBERS:	WINTER (DUE TO POTENTIAL CONFLICTS OF INTEREST)

COUNCILMEMBER WINTER returned to Council Chambers at 6:28 p.m.

6.2 PROPOSED THIRD AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT. (0640-85)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

Letters of opposition from Elizabeth Stockdale and Anne Malewicz and a map of project boundaries were submitted as Last Minute Agenda Information.

REDEVELOPMENT COORDINATOR SELBY introduced Susan Cola, of Kane, Ballmer & Berkman, and Denise Bickerstaff, of Keyser Marston Associates.

MS. COLA reported on the item and affirmed that eminent domain authority is exercisable on vacant residential property; she also stated that the agency shall not have the power to acquire by use of eminent domain real property on which persons lawfully reside; she added that lawful residency is when the owner of the property authorizes occupancy.

MS. BICKERSTAFF gave a PowerPoint presentation on the analysis of the existing conditions for the Third Amendment to the Palm Avenue Commercial Redevelopment Plan.

STEVE FUTTERMAN spoke in opposition to the item.

ELIZABETH STOCKDALE spoke in opposition to the item.

ROGER BENHAM expressed concern about blight on Palm Avenue & 9th Street and spoke of the potential for it to be economically vibrant.

MARK DURAZO spoke in opposition to the item.

City Council discussion ensued regarding eminent domain being a tool for redevelopment. It was reiterated that real property on which persons lawfully reside would not be subject to eminent domain.

HILDA CLARKE requested clarification on the area subject to eminent domain.

MAYOR JANNEY responded that the plan specifically states that condemnation powers could only be used within the red zone as depicted on the map submitted with Last Minute Agenda Information.

CITY MANAGER BROWN added that the agency shall not have the power to acquire by eminent domain real property outside the boundaries of the original project area.

COMMUNITY DEVELOPMENT DIRECTOR WADE noted that the Community Workshop scheduled for February 26, 2008 is specifically for the Palm Avenue Commercial Corridor Master Plan and not on the item being discussed tonight.

MOTION BY MCCOY, SECOND BY BRAGG, TO CONTINUE THE PUBLIC HEARING TO MARCH 5, 2008. MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS (7.1 - 7.4)

7.1 RESOLUTION NO. 2008-6578 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – SOUTH SEACOAST DRIVE OVERLAY PROJECT (CIP# S08-101); RTIP – MINOR STREET IMPROVEMENTS FY 2007 AND FY 2008. (0720-25)

CITY MANAGER BROWN introduced and reported on the item.

MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6578 - AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – SOUTH SEACOAST DRIVE OVERLAY PROJECT [CIP# S08-101]; RTIP – MINOR STREET IMPROVEMENTS FY 07 AND FY 08. MOTION CARRIED BY THE FOLLOWING VOTE:

7.2 RESOLUTION NO. 2008-6580 – APPROVAL OF REGIONAL PROPOSITION A (TRANSNET), REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (RTCIP) PROJECT PLAN. (0680-80)

CITY MANAGER BROWN introduced and reported on the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2008-6580 – APPROVING THE CITY OF IMPERIAL BEACH, REGIONAL PROPOSITION A (TRANSNET), REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (RTCIP), PROJECT PLAN AND ACCEPTING THE PROJECT PLAN AND DIRECTING STAFF TO INCLUDE THE PROJECT AS AN APPROVED CITY OF IMPERIAL BEACH CAPITAL IMPROVEMENT PROGRAM PROJECT AND THAT IT BE INCLUDED IN THE CURRENT “AMENDMENTS APPROVED FEBRUARY 6, 2008, FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM 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

7.3 REVIEW OF ENVIRONMENTAL IMPACT OF OPPORTUNISTIC BEACH FILL PROGRAM. (0120-90 & 0220-70)

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER WINTER announced that due to a potential conflict of interest on the Department Recommendation No. 2, she left Council Chambers at 7:27 p.m.

Discussion ensued regarding Recommendation No. 2.

MAXX STAHLHEIM, a member of Tidelands Advisory Committee, speaking as an individual, stated that the TAC received the same information on the SCOUP program as received by the City Council; he expressed concern as the environmental documents were not provided and the comment period ends March 12, the date of the next TAC meeting; he requested that a special TAC meeting be held in order to allow review of the environmental documents or that the public comment period be extended.

CITY MANAGER BROWN announced that City Council received a presentation regarding the SCoup project (by Shelby Tucker of SANDAG and by Moffitt & Nichol) at a previous City Council meeting; staff also arranged to have the same presentation given to the TAC because the TAC was interested in sand matters.

Council discussion ensued. It was noted that since the item had already been presented to the City Council, there was no need to have the advisory committee comment on the item after the fact; holding a special meeting would not be a good expenditure of staff time and funds; it was suggested that the individual TAC members provide their comments prior to the deadline.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported that the SCoup project was presented to the TAC as an information item only and at that time, the TAC was advised that the MND would be out for public review. The amount of time that the TAC has had to review the MND is the same as the general public and members of the TAC are able to comment on it individually.

CITY ATTORNEY LOUGH noted that the deadline for the comment period cannot be changed.

CONSENSUS OF COUNCILMEMBERS PRESENT TO NOT ASK ADVICE FROM THE TAC ON THE PROJECT; HOWEVER, ENCOURAGED TAC TO PROVIDE COMMENTS TO STAFF OR SANDAG AS INDIVIDUALS.

COMMUNITY DEVELOPMENT DIRECTOR WADE noted that the SCoup is a framework to bring projects to the participating cities; the individual projects as they come along will be presented to the TAC and City Council.

COUNCILMEMBER WINTER returned to Council Chambers at 7:40 p.m.

Discussion of Department Recommendation No. 1.

CITY MANAGER BROWN reported that the powers and duties of the Design Review Board are codified in the City's Municipal Code; however, the TAC's are not. He requested direction as to whether the City Attorney should continue to define the purview of the TAC.

CITY ATTORNEY LOUGH noted that due to current procedural issues, he spoke in support of integrating the TAC into the City's Municipal Code.

CONSENSUS OF CITY COUNCIL TO HAVE THE CITY ATTORNEY TO CONTINUE HIS WORK TO PROSCRIBE TAC'S PURVIEW TO QUESTIONS REFERRED TO IT BY CITY COUNCIL OR CITY MANAGER.

7.4 RESOLUTION NOS. 2008-6585/R-08-141 – JOINT RESOLUTIONS OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA APPROVING A BUDGET AMENDMENT FOR COMPLETION OF FIRE STATION REMODEL AND PURCHASE OF FURNITURE AND OTHER ITEMS. (0910-40)

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR SOTELO gave a presentation on the item and responded to concerns of Council regarding costs and types of materials.

MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT JOINT RESOLUTION NOS. 2008-6585 AND R-08-141 – APPROVING A BUDGET AMENDMENT FOR COMPLETION OF FIRE STATION REMODEL AND PURCHASE OF FURNITURE AND OTHER ITEMS. MOTION CARRIED BY THE FOLLOWING VOTE:

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER WINTER reported that Mayor Jerry Sanders will attend the upcoming Metro JPA meeting; she reported that power is being generated by a photovoltaic system at the South Bay Reclamation Plant; she also spoke about a water reclamation program at the Orange County Sanitary District for highly purified wastewater.

COUNCILMEMBER BRAGG reported that the Shoreline Preservation Working Group recommended a funding allocation methodology to the Regional Planning Group; jurisdictions would pay based on the amount of sand received, the percentage of miles received and population; Imperial Beach's allocation for fiscal year 2009 is \$55,000.

COUNCILMEMBER MCCOY announced the General Manager for the Orange County Sanitary District is scheduled to give a presentation on the highly purified water process at the upcoming Borders Committee meeting.

MAYOR JANNEY reported that California-American Water will come forward with their conservation efforts and referred the matter to staff.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:08 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk