

**REGULAR CITY COUNCIL  
REDEVELOPMENT AGENCY  
PUBLIC FINANCING AUTHORITY MINUTES  
CITY OF IMPERIAL BEACH  
February 7, 2007  
CLOSED SESSION – 5:00 P.M.  
REGULAR MEETING – 6:00 P.M.  
Marina Vista Center  
1075 8th Street  
Imperial Beach, CA 91932**

**CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 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
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**CLOSED SESSION**

**MOTION BY MCLEAN, SECOND BY MCCOY, TO ADJOURN TO CLOSED SESSION UNDER:**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a)

Name of Case:

TC Construction Company v. City of Imperial Beach; Case No. GIS 24202

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Manager

**CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)

Number of potential cases: 1

**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 6:05 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session and had no reportable action.

**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**

COUNCILMEMBER BRAGG requested Item No. 2.5 be pulled for discussion.

MAYOR JANNEY announced a speaker slip was submitted on Item No. 2.5.

Consensus of City Council to take Item No. 2.5 at the end of the agenda, after Item No. 7.5.

**MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS**

COUNCILMEMBER MCCOY spoke about correspondence she received from Encinitas Councilmember Houlihan requesting Council's support of Spay Day USA on February 27<sup>th</sup>, organized by the Spay Neuter Action Project; she announced she attended SANDAG's 2007 Annual Retreat and that the costs were paid by SANDAG.

MAYOR PRO TEM WINTER reported she attended an Executive Session hosted by the City of San Diego regarding Community Based Social Marketing.

COUNCILMEMBER BRAGG reported she attended a meeting with Sports Park Program Coordinator Coates to determine ways to raise funds for skate parks.

MAYOR JANNEY reported attendance at SANDAG's Annual Retreat in Borrego with Councilmember McCoy and City Manager Brown; he expressed concern about a proposal by the San Diego County Sheriff's Department that recommended possible increases in excess of \$1 million; with Council's support, he directed staff to look into and report back to City Council options available with other agencies for providing public safety to the community.

MAYOR PRO TEM WINTER recommended that staff locate a similar survey that was conducted by the City Attorney's office several years ago.

COUNCILMEMBER MCLEAN spoke about attending a binational meeting.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

None.

**PRESENTATIONS/PROCLAMATIONS (1.1)**

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

MAYOR JANNEY presented the Recycle All-Star Award Certificate and used oil recycling premiums to Ed Harris, husband of Martha Tapia. The \$100.00 check from EDCO will be mailed to Ms. Tapia.

**CONSENT CALENDAR (2.1 - 2.4 & 2.6)**

**MOTION BY MCLEAN, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4 AND 2.6. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES.**

Approved the minutes of the Regular City Council Meetings of December 6, 2006, December 20, 2006, and January 17, 2007, and the Special Workshop Meeting of December 12, 2006.

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

Ratified Accounts Payable Numbers 63161 through 63306 for the period ending 1/26/07 and Payroll Register Numbers 37984 through 38062 for the period ending 1/18/07 in the amount of \$1,636,597.67.

**2.3 CASH AND INVESTMENT REPORTS FOR THE QUARTERS ENDED JUNE 30, 2006 AND DECEMBER 31, 2006. (0350-90)**

1. Received and filed the Quarterly Investment Reports for the quarters ended June 30, 2006 and December 31, 2006; and
2. Authorized staff to submit the June 30, 2006 and December 31, 2006 investment reports to the California Debt and Advisory Committee.

**2.4 FINAL MAP (TM 04-89) FOR THE PROPOSED CONVERSION OF FIVE RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 647 12TH STREET, IN THE C-1 (GENERAL COMMERCIAL) ZONE. APPLICANT/OWNER JON OPPER. MF 717. (0600-20)**

Approved the Final Map for recordation.

**2.6 RESOLUTION NO. 2007-6447 ACCEPTING AN INDEMNIFICATION AND HOLD HARMLESS AGREEMENT REGARDING SANITARY SEWER SERVICE AT APN 627-012-07-00 (761 GEORGIA STREET AND 763 GEORGIA STREET). (0600-20)**

1. Received report; and
2. Adopted resolution.

**ORDINANCES - INTRODUCTION/FIRST READING (3.1 - 3.2)**

**3.1 NO ITEM.**

**3.2 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING TITLE 6, ANIMALS, ADDING A NEW CHAPTER 6.08 PROHIBITING THE FEEDING OF PIGEONS AND SEAGULLS WITHIN THE CITY OF IMPERIAL BEACH. (0200-35)**

CITY MANAGER BROWN introduced the item.

ALBERT KNECHT requested that City trash receptacles be outfitted with appropriate lids that deter bird access before money is spent on the ordinance and its enforcement.

In response to Council's questions, PUBLIC WORKS DIRECTOR LEVIEN stated that bird waste is pressure washed off and directed to a sewer manhole; the worst areas are Pier Plaza and Dunes Park.

MAYOR PRO TEM WINTER expressed concern about posting signs in every park, public right-of-way, sidewalk and public building due to onerous costs and maintenance; she suggested that Section 6.08.010.B be revised to include "where posted" so signs would not need posting in all of the public areas (signs would be posted in problem areas); she requested flexibility for private property owners, such as business owners, to post signs pursuant to the Code in order to keep patrons from feeding the birds; she also recommended that Section A be deleted.

CITY ATTORNEY LOUGH responded that he would look into the private property issue and agreed that Section A could be removed.

Consensus of Council to bring the ordinance back to City Council with information on private properties and to include the changes recommended by Councilmember Winter.

Discussion ensued regarding the proliferation of signs and conducting an educational campaign.

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

None.

**WRITTEN COMMUNICATIONS (5)**

None.

**PUBLIC HEARINGS (6.1)**

**6.1 CHRIS DUGGAN / PREMIER COASTAL DEVELOPMENT: ADMINISTRATIVE COASTAL PERMIT (ACP 060416) AND TENTATIVE MAP (TM 060417) FOR THE PROPOSED CONDOMINIUM CONVERSION OF SIXTY-NINE (69) UNITS LOCATED AT 323, 343, 363, 383 PALM AVENUE, 705 3RD STREET, AND 702 4TH STREET IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. MF 872. (0600-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY PLANNER FOLTZ gave a PowerPoint presentation on the item and he announced a revised resolution was submitted as Last Minute Agenda Information.

GREG NEIL stated there is an advocacy group suing the City of San Diego based on condominium conversions and is using CEQA as a means to do so.

CITY ATTORNEY LOUGH responded that the issue at San Diego has to do with regional housing issues and he noted that there are no environmental impacts in Imperial Beach.

MAYOR JANNEY closed the public hearing.

COUNCILMEMBER MCCOY spoke in support of condominium conversions as an opportunity for first time homebuyers.

Discussion ensued regarding innovative energy saving methods, such as solar energy, and defraying installation costs.

**MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT REVISED RESOLUTION NO. 2007-6444, APPROVING AN ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (ACP 060416) AND TENTATIVE MAP (TM 060417), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.**

#### **REPORTS (7.1 - 7.5)**

##### **7.1 DESIGN REVIEW BOARD INTERVIEW/APPOINTMENT. (0120-30)**

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY recommended appointment of Amy Schmidt.

**MOTION BY MCLEAN, SECOND BY MCCOY, TO APPROVE MAYOR JANNEY'S RECOMMENDATION TO APPOINT AMY SCHMIDT TO THE DESIGN REVIEW BOARD WITH A TERM EXPIRING DECEMBER 31, 2008. MOTION CARRIED UNANIMOUSLY.**

##### **7.2 NO ITEM.**

##### **7.3 VETERANS PARK SIGNAGE PROJECT – INDEFINITE DEFERRAL OF. (0920-70)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the history of the item; he noted that staff is recommending that RDA funds not be allocated to the project at this time.

ALBERT KNECHT expressed concern about the ability of those in wheelchairs to read the signs; he was opposed to funding the signs at this time.

COUNCILMEMBER MCCOY spoke in support of funding one sign and placing it on Imperial Beach Blvd.

Discussion ensued regarding deferring the item until a budget review is conducted, sharing costs with the Boys & Girls Club, and different sizes of the signs.

**MOTION BY MCLEAN, SECOND BY BRAGG, TO DEFER SIGNAGE INSTALLATION AT THIS TIME.**

City Council discussion ensued regarding bringing the item back for City Council review upon review of the Five-Year CIP budget.

**AMENDED MOTION BY MCLEAN, SECOND BY BRAGG, TO DEFER SIGNAGE INSTALLATION UPON REVIEW OF THE FIVE-YEAR CIP BUDGET. MOTION CARRIED UNANIMOUSLY.**

**7.4 GOALS FOR 2007-2008. (0100-10)**

CITY MANAGER BROWN introduced the item.

Discussion ensued regarding prioritizing the goals at the next Council Workshop and contacting the State Board of Equalization to ensure proper sales tax reporting by local businesses.

Consensus of City Council to accept the goals submitted.

**7.5 RESOLUTION NO. 2007-6445, AUTHORIZING THE PUBLIC SAFETY DIRECTOR/FIRE CHIEF TO ENTER THE CITY OF IMPERIAL BEACH FIRE DEPARTMENT INTO A MEMORANDUM OF UNDERSTANDING FOR JOINT FIREFIGHTING OPERATIONS ON SAN DIEGO UNIFIED PORT DISTRICT MARINAS, PIERS, DOCKS AND OTHER WATERBORNE INCIDENTS. (0150-70 & 0220-10)**

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR SOTELO reported on the item.

**MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2007-6445, AUTHORIZING THE PUBLIC SAFETY DIRECTOR/FIRE CHIEF TO ENTER THE CITY OF IMPERIAL BEACH INTO A MEMORANDUM OF UNDERSTANDING FOR JOINT FIREFIGHTING OPERATIONS ON SAN DIEGO UNIFIED PORT DISTRICT MARINAS, PIERS, DOCKS, AND OTHER WATERBORNE INCIDENTS. MOTION CARRIED UNANIMOUSLY.**

**2.5 ADOPT RESOLUTION NO. 2007-6446 APPROVING AN AGREEMENT WITH CARPI & CLAY TO PROVIDE GOVERNMENTAL ADVOCACY SERVICES AND DESIGNATE \$18,500 FROM UNDESIGNATED RESERVES FOR THIS PURPOSE. (0460-20 & 0770-05)**

MAYOR PRO TEM WINTER AND COUNCILMEMBER MCCOY announced they had potential conflicts of interest on the item as they both live within 500 feet of the project and left Council Chambers at 7:20 p.m.

CITY MANAGER BROWN introduced the item.

ALBERT KNECHT opposed the item.

Discussion ensued regarding the need for a consultant, with CITY MANAGER BROWN stating that the City has worked with Carpi & Clay in the past and was very successful in getting time extensions; he noted that, since the legislative process requires extensive knowledge and time,

Carpi & Clay is preferred over staff or City Council; the City is relying on Carpi & Clay for their in-depth knowledge of the state government process and their in-depth knowledge of those in legislature.

**MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6446 APPROVING AN AGREEMENT WITH CARPI & CLAY TO PROVIDE GOVERNMENTAL ADVOCACY SERVICES AND DESIGNATE \$18,500 FROM UNDESIGNATED RESERVES FOR THIS PURPOSE. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>MCLEAN, BRAGG, 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>MCCOY, WINTER (DUE TO POTENTIAL CONFLICTS OF INTEREST)</b>

### **REPORTS OF MAYOR AND COUNCILMEMBERS**

COUNCILMEMBER MCCOY reported on the Biodiversity Conference that she attended with Councilmember McLean.

MAYOR PRO TEM WINTER reported on meeting with San Diego Mayor Sanders and Councilmember Hueso regarding regional governance; she attended the first Binational Technical Committee meeting since her appointment by Council, where they discussed RFQs for Bajagua.

### **ADJOURNMENT**

The meeting adjourned at 7:33 p.m.

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James C. Janney, Mayor

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Attest:  
Jacqueline M. Hald, CMC  
City Clerk