

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
February 15, 2006
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CALL TO ORDER

MAYOR ROSE called the Closed Session Meeting to order at 5:15 p.m.

ROLL CALL

Councilmembers present:	Janney, McCoy, Winter
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	McLean

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

CLOSED SESSION

MOTION BY ROSE, SECOND BY MCLEAN, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

Property: 285 Palm Avenue, Imperial Beach, CA 91932

Agency Negotiator: City Manager

Negotiating Parties: Rahimpour Family Trust 07-21-08

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

Property: Pond 20 (APN 616-020-08, 616-020-12), San Diego, CA 92154

Agency Negotiator: City Manager

Negotiating Parties: Unified Port of San Diego

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.

Significant exposure to litigation pursuant to subdivision (b)(3)(E) of Section 54956.9

Number of Cases: 1

MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE adjourned the meeting to Closed Session at 5:16 p.m. and she reconvened the meeting to Open Session at 6:06 p.m. Reporting out of Closed Session, MAYOR ROSE announced Council met earlier in Closed Session, received information from staff, gave direction, and had nothing to report at this time.

The Regular Meeting was called to order at 6:07 p.m.

ROLL CALL

Councilmembers present: Janney, McCoy, Winter
Councilmembers absent: None
Mayor present: Rose
Mayor Pro Tem present: McLean

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

PLEDGE OF ALLEGIANCE

MAYOR ROSE led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL ANNOUNCEMENTS/REPORTS/REIMBURSEMENTS

COUNCILMEMBER MCCOY reported on the SANDAG retreat in Borrego Springs, attended the Otay Mesa Chamber of Commerce dinner, taking a tour of the San Diego County Sheriff's Department Communications Center with Councilmember Winter and Sheriff's Captain Parker where they were shown the reverse 911 system; she reminded everyone of the importance in keeping a landline in case of an emergency.

COUNCILMEMBER WINTER expressed disappointment that the IBWC signed a contract with Bajagua, a press release was submitted as last minute agenda information and noted that the cost is up to $\frac{3}{4}$ of a billion dollars.

MAYOR PRO TEM MCLEAN stated that he also went on a tour of the Communications Center and thanked Sheriff's Captain Parker; he reported that the Metropolitan Transit System (MTS) Board directed their attorney to look into prohibition of smoking in the terminals and there may be some modifications to some of the bus routes outside of IB as a cost-saving measure and means to give better service.

CITY ATTORNEY LOUGH announced that Mayor Pro Tem McLean and Councilmember Winter attended the monthly League of California Cities luncheon on Monday, February 13th where telecommunications issues were discussed.

MAYOR ROSE gave an update on the 50th Anniversary plans, noting that 2006 calendars and other 50th anniversary merchandise is available for purchase.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

TRAVIS BRAZIL reported on the 2006-2007 financial assistance program offered by the Port; he encouraged the City and Chamber of Commerce to pursue businesses of an upscale nature.

COUNCILMEMBER JANNEY recommended staff look into moratoriums on check cashing and 99 cent businesses.

MAYOR ROSE requested that staff look at interim measures.

PRESENTATIONS/PROCLAMATIONS (1.1)

1.1 PRESENTATION BY SANDAG STAFF REGARDING SMART GROWTH CONCEPT MAP. (0140-40)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item.

CAROLINA GREGOR, Senior Regional Planner for SANDAG, gave a PowerPoint presentation on SANDAG's Smart Growth Concept Map; she responded to Council's concerns regarding the definition of a community center versus a town center.

COUNCILMEMBER MCCOY thanked Ms. Gregor for her presentation and recognized Community Development Director Wade for his efforts in obtaining a grant for Old Palm Ave.

MOTION BY ROSE, SECOND BY MCLEAN, TO TAKE ITEM NO. 7.5 – SEWAGE ISSUE STRATEGY/SECONDARY TREATMENT STATUS – ADOPT RESOLUTION NO. 2006-6279 – OPPOSE THE BAJAGUA PROJECT FIRST UNDER REPORTS. MOTION CARRIED UNANIMOUSLY.

CONSENT CALENDAR (2.1, 2.2 & 2.4 - 2.7)

COUNCILMEMBER MCCOY requested Item No. 2.3 be pulled for discussion at the end of the meeting.

MOTION BY MCCOY, SECOND BY ROSE, TO PULL ITEM NO. 2.3 – PROFESSIONAL SERVICES AGREEMENT WITH KATZ OKITSU & ASSOCIATES FOR DEVELOPMENT OF CONSTRUCTION DRAWINGS FOR THE “RECONFIGURATION OF THE NOLF ENTRANCE (REAM FIELD)” CIP S05-301 FOR DISCUSSION AT THE END OF THE MEETING. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.2 & 2.4 - 2.7. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of February 1, 2006.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified Accounts Payable Numbers 61120 through 61174 for the period ending 02/02/06 and Payroll Register Numbers 36553 through 36601 for the period ending 01/19/06 in the amount of \$390,501.77.

2.4 RESOLUTION NO. 2006-6285 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING FULL ANIMAL CONTROL SERVICES FOR FISCAL YEARS 2005-2008. (0200-10)

Adopted Resolution.

2.5 PROFESSIONAL SERVICES AGREEMENT WITH KIM A. MIKHAËL AS A HEARING OFFICER FOR ADMINISTRATIVE CITATION AND PARKING CITATION APPEAL HEARINGS. (0470-07)

Adopted Resolution No. 2006-6284.

2.6 ADOPTION OF RESOLUTION NO. 2006-6286 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR SAND LOBBYIST. (0220-70)

Adopted Resolution No. 2006-6286 authorizing the City Manager to enter into a contract with Marlowe & Company for sand renourishment lobbyist services to obtain funding for the Silver Strand Shoreline – Imperial Beach Sand Renourishment Project.

2.7 ADOPT RESOLUTION NO. 2006-6281 AMENDING FY 05-06 SALARY AND COMPENSATION PLAN TO ADD THE POSITION DESCRIPTION AND SALARY RANGE FOR FIRE/SAFETY INSPECTOR II (PART-TIME) AND AMEND THE FIRE DEPARTMENT BUDGET. (0510-20 & 0520-75)

Adopted Resolution.

ORDINANCES - INTRODUCTION/FIRST READING (3)

None.

ORDINANCES - SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1)

6.1 318 CALLA AVENUE – NOTICE TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS. (0470-20)

MAYOR ROSE declared the Public Hearing open.

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a PowerPoint on the item showing the history of violations of the property and he responded to Council's concerns regarding inspection of the property.

DON SMISEK stated that he had discussed the goals and what needs to be accomplished with Mr. Garcias; he stated that he has agreed to inspections every 30 days; he requested that the City Council give him another chance; and he responded to Council's concerns regarding the quick accumulation of junk and debris within 90 days.

CAPTAIN BILL ZIDBECK stated that he had nominated the home to be painted by Paint IB and the nomination was rejected.

CITY COUNCIL discussion ensued regarding concern and disappointment over the repeated code violations that have taken place over several years.

MOTION BY ROSE, SECOND BY MCCOY, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

CITY COUNCIL discussion ensued regarding possible assessment amounts and length of probationary period.

CITY ATTORNEY LOUGH added that the resolution will be brought back for City Council's approval, approving the imposition of \$5,000 (out of the original \$19,550 from 2003), plus \$3,500 for penalties from February 6, 2006 to February 15, 2006, plus \$500 in administrative fees, for a total of \$9,000 to be placed on the property tax records. The remaining amount of \$23,550 (\$14,550) would be placed in abeyance through a five-year probationary period; on the first anniversary the penalties would be reduced by \$1,000, on the second year an additional \$2,000, the third year an additional \$3,000, and the fourth year an additional \$4,000, and upon the fifth year the remainder of the original \$14,550 in civil penalties would be excused.

MAYOR ROSE recommended that the property be inspected on a quarterly basis.

MOTION BY ROSE, SECOND BY MCLEAN, TO BRING BACK RESOLUTION NO. 2006-6283 WITH RECOMMENDED CHANGES BY THE CITY ATTORNEY FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL. MOTION CARRIED UNANIMOUSLY.

REPORTS (7.1 - 7.5)

7.5 SEWAGE ISSUE STRATEGY/SECONDARY TREATMENT STATUS – ADOPT RESOLUTION NO. 2006-6279 – OPPOSE THE BAJAGUA PROJECT. (0620-75)

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER WINTER stated that the City Council has been working on the sewage issue since 1994; she spoke of the press release that was issued by the USIBWC announcing the signing of a contract with Bajagua and expressed disappointment in the signing of the contract, noting that it was probably signed to meet a court deadline; she noted that the project will not relieve the overburdened system; it will not reduce the amount of raw sewage; not provide collection and conveyance so raw sewage will still run into the ocean; and it is not a comprehensive plan.

ALEJANDRA SOTELO-SOLIS, District Director with Assemblywoman Lori Saldaña, read a statement on behalf of Assemblywoman Lori Saldaña for the record, which provided clarification that the IBWC had not signed a contract with a private company to build a wastewater treatment plant, but rather a development agreement, and an explanation of the differences between the

two types of documents; she spoke in support of City Council's resolution and she submitted a letter of support for the record.

COUNCILMEMBER MCCOY commented on the many years that the sewage issue has gone on, she spoke of the need to install plumbing in the western portion of Tijuana; she expressed discouragement with the political issues, she recognized Jonathan Hardy from Senator Ducheny's office was in attendance and recognized the Senator's efforts on the issue.

TANYA ALDEZ, from the office of Assemblymember Juan Vargas, read a statement for the record that was in opposition of the Bajagua and in support of Resolution No. 2006-6279 and read his letter for the record.

MICHEL DEDINA spoke against the Bajagua project.

SERGE DEDINA supported City Council's resolution and was opposed to the Bajagua project (was not available to speak).

EMILY YOUNG supported City Council's resolution and was opposed to the Bajagua project (was not available to speak).

DANIEL DEDINA was opposed to the Bajagua project (was not available to speak).

ISRAEL DEDINA was opposed to the Bajagua project (was not available to speak).

BEN MCCUE, representing Wildcoast, supported the City Council's resolution.

COUNCILMEMBER WINTER stated that based on an article in the paper about the history of the project, noting the project was borne out of private greed not public need.

COUNCILMEMBER JANNEY expressed concern about the conditions listed in agreement and he expressed concern about the language in bullet point #2 of the resolution.

Discussion ensued.

Consensus of City Council to revise bullet point #2 to read, "a lack of responsiveness from the International Boundary Water Commission to significant issues raised by the City of Imperial Beach related to the design, construction and operation of the wastewater treatment plant."

MAYOR ROSE thanked the representatives for Assemblymember Vargas, Assemblywoman Saldaña and Senator Ducheny for their attendance tonight; she thanked Councilmember Winter for her efforts on the issue; she was hopeful that there will be some progress and real solutions implemented.

MOTION BY WINTER, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2006-6279 TO OPPOSE THE BAJAGUA PROJECT AS AMENDED. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE called a recess at 8:15 p.m. and reconvened the meeting to Open Session at 8:40 p.m.

ROLL CALL

Councilmembers present: Janney, McCoy, Winter
Councilmembers absent: None
Mayor present: Rose
Mayor Pro Tem present: McLean

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

7.1 PROPOSED DRAFT EXCLUSIVE NEGOTIATION AGREEMENT WITH D.R. HORTON, INC. (0620-20 & 0640-05)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item and noted that this project is a good example of Smart Growth concepts with a balance of mixed use and multi-housing as presented by SANDAG earlier in the meeting; he spoke about zoning, density, and potential annual tax increment and net revenue.

Questions & Concerns from the February 8, 2006 Community Meeting were submitted as Last Minute Agenda Information.

REDEVELOPMENT COORDINATOR SELBY reported on the progress of the project and summarized the community meeting held on February 8th.

CITY MANAGER BROWN recommended that City Council consider adoption of the ENA at the March 15th City Council meeting.

CITY COUNCIL discussion ensued regarding the community's level of concern surrounding the project, potential impacts of planning without a specific design, the specifics of traffic and green building considerations, and shortening the timeframe.

COUNCILMEMBER MCCOY expressed a desire for the item to be discussed at the next meeting of March 15th and have as much as possible accomplished for the benefit of the developer and the public; she added that the sooner there is an agreement, the sooner that issues of concern can be discussed and resolved.

MICHEL DEDINA suggested that public transportation, bikes, and pedestrians be implemented into the plan; he also suggested reducing the number of parking spaces, as he would like to see more green spaces; and he spoke in support of solar power for the project.

LORENZ SCHILLING, of The ReUse People of America, indicated his organization has an arrangement with the California Conservation Corps who would provide their workers in deconstruction; he added that the costs for deconstruction and prevailing wages are expensive, and by using the Conservation Corps, licensed contractors would be used, costs would be reduced, and reuse materials would be kept out of landfills.

TERESA IRISH supported a project from 7th and 9th but she was not in support of condos; she requested Council consider safety issues.

NOREEN SULLIVAN expressed a written concern on a speaker slip regarding density, height, traffic, affordability of condo units, and overcrowding (not available to speak).

LOU ANN NOURSE indicated she had positive information with using ReUse People of America; she commented that many are in support of the redevelopment of the project and had many concerns with regard to the condos.

CITY COUNCIL discussion ensued regarding zoning and the percentage of residential to commercial, interim measures while working on the general plan, the selection of the developer, project design including walkability and dedicated space for public activities, condominium ownership of businesses.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded to concerns of Council regarding a buffer, and indicated that staff has made it clear that the developer has to respect the neighborhood.

MARK ASHTON, of American National Investments, spoke about how his team is legitimately concerned about addressing concerns of the public and Council.

CITY MANAGER BROWN stated the item would return in March.

7.2 FOLLOW-UP REPORT ON THE VETERANS PARK SIGNAGE PROJECT. (0920-70)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item showing various signage styles and he responded to Council regarding size and height.

COUNCILMEMBER WINTER suggested a simple design that repeats the woody logo design for the freestanding signage; it is smaller in size compared to the diagram presented in the staff report, placed on aluminum tubing/pipes and placed at an angle.

7.3 REPORT OF DATE AVENUE LOW FLOW URBAN RUNOFF DIVERSION CIP - PROJECT MONITORING. (0770-10)

CITY MANAGER BROWN introduced the item and noted the success of reducing pollution going into the ocean.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation, reviewed the summary of the Date Avenue Pollutant Monitoring, and he responded to Council's concerns regarding the washing of restaurant floor mats, stating that during inspection and during self-assessments, restaurants learn that they should not do it; he added that restaurants have an increased awareness due to increased education.

7.4 PROGRESS REPORT REGARDING SEACOAST INN REDEVELOPMENT. (0660-43)

CITY MANAGER BROWN reported that staff met with representatives of Pacifica, where they went over a detailed list of concerns relating to their revised plan submittal. The two main areas that may cause a 30-day delay is an analysis of the effects on sewer and water; he also noted that the street end design has been contracted out and that the schedule is approximately one month behind schedule.

COUNCILMEMBER JANNEY expressed concern with the slow process of the project.

2.3 PROFESSIONAL SERVICES AGREEMENT WITH KATZ OKITSU & ASSOCIATES FOR DEVELOPMENT OF CONSTRUCTION DRAWINGS FOR THE "RECONFIGURATION OF THE NOLF ENTRANCE (REAM FIELD)" CIP S05-301. (0620-80)

CITY MANAGER BROWN introduced the item.

No discussion.

MOTION BY ROSE, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2006-6282. MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS OF MAYOR AND COUNCILMEMBERS

None.

The meeting adjourned at 10:55 p.m.

Diane Rose, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk