

MINUTES

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

AUGUST 5, 2009

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

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

CLOSED SESSION

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

ROLL CALL BY CITY CLERK

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|-------------------------|---|
| Councilmembers present: | McCoy, King, Rose |
| Councilmembers absent: | None |
| Mayor present: | Janney |
| Mayor Pro Tem present: | Bragg |
| Staff present: | City Manager Brown; City Attorney Lough; City Clerk Hald |

CLOSED SESSION

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 817 Palm Ave., Imperial Beach, CA 91932, (portion of) APN No. 626-250-05
Agency Negotiator: Steve E. Boehmer and City Manager
Negotiating Parties: The Pawn Shop, Inc. c/o Mark A. Krasner
Under Negotiation: Instruction to Negotiators will concern price and/or terms of payment

Property: 1431 14th Street, Imperial Beach, CA 91932, APN: 633-231-01-00
Agency Negotiator: City Manager
Negotiating Parties: Pentecostal Church of God of America Southern California District Inc.
Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

Property: 1402 Hemlock Street, Imperial Beach, CA 91932, APN: 633-231-15-00
Agency Negotiator: City Manager
Negotiating Parties: Pentecostal Church of God of America Southern California District Inc.
Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

Property: 1010-1020 Georgia Street, Imperial Beach, CA 91932, APN: 627-210-13-00
Agency Negotiator: City Manager
Negotiating Parties: Magers, Keith B.
Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

Property: 1343-1347 Elder Avenue, Imperial Beach, CA 91932, APN: 627-210-14-00
Agency Negotiator: City Manager
Negotiating Parties: Kensinger Janis K. Revocable 2005 Trust 07-12-05
Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

Property: 1166 Holly Avenue, Imperial Beach, CA 91932, APN: 633-150-07-00
Agency Negotiator: City Manager
Negotiating Parties: Bonner Ruth N. Trust 06-30-97
Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

Property: 1151-1163 Grove Avenue, Imperial Beach, CA 91932, APN: 633-150-80-00
Agency Negotiator: City Manager
Negotiating Parties: Imperial Villa Apartments
Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

Property: 1171-1175 Grove Avenue, Imperial Beach, CA 91932, APN: 633-150-81-00
Agency Negotiator: City Manager
Negotiating Parties: Cardenas, Rosa
Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

MOTION CARRIED UNANIMOUSLY.

CITY MANAGER BROWN announced the first Closed Session item (817 Palm Avenue) will be tabled.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:01 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:02 p.m.

ROLL CALL

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|-------------------------|-------------------|
| Councilmembers present: | McCoy, King, Rose |
| Mayor present: | Janney |
| Mayor Pro Tem present: | Bragg |

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| 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

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER MCCOY suggested that staff look into an ordinance that governs medical marijuana.

CITY MANAGER BROWN responded an ordinance will be brought forward for City Council's consideration at the first meeting in September.

COUNCILMEMBER KING announced MTS was named Outstanding Public Transportation System of the year.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

ORDINANCES/PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.7)

MOTION BY MCCOY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.7. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular Meeting of July 1, 2009 and the City Council Workshop meeting of July 21, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 69032 through 69189 with the subtotal amount of \$2,817,211.44; and Payroll Checks 41310 through 41385 for the pay period ending 07/02/09 with the subtotal amount of \$193,938.48; for a total amount of \$3,011,149.92.

- 2.3 RESOLUTION NO. 2009-6785 – AUTHORIZING AND EMPOWERING THE CITY OF CHULA VISTA TO EXECUTE ALL GRANT DOCUMENTS NECESSARY TO SECURE FY 2009-10 USED OIL BLOCK GRANT FUNDS. (0390-86)**
Adopted resolution.
- 2.4 RESOLUTION NO. 2009-6786 – RATIFYING THE INTERJURISDICTIONAL AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND VARIOUS CITIES FOR ANNUAL JUSTICE ASSISTANCE GRANT (JAG) APPLICATION SUBMITTED ON JUNE 29, 2009. (0390-88)**
Adopted resolution.
- 2.5 RESOLUTION NO. 2009-6787 – RATIFYING THE INTERJURISDICTIONAL AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND VARIOUS CITIES FOR THE STIMULUS JUSTICE ASSISTANCE GRANT (JAG) APPLICATION SUBMITTED ON JULY 9, 2009. (0390-88)**
Adopted resolution.
- 2.6 RESOLUTION NO. 2009-6788 – AMENDMENT TO THE MEMORANDUM OF AGREEMENT DATED MARCH 7, 1995 BETWEEN THE COUNTY OF SAN DIEGO AND PARTICIPATING CITIES AND JURISDICTIONS REGARDING THE IMPLEMENTATION, GOVERNANCE, METHOD OF FUNDING AND COSTS OF A REGIONAL RADIO SYSTEM PROVIDING COMMUNICATION SERVICES TO PUBLIC SAFETY AND PUBLIC SERVICE AGENCIES OPERATING IN SAN DIEGO COUNTY AND IMPERIAL COUNTY. (0210-10)**
Adopted resolution.
- 2.7 RESOLUTION NO. 2009-6789 – AUTHORIZATION TO NEGOTIATE AND EXECUTE A FIVE-YEAR AGREEMENT FOR A DOCUMENT MANAGEMENT SYSTEM FROM ADVANCED PROCESSING & IMAGING, INC. (0170-30)**
Adopted resolution.

ORDINANCES – PUBLIC HEARING/INTRODUCTION/FIRST READING (3.1)

- 3.1 ORDINANCE NO. 2009-1088 – AMENDING MUNICIPAL CODE CHAPTER 9.10, RELATING TO SKATEBOARD AND ROLLER SKATE RIDING. (0920-95)**

A revised staff report and ordinance were submitted as Last Minute Agenda Information, as well as the following documents:

- a. Correspondence from Tim O’Neal, received July 31, 2009
- b. Saldana Bill AB 874 – Introduced
- c. Saldana Bill AB 874 – Amended
- d. Saldana Bill AB 874 – History & Status
- e. Saldana Bill AB 874 – Bill Analysis
- f. Saldana Bill AB 874 – CA Assembly Vote (PASSED 76 - 0)

CITY MANAGER BROWN introduced item.

ASSISTANT CITY ATTORNEY STOTLAND reviewed the revised staff report that was submitted as Last Minute Agenda Information; he stated that under current State law it is illegal

to operate a skate park unless everyone skating on it is required to wear helmets and pads; the City Council has no ability to lift these requirements; AB 874 (Saldaña), which is currently pending, would eliminate the requirement for skate park operators to require pads; however helmets would still be required; if AB 874 is approved, it would take effect in January 2011 and City Council would have the choice at that time to require pads or not; he also stated that under the current municipal code, helmets and pads are required; the proposed ordinance would not change this requirement; and he addressed questions regarding potential liability with having a skate park.

TIM O'NEAL expressed disappointment over the need for legislation; he questioned requirements for helmets and pads and who would determine a skateboard's speed.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2009-1088.

CITY CLERK HALD read the title of Ordinance No. 2009-1088, "An Ordinance of the City Council of the City of Imperial Beach, California, amending Municipal Code Sections 9.10.030 and 9.10.040 and repealing section 9.10.050, Relating to Skateboard and Roller Skate Riding."

MOTION BY MCCOY, SECOND BY KING, TO WAIVE FURTHER READING AND DISPENSE WITH THE INTRODUCTION OF ORDINANCE NO. 2009-1088 BY TITLE ONLY AND CONDUCT A REVIEW OF THIS ORDINANCE SHOULD STATE LEGISLATION AB 874 (SALDAÑA), ELIMINATING THE KNEE-AND-ELBOW-PAD REQUIREMENT FOR SKATERS, BE APPROVED. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.3)

6.1 RESOLUTION NO. R-09-188 – AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH EPIC LAND SOLUTIONS, INC. FOR RELOCATION ASSISTANCE SERVICES. (0640-30)

COUNCILMEMBER KING announced that he may have a conflict of interest on the item and left Council Chambers at 6:32 p.m.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-09-188 – AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH EPIC LAND SOLUTIONS, INC. FOR RELOCATION ASSISTANCE SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:

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|----------------------|------------------------|---|
| AYES: | COUNCILMEMBERS: | MCCOY, ROSE, BRAGG, JANNEY |
| NOES: | COUNCILMEMBERS: | NONE |
| ABSENT: | COUNCILMEMBERS: | NONE |
| DISQUALIFIED: | COUNCILMEMBERS: | KING (DUE TO A POTENTIAL CONFLICT OF INTEREST) |

COUNCILMEMBER KING returned to Council Chambers at 6:35 p.m.

6.2 UPDATE AND DIRECTION ON THE SILVER STRAND SHORELINE – IMPERIAL BEACH SHORELINE PROTECTION AND BEACH RENOURISHMENT PROJECT. (0220-70)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item; he recommended that the contract with Van Scoyoc Associates, Inc. be terminated since no federal funding was awarded to the Army Corps of Engineers Shoreline Protection/Beach Renourishment Project.

City Council expressed appreciation for Community Development Director Wade's efforts on the project and expressed disappointment with the lack of federal funding.

CONSENSUS OF CITY COUNCIL TO TERMINATE THE AGREEMENT WITH VAN SCOYOC ASSOCIATES, INC. FOR LOBBYING SERVICES FOR THE IMPERIAL BEACH-SILVER STRAND BEACH RESTORATION PROJECT.

6.3 PENSION REFORM ENDORSEMENT. (0370-95)

CITY MANAGER BROWN reported on the history of the State of California and local government retirement plan for employees; he stated that due to the pension programs being fiscally unsustainable and politically controversial, the San Diego City/County Managers Association (CCMA) support a modified level of retirement benefits for new city employees in the San Diego region; he reviewed the CCMA recommendations; and he recommended Council authorize Councilmember Bragg to support the recommendations of the CCMA at the League of California Cities meetings.

JACOB REGALADO, SEIU representative, requested that the item be tabled to allow the time to hold discussions with SEIU members and the City (additional speaking time donated by Dean Colahan).

CITY MANAGER BROWN clarified that the proposed two-tiered system does affect current employees.

DAVID GARCIAS spoke in opposition to the item.

MARY BLAIR spoke in opposition to the item.

KRISTINE WEISMANN opposed the item (did not wish to speak).

JOSE RAMOS opposed the item (did not wish to speak).

JOSE AGUIRRE opposed the item (did not wish to speak).

ANGEL GUERRERO opposed the item (did not wish to speak).

MARCO CORTEZ opposed the item (did not wish to speak).

MARCOS MORENO opposed the item (did not wish to speak).

City Council discussion ensued regarding the City's budget uncertainty and the inclusion of SEIU members in pension reform discussions; it was clarified that with a two-tiered system, new employees would be in a lower pension system and existing employees would not be affected; Council discussed the need to recognize these difficult economic times and the need to keep an open mind.

MIKE MURPHY, SEIU representative, expressed concern that there was little opportunity for comment.

MAYOR JANNEY responded that there has been ample time for comment and the agenda packet had been provided to the public several days prior to tonight's meeting.; he spoke about financial impacts to the City and employees due to projected increases in CalPERS rates; he reiterated that the proposal does not affect current employees, only new employees; current benefits cannot be taken away; and the need to pay attention to the economic situation.

CONSENSUS OF CITY COUNCIL TO TABLE THE ITEM AT THIS TIME AND TO HAVE THE CITY MANAGER WORK WITH SEIU ON THE ISSUE.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:35 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk