

MINUTES

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

SEPTEMBER 19, 2007

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

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

CLOSED SESSION CALL TO ORDER BY MAYOR

MAYOR JANNEY called the Regular and Special Closed Session meetings to order at 5:04 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	McLean, Bragg
Councilmembers absent:	McCoy
Mayor present:	Janney
Mayor Pro Tem present:	Winter
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.

Initiation of litigation pursuant to Government Code Section 54956.9(c)
No. of Potential Cases: 2

CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

Pursuant to Government Code Section 54956.8
Property: 550 Highway 75, Imperial Beach, CA 91932; APN 625-140-08
Agency Negotiator: City Manager
Negotiating Parties: Madrid Ranch LLC
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 1046-76 Ocean Lane, 1046-80 Seacoast Drive
APN: 625-380-27
Agency Negotiator: City Manager
Negotiating Parties: Beach Town Rentals, LLC
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:05 p.m. and he reconvened the meeting to Open Session at 5:59 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session and had nothing to report.

REGULAR MEETING CALL TO ORDER BY MAYOR

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	McLean, Bragg
Councilmembers absent:	McCoy
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

MOTION BY MCLEAN, SECOND BY BRAGG, TO TAKE ITEM NOS. 2.6 AND 2.10 OFF THE CONSENT CALENDAR FOR DISCUSSION AFTER THE CONSENT CALENDAR. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

COUNCILMEMBER MCLEAN spoke about attending the IBWC meeting and the League of California Cities Annual Conference in Sacramento; and he thanked the Mayor for attending the State Lands Commission meeting.

COUNCILMEMBER BRAGG reported on her attendance at the League of California Cities Annual Conference in Sacramento.

MAYOR PRO TEM WINTER stated that she did not attend the conference, but was pleased that the others were able to attend; she reported that City Manager Brown, Assistant City Attorney Jung, and she attended the court hearing regarding IBWC vs. the State of California, reporting that an extension was not granted to IBWC.

MAYOR JANNEY reported that he went to Oakland, California to attend the State Lands Commission meeting where they considered the Palm Avenue Street End project; he also attended the Mexican Independence Day celebration with the Mayor of Tijuana, and he

attended the League of California Cities Annual Conference in Sacramento, which was an important opportunity for Mayors and Councilmembers to pursue continuing education.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1 - 1.3)

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

MAYOR JANNEY presented the All-Star Award Certificate to Jeffrey Moss, son of Joseph and Barbara Asano.

JOHN SNYDER, of EDCO, presented the \$100.00 check and used oil recycling premiums to Mr. Moss.

1.3 PRESENTATION OF PROCLAMATION – RIDESHARE WEEK. (0410-30)

MAYOR JANNEY presented the Proclamation to Public Works Director Levien.

1.2 PRESENTATION OF PROCLAMATION – EMERGENCY PREPAREDNESS MONTH. (0410-30)

MAYOR JANNEY presented the proclamation to Public Safety Director Sotelo.

CONSENT CALENDAR (2.1 - 2.10)

MAYOR PRO TEM WINTER announced she had a potential conflict of interest on the item as she lives within 500 of the project.

MOTION BY MCLEAN, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.2, 2.5 AND 2.7 THROUGH 2.9. MOTION CARRIED BY THE FOLLOWING VOTE:

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

Item Nos. 2.6 and 2.10 were removed from the Consent Calendar for discussion after the Consent Calendar by prior Council action.

WITH REGARD TO ITEM NO. 2.3, MOTION CARRIED BY THE FOLLOWING VOTE:

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

With regard to Item No. 2.4, a memorandum from Interim Finance Director Smith was submitted as Last Minute Agenda Information.

With regard to Item No. 2.9, a revised page from the Salary & Compensation Plan was submitted as Last Minute Agenda Information.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 64452 through 64698 with the subtotal amount of \$3,321,930.01; and Payroll Register Numbers 38681 through 38867 for the pay period ending 08/30/07 with the subtotal amount of \$442,121.97; for a total amount of \$3,764,051.98.

2.2 RESOLUTION NO. 2007-6534 – APPROVAL OF REVISIONS TO COUNCIL POLICY 408: INVESTMENT POLICY. (0350-95 & 0410-95)

Adopted resolution.

2.3 RESOLUTION NO. 2007-6535 – APPROVAL OF AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH REGARDING THE ALLOCATION OF FUNDS FOR THE PALM AND CARNATION AVENUE STREET ENDS PROJECT. (0150-70, 0600-20 & 0720-10)

Adopted resolution.

2.4 CASH AND INVESTMENT REPORTS FOR THE QUARTER ENDED JUNE 30, 2007. (0350-90)

Received and filed the Quarterly Investment Reports for the quarter ended June 30, 2007.

2.5 RATIFICATION OF MAYOR’S LETTERS ON AB 414, SB 10, AND SB 375. (0460-20)

Ratified the three letters attached to the Staff Report and the positions advocated within them.

2.7 RATIFICATION OF AGREEMENT WITH SOUTHWESTERN COLLEGE - INTERNSHIP PROGRAM. (0560-30)

Adopted Resolution No. 2007-6543 ratifying an agreement with Southwestern College for participation in their Internship Program for Fiscal Year 2007/10.

2.8 RESOLUTION NO. 2007-6536 – APPROVING A MEMORANDUM OF UNDERSTANDING ON WAGES AND OTHER TERMS AND CONDITIONS BETWEEN THE CITY AND THE IMPERIAL BEACH FIREFIGHTERS’ ASSOCIATION (IBFA) AND AMENDING THE FY 07/09 BUDGET. (0540-20)

Adopted resolution.

2.9 RESOLUTION NO. 2007-6540 – APPROVING REVISIONS TO THE FY 2007/08 SALARY AND COMPENSATION PLAN BASED ON THE MEMORANDUM OF UNDERSTANDING WITH THE IMPERIAL BEACH FIREFIGHTERS’ ASSOCIATION. (0520-75)

Adopted resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR

2.6 RESOLUTION NO. 2007-6537 – APPROVING COUNCIL POLICY 114 ON COUNCIL MEMBERS NOT ATTENDING CITY SPONSORED PUBLIC WORKSHOPS. (0410-95)

CITY MANAGER BROWN introduced the item.

MAXX STALHEIM expressed disappointment with the policy and opposed the item.

Discussion ensued regarding the policy, the need to comply with the Brown Act, and concern regarding Councilmembers' attendance preventing free flow of information by the public.

MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2007-6537 APPROVING COUNCIL POLICY 114 ON COUNCILMEMBERS NOT ATTENDING CITY SPONSORED PUBLIC WORKSHOPS. MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.10 INTEGRATED SOLID WASTE MANAGEMENT SERVICES AGREEMENT WITH EDCO DISPOSAL CORPORATION. (0270-40)

MAYOR JANNEY announced he had a potential conflict of interest on Item No. 2.10 as he does business with EDCO and he also announced that he would not participate in the discussion of Item No. 3.1 as he does business with one of the potential franchises and left Council Chambers at 6:21 p.m.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

JOHN SNYDER, General Manager and Vice President of EDCO, stated that if they had come forward with the adjustment, the PPI index would have been used, which was only 2.2%; he also expressed concern regarding raising rates within 9 months; he stated options available would be to change the annual rate adjustment period date to July (which would make it consistent with the other cities in the County) or just defer it until January.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6544 AND DIRECTED STAFF TO NEGOTIATE AN AMENDMENT TO THE CURRENT INTEGRATED WASTE MANAGEMENT SERVICES AGREEMENT THAT MODIFIES THE ANNUAL RATE ADJUSTMENT PERIOD TO THE JULY 1 - JUNE 30 PERIOD. MOTION CARRIED BY THE FOLLOWING VOTE:

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

ORDINANCES - INTRODUCTION/FIRST READING (3.1)

3.1 ADOPT ORDINANCE NO. 2007-1057 ADDING CHAPTER 13.10 OF THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO STATE AND CITY VIDEO FRANCHISES. (0800-10)

E-mail correspondence from Christine Moore of AT&T, a revised Ordinance No. 2007-1057, and faxed correspondence from Ileana Ovalle of Cox Communications were submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER RITTER reported on the item and recommended a 1% PEG fee, which would provide funding that would allow for the broadcasting of City Council meetings, as well as enable the City to communicate better with the community through video programming.

MAYOR PRO TEM WINTER called for the introduction of Ordinance No. 2007-1057, an Ordinance of the City Council of the City of Imperial Beach, California adding Chapter 13.10 of the Imperial Beach Municipal Code, related to State and City video franchises.

CITY CLERK HALD read the title of Ordinance No. 2007-1057.

MOTION BY WINTER, SECOND BY MCLEAN, TO DISPENSE FIRST READING OF ORDINANCE NO. 2007-1057 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: MCLEAN, BRAGG, WINTER
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: MCCOY
DISQUALIFIED: COUNCILMEMBERS: JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

MAYOR JANNEY returned to the Council Chambers at 6:35 p.m.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6)

None.

REPORTS (7.1 - 7.4)

- 7.1 RESOLUTION TO APPROVE THE SEWER SYSTEM MANAGEMENT PLAN – DEVELOPMENT PLAN AND SCHEDULE – AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003 STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS. (0150-30 & 0830-95)**

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER KEIR gave a PowerPoint presentation on the item.

MOTION BY WINTER, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2007-6541, INCLUDING EXHIBIT A, APPROVING THE SSMP DEVELOPMENT PLAN AND SCHEDULE AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003 STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS (WDR) FOR SANITARY SEWER SYSTEMS. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- 7.2 RESOLUTION AMENDING THE PUMP STATION NUMBER 3 UPGRADE (CIP# W05-104) IN THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET 2004/2005 THROUGH FISCAL YEAR 2008/2009. (0830-35)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave background on the item.

MOTION BY WINTER, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6538, INCREASING W05-104 CIP PROJECT SCOPE OF WORK AND BUDGET TO \$97,000 WITH FUND ACCOUNT NUMBER 601-5060-536-2006/1001. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- 7.3 TIJUANA RIVER FLOOD CONTROL PROJECT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT. (0620-70)**

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a report on the item.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6542 THAT PROVIDES COMMENTS, RECOMMENDS THE SELECTION OF THE MULTIPURPOSE PROJECT MANAGEMENT (MPM) ALTERNATIVE TO THE IBWC, AND MAKES THE NECESSARY FINDINGS IN SUPPORT OF ITS RECOMMENDATIONS. MOTION CARRIED BY THE FOLLOWING VOTE:

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

7.4 ADOPTION OF RESOLUTION NO. 2007-6539 – AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MOORE IACOFANO GOLTSMAN INC. (MIG) FOR PLANNING CONSULTANT SERVICES. (0620-20 & 0720-55)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave background on the item.

MOTION BY WINTER, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6539, AUTHORIZING THE CITY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MOORE IACOFANO GOLTSMAN INC. FOR PLANNING CONSULTING SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS OF MAYOR AND COUNCILMEMBERS

MAYOR PRO TEM WINTER reported on a meeting she had with Henry Abarbanel, Chair of the Metro Wastewater Commission, San Diego Mayor Sanders, and representatives from the cities of Coronado and Chula Vista regarding a regional governance structure through the wastewater system as equal partners; they asked that an elected official from the City of San Diego, rather than a staff person, to attend a Metro Wastewater Commission meeting

CITY MANAGER BROWN introduced Patricia Swanson; Administrative Secretary, announced the City's Annual Concert event is scheduled for September 29, and at tomorrow's DRB meeting will be discussion regarding the Seacoast Inn.

COUNCILMEMBER MCLEAN reported on MTS' budget difficulties and an expensive Superloop in La Jolla; he reported that San Diego City Council approved the Bayshore Bikeway item; the Imperial Beach Chamber of Commerce will have a duathlon, the Taste of IB is scheduled for October 21, and Christmas Comes to IB will be held on December 1.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:10 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk