

MINUTES

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

AUGUST 4, 2010

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

**CLOSED SESSION MEETING – 5:15 P.M.
REGULAR MEETING – 6:00 P.M.**

CALL TO ORDER

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

ROLL CALL

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

Staff present: Acting City Manager Levien; City Attorney Lyon;
City Clerk Hald

CLOSED SESSION

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: Land for wireless facilities at 170 Palm Ave., Imperial Beach, CA 91932,
APN 625-014-22

Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Sprint PCS Assets, Inc.

Pursuant to Government Code Section 54956.8:

Property: Land for wireless facilities at 170 Palm Ave., Imperial Beach, CA 91932,
APN 625-014-22

Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Clearwire Corporation

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

Pursuant to Government Code Section 54956.8:

Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04

Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Lube & Tune c/o Oscar Padron

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

Pursuant to Government Code Section 54956.8:

Property: 119 Elm Ave., Imperial Beach, CA 91932, APN 625-351-02

Agency Negotiator: City Manager and City Attorney
Negotiating Parties: George W. Howard III & Austine R. Howard

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

Pursuant to Government Code Section 54956.8:

Property: NE corner of Evergreen Ave. and Seacoast Drive, Imperial Beach, CA 91932,
APN 625-351-25

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Howard Land Development, LLC

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

Pursuant to Government Code Section 54956.8:

Property: 110-126 Evergreen Ave., Imperial Beach, CA 91932, APN 625-351-26

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Howard Land Development, LLC

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

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, MCCOY, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	ROSE

MAYOR JANNEY adjourned the meeting to Closed Session at 5:16 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, gave direction and had no reportable action.

COUNCILMEMBER MCCOY announced she did not participate in the discussion of the first two closed session items due to a potential conflict of interest (due to the proximity of her home).

MAYOR PRO TEM KING announced he did not participate in the discussion of the third closed session item due to a potential conflict of interest (due to an indirect business conflict).

REGULAR MEETING CALL TO ORDER

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

ROLL CALL

Councilmembers present: Bragg, McCoy, Rose

Councilmembers absent: None

Mayor present: Janney

Mayor Pro Tem present: King

Staff present: Acting City Manager Levien; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY announced Consent Calendar Item No. 2.5 – RESOLUTION NO. 2010-6921 – APPROVING COUNCIL POLICY 613: POLICIES AND REGULATIONS GOVERNING BANNER HANGING PROCEDURES, FEES AND GUIDELINES will be pulled from agenda for consideration on a future agenda.

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

COUNCILMEMBER BRAGG reported on the Heartland Communications meeting and noted that efforts to combine the North County and South County JPAs are ongoing; she requested City Council's consideration of the League of California Cities resolutions at a future City Council meeting; she congratulated June Engel, IB Library Branch Manager, for being accepted to attend the Eureka Academy where only 35 people from the state of California were selected; she attended the Chamber of Commerce Installation Dinner along with Mayor Pro Tem King; and she announced the upcoming Imperial Beach Triathlon on August 22.

COUNCILMEMBER MCCOY reported on the SANDAG Borders Committee meeting where they met with the Tribal Governments to discuss transportation issues.

MAYOR PRO TEM KING reported on the SANDAG Bayshore Bikeway Committee meeting where they received an update on the California Coastal Trail.

MAYOR JANNEY reported on the SANDAG Board's and Regional Transportation Committee's efforts on updating the 2050 Regional Transportation Plan.

COMMUNICATIONS FROM CITY STAFF

ACTING CITY MANAGER LEVIEN announced the construction fence for the soccer field has been removed; and Sheriff's Lieutenant Sanfilippo will be transferring to another location.

MAYOR JANNEY thanked Lieutenant Sanfilippo for her service to Imperial Beach.

PUBLIC COMMENT

DANA CLARK requested the following information be posted on the City's website: the pay and benefits for all full-time employees of the City, a list showing the amount of money the City has spent on consultants for the last four years, the amount of interest debt the City is accruing each year on redevelopment funds, and unfunded pension liabilities; he further requested a verbal response to his request.

MAYOR JANNEY responded the City will comply with State of California mandates.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.5)

KRISTA deBOER, of San Diego Coastkeeper, indicated support for Item No. 2.4 (did not speak).

MOTION BY KING, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED UNANIMOUSLY.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 71282 through 71396 with the subtotal amount of \$414,021.86 and Payroll Checks 42866 through 42954 for the pay period ending 07/15/10 with the subtotal amount of \$265,434.38 for a total amount of \$679,456.24.

2.2 RESOLUTION NO. 2010-6922 - APPROVING A CALIFORNIA ENERGY COMMISSION ENERGY EFFICIENT COMMUNITY BLOCK GRANT FOR STREETLIGHT RETROFIT. (0390-86)

Adopted resolution.

2.3 RESOLUTION NO. 2010-6925 – AMENDING THE MASTER SCHEDULE OF FEES AND CHARGES FOR TRANSIENT OCCUPANCY AUDIT RATES. (0390-55 & 0390-80)

Adopted resolution.

2.4 SUPPORT FOR ASSEMBLY BILL 1998 REGARDING SINGLE-USE CARRYOUT BAGS. (0460-20)

Authorized the Mayor to send a letter of support to various State Legislative Committees and relative individual Members who will be considering AB 1998 during the remainder of the legislative cycle.

2.5 RESOLUTION NO. 2010-6921 – APPROVING COUNCIL POLICY 613: POLICIES AND REGULATIONS GOVERNING BANNER HANGING PROCEDURES, FEES AND GUIDELINES. (0920-60 & 0920-70)

Item removed from the agenda.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2010-1109 – INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE IMPERIAL BEACH MUNICIPAL CODE RELATING TO THE USE OF TENTS, CANOPIES AND OTHER ITEMS ON CITY PARKS AND BEACHES, AMENDING SECTION 12.56.010 AND SUBSECTION 12.56.020(Y), AND ADDING SUBSECTIONS 12.56.020(AA), 12.56.020(BB) AND SECTION 12.60.095 TO CHAPTERS 12.56 AND 12.60, RESPECTIVELY. (0920-95)

ACTING CITY MANAGER LEVIEN introduced the item.

LIFEGUARD CAPTAIN STABENOW, along with PUBLIC SAFETY DIRECTOR CLARK, reported on the item.

City Council spoke in opposition to the ordinance as written as it is overly broad and confusing; it was suggested the ordinance be rewritten so it is understandable and clearly states what is being regulated.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.3)

<i>Item No. 6.3 discussed at 6:30 p.m. – TIME SPECIFIC</i>
--

6.3 COMMERCIAL ZONING REVIEW – CONTINUED FOCUS DISCUSSION ON DEVELOPMENT PROTOTYPES AND BUILDING SETBACKS AND STEPBACKS. (0610-95)

ACTING CITY MANAGER LEVIEN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on prototypes for the C-1 Zone, massing studies showing building setbacks and stepbacks abutting residentially zoned properties, and visual simulations of floor-to-ceiling clearance.

MAYDA WINTER expressed concern about the setbacks and stepbacks for commercial development abutting residential property on Old Palm Ave.; she spoke in opposition to adopting a blanket zero-foot rear yard setback; she spoke in support of a creative solution and referenced a letter she submitted to City Council on March 3 that included examples of how other cities handle similar situations (additional speaking time donated by TED WINTER).

MICHAEL CAREY spoke in support of the proposed regulations rather than the incentivized regulations; he indicated the proposed regulations would result in more commercial space and a height of 30 feet, and construction of higher quality but fewer residential units.

In response to City Council's extensive discussion and concern regarding building setbacks and stepbacks of commercial properties abutting residentially zoned properties in the C/MU-2 Zone (Old Palm Ave.), COMMUNITY DEVELOPMENT DIRECTOR WADE stated staff will return to City Council with an additional prototype of an internal/small lot located on the north side of Old Palm Ave. for consideration; he also suggested the community be provided a series of setback and stepback options.

City Council supported setting the parking recommendation of "Potential 25% reduction for vertical mixed use" into the Matrix of Recommendations.

Item No. 6.2 was taken at this time.

6.2 RESOLUTION NO. 2010-6923 – REJECTING ALL BIDS FOR CERTAIN PUBLIC WORKS PROJECT – 13TH STREET & EBONY AVENUE ACCESS RAMPS, CIP (S10-201). (0720-40)

ACTING CITY MANAGER LEVIEN introduced the item and noted specific CDBG elements were not included in the bid documents and, therefore, recommended rejection of all bids, the bid specifications be revised, and the project be rebid.

MOTION BY KING, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2010-6923 – REJECTING ALL BIDS FOR CERTAIN PUBLIC WORKS PROJECT – 13TH STREET & EBONY AVENUE ACCESS RAMPS, CIP (S10-201). MOTION CARRIED UNANIMOUSLY.

6.1 RESOLUTION NO. 2010-6924 – APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH KOA CORPORATION FOR THE DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR IMPERIAL BEACH BLVD. CROSSWALK AT LOUDEN LANE, CIP (S11-102). (0720-10)

COUNCILMEMBER ROSE announced she had a potential conflict of interest due to the location of her home and left Council Chambers at 8:16 p.m.

ACTING CITY MANAGER LEVIEN introduced the item.

COUNCILMEMBER KING spoke in support for lights embedded in the pavement.

MOTION BY MCCOY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6924 – APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH KOA CORPORATION FOR THE DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR IMPERIAL BEACH BLVD. CROSSWALK AT LOUDEN LANE, CIP (S11-102). MOTION CARRIED BY THE FOLLOWING VOTE:

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

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:19 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk