

MINUTES

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

AUGUST 19, 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

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: Unimproved site of 1.15 acres with a paved Class I bike path, Imperial Beach, CA 91932, APN: 616-021-10

Agency Negotiator: City Manager

Negotiating Parties: San Diego County Regional Airport Authority

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

MOTION CARRIED UNANIMOUSLY.

CITY ATTORNEY LOUGH announced Councilmember King has an indirect conflict with on first Closed Session item as he has a business interest of over \$500 involving the neighbor across the street from 817 Palm Ave. and Councilmember McCoy has a conflict on the second Closed Session item as she has a property interest within 500 feet of the Airport Authority property;

also, since Steve E. Boehmer was not in attendance, he and Assistant City Attorney Mendoza would act as negotiators.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 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, City Council gave direction and had no reportable action.

REGULAR MEETING CALL TO ORDER

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

ROLL CALL

Councilmembers present: McCoy, King, Rose

Mayor present: Janney

Mayor Pro Tem present: Bragg

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

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance and asked everyone to pause for a moment of silence in memory of Ruth Elizabeth Fleming ("Betty"), mother of Councilmember Rose.

AGENDA CHANGES

MAYOR JANNEY announced Marcus Boyd requested Item No. 6.6 be taken before Item No. 3.1 and that his previous request for continuance of Item No. 6.6 be withdrawn.

City Council discussed taking agenda items in the order as written.

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

COUNCILMEMBER MCCOY reported on the status of the waiver for the Point Loma Sewage Treatment plant and potential costs to the member cities if the waiver is not granted.

COUNCILMEMBER KING attended a SANDAG tour of Camp Pendleton.

COUNCILMEMBER ROSE thanked Mayor Janney for acknowledging her late mother and thanked everyone for their kind thoughts and prayers.

MAYOR PRO TEM BRAGG announced the former North Island Financial Credit Union building was demolished and questioned the status of the demolition for the Seacoast Inn.

CITY MANAGER BROWN responded that a status report regarding the Seacoast Inn is scheduled for the first meeting in September.

MAYOR PRO TEM BRAGG reported on the recent League of California Cities Luncheon meeting; and she attended the retirement ceremony for Real Admiral Len Hering.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

ALBERT KNECHT played a voicemail recording of District Attorney Leon Schorr whose message was in response to his concern about the demolition of the former North Island Financial Credit Union building; he expressed disappointment in not being notified of the demolition.

CITY ATTORNEY LOUGH stated that he informed the District Attorney he would talk to staff about the process, in his message response to the District Attorney, he informed him that notices were sent to neighboring properties and the demolition process had begun.

JUNE ENGEL, Branch Manager of the Imperial Beach library, distributed tokens in remembrance of attending her first Imperial Beach City Council meeting.

ORDINANCES/PRESENTATIONS (1.1 - 1.2)

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

MAYOR JANNEY presented the Recycle All-Star Award Certificate and used oil-recycling premiums to Pat Bilansky.

MARCO TOPETE, of EDCO, presented the \$100.00 check to Ms. Bilansky.

1.2 PRESENTATION BY THE SAN DIEGO ASSOCIATION OF GOVERNMENTS REGARDING THE 2050 REGIONAL GROWTH FORECAST. (0140-40)

BETH JAROSZ, of SANDAG, gave a PowerPoint presentation on the 2050 Regional Growth Forecast.

City Council discussion ensued regarding IB's uniqueness and "how not one size fits all"; they expressed concern about IB absorbing the number of units suggested and the difficulties in offering suggestions when the projections are so far into the future and more variables present themselves as more time passes; there were differing points of view in regard to job projections.

CONSENT CALENDAR (2.1 - 2.5)

MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the joint City Council/Design Review Board Workshop Meeting of July 28, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 69190 through 69321 with the subtotal amount of \$612,738.35; and Payroll Checks 41386 through 41454 for the pay period ending 07/16/09 and Payroll Checks 41455 through 41527 for the pay period ending 07/30/09 with the subtotal amount of \$381,402.52; for a total amount of \$994,140.87.

2.3 RESOLUTION NO. 2009-6795 – APPROVING AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR FINANCIAL ASSISTANCE FOR THE 2009 ANNUAL CONCERT EVENT AND RESOLUTION NO. 2009-6796 – PROFESSIONAL SERVICES AGREEMENT WITH MME EVENT PRODUCTIONS, INC. (MME) FOR PLANNING OF 2009 ANNUAL CONCERT EVENT. (1040-10)

Adopted resolutions.

2.4 RESOLUTION NO. 2009-6791 – APPROVING THE FY 2009-10 AND FY 2010-11 SALARY AND COMPENSATION PLAN FOR CERTAIN EMPLOYEE GROUPS AND RECOGNIZING THOSE CLASSIFICATIONS REPRESENTED BY THE SEIU FOR FY 2009-10 & FY 2010-11. (0520-75)

Adopted resolution.

2.5 ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (ACP 060416) AND FINAL MAP (FM 060417) FOR THE PROPOSED CONDOMINIUM CONVERSION OF SIXTY-NINE (69) UNITS LOCATED AT 363 PALM AVENUE IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. MF 872. (0600-20)

Approved the Final Map for recordation.

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

3.1 ORDINANCE NO. 2009-1090 – AN INTERIM ORDINANCE ENACTING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD FOR 45 DAYS. (0610-95)

The following items were submitted as Last Minute Agenda Information:

- Correction to Staff Report, pg. 1; and
- E-mail correspondence from Lori Green of Coalition for a Drug Free California, received August 18, 2009, including the following attachments:
 - 2009 Summit on the Impacts of California’s Medical Marijuana Laws by Martin J. Mayer of Jones & Mayer
 - White Paper on Medical Marijuana Dispensaries, prepared by FixLosAngeles.com
 - Use of Marijuana as a “Medicine” by California Narcotics Officers’ Association
 - White Paper on Marijuana Dispensaries by California Police Chiefs Association’s Task Force on Marijuana Dispensaries
 - Notice Letter from the Drug Enforcement Administration, dated November 26, 2007
 - Letter from the Inland Valley Drug Free Community Coalition to City of Beaumont, dated April 21, 2009
 - Partial listing of pot dispensaries from the Inland Valley Drug Free Community Coalition

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH reported on California's regulation of medical marijuana; he discussed conflicts between state and federal law and he reviewed the rules for a moratorium.

BRAD BERNHARD, owner of a collective in the Los Angeles area; encouraged Council to take time to study the issues to set up regulations the right way but not push the study period beyond 45 days; and he spoke in support of medical marijuana dispensaries.

CEPHAS MASON spoke about the benefits of medical marijuana for patients; and he spoke in support of a moratorium and for medical marijuana dispensaries.

MARCUS BOYD, founder of South Bay Organic Co-Op; spoke in support of a moratorium and encouraged participation from a larger group of individuals; he also offered the City his assistance.

JERRY MASON supported the item (not available to speak).

City Council discussion ensued regarding the need to study the matter further.

MAYOR JANNEY called for the reading of the title of interim Ordinance No. 2009-1090.

CITY CLERK HALD read the title of Ordinance No. 2009-1090, "AN INTERIM ORDINANCE ENACTING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD FOR 45 DAYS."

MOTION BY MCCOY, SECOND BY KING, TO DISPENSE INTRODUCTION AND WAIVE FURTHER READING OF ORDINANCE NO. 2009-1090. AND ADOPT, BY A FOUR-FIFTHS VOTE, ORDINANCE NO. 2009-1090 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4.1)

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

CITY MANAGER BROWN introduced the item.

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 CHAPTER 9.10 OF THE MUNICIPAL CODE RELATING TO SKATEBOARD AND ROLLER SKATE RIDING."

MOTION BY MCCOY, SECOND BY KING, TO DISPENSE WITH THE SECOND READING AND ADOPT ORDINANCE NO. 2009-1088 BY TITLE ONLY AND RETURN TO CITY COUNCIL WITH 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.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NOS. 2009-6794 AND R-09-189 – MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF PUBLIC WORKS YARD EXPANSION PROJECT (MF 950). (0910-30)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG , SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6794 AND RESOLUTION NO. R-09-189, MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF PUBLIC WORKS YARD EXPANSION PROJECT (MF (950). MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called a recess at 7:50 p.m. and he reconvened the meeting to order at 7:59 p.m.

ROLL CALL BY CITY CLERK

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
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REPORTS (6.1 - 6.6)

6.1 RESOLUTION NOS. 2009-6798 AND R-09-190 – AMEND FISCAL YEAR 2009-10 BUDGET TO ADDRESS STATE BUDGET IMPACTS. (0330-30)

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE gave a PowerPoint presentation on the item.

MOTION BY MCCOY , SECOND BY ROSE , TO ADOPT RESOLUTION NO. 2009-6798 AND RESOLUTION NO. R-09-190 AMENDING THE FISCAL YEAR 2009-10 BUDGET TO REBALANCE FUNDS IMPACTED BY THE STATE BUDGET. MOTION CARRIED UNANIMOUSLY.

6.2 REVIEW OF SPORTS PARK SKATE PARK DESIGN – CIP P07-101. (0920-40)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item; and he noted at the workshop the community was in support of the proposal.

COUNCILMEMBER ROSE thanked the skate park committee for working with Supervisor Cox in obtaining a donation of concrete.

Discussion ensued regarding the concrete donation and possibly obtaining other construction material donations; and how they may save construction costs.

TIM O'NEAL, representing IB Skateboarding Association, commented that Phase 1 was too small for the number of kids who want to skate; he suggested staff revisit the design since kids expressed a desire for a streetscape design rather than a bowl; he requested amenities such as benches and parking (additional speaking time donated by Candy Unger).

MICHAEL CAREY expressed his desire for the project's fruition and was pleased with Grindline's "can do" attitude; he voiced his concern regarding the timeline and budget; he requested Council to direct staff to provide a list of potential funding sources; he also expressed desire for Grindline to provide adaptations of Phases 1 and 3.

City Council discussion ensued regarding the timeline, a request for a breakdown of Grindline's costs, determining value of donations; sharing revised designs with the public; and the possibility for another community meeting.

In response to Council's concerns, PUBLIC WORKS DIRECTOR LEVIEN indicated that another community meeting may not be practical and would render additional consultant costs; however, Grindline can prepare some construction drawings that can be placed on the website and distributed to the public; he indicated that seating could be an additive for the project.

Additional discussion ensued regarding cost breakdown and funding sources for the bench seating and concrete pad, such as donations and grants.

6.3 RESOLUTION NO. 2009-6793 – ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM (EECBGP). (0390-86)

CITY MANAGER BROWN introduced the item.

ASSISTANT PROJECT MANAGER CUMMING and PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2009-6793 AUTHORIZING STAFF TO MAKE AN APPLICATION TO THE CALIFORNIA ENERGY COMMISSION'S GRANTS AND LOANS OFFICE BY THE DATE AND TIME SPECIFIED IN THE SOLICITATION DOCUMENT AND AUTHORIZING THE IMPERIAL BEACH CITY MANAGER TO ENTER INTO, MANAGE, AND ADMINISTER THE AGREEMENT WITH THE CEC.

ASSISTANT PROJECT MANAGER CUMMING and PUBLIC WORKS DIRECTOR LEVIEN responded to comments of Council; it was noted that the grant is to help the City be more energy efficient; the addition of light poles isn't energy efficient, heating and air conditioning for Marina Vista Center was not considered as the project needed to be shovel ready; staff will continue to look for grants.

VOTES WERE NOW CAST ON MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2009-6793 AUTHORIZING STAFF TO MAKE AN APPLICATION TO THE CALIFORNIA ENERGY COMMISSION'S GRANTS AND LOANS OFFICE BY THE DATE AND TIME SPECIFIED IN THE SOLICITATION DOCUMENT AND AUTHORIZING THE IMPERIAL BEACH CITY MANAGER TO ENTER INTO, MANAGE, AND ADMINISTER THE AGREEMENT WITH THE CEC. MOTION CARRIED UNANIMOUSLY.

6.4 RESOLUTION NO. 2009-6792 – APPROVING THE AGREEMENT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND CITY OF IMPERIAL BEACH FOR TIDELANDS MAINTENANCE SERVICES - AGREEMENT 33-2009 - FISCAL YEARS 2009-10 THROUGH 2011-12. (0150-70)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2009-6792, AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A TIDELANDS MAINTENANCE SERVICES AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT AT THE COSTS AND CONDITIONS OUTLINED IN THE DISCUSSION SECTION IN THE STAFF REPORT AND IN ATTACHMENT 2, EXHIBIT A TO STAFF REPORT. MOTION CARRIED UNANIMOUSLY.

6.5 RESOLUTION NO. 2009-6790 – APPROVING A MEMORANDUM OF UNDERSTANDING ON WAGES AND OTHER TERMS AND CONDITIONS BETWEEN THE CITY AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) AND AMENDING THE FY 2009-11 BUDGET. (0540-20)

CITY MANAGER BROWN introduced the item.

MOTION BY KING, SECOND BY MCCOY , TO ADOPT RESOLUTION NO. 2009-6790 – APPROVING A MEMORANDUM OF UNDERSTANDING ON WAGES AND OTHER TERMS AND CONDITIONS BETWEEN THE CITY AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) AND AMENDING THE FY 09-11 BUDGET. MOTION CARRIED UNANIMOUSLY.

6.6 RESOLUTION NO. 2009-6797 – LAND USE DETERMINATION APPEAL (APPEAL 09-01) FOR A PROPOSED MEDICAL MARIJUANA COOPERATIVE TITLED SOUTH BAY ORGANIC CO-OP LOCATED AT 1233 PALM AVENUE, IN THE C-1 GENERAL COMMERCIAL ZONE. MF 1016. (0610-05)

The following items were submitted as Last Minute Agenda Information:

- Request for continuance;
- E-mail correspondence from Marcus Boyd of South Bay Organic Co-Op requesting Item No. 6.6 be heard prior to Item No. 3.1, and withdrawal of the request for continuance;
- E-mail correspondence from Marcus Boyd of South Bay Organic Co-Op, including a revised business description; and
- Response from Associate Planner Foltz.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item; he reported that a request for a land-use determination, not a business license application, was submitted.

MARCUS BOYD; of South Bay Organic Co-Op, expressed concern that the staff report was unclear and that currently there are no dispensaries south of Downtown San Diego; he spoke of current Attorney General guidelines and the need to create a task force to ensure medical marijuana is dispensed only to those who legally allowed to have it (additional speaking time donated by Eugene Davidovich, Terrie Best, and William West).

Discussion ensued regarding a moratorium, land use issues, and ability to reapply after regulations are adopted if there is no ban in place.

CITY ATTORNEY LOUGH stated he would return to Council with a moratorium at the regular Council meeting of September 23.

MOTION BY KING, SECOND BY MCCOY, TO ADOPT RESOLUTION 2009-6797, DENYING A LAND USE DETERMINATION APPEAL (APPEAL 09-01), FOR A PROPOSED MEDICAL MARIJUANA COOPERATIVE TITLED SOUTH BAY ORGANIC CO-OP LOCATED AT 1233 PALM AVENUE, IN THE C-1 GENERAL COMMERCIAL ZONE. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 10:07 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk