

MINUTES

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

AUGUST 15, 2007

**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 CALL TO ORDER BY MAYOR

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

ROLL CALL BY CITY CLERK

Councilmembers present:	McLean, Bragg, McCoy
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Winter
Staff present:	City Manager Brown; City Attorney Lough; Deputy City Clerk Wolfson

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of potential cases: 1

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:
Property: 735 Palm Ave., Imperial Beach, CA 91932, APN 626-250-03
Agency Negotiator: City Manager
Negotiating Parties: North Island Federal Credit Union
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 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 and had nothing to announce.

REGULAR MEETING CALL TO ORDER BY MAYOR

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

ROLL CALL BY CITY CLERK

Councilmembers present:	McLean, Bragg, McCoy
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Winter
Staff present:	City Manager Brown; City Attorney Lough; Deputy City Clerk Wolfson

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

COUNCILMEMBER BRAGG stated she attended the 30th anniversary of Lemon Grove.

COUNCILMEMBER MCCOY also attended; she reminded the audience that tomorrow is the 25th anniversary of the Tijuana Estuarine Research Reserve and she added that speeches will be given at 10:30 a.m. and a children's piñata will be held later in the day.

MAYOR PRO TEM WINTER added that an open house will start at 2 p.m.; she reported that Mendoza Elementary School will host a fall festival; she also attended Lemon Grove's anniversary; she discussed the passing of Carol Kinney who was actively involved in the community (i.e., Mayor's advisory committee), and a service will be held later.

MAYOR JANNEY also attended Lemon Grove's anniversary; he announced the Annual Concert Event, hosted by the City and the Port, will be held at the end of September.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

BOB WADHAM requested that the post office in I.B. have a large sign, much like the post office in Paradise Hills.

JACQUELINE SHIELDS spoke about an advertisement on the internet offering short-term vacation rentals at the Boca Rio complex on South Seacoast Drive; she stated the ad includes rates and mentions a 10% TOT tax; she said this issue was brought to the City's attention in January and was told it was an issue for the homeowners association; she presented copies of the internet ad.

CITY MANAGER BROWN said he was advised of this situation by Councilmember McLean on Monday of this week.

MAYOR JANNEY appreciated Ms. Shields' proactive approach, and stated there is a process for code compliance complaints and stressed the importance of the paper trail.

CITY ATTORNEY LOUGH stated his office has taken the issue very seriously.

MARION NOVAK and JOVITA JUAREZ, prevention specialists with South Bay Partnership, a group that offers training for alcohol sales and service, provided a handout regarding the offered training.

MARION NOVAK responded to questions of Council and stated that Poway and National City have implemented the service with success and noted that arrest rates for selling/serving alcohol to minors have decreased 50%.

PRESENTATIONS (1.1 - 1.3)

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

MAYOR JANNEY, along with LAWRENCE GONZALES, of EDCO, presented the Recycle All-Star Award Certificate, \$100.00 check, City t-shirt, pictorial history book, and used oil recycling premiums to Ralph Calvillo.

1.2 REPORT ON PORT DISTRICT ACTIVITIES FROM PORT COMMISSIONER BIXLER. (0150-70)

CITY MANAGER BROWN introduced the item.

PORT COMMISSIONER BIXLER gave a report on district activities and gave a PowerPoint presentation regarding public art, he stated that sculptures have been defaced and abused by being climbed on and the original work will be refurbished; he spoke about Suffhenge, the mosaic at Pier Plaza; he acknowledged Public Works Director Levien and his team; he expressed his desire for the IB art collection to be an outstanding community asset and for art to be in the vicinity of Seacoast and Palm, and for art pieces to attract a wide range of visitors; he reported on the storm water diversion project, easements on Palm Ave. and Paper St.; he added this item will be a public item at the state lands commission and he expressed his desire for this item to appear under the Consent Calendar; he discussed the State Water Board funding issue; street ends of Dahlia, Ebony and Evergreen, and his desire for a moratorium on the program; he stated he is working with the City on maintenance issues and added that improvements will be made to the light poles within the next few months; he discussed the three-year maintenance agreement for the Tidelands area approved earlier this year and the three-year agreement for police, fire and lifeguard funding; he reported that Pinky's gave notice to vacate their rented property; he commented that there are currently no development opportunities and he will pursue them will they become available; he commented on spending RDA dollars; and he stressed the importance of TOT, sales tax revenues, and visitor serving facilities; and he will meet with Ash Israni of Pacifica.

In response to Councilmember McLean regarding investing in property on the beach,

COMMISSIONER BIXLER stated the Port cannot have residences; he added that the Port has explored private/public partnerships and is forced to operate under the State tidelands act; with regard to a restroom at the Pier and the need for capital improvement, he stated the Port cannot endorse or discourage the installation and he would prepare a letter regarding the need for a restroom at Seacoast Drive.

MAYOR PRO TEM WINTER supported an interpretative pedestal piece and suggested a brochure/walking art walk guide with map of locations.

Discussion ensued regarding public art, a possible plen air festival in the future, the estuary's international reputation, street ends; Seacoast Inn; and ways to increase revenue in the City.

1.3 SHERIFF'S CAPTAIN ANNUAL REPORT. (0260-80)

CITY MANAGER BROWN introduced the item.

SHERIFF'S CAPTAIN PARKER gave a PowerPoint presentation.

In response to Councilmember Bragg's concern regarding number of accidents at intersections and whether large trucks at Palm and Florida streets created limited visibility, CAPTAIN PARKER indicated that she would get the information.

Discussion ensued regarding the decrease in gang activity at Dunes Park, and ways the City can help resolve issues, such as Neighborhood Watch programs and other outreach programs; additional discussion ensued regarding cause of traffic accidents, such as speeding and clearly identified crosswalks.

CITY MANAGER BROWN announced that citizen John Perno helped apprehend two graffiti artists.

Council discussion ensued regarding alcohol establishments and training and additional restrictions.

CONSENT CALENDAR (2.1 - 2.6)

MOTION BY MCCOY, SECOND BYMCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.6. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meetings of July 18 and August 1, 2007.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 64358 through 64451 with the subtotal amount of \$533,539.66; and Payroll Register Numbers 38618 through 38680 for the pay period ending 07/19/07 with the subtotal amount of \$147,422.03; for a total amount of \$680,961.69.

2.3 SALE OF SURPLUS PROPERTY. (0380-45)

Adopted Resolution No. 2007-6533, authorizing the sale of certain surplus City equipment.

2.4 CANCELLATION OF THE SEPTEMBER 5, 2007 REGULAR CITY COUNCIL MEETING. (0410-05)

Canceled the September 5, 2007 Regular City Council Meeting.

2.5 CORRECTION OF GANN SPENDING LIMIT FY 06-07 AND 07-08. (0390-05)

Approved Resolution No. 2007-6531 revising the Gann Limit for Fiscal Years 06-07 and 07-08.

2.6 ADOPT RESOLUTION NO. 2007-6532 APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH THE J. SIMMS AGENCY FOR PUBLIC RELATIONS SERVICES. (0160-05)

Adopted resolution.

ITEM PULLED FROM THE CONSENT CALENDAR

None.

ORDINANCES - INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5.1)

5.1 WRITTEN CORRESPONDENCE FROM MARK O’GORDEN. (0610-40)

CITY MANAGER BROWN introduced item, and announced that a supplemental staff report regarding 615 9th St. was submitted as Last Minute Agenda Information.

MOTION BY MCLEAN TO REQUIRE THE BUILDER TO NOT SET A PRECEDENT, AS THE BUILT WORK WAS NOT NEEDED, AND TO DO AS RECOMMENDED BY THE CITY MANAGER.

In response to Mayor Janney, CITY MANAGER BROWN stated that Council could receive the correspondence and Last Minute Agenda Information and not take action.

MOTION SECONDED BY MCCOY TO REQUIRE THE BUILDER TO NOT SET A PRECEDENT, AS THE BUILT WORK WAS NOT NEEDED, AND TO DO AS RECOMMENDED BY THE CITY MANAGER.

MARK O’GORDEN spoke about the grassy area and its purpose was to support runoff, and that the grassy area was not on his property; he offered to put back the grassy area so the sidewalk could continue; he added that the sidewalk is already wide enough; he questioned if the grassy area would remain.

CITY MANAGER BROWN confirmed that improvement was done to the public right-of-way and therefore the improvement is now City property; he added the developer still needs to build plans as approved by the City, implementing BMPs for storm water; and that the grassy area can remain.

MAYOR JANNEY discussed the motion and stated that the grass can remain if storm water and other plan requirements have been met; he added that staff can work with the applicant regarding fine details.

VOTES WERE NOW CAST ON THE ORIGINAL MOTION BY MCLEAN, SECOND BY MCCOY, TO REQUIRE THE BUILDER TO NOT SET A PRECEDENT, AS THE BUILT WORK WAS NOT NEEDED, AND TO DO AS RECOMMENDED BY THE CITY MANAGER. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (6.1)

6.1 LANDO ROSE, LLC: ADMINISTRATIVE COASTAL PERMIT (ACP) 060344, DESIGN REVIEW CASE (DRC) 060345, SITE PLAN REVIEW (SPR) 060346 AND TENTATIVE MAP (TM) 060347 FOR 6 DETACHED HOUSES LOCATED AT 906, 910, 912-914 EMORY STREET AND 931-933 ELM AVENUE, CLASSIFIED AS R-3000 (TWO-FAMILY RESIDENTIAL) ZONE. MF 835. (0600-20)

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item; and he referenced a letter from Bob Vasquez that was submitted as Last Minute Agenda Information.

MAYOR JANNEY declared the public hearing open.

BOB VASQUEZ spoke about improving the perimeter boundary of his property with landscape, fencing, and irrigation; he spoke about the right-of-way and expressed his opinion that it would be better maintained if owned by the adjoining property owners; and he requested the City abandon the right-of-way in front of this property, and others in the future.

GLEN SALCEDO, project designer and representing the owner/applicant, appreciated Mr. Vasquez's comments in his letter; he added that the two basic plans (with and without a turret) were alternated to give variety to the project, and that Mr. Vasquez's suggestion could be implemented.

MAYOR JANNEY closed the public hearing.

Council discussion ensued regarding swapping the turret design to a corner lot; the desire to not use Mexican fan palm trees; landscaping in public rights-of-way; and abandoning the excessive right-of-way adjacent to the subject property and returning the area to the adjoining property owner.

MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2007-6530, APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP) 060344, DESIGN REVIEW CASE (DRC) 060345, SITE PLAN REVIEW (SPR) 060346 AND TENTATIVE MAP (TM) 060347, WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

REPORTS (7)

None.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER WINTER advised there are some bills coming from legislature.

CITY MANAGER BROWN added that one of the bills is an environmental measure and will be ratified at Council's September meeting.

MAYOR JANNEY commented that next week will be a public review of the Seacoast Inn.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:22 p.m.

James C. Janney, Mayor

Lisa Wolfson
Deputy City Clerk