

MINUTES

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

JUNE 17, 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
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 ROSE, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 1340 Holly Ave., Imperial Beach, CA 91932, APN 633-161-30-2, 3, 8, 10,
12, 14, 15, 17, &18

Agency Negotiator: City Manager

Negotiating Parties: Sand and Sea Capital, Inc.

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, 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.

AGENDA CHANGES

MAYOR JANNEY announced the Special Meeting will take place following the Regular Meeting.

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

COUNCILMEMBER MCCOY spoke about a letter from the Metropolitan Water District for Southern California stating that for the first time since 1991 they have instituted drought regulations and cut back on supplies to water districts.

COUNCILMEMBER KING reported on the SANDAG Transportation meeting where they discussed the regional bicycle plan; and he spoke about his participation in the cleanup of the Tijuana River Valley.

COUNCILMEMBER ROSE announced the Pow Wow by the Sea event is scheduled for June 20 and June 21.

MAYOR PRO TEM BRAGG reported on the recent MTS meeting where they discussed the new Old Town passenger information pilot project, which includes new signage with arrival times, and they received an update on the San Ysidro port of entry project; on June 6 she participated in the Relay for Life event and recognized Recreation Program Coordinator Jim Coates for his efforts; she presented a proclamation at the Mar Vista High School graduation; the IB Chamber of Commerce Installation Dinner is scheduled for June 26.

COUNCILMEMBER KING thanked Public Works Director Levien for his efforts on the xeriscape project in front of City Hall.

MAYOR JANNEY reported on the SANDAG Board meeting and announced the dog surfing competition is scheduled for June 20.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN announced the first community workshop with the skate park consultant is scheduled for June 25.

PUBLIC COMMENT

BARBARA KAIRIS expressed concern regarding gang activity/graffiti at 1253 12th Street and in the alley; she expressed concern about the area progressively going downhill.

JUNE ENGEL, Imperial Beach Branch Library Manager, announced that all the materials in the library have been tagged for the new Radio Frequency Identification (RFID) system and that the system will be up and running once all the county libraries are tagged with the new system; she also announced that the library will be remodeled to allow for a larger computer area.

ALBERT KNECHT, representative of the Imperial Beach Chapter of the Community Commission for Better Government, expressed opposition to condominiums at the project at 9th Street and Palm Avenue; requested a rescinding of a dual use permit at this property; expressed concern about the demolition of the Miracle Shopping Center; he threatened a recall of each elected seat.

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 Estella Dorado.

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

MAYOR JANNEY announced that tonight is Assistant City Manager Ritter's last City of Imperial Beach City Council meeting; he presented him with a proclamation and thanked him for his years of service to the City.

TIM O'NEAL thanked Assistant City Manager Ritter for his efforts on the skate park (did not wish to speak).

MICHAEL CAREY thanked Assistant City Manager Ritter for his efforts on the skate park.

JAMES JOHNSON, representing the IB Little League, thanked Assistant City Manager Ritter for working with the IB Little League.

AGENDA CHANGES

MOTION BY MCCOY, SECOND BY BRAGG, TO MOVE ITEM NO. 6.1 – BIKEWAY VILLAGE – PROPOSAL FOR POSSIBLE REZONE AT 536 13TH STREET AND 535 FLORENCE STREET AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

CONSENT CALENDAR (2.1 - 2.5)

CITY ATTORNEY LOUGH stated he had a conflict of interest on Item No. 2.5; however, since it is on the Consent Calendar, he would remain at the dais.

ALBERT KNECHT, representative of the Imperial Beach Chapter of the Community Commission for Better Government, spoke in opposition to Item No. 2.4.

COUNCILMEMBER ROSE announced that she would abstain on Item No. 2.2 – Warrant Register.

MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 AND 2.3 THRU 2.6. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the regular City Council Meeting of May 20, 2009.

2.3 RESOLUTION NO. 2009-6771 – AUTHORIZING RENEWAL OF THE AGREEMENT WITH PARTNERSHIPS WITH INDUSTRY FOR TIDELANDS MAINTENANCE SERVICES. (0920-20)

Adopted resolution.

2.4 RESOLUTION NO. 2009-6773 – APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF IMPERIAL BEACH AND BDS ENGINEERING, INC. FOR CITY ENGINEERING SERVICES. (0700-05)

Adopted resolution.

2.5 RESOLUTION NOS. 2009-6774 AND R-09-183 – AUTHORIZING AN AGREEMENT WITH MCDUGAL, LOVE, ECKIS, SMITH, BOEHMER & FOLEY FOR CITY ATTORNEY AND SPECIAL LEGAL SERVICES. (0440-30)

Adopted resolutions.

WITH REGARD TO ITEM NO. 2.2, MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 68818 through 68854 with the subtotal amount of \$516,459.63 and Accounts Payable Numbers 68855 through 68884 with the subtotal amount of \$88,759.87; for a total amount of \$605,219.50.

REPORTS (6.1)

6.1 BIKEWAY VILLAGE – PROPOSAL FOR POSSIBLE REZONE AT 536 13TH STREET AND 535 FLORENCE STREET. (0600-20)

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER MCCOY announced she had a potential conflict of interest on the item as she has a business interest within 500 feet of the project, and left Council Chambers at 6:35 p.m.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item.

COUNTY SUPERVISOR COX spoke in support of the project.

City Council spoke in support of the project; there was interest in relocating the surfboard manufacturer within the city, expanding the project footprint eastward, and moving forward with the project.

ORDINANCES – PUBLIC HEARING/INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2009-1086 – ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140.B OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES - DESIGNATED. (0830-95)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2009-1086.

CITY CLERK HALD read the title of Ordinance No. 2009-1086 – “An Ordinance of the City Council of the City of Imperial Beach, California, adopting the revised sewer service rates for sanitary sewer service and amending section 13.06.140.B of Chapter 13.06 of the Imperial Beach Municipal Code pertaining to sewer service charges - designated.

MOTION BY MCCOY, SECOND BY KING, TO DISPENSE WITH THE SECOND READING AND ADOPT ORDINANCE NO. 2009-1086 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1 - 5.2)

5.1 KAMAL NONA (OWNER)/STOSH THOMAS (ARCHITECT); CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW (DRC 060399), SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL SPACES AND TWO RESIDENTIAL UNITS FOR EACH DEVELOPMENT (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH STREET AND 1150, 1152 13TH STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863. (0600-20)

MAYOR JANNEY declared the continued public hearing open.

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER ROSE announced she is prepared to take part in the discussion of this item; she received an in-depth overview of the item by the City Manager, she reviewed the staff reports and backup documents, she listened to the audio recording of the previous public hearing, and she received clarification from Community Development Director Wade on staff report-related questions.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item and clarified that the correct Resolution No. is 2009-6772, as indicated on the agenda.

SAM BARGHOUT requested that the item be pulled from the agenda until all issues are addressed; he expressed concern about construction on his property, a letter from the City Attorney that threatens revocation of his CUP, issues with regard to easement, liability, access, maintenance, and resale value of the property.

RUSTY BARGHOUT spoke in opposition to the item; he requested that there be a signed agreement prior to proceeding with the public hearing.

MAYOR JANNEY closed the public hearing.

City Council discussion ensued. Concern was raised and an official complaint was filed against the adjacent property owners due to the condition and lack of maintenance of the landscaped areas; concern was also expressed regarding the parking difficulties and the need for a mutual access agreement.

MAYOR JANNEY encouraged the property owners to work together, to obtain a signed mutual access agreement, and he supported staff's recommendation.

MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2009-6772 – APPROVING CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW CASE (DRC 060399) AND SITE PLAN REVIEW (SPR 060400), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS.

COUNCILMEMBER ROSE stated that if the building on the south-end cannot participate in a shared parking agreement, the end result will have a detrimental effect on all the businesses in the area.

VOTES WERE CAST ON ORIGINAL MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2009-6772 – APPROVING CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW CASE (DRC 060399) AND SITE PLAN REVIEW (SPR 060400), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

5.2 1257 EAST LANE – NOTICE TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS. (0470-20)

MAYOR JANNEY declared the continued public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item and presented a revised resolution.

CRAIG SHERMAN, ESQ., representing Ted Ender-Palmer who has Power of Attorney for the registered owner, stated that Mr. Palmer is amenable to the revised resolution; he requested that the penalties be reduced by half; he claimed that the notices were not going to the correct owner until May 11 and that some of the penalties could be inflated due to overlap of code violations (additional speaking time donated by John ("JP") Ender Palmer, Cassy Ender-Palmer and Lauren DeMars).

TED ENDER-PALMER, brother of the owner, gave a history of the property; stated that he is actively involved in the cleanup of the property.

City Council discussion ensued regarding support for the five-year probation period given the history of substandard conditions of the property dating back to June 1997.

MAYOR JANNEY closed the public hearing.

MOTION BY KING, SECOND BY ROSE, TO ADOPT REVISED RESOLUTION NO. 2009-6777, ASSESSING \$500.00 IN ADMINISTRATIVE FEES AND PLACING IN ABEYANCE \$8,350.00 IN CIVIL PENALTIES. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.2 - 6.7)

6.2 UPDATE ON THE FINANCIAL STATUS OF THE CITY'S GENERAL FUND. (0310-10)

CITY MANAGER BROWN introduced the item and recommended continuance.

MOTION BY ROSE, SECOND BY BRAGG, TO MOVE ITEM NO. 6.2 – UPDATE ON THE FINANCIAL STATUS OF THE CITY'S GENERAL FUND TO THE NEXT AGENDA. MOTION CARRIED UNANIMOUSLY.

6.3 REPORT BACK ON THE ANNUAL FINANCIAL REPORT OF THE CITY OF IMPERIAL BEACH FOR THE YEAR ENDED JUNE 30, 2008. (0310-10)

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE gave a PowerPoint presentation on the item.

6.4 APPROVAL OF THE 9TH & PALM RELOCATION PLAN FOR DISPLACED BUSINESSES. (0640-20 & 0640-30)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item and noted that the plan was distributed to the affected businesses and no comments have been received specific to the plan; he also stressed that he and the consultant are trying their best to relocate businesses within the City, but it is ultimately up to the businesses to decide the location.

ALBERT KNECHT, representative of the Imperial Beach Chapter of the Community Commission for Better Government, claimed that some of the business owners were not informed of relocation plans; and expressed concern about notices to vacate the premises as it could be construed as eminent domain.

MOTION BY JANNEY, SECOND BY KING, TO ADOPT RESOLUTION NO. R-09-182 – APPROVING THE 9TH & PALM REDEVELOPMENT PROJECT RELOCATION PLAN. MOTION CARRIED UNANIMOUSLY.

6.5 RESOLUTION NO. 2009-6776 – APPROVING AMENDMENT NO. 1 TO AGREEMENT BETWEEN SAN DIEGO UNIFIED PORT DISTRICT AND CITY OF IMPERIAL BEACH FOR TIDELANDS MAINTENANCE SERVICES – AGREEMENT NO. 29-2006. (0150-70 & 0920-20)

CITY MANAGER BROWN reported on the item.

MOTION BY JANNEY, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6776 – APPROVING AMENDMENT NO. 1 TO AGREEMENT BETWEEN SAN DIEGO UNIFIED PORT DISTRICT AND CITY OF IMPERIAL BEACH FOR TIDELANDS MAINTENANCE SERVICES – AGREEMENT NO. 29-2006. MOTION CARRIED UNANIMOUSLY.

6.6 FAÇADE IMPROVEMENT PROGRAM. (0640-20)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a PowerPoint presentation on the item.

MAYOR JANNEY requested staff monitor window signage to ensure compliance with the Municipal Code and staff place returning applicants at the bottom of the waiting list.

6.7 RESOLUTION NO. 2009-6770 AND RESOLUTION NO. R-09-181 – AUTHORIZING THE REPLACEMENT OF BANNER POLES IN TRIANGLE AND VETERANS PARKS. (0920-60 & 0920-70)

CITY MANAGER BROWN introduced the item.

ASSISTANT PROJECT MANAGER CUMMING gave a report on the item.

ASSISTANT CITY MANAGER RITTER gave a history of the item.

ALBERT KNECHT questioned the number of poles that would be installed.

MOTION BY JANNEY, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6770 AND RESOLUTION NO. R-09-181 – AUTHORIZING THE REPLACEMENT OF BANNER POLES IN TRIANGLE AND VETERANS PARKS. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the Regular Meeting at 9:25 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk