



# A G E N D A

**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.**

**THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH REDEVELOPMENT AGENCY,  
PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY**

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

**CLOSED SESSION CALL TO ORDER BY MAYOR**

**ROLL CALL BY CITY CLERK**

**CLOSED SESSION**

**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

**RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)**

**REGULAR MEETING CALL TO ORDER BY MAYOR**

**ROLL CALL BY CITY CLERK**

**PLEDGE OF ALLEGIANCE**

**AGENDA CHANGES**

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

**COMMUNICATIONS FROM CITY STAFF**

Any writings or documents provided to a majority of the City Council/RDA/Planning Commission/Public Financing Authority regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.

**PUBLIC COMMENT** - Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.

**PRESENTATIONS (1.1-1.2)**

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

City Manager's Recommendation: Present the Recycle All-Star Award Certificate, \$100.00 check and used oil-recycling premiums to Pat Bilansky.

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

\* No staff report.

**CONSENT CALENDAR (2.1 - 2.5)** - All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.

**2.1 MINUTES.**

City Manager's Recommendation: Approve the minutes of the joint City Council/Design Review Board Workshop Meeting of July 28, 2009.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

City Manager's Recommendation: Ratify 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)**

City Manager's Recommendation: Adopt 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)**

City Manager's Recommendation: Adopt 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)**

City Manager's Recommendation: Approve the Final Map for recordation.

**URGENCY ORDINANCE – INTRODUCTION/FIRST READING/ADOPTION (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)**

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of interim 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";
3. City Clerk to read title of Ordinance No. 2009-1090;
4. Motion to dispense introduction and waive further reading of Ordinance No. 2009-1090; and
5. Motion to adopt, by a four-fifths vote, Ordinance No. 2009-1090 by title only.

## **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's Recommendation:

1. Receive report;
2. Mayor calls for the reading of 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;"
3. City Clerk to read Ordinance 2009-1088; and
4. Motion 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.

## **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)**

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public comment;
3. Close the public hearing; and
4. 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)).

## **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's Recommendation: 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.

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

City Manager's Recommendation:

1. Receive report;
2. Comment on project design and development timeline;
3. Receive any comments from the public; and
4. Give direction to City staff to proceed with the project (Phase 1 or whole) – with or without modifications described in the staff report or in the staff presentation.

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

City Manager's Recommendation:

1. Receive report and provide direction to staff; and
2. 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.

**(Continued on Next Page)**

**REPORTS (Continued)**

**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's Recommendation:

1. Receive report;
2. Adopt the Resolution No. 2009-6792; and
3. 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.

**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's Recommendation: Adopt resolution.

**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)**

Executive Director's Recommendation:

1. Consider the proposed land use determination appeal and
2. 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.

**ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

**ADJOURNMENT**

**The Imperial Beach City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.**

**FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT**

[www.cityofib.com](http://www.cityofib.com).

Copies of this notice were provided on August 13, 2009 to the City Council, San Diego Union-Tribune, I.B. Eagle & Times, and I.B. Sun.

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.  
CITY OF IMPERIAL BEACH)

*AFFIDAVIT OF POSTING*

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Regular Meeting as called by the City Council, Redevelopment Agency, Planning Commission, and Public Financing Authority of Imperial Beach was provided and posted on August 13, 2009. Said meeting to be held at 5:30 p.m. August 19, 2009, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on August 13, 2009 at 12:30 p.m.

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Jacqueline M. Hald, CMC  
City Clerk