

**ADJOURNED REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
March 14, 2005
CLOSED SESSION MEETING – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CALL TO ORDER

MAYOR ROSE called the Closed Session meeting to order at 5:07 p.m.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney

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

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: City Manager

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS: WINTER, JANNEY, ROSE
NOES:	COUNCILMEMBERS: NONE
ABSTAIN:	COUNCILMEMBERS: MCCOY, MCLEAN

MAYOR ROSE adjourned the meeting to Closed Session at 5:09 p.m. and she reconvened the meeting to Open Session at 6:03 p.m. Reporting out of Closed Session, MAYOR ROSE announced Council met earlier in Closed Session and had nothing to report.

CALL TO ORDER

MAYOR ROSE called the Adjourned Regular Meeting to order at 6:04 p.m.

ROLL CALL

Councilmembers present: McCoy, Winter, McLean
Councilmembers absent: None
Mayor present: Rose
Mayor Pro Tem present: Janney

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

PLEDGE OF ALLEGIANCE/INVOCATION

MAYOR ROSE led everyone in the Pledge of Allegiance and asked everyone to bow his or her head for a moment of silence.

AGENDA CHANGES

MAYOR PRO TEM JANNEY recommended removing Item No. 2.2 from the Consent Calendar for discussion after Item No. 7.2.

CITY MANAGER BROWN noted that Item No. 4.1 should be taken after the adoption of Item No. 6.2.

MOTION BY ROSE, SECOND BY JANNEY, TO REMOVE ITEM NO. 2.2 - APPROVE LETTER TO SENATE JUDICIARY COMMITTEE AND APPROPRIATIONS COMMITTEE REGARDING HR 418 FROM THE CONSENT CALENDAR FOR DISCUSSION AFTER ITEM NO. 7.2 AND TO TAKE ITEM NO. 4.1 - AN ORDINANCE AMENDING ORDINANCE NO. 92-865 RELATING TO BUSINESS FEE SCHEDULE AFTER ITEM NO. 6.2. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL ANNOUNCEMENTS

None.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS/PROCLAMATIONS (1)

None.

CONSENT CALENDAR (2.1)

MOTION BY ROSE, SECOND BY WINTER, TO APPROVE CONSENT CALENDAR ITEM NO. 2.1. MOTION CARRIED UNANIMOUSLY.

2.1 PROP 40 PARKS GRANT AUTHORIZATION. (0390-86)

Authorized staff to apply for Prop 40 Parks Grant funds in accordance with 5-Year CIP Budget for the Veterans Park CIP project #P03-502.

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

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1 - 6.2)

6.1 FIVE-YEAR IMPLEMENTATION PLAN ADOPTION, ADOPTION OF REDEVELOPMENT AGENCY RESOLUTION NO. R-05-65. (0640-80)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

RAY SILVER of ROSENOW SPEVACEK GROUP (RSG) stated a revised staff report, a revised 5-Year Implementation Plan (changes not substantive), and a copy of the PowerPoint presentation were submitted as last minute agenda information; he reported that Redevelopment Law requires Agencies to adopt Implementation Plans every five years, this adoption aligns the City's Economic Development Plan and Implementation Plan, future redevelopment projects will address blight removal through commercial development, capital improvements, and housing construction and rehabilitation; he also reported that based on the estimates presented, the City/Agency will have the financial capacity to implement the proposed projects and programs, the Agency anticipates developing 41 affordable units (including 16 very low-income units) over the next 10 years, and existing commercial eminent domain authority expires in March 2008 unless it is extended by the Redevelopment Agency/City Council for another 12 years.

General discussion ensued regarding sand replenishment, and ensuring match-up between the 5-Year Implementation Plan and CIP.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY ROSE, SECOND BY WINTER, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. R-05-65 ADOPTING A FIVE-YEAR IMPLEMENTATION PLAN AND TEN-YEAR HOUSING COMPLIANCE STRATEGY FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT AREA. MOTION CARRIED UNANIMOUSLY.

6.2 FEE STUDY REVIEW AND ADOPTION OF CITYWIDE USER FEE MASTER SCHEDULE RESOLUTION NO. 2005-6088. (0390-60)

MAYOR ROSE declared the public open.

CITY MANAGER BROWN introduced the item and he announced that it had been 12 years since fees have been changed.

ADMINISTRATIVE SERVICES DIRECTOR HERRERA thanked City staff for their cooperation on the study and he stated that in September of 2000 City Council adopted a policy for full cost recovery; he announced that Jim Guerra from Willdan Associates was available to respond to concerns regarding building fees, and Daniel B. Edds of Maximus would be giving a presentation on the fee study.

DANIEL B. EDDS of Maximus gave a PowerPoint presentation on their fee study.

ADMINISTRATIVE SERVICES DIRECTOR HERRERA stated that over 200 fees were reviewed by staff; there could be a revision to fees in the non-development processing area within 30 days, and a revision to fees in the development processing fees within 60 days; he noted that if fees were raised to 100% of full cost recovery as recommended by Maximus the amount would be \$1,178,364; City staff recommended a lower cost-recovery level that would be more acceptable to the public at an amount of \$513,279; he also provided an overview of the Public Works (Land Development), Community Development (Planning), Public Safety (Fire Inspection), Administrative Services (Finance), and Building & Safety (Permit) fees as delineated in the staff report; he noted that in Attachment 2 of the staff report - unaltered dogs fee is correct in Resolution No. 2005-6088, however the amount is incorrect in Attachment 4; he recommended that City Council adopt a scheduled CPI percentage increase on or about January 1st of each year, using the San Diego CPI index which would streamline the process for keeping up the cost of providing all fee-supported services throughout the City; he reviewed the effective dates for each cost-recovery area as follows:

Public Works (Land Development)	May 14, 2005
Community Development (Planning)	May 14, 2005
Public Safety (Fire Inspection)	April 14, 2005
Administrative Services (Finance)	April 14, 2005
Building & Safety (Permit)	May 14, 2005

He also stated that staff would return in 6-8 months with a review and possible changes to Building Department fees; and he responded to Council's concerns regarding annual inspections of commercial properties.

MICHAEL WILLIAMS spoke in opposition to the proposed fee increases; he recommended a fee increase of 10%.

TRAVIS BRAZIL questioned the effects of a fee increase on attracting and retaining current businesses.

CITY MANAGER BROWN noted that the cost for services exceeds what will be collected.

CITY ATTORNEY LOUGH stated that the City is required to track fees collected on an annual basis and he noted that deficit amounts are listed on page 6 of Attachment 1.

ADMINISTRATIVE SERVICES DIRECTOR HERRERA noted that recreation fees were not being eliminated as stated by Mr. Williams.

COUNCILMEMBER MCCOY spoke of the need to defray costs and she expected an increase in efficiency in exchange for higher fees; she spoke of the need to bring back administrative fees (at the City Manager's discretion) to see if fees should be brought up to the level as suggested by Maximus.

JIM GUERRA responded to Mayor Pro Tem Janney's concern regarding construction costs per square foot, stating that City Council adopted costs per square foot in 2000 based on a recommendation of the local chapter of International Code Council (ICC), which are the basis for the valuation of the building permit and plan check fees; he noted that cities valuation tables tend to be much less than the actual cost for construction; he noted that staff would return with a re-evaluation of the costs per square footage at a later date.

CITY ATTORNEY LOUGH stated that the County Assessor values property based on what they feel is the fair market value regardless of the amount that cities typically use for building valuation for the purposes of permit fees.

In response to Mayor Rose's concerns regarding night field charges, ASSISTANT CITY MANAGER RITTER stated that the fees are for special tournaments and not for teams recognized by the City; the deposit for picnic shelters is increasing; however, if the renter cleans up the area, then the deposit will be returned.

ADMINISTRATIVE SERVICES DIRECTOR HERRERA stated that there wasn't an active commercial fire inspection program, under the new proposed fees the City would look at all fire inspections as required by the Code; he noted that in the past the Fire Department absorbed fire inspection costs.

MAYOR ROSE expressed concern about staff's recommendation of \$50 for commercial fire inspections rather than the Maximus recommendation of \$500. She also expressed concern about undercharging for the inspections and creating a deficit.

PUBLIC SAFETY DIRECTOR SOTELO stated that the Fire Department plans to do inspections on a yearly basis and the lower inspection fees were recommended, as staff did not want to be perceived as being business unfriendly and too excessive.

DEPUTY FIRE CHIEF SMITH responded to concerns of Council regarding commercial inspection fees and explained staff's reasoning on the recommended fees.

General discussion ensued regarding fire inspection fees.

MOTION BY ROSE, SECOND BY MCCOY, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE thanked staff for their hard work on the study; she commented that staff's

recommendation is capturing 50% of actual costs; she expressed a desire to see fire safety costs come back to Council next year for review although she would support the Chief and Deputy Chief's recommendations; and she supported the fee study and schedule.

In response to one of the public speakers, COUNCILMEMBER WINTER stated that it would not be fiscally prudent to provide a service specifically to an individual that directly benefits that individual and not the public and also to provide that service at a deficit to the City; however there are services that the City provides that is a benefit to the public, such as parks and recreation; the premise of this fee schedule is to recover some of the costs of the City; she supported the fee study and schedule.

MAYOR PRO TEM JANNEY noted that there has not been an increase in many years; he expressed concern about the costs for major apartment owners going up at one time, and he supported staff's recommendation.

COUNCILMEMBER MCLEAN supported staff's recommendation.

COUNCILMEMBER MCCOY supported staff's recommendation.

MAYOR ROSE said the more we can make ourselves financially solvent and solid, the better off we would be as a city.

MOTION BY ROSE, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2005-6088 AND THE MASTER SCHEDULE OF FEES. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY MCCOY, TO AUTHORIZE SCHEDULED CPI INCREASES TO THE MASTER FEE SCHEDULE ON OR BEFORE JANUARY 1st OF EACH YEAR, USING THE SAN DIEGO CPI INDEX; TO AUTHORIZE STAFF TO ADMINISTRATIVELY INCORPORATE SEWER, RESIDENTIAL CONSTRUCTION, AND OTHER FEES TO THE MASTER SCHEDULE OF FEES ATTACHED TO RESOLUTION NO. 2005-6088; AND TO AUTHORIZE STAFF TO RETURN AT ANOTHER MEETING WITH LANGUAGE REVISION ON ORDINANCES OR RESOLUTIONS THAT ARE AFFECTED BY THE MASTER SCHEDULE OF USER FEES. MOTION CARRIED UNANIMOUSLY.

ORDINANCES - SECOND READING & ADOPTION (4.1)

4.1 AN ORDINANCE AMENDING ORDINANCE NO. 92-865 RELATING TO BUSINESS FEE SCHEDULE. (0390-55)

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR ROSE called for the reading of Ordinance No. 2005-1025.

CITY CLERK HALD read the title of Ordinance No. 2005-1025 – An Ordinance of the City Council of the City of Imperial Beach, California, amending certain sections of Ordinance No. 92-865 of the Imperial Beach City Code related to Business Fee Schedule.

MOTION BY ROSE, SECOND BY MCCOY, TO ADOPT ORDINANCE NO. 2005-1025, AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 92-865 OF THE IMPERIAL BEACH CITY CODE RELATED TO BUSINESS FEE SCHEDULE. MOTION CARRIED UNANIMOUSLY.

REPORTS (7.1 - 7.2)

By order of the Chair and consensus of Council, Item No. 7.2 will be taken at this time.

7.2 AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HEALTH ANALYTICS TO REVIEW AN IMPLEMENTATION PLAN FOR ALS TRANSPORT FOR THE IMPERIAL BEACH FIRE DEPARTMENT. (0250-20)

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR SOTELO reported that the City participates in an Exclusive Operating Agreement (EOA) with the City of Chula Vista and Bonita; he noted that the City of Chula Vista has hired a consultant to study their delivery model and if they make substantive changes to the delivery model then that would dissolve the EOA; staff is attempting to be proactive in preparation for possible changes; staff recommended approval of an agreement with Health Analytics to evaluate the City's ALS system and provide recommendations; he gave a PowerPoint presentation on the item and he responded to concerns of Council.

MAYOR ROSE recognized that AMR has done an excellent job performing emergency medical services for the City; she requested that the study include costs (capital and labor), as well as rates, and that the consultant addresses how we would staff and pay for simultaneous calls for service.

General discussion ensued

COUNCILMEMBER MCCOY recommended that City Council approve the agreement.

PUBLIC SAFETY DIRECTOR SOTELO stated that the EOA is up in July, however the timeframe is unknown at this time; there is a need by the City to look at the EMS delivery system and a study will be helpful for future decision-making.

MAYOR ROSE reiterated the need for the study to address the negative impacts and the ability to handle service calls while firefighters are out of the city for patient transports; the costs associated with adding personnel, as well as additional capital expenditures.

COUNCILMEMBER WINTER questioned if staff could delay making a decision and instead obtain copies of studies completed by the other cities.

ERICK BURCH, Governmental Affairs Manager Representative for AMR, introduced Michael Murphy, Director of Operations.

MICHAEL MURPHY stated that AMR has a great relationship with the City; they are more than happy to work with the consultant to find the best solution for the City; he noted that the City of Chula Vista is not solely looking at their own transport system, but rather a feasibility study; he spoke about public/private partnerships; if Chula Vista decided to go out to bid, there is a 180-

day clause and the County would get involved to decide how that bid should be administered; there needs to be an RFP and a selection process; the EOA is administered by the County of San Diego and they have a fiduciary responsibility to ensure that the areas are served properly.

MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2005-6118, AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HEALTH ANALYTICS, INCLUDING THE AREAS THAT WERE DISCUSSED FOR ANALYSIS.

MAYOR ROSE stressed the importance of moving cautiously and she noted that the City of Chula Vista is the driving force on the issue.

CITY MANAGER BROWN stated staff would return to Council with the study at a future date.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2005-6118, AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HEALTH ANALYTICS, INCLUDING THE AREAS THAT WERE DISCUSSED FOR ANALYSIS. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE called a recess at 9:10 p.m. and she called the meeting to Open Session at 9:24 p.m.

7.1 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS BUDGET FOR FISCAL YEARS 2004/2005 THROUGH 2008/2009. (0330-35)

CITY MANAGER BROWN introduced the item.

ADMINISTRATIVE SERVICES DIRECTOR HERRERA stated that a summary of the proposed changes was included with the staff report as directed by City Council and he noted that with the proposed changes the total CIP budget of \$41,080,700.00 remained intact; he reviewed the proposed changes and responded to concerns of Council; he noted that there was a correction to Attachment 4 – Tracking Projects Sheet to the Community Development Projects - \$978,300 should be positive not negative and the \$1,033,300 should be positive not negative; he stated that Administrative costs for CIP is being kept at 3%. He stated that projects that exceed \$10,000 are reviewed by City Council, the City Manager has the latitude to move money within projects to enhance or restrict certain projects, and there will be a quarterly reporting of the 5-year CIP.

MAYOR ROSE recommended opening negotiations with Cox Communications for TV coverage at City Council meetings and she stated that she was willing to meet with County Supervisor Cox on new trailers for the Sheriff's Dept.

MAYOR PRO TEM JANNEY expressed a desire to move the Palm Ave. Master Plan up from Year 2 to Year 1.

ADMINISTRATIVE SERVICES DIRECTOR HERRERA stated that Year 2 starts in a few months.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY JANNEY, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2005-6089 APPROVING THE TOTAL \$41,080,700 FIVE-YEAR CIP BUDGET, WITH ANNUAL APPROPRIATIONS CONSISTENT WITH THE FIVE-YEAR CIP BUDGET PLAN AS APPROVED BY COUNCIL AND TO ESTABLISH OCTOBER AS THE MONTH FOR ANNUAL REVIEW OF THE FIVE-YEAR CIP BUDGET. MOTION CARRIED UNANIMOUSLY.

CONSENT CALENDAR (2.2)

2.2 APPROVE LETTER TO SENATE JUDICIARY COMMITTEE AND APPROPRIATIONS COMMITTEE REGARDING HR 418. (0620-70)

CITY MANAGER BROWN introduced the item and he announced that the draft letter was submitted as last minute agenda information.

MAYOR PRO TEM JANNEY stated that he was recently informed that it has been a nine-year process for the border fence; he stated that the quality of life in IB was greatly affected by Operation Gatekeeper, he would like the quality of life in IB to get even better as soon as possible, and he was opposed to the approval of the letter.

COUNCILMEMBER MCCOY stated that she is not opposed to a fence; what concerns her most about the process is the Bill of Rights being suspended for three miles of fence. All she is asking is that the item goes through the regular process at all levels of government; she stated she has worked hard over the last nine years and requested Council's support for the letter.

COUNCILMEMBER WINTER supported Councilmember McCoy's request; she expressed concern about many laws being overridden.

COUNCILMEMBER MCLEAN supported Councilmember McCoy's recommendation.

MIKE MCCOY stated that he represents the City on the Tijuana Estuary Management Authority, he explained that there are two sets of laws, Homeland Security laws and the Environmental laws, both of which maintain and protect the health and welfare of the nation and to sweep one set of laws out and bring another set in without first making sure they balance each other concerns him; he spoke in support of the letter and he requested that a letter of appreciation be sent to County Supervisor Cox for the stand he took on the fence.

MAYOR ROSE noted that the letters submitted as last minute agenda information do not take a position on a single or triple fence, they specifically object to the legislation that would exempt from environmental law the construction of a barrier along the border; she added that the issue is a major concern of the Good Neighbor Environmental Board; she commented that Operation Gatekeeper was the starting point that provided for positive changes in IB; and she spoke in support of the letter.

MOTION BY ROSE, SECOND BY MCCOY, TO APPROVE THE LETTER TO SENATE JUDICIARY COMMITTEE AND APPROPRIATIONS COMMITTEE REGARDING HR 418 IN SUBSTANTIAL FORM AND TO ALSO TRANSMIT THE LETTER VIA FACSIMILE IN THE MORNING. MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBERS: MCCOY, WINTER, MCLEAN, ROSE
NOES: COUNCILMEMBERS: JANNEY
ABSENT: COUNCILMEMBERS: NONE**

REPORTS OF MAYOR AND COUNCILMEMBERS

None.

The meeting adjourned at 10:12 p.m.

Diane Rose, Mayor

Attest:
Jacqueline M. Hald
City Clerk