

MINUTES

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

JUNE 2, 2010

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

**CLOSED SESSION & SPECIAL CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.**

CALL TO ORDER

MAYOR JANNEY called the Regular and Special Closed Session Meetings to order at 5:33 p.m.

ROLL CALL

Councilmembers present: Bragg, McCoy
Councilmembers absent: Rose
Mayor present: Janney
Mayor Pro Tem present: King

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

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)
Name of Case: Imperial Beach Redevelopment Agency v. Shawki Bochoua
dba Southbay Drugs
Case No. 37-2010-00030617-CL-UD-SC

Pursuant to Government Code Section 54956.9(a)
Name of Case: United States & States of California, Delaware et al. ex rel. Hendrix v.
J-M Manufacturing Co., Inc. et al.
United States District Course Case No. ED CV-06-0055-GW

MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY adjourned the meeting to Closed Session at 5:34 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, gave direction and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers present: Bragg, McCoy, Rose (arrived at 6:30 p.m.)
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: King

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

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

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

COUNCILMEMBER MCCOY reported on City Council's attendance at the annual Memorial Day service at Veterans Park; and she spoke about Mayor Janney's and her participation in the Library's Local Heroes Storytime.

MAYOR JANNEY also spoke about the Local Heroes Storytime event and thanked the librarian for having a reading program for the children; he attended the Kiwanis fundraiser at the Tijuana Estuary where funds raised went towards the local Boys and Girls Club.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1)

1.1 PRESENTATION ON EAGLE SCOUT PROJECT – REPLACEMENT OF PORT PARKING LOT FENCE LOCATED AT SEACOAST DRIVE AND PALM AVENUE. (0150-70)

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item due to the location of her place of employment and left Council Chambers at 6:04 p.m.

PUBLIC WORKS DIRECTOR LEVIEN reported on the project.

EAGLE SCOUT CANDIDATES SEBASTIAN ADAMS AND PETER ERBES presented their project proposals.

MAYOR PRO TEM KING suggested the footing be raised to avoid deterioration and rot of the fence posts.

City Council appreciated the efforts of Public Works Director Levien and his boy scout troop for completing many Eagle Scout projects in the City.

COUNCILMEMBER BRAGG returned to Council Chambers at 6:10 p.m.

PUBLIC COMMENT

TIM O'NEAL thanked City Council and staff for their continued efforts to complete the Skate Park project and he offered assistance with raising funds for the project.

CONSENT CALENDAR (2.1 - 2.4)

MOTION BY KING, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.2 AND 2.4. MOTION CARRIED BY THE FOLLOWING VOTE:

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

COUNCILMEMBER MCCOY announced she had a potential conflict of interest on Item No. 2.3 as her residence is within 500 feet of the project.

WITH REGARD TO ITEM NO. 2.3, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	ROSE
DISQUALIFIED:	COUNCILMEMBER:	MCCOY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

2.1 MINUTES.

Approved the minutes of the Regular City Council meetings of March 17 and May 19, 2010.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 70919 through 70986 with the subtotal amount of \$186,939.89 and Payroll Checks 42561 through 42614 for the pay period ending 05/06/10 with the subtotal amount of \$147,207.91, for a total amount of \$334,147.80.

2.3 GREG AND ELTA NEIL [OWNER/APPLICANT]: TIME EXTENSION DETERMINATION FOR CONDITIONAL USE PERMIT (CUP 05-285) AND SITE PLAN REVIEW (SPR 05-286) FOR A MIXED-USE PROJECT LOCATED AT 198-200 PALM AVENUE, IN THE SEACOAST COMMERCIAL (C-2) ZONE. MF 807. (0600-20)

Adopted Resolution No. 2010-6892, approving a time extension for Conditional Use Permit (CUP 05-285) and Site Plan Review (SPR 05-286), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

2.4 RESOLUTION NO. 2010-6893 – RENEWAL OF MICHAL PIASECKI CONSULTING CONTRACT FOR FISCAL YEAR 2010/11. (1110-05)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1 - 3.2)

3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2010-1106 – APPROVING AND DESIGNATING A SKATEBOARD PARK IN THE CITY OF IMPERIAL BEACH AND AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTERS 9.10 AND 12.56. (0920-40 & 0920-95)

CITY MANAGER BROWN introduced the item.

TIM O'NEAL indicated support for the item (he did not wish to speak).

COUNCILMEMBER KING stated that at a previous City Council meeting he requested the Skate Park signage be rewritten so it was more welcoming and he requested a copy of the new text.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1106.

CITY CLERK HALD read the title of Ordinance No. 2010-1106, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 9.10, RELATING TO SKATEBOARD AND ROLLER SKATE RIDING; AMENDING CHAPTER 12.56 RELATING TO USE OF PUBLIC PARKS AND FACILITIES; AND APPROVING AND DESIGNATING A SKATEBOARD PARK IN THE CITY OF IMPERIAL BEACH."

MOTION BY MCCOY, SECOND BY BRAGG, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION OF ORDINANCE NO. 2010-1106 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:

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

3.2 INTRODUCTION & FIRST READING OF ORDINANCE NO. 2010-1105 – AMENDING CHAPTER 10.28, SECTION 10.28.020, SPECIAL SPEED ZONE DESIGNATED. (0750-95)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1105.

CITY CLERK HALD read the title of Ordinance No. 2010-1105, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTER 10.28, SECTION 10.28.020, OF THE MUNICIPAL CODE OF THE CITY OF IMPERIAL BEACH RELATING TO SPECIAL SPEED ZONES DESIGNATED."

MOTION BY KING, SECOND BY BRAGG, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION OF ORDINANCE NO. 2010-1105 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY asked staff to report back to City Council with ways of reducing the speed limit on certain streets in the City to make the City pedestrian and bicycle friendly and suggested staff look at all types of traffic calming measures.

COUNCILMEMBER MCCOY stated some residents have expressed interest in paying for speed bumps.

MAYOR PRO TEM KING suggested staff should look at a number of options applicable to where speed is excessive.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2010-1104 – AMENDING CHAPTERS 4.04, BUSINESS LICENSES GENERALLY, AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE CONTINUATION OF LAWFULLY ESTABLISHED BUSINESSES. (0390-95)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1104.

CITY CLERK HALD read the title of Ordinance No. 2010-1104, “An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTERS 4.04, BUSINESS LICENSES GENERALLY, AND 4.56, SMOKE SHOPS, OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE RELATED TO THE CONTINUATION OF LAWFULLY ESTABLISHED BUSINESSES.”

MOTION BY MCCOY, SECOND BY BRAGG, TO DISPENSE WITH THE SECOND READING AND ADOPT ORDINANCE NO. 2010-1104 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE:

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

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.3)

6.2 CODE ENFORCEMENT REPORT – SYSTEMATIC CODE COMPLIANCE. (0470-90)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item and reviewed various options for implementing a Systematic Code Enforcement program.

City Council discussed the various options presented; there was consensus of City Council to consider a Systematic Code Compliance program that focuses on a specific violation type that falls within a specific geographic area; it was discussed that complaints would have a higher priority over the systematic violations unless there is a life safety issue; and there was support for purchasing technology equipment.

CITY MANAGER BROWN stated staff would return with a program proposal in August followed by a program review six months later.

Item No. 6.3 discussed at 7:00 p.m. – TIME SPECIFIC

6.3 COMMERCIAL ZONING REVIEW – CONTINUED FOCUS DISCUSSION ON INCENTIVES FOR ADDITIONAL BUILDING HEIGHT AND RESIDENTIAL DENSITY. (0610-95)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the proposed incentives for height and density.

In order to create viable commercial space, City Council supported a 15-foot ceiling height for first floor retail in all the zones as a requirement rather than as an incentive.

MICHAEL CAREY expressed concern about the amount of time the Commercial Zoning review is taking; he agreed that the 15-foot height limit should apply to all of the zones; he supported high quality design of two stories with residential on the top floor.

City Council recommended applicants must achieve two incentives from the following list in order to achieve increased building height and density:

- Lot Consolidation
- Exceptional Architectural Design
- Green Building Design (LEED Certified or Equivalent)
- Active Street Level (Commercial) Use
- Retail Design
- Provision of 3-bedroom units
- Provision of affordable For Sale units
- Provision of Open Space, Plaza Space Public/Community Amenities
- Public Right-of-Way Dedication
- Greater Upper Floor Stepback from Residential Property
- 15-foot First Floor Retail Ceiling Height

City Council also expressed concern about the amount of time they have spent on review and supported moving on with the process; there was support for high quality residential; there was consensus of City Council to hold a special meeting, rather than a workshop, on July 13 to focus on Commercial Zoning; at the next City Council meeting return with an updated matrix and timeline and a review on active retail use and stand-alone residential.

6.1 RESOLUTION NO. 2010-6894 – APPROVING PLACEMENT OF AN OCEAN AND BEACH SURVEILLANCE CAMERA AT THE PALM AVENUE STREET END PLAZA. (0220-20)

COUNCILMEMBER BRAGG announced she had a conflict of interest on the item due to the location of her place of employment and left Council Chambers at 8:20 p.m.

COUNCILMEMBER MCCOY announced she had a conflict of interest on the item due to the location of her residence and left Council Chambers at 8:20 p.m.

CITY MANAGER BROWN introduced the item.

LIFEGUARD CAPTAIN STABENOW gave a report on the item.

TIM O'NEAL spoke in support of the item; he suggested the jetty be removed for public safety reasons; and also suggested a monitor be installed allowing lifeguards to communicate with visitors.

MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6894 – APPROVING THE PLACEMENT OF AN OCEAN AND BEACH SURVEILLANCE CAMERA AT THE PALM AVENUE STREET END PLAZA. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	MCCOY, BRAGG (DUE TO POTENTIAL CONFLICTS OF INTEREST)

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:30 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk