

MINUTES

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

FEBRUARY 16, 2011

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

**CLOSED SESSION MEETING – 5:15 P.M.
REGULAR MEETING – 6:00 P.M.**

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:16 p.m.

ROLL CALL

Councilmembers present: Spriggs (arrived at 5:18 p.m.), Bragg, King
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem Present: Bilbray
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

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

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 550 Highway 75, Imperial Beach, CA 91932, APN 625-140-08 & 626-070-33

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: D & A Semi Annual Mortgage Fund LP III

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Pursuant to Govt. Code 54956.9(b)(3)(A)

Significant Exposure to Litigation (1 case)

3. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Pursuant to Govt. Code 54956.9(c)

Initiation of Litigation (1 case)

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, BILBRAY, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: SPRIGGS

MAYOR JANNEY adjourned the meeting to Closed Session at 5:17 p.m. and he reconvened the meeting to Open Session at 6:01 p.m. Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council met earlier in closed session, discussed Closed Session Items 1-3, direction was given and had no reportable action; Closed Session Item 4 was not discussed and will be moved to the next meeting.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:02 p.m.

ROLL CALL

Councilmembers present: Spriggs, Bragg, King
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem Present: Bilbray
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**

In response to Councilmember Bragg's question regarding the status of the City's intent to withdraw from Heartland Communications JPA, CITY MANAGER BROWN stated that he and Chief Clark will meet with Heartland staff to review costs and he anticipated bringing forward a report to City Council at the second meeting in March.

COUNCILMEMBER BRAGG reported on her attendance at the Chamber of Commerce meeting where Mayor Janney spoke about the purpose of redevelopment agencies and her attendance at the Job Corp. Quarterly meeting for the Community Relations Council.

COUNCILMEMBER SPRIGGS reported on his attendance at the Metro Wastewater Commission JPA meeting.

MAYOR JANNEY asked Councilmember Spriggs to monitor the Metro Wastewater fees as they account for over 50% of the sewer costs; and he reported on his attendance at the SANDAG summit, noting that the EIR for the next shoreline preservation project is out for review.

COMMUNITY DEVELOPMENT DIRECTOR WADE announced the comment period for the EIR ends March 24th and the EIR can be viewed on the SANDAG website or at City Hall.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1)

1.1 TIJUANA ESTUARY UPDATE BY DR. MIKE MCCOY. (0150-40)

CITY MANAGER BROWN introduced the item.

DR. MIKE MCCOY gave a PowerPoint presentation on the item; he encouraged City Council to work with other jurisdictions to promote projects south of the border (at the source); he spoke about the importance of working with the City of San Diego, the County of San Diego, the Regional Water Quality Control Board, and other groups on the Recovery Team in order to move in a positive direction.

CITY MANAGER BROWN stated that he and Environmental Program Manager Helmer attend the Recovery Team meetings and will give City Council an update at a future City Council meeting.

CONSENT CALENDAR (2.1 - 2.8)

MOTION BY KING, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.8. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Special City Council Meeting of January 14, 2011.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 72497 through 72654 with the subtotal amount of \$1,286,534.00 and Payroll Checks 43517 through 43589 for the pay periods ending 01/13/11 and 01/27/11 with the subtotal amount of \$294,736.14, for a total amount of \$1,581,270.14.

2.3 RESOLUTION NO. 2011-6995 – AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN A REGIONAL WASTE TIRE ENFORCEMENT PROGRAM. (0270-60)

Adopted Resolution.

2.4 RESOLUTION NO. 2011-6996 – APPROVING AMENDMENT NO. 1 TO THE AGREEMENT AMONG THE CITY OF IMPERIAL BEACH, THE COUNTY OF SAN DIEGO, AND THE SAN DIEGO COUNTY SHERIFF FOR GENERAL AND SPECIALIZED LAW ENFORCEMENT AND TRAFFIC SERVICES. (0390-88)

Adopted Resolution.

2.5 RESOLUTION NO. 2011-7002 – AUTHORIZING THE RENUMBERING OF RESOLUTION NOS. 2011-6989 AND R-11-241, ADOPTED ON JANUARY 26, 2011 TO CORRECT CLERICAL ERROR . (0640-05)

Adopted Resolution.

2.6 APPROVING THE AWARD OF GRANTS UNDER THE 2010-2011 FISCAL YEAR COMMUNITY GRANTS PROGRAM. (0330-15)

Approved the award of grants under the FY 2010-2011 Community Grants Program as listed on the staff report.

2.7 RESOLUTION NO. 2011-7004 – AUTHORIZING THE SALE OF CERTAIN SURPLUS CITY EQUIPMENT. (0380-45)

Adopted Resolution.

2.8 RESOLUTION NO. 2011-6994 – AUTHORIZING THE MAYOR ON BEHALF OF THE CITY TO ENTER INTO A COOPERATION AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF IMPERIAL BEACH FOR A COMMUNITY DEVELOPMENT PROGRAM AND SIGN OTHER ANCILLARY DOCUMENTS NECESSARY TO IMPLEMENT THE AGREEMENT. (0650-33)

Adopted Resolution.

With regard to Item No. 2.8, CITY MANAGER BROWN cautioned the funding is uncertain at the Federal level due to decreased funding for the Department of Housing and Urban Development.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING/ADOPTION/PUBLIC HEARING (4.1)

4.1 ORDINANCE NO. 2011-1115 – ADOPTION OF THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, INCLUDING LOCAL AMENDMENTS FOR THE CITY OF IMPERIAL BEACH. (0710-95)

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2011-1115.

CITY CLERK HALD read the title of Ordinance No. 2011-1115, An Ordinance of the City Council of the City of Imperial Beach, California, ADOPTION OF THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, INCLUDING LOCAL AMENDMENTS FOR THE CITY OF IMPERIAL BEACH.

MOTION BY KING, SECOND BY BRAGG, TO DISPENSE WITH SECOND READING AND ADOPT ORDINANCE NO. 2011-1115 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NOS. 2011-6999 AND 2011-7000 – FINDING AND CONFIRMING ABATEMENT COSTS FOR THE ABATEMENT OF WEEDS & RUBBISH REGARDING THE PROPERTIES LOCATED AT 715 HOLLY AVENUE AND 822 GEORGIA ARE APPROPRIATE AND ASSESSING COSTS OF ABATEMENT. (0470-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CODE ENFORCEMENT OFFICER GARCIAS gave a PowerPoint presentation on the item; in response to a concern raised regarding the amount of staff time spent on the cases, he stated that the process followed was mandated by the State.

City Council expressed appreciation for the work done by staff; and there was a request to first consider use of local contractors and other local businesses.

No speaker slips submitted.

In response to a suggestion to include initial investigation costs with the final abatement costs, CITY MANAGER BROWN stated staff and the City Attorney will review the matter.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NOS. 2011-6999 AND 2011-7000 - FINDING AND CONFIRMING ABATEMENT COSTS FOR THE ABATEMENT OF WEEDS & RUBBISH REGARDING THE PROPERTIES LOCATED AT 715 HOLLY AVENUE AND 822 GEORGIA ARE APPROPRIATE AND ASSESSING COSTS OF ABATEMENT. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1 - 6.7)

6.1 MONTHLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL. (0660-43)

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item due to the location of a previous place of employment and left Council Chambers at 6:52 p.m.

CITY MANAGER BROWN introduced the item.

ALLISON ROLFE, Project Manager for the Seacoast Inn, announced construction of the new hotel is scheduled to begin February 28th; she expected the loan to close next week; and she will forward information about a commencement/ground breaking party to the City Manager.

COUNCILMEMBER BRAGG returned to Council Chambers at 7:01 p.m.

6.2 RESOLUTION NO. 2011-6998 – APPROVING THE AMENDMENT OF COUNCIL POLICY 414: POLICIES PROCEDURES, AND GUIDELINES GOVERNING THE COMMUNITY GRANTS PROGRAM. (0330-15)

CITY MANAGER BROWN reported on the item.

MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-6998 – APPROVING THE AMENDMENT OF COUNCIL POLICY 414: POLICIES PROCEDURES, AND GUIDELINES GOVERNING THE COMMUNITY GRANTS PROGRAM. MOTION CARRIED UNANIMOUSLY.

6.3 NO ITEM.

PUBLIC COMMENTS

NANCY DAYTON complained about a citation she received for parking her motor home in her driveway; and she encouraged City Council to consider review of the issue.

CITY MANAGER BROWN stated staff will be sending out letters to approximately seventeen (17) recreational vehicle owners who were recently sited; the owners will be informed that though they have committed a violation, there is no need to take immediate corrective action, staff will continue to respond on a complaint basis and the systematic code compliance program will eventually enter their neighborhood.

REPORTS (6.1 - 6.4)

6.4 RESOLUTION NOS. 2011-7005 AND R-11-246 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO ENTER INTO A COOPERATION AGREEMENT AND NECESSARY SECURITY INSTRUMENTS BETWEEN THE CITY OF IMPERIAL BEACH AND THE REDEVELOPMENT AGENCY FOR PAYMENTS OF CERTAIN COSTS ASSOCIATED WITH CERTAIN REDEVELOPMENT AGENCY FUNDED PROJECTS. (0640-05)

CITY MANAGER BROWN reported on the item.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NOS. 2011-7005 AND R-11-246 – AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO ENTER INTO A COOPERATION AGREEMENT AND NECESSARY SECURITY INSTRUMENTS BETWEEN THE CITY OF IMPERIAL BEACH AND THE REDEVELOPMENT AGENCY FOR PAYMENTS OF CERTAIN COSTS ASSOCIATED WITH CERTAIN REDEVELOPMENT AGENCY FUNDED PROJECTS. MOTION CARRIED UNANIMOUSLY.

6.5 ADOPTION OF RESOLUTION NOS. 2011-7003 AND R-11-247 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE A LEASE AGREEMENT FOR 495 10th STREET (“PUBLIC WORKS YARD”); APN 626-060-05. (0640-05 & 0910-30)

CITY MANAGER BROWN introduced the item and he announced a revised resolution was provided as last minute agenda information.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO ADOPT RESOLUTION NOS. 2011-7003 AND R-11-247 – AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE A LEASE AGREEMENT FOR 495 10th STREET (“PUBLIC WORKS YARD”); APN 626-060-05. MOTION CARRIED UNANIMOUSLY.

6.6 RESOLUTION NO 2011-7001 – DECLARING THAT THE MEMBERS OF THE CITY COUNCIL SHALL BE THE COMMISSIONERS OF THE HOUSING AUTHORITY, DESIGNATING THE FIRST INTERIM CHAIRMAN OF THE HOUSING AUTHORITY, AND APPROVING THE SAN DIEGO COUNTY HOUSING AUTHORITY TO FUNCTION AND OPERATE LEASED HOUSING. (0412-20 & 0640-05)

CITY MANAGER BROWN reported on the item.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7001 - DECLARING THAT THE MEMBERS OF THE CITY COUNCIL SHALL BE THE COMMISSIONERS OF THE HOUSING AUTHORITY, DESIGNATING THE FIRST INTERIM CHAIRMAN OF THE HOUSING AUTHORITY, AND APPROVING THE SAN DIEGO COUNTY HOUSING AUTHORITY TO FUNCTION AND OPERATE LEASED HOUSING. MOTION CARRIED UNANIMOUSLY.

6.7 CITY COUNCIL REPRESENTATION ASSIGNMENTS. (0410-50)

MAYOR JANNEY reported due to scheduling conflicts he is recommending Councilmember Bragg serve as the alternate on the Metro Wastewater Commission/JPA and Mayor Pro Tem Bilbray serve as the alternate on the SANDAG – Shoreline Preservation Working Group; he noted the potential conflict for the Metro Wastewater Commission/JPA assignment due to the stipend.

MOTION BY JANNEY, SECOND BY KING, TO APPOINT MAYOR PRO TEM BILBRAY TO SERVE AS THE ALTERNATE ON THE SANDAG – SHORELINE PRESERVATION WORKING GROUP. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO THE APPOINTMENT OF COUNCILMEMBER BRAGG AS THE ALTERNATE ON THE METRO WASTEWATER COMMISSION/JPA. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, SPRIGGS, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: NONE
DISQUALIFIED: COUNCILMEMBERS: BRAGG (DUE TO A POTENTIAL CONFLICT OF INTEREST)

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:14 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, MMC
City Clerk