

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

JUNE 15, 2011

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

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

REGULAR MEETING CALL TO ORDER

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

ROLL CALL

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

CITY ATTORNEY LYON announced a Cancellation Notice for the Closed Session portion of the agenda was posted yesterday and therefore removed from the agenda and not held.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO PULL ITEM NO. 2.2 – RESOLUTION NO. 2011-7055 APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE J. SIMMS AGENCY TO PROVIDE PUBLIC RELATION SERVICES FROM THE CONSENT CALENDAR FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

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

COUNCILMEMBER KING reported on his attendance at the South County Economic Development Council meeting and he announced the Taste of IB event is scheduled for June 26th.

COUNCILMEMBER BRAGG reported on her attendance at the Metro Wastewater Commission meeting.

COUNCILMEMBER SPRIGGS thanked Councilmember Bragg for attending the meeting on his behalf; he stated that the Commission and the San Diego Water Authority are looking at higher use of recycled water and he will report on this subject in the future.

MAYOR JANNEY reported on his attendance at the SANDAG Board meeting, he stated that the EIR for the Shoreline Preservation project is out for review and the California Coastal Commission held a hearing on the project today.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1)

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

MAYOR JANNEY announced a corrected staff report was submitted as Last Minute Agenda Information; and he, along with MARCO TOPETE, of EDCO presented the Recycle All-Star Award Certificate, \$100 check and other premiums to the daughter of Naima Finnie.

CONSENT CALENDAR (2.1 - 2.3)

MOTION BY KING, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 AND 2.3. MOTION CARRIED UNANIMOUSLY.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 78380 through 78461 with the subtotal amount of \$1,256,046.16 and Payroll Checks 43851 through 43888 for the pay period ending 05/19/11 with the subtotal amount of \$159,950.85 for a total amount of \$1,415,997.01.

2.3 RESOLUTION NO. 2011-7056 APPROVING CITY COUNCIL POLICY 409 – INVESTMENT POLICY. (0350-95 & 0410-95)

Adopted resolution.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2011-1117 – AFFIRMATIVE ACTION. (0380-95)

CITY MANAGER BROWN reported on the item.

In response to Councilmember Spriggs' concerns, CITY ATTORNEY LYON responded that she did not have the opportunity to check other cities for ordinances and if they had them repealed; She reported that the ordinance was approved in 1971 and State law changed pursuant to Proposition 209 in 1996; she stressed that it is not necessary to have a local ordinance on affirmative action as State law and Federal law deal with the issue.

MAYOR JANNEY requested staff provide City Council with information on diversity in the workforce for City contractors and called for the reading of the title of Ordinance No. 2011-1117.

CITY CLERK HALD read the title of Ordinance No. 2011-1117, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH REPEALING CHAPTER 2.44 OF THE IMPERIAL BEACH MUNICIPAL CODE REGARDING AFFIRMATIVE ACTION IN PUBLIC CONTRACTING."

MOTION BY BILBRAY, SECOND BY BRAGG, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2010-1117. MOTION CARRIED BY THE FOLLOWING VOTE:
AYES: COUNCILMEMBERS: KING, BRAGG, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: SPRIGGS

PUBLIC HEARINGS (5.1 &-5.2)

5.1 RESOLUTION NO. 2011-7058 – 741 HICKORY COURT: NOTICE TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS. (0470-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item; he stated that trash and debris on the property have been abated, and issues with property maintenance conditions as well as tarps on the roof still exist.

DONNA MUSICK submitted nine (9) photos of her property, she expressed concern about staff entering her property to take photos, she questioned why she has to have a licensed contractor to do the repairs; and she requested more time to continue with repairs to her property.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded staff had suggested Ms. Musick to obtain three (3) bids in order to get the best price, owner/builder permits are given in this City; however, staff recommended the use of a qualified contractor who does roof repairs, and he clarified that Mr. Garcias did not go onto her property to take photos.

City Council discussed the abatement process and considered continuance of the public hearing to allow more time for the property owners to clean up the property.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO CONTINUE THE PUBLIC HEARING TO THE 2ND MEETING IN SEPTEMBER. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY stated that since there isn't a second meeting in September, there needs to be a substitute motion to continue the public hearing to October 5, 2011.

MOTION BY BRAGG, SECOND BY BILBRAY, TO CONTINUE THE PUBLIC HEARING TO OCTOBER 5, 2011. MOTION CARRIED UNANIMOUSLY.

5.2 RESOLUTION NO. 2011-7054 – CASEY MAMMEN (APPLICANT)/JIM TONDELLI (OWNER), AN ADMINISTRATIVE COASTAL PERMIT (ACP 080058), CONDITIONAL USE PERMIT (CUP 080059), AND ADMINISTRATIVE SIGN PERMIT (ASP 080060) FOR A CHURCH USE (“THE POTTER’S HOUSE CHRISTIAN FELLOWSHIP CHURCH”) TO OCCUPY AN EXISTING VACANT BUILDING LOCATED AT 808 13TH STREET (APN 626-342-15-00), IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 999 (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item; he recommended a revision to Condition Number 2 in Resolution 2011-7054 to state "A freestanding sign that does not exceed five feet in height and six feet in width may be approved subject to staff approval of the design, materials, and lighting/illumination. If building signs are proposed in the future, the freestanding sign must be reduced in size so that all signage will conform with signage regulations allowed of the R-2000 Zone." He also recommended a revision to the findings to state 30 square feet instead of 40 square feet.

CASEY MAMMEN, Applicant, was available to answer questions.

COUNCILMEMBER BRAGG suggested to the applicant that he include denomination, service times and church activities in the signage.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7054 – APPROVING AN ADMINISTRATIVE COASTAL PERMIT (ACP 080058), CONDITIONAL USE PERMIT (CUP 080059), AND ADMINISTRATIVE SIGN PERMIT (ASP 080060) WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS AS REVISED BY STAFF. MOTION CARRIED UNANIMOUSLY.

ITEM NO. 3.1 – TIME SPECIFIC FOR 7:00 P.M.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

3.1 CONSIDERATION OF ORDINANCE NOS. 2011-1118 AND 2011-1119 PERTAINING TO MEDICAL MARIJUANA DISTRIBUTION FACILITIES. (0610-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON gave a background report on the item; she noted that California law permits medical marijuana use by qualified patients while Federal law prohibits it; the proposed ordinances will prohibit the distribution of marijuana to two or more persons within the City, allow for qualified patients to cultivate and use marijuana, and allow for primary care givers to cultivate or supply marijuana to qualified patients; she noted that the proposed ordinances were based on secondary effects on neighborhoods and the lack of appropriate zones based on the size of the City.

COMMUNITY DEVELOPMENT DIRECTOR WADE displayed and reviewed a map of Imperial Beach with similar distance regulations adopted by other communities who regulate medical marijuana; he stated that if marijuana dispensaries were permitted no closer than 600 feet from schools, churches, and parks, and 500 feet from residences, there would be no site available in the General Commercial (C-1) Zone; and given the small size of the City and the small size of the commercial zones, it would be difficult, if not impossible, to adopt similar regulations that regulate the location of medical marijuana dispensaries within Imperial Beach.

MAYOR JANNEY limited public speakers to two (2) minutes.

RON MOODY spoke in opposition to medical marijuana dispensaries.

PAUL ROMERO spoke in support for medical marijuana dispensaries.

TRACEY RIVERA spoke in support for medical marijuana dispensaries (Additional speaking time donated by RUSSELL RICKER and EUGENE DAVIDOVICH).

ED SORRELS spoke in support for having at least one medical marijuana dispensary in Imperial Beach.

JON SIMON spoke in support for Staff's recommendation to prohibit medical marijuana dispensaries in Imperial Beach.

TYRELL BONDS spoke in opposition to medical marijuana dispensaries.

FERNANDO PINEDO, JR. submitted a letter in opposition to medical marijuana dispensaries (He did not wish to speak).

SHARON MARLOW spoke in support for medical marijuana dispensaries.

MARCUS BOYD requested a copy of the cost analysis for regulating medical marijuana dispensaries; he spoke in support for medical marijuana dispensaries; and he submitted nine (9) additional letters in support for marijuana dispensaries for the record (Additional speaking time donated by MICHAEL DENNISON).

CAROL GREEN spoke in opposition to medical marijuana dispensaries.

TOM HETHERINGTON spoke in opposition to medical marijuana dispensaries.

VEY LINVILLE spoke in support for medical marijuana dispensaries.

DANA STEVENS representing the East County Marijuana Task Force, spoke in opposition to medical marijuana dispensaries.

LORENZO HIGLEY representing Community's Against Substance Abuse, spoke in support for Staff's recommendation.

LT. MARCO GARMO, San Diego County Sheriff's Dept., spoke in opposition to medical marijuana dispensaries or any other cash businesses that have potential for increasing crime; he expressed concern about abusers easily obtaining medical marijuana cards; he advised that with any business that has potential for increasing crime there is a need to consider manpower and the ability to maintain the quality of life; and he stated that he would provide a cost breakdown for enforcement of dispensaries.

MAYOR PRO TEM BILBRAY spoke in support for at least one medical marijuana dispensary in the City.

A majority of the City Council raised concern with negative impacts and costs associated with medical marijuana dispensaries and there were requests to review the definition of a medical marijuana distribution facility.

CITY ATTORNEY LYON stated that if the City Council desired a change to the definition of medical marijuana distribution facility, the 45-day noticing requirement is not applicable since the definition is located in the business code section; she further stated that the zoning ordinance does not contain the definition, it only refers to the business code section.

MAYOR JANNEY closed the public hearing, he recommended a change to the definition from two or more persons to four or more persons and called for the introduction of Ordinance No. 2011-1118 (Business ordinance).

CITY CLERK HALD read the title of Ordinance No. 2011-1118 "AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 4 (BUSINESS LICENSING AND REGULATION) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 4.60 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES)."

MOTION BY JANNEY, SECOND BY BRAGG, TO DISPENSE FIRST READING OF ORDINANCE NO. 2011-1118 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING INCLUDING THE REVISION TO SECTION 4.16.010A - DEFINITIONS TO FOUR OR MORE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, JANNEY
NOES: COUNCILMEMBERS: BILBRAY
ABSENT: COUNCILMEMBERS: NONE

MAYOR JANNEY called for the introduction of Ordinance No. 2011-1119 (Zoning ordinance)

CITY CLERK HALD read the title of Ordinance No. 2011-1119 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 19.61 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES) TO TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE AND REPEALING ORDINANCE NO. 2010-1107."

MOTION BY JANNEY, SECOND BY BRAGG, TO DISPENSE FIRST READING OF ORDINANCE NO. 2011-1119 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, JANNEY
NOES: COUNCILMEMBERS: BILBRAY
ABSENT: COUNCILMEMBERS: NONE

PUBLIC HEARINGS (5.3)

5.3 RESOLUTION NO. 2011-7052 – COASTAL DEVELOPMENT PERMIT (ACP 110014) FOR THE IMPERIAL BEACH ECO-BIKE TRAFFIC-CALMING PROJECT ON PALM AVENUE. MF 934. (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.
City Council expressed concern about traffic impacts as a result of reducing Old Palm Ave. to one lane on each side, the cost of the project, and having parking in areas that may not be necessary.

COUNCILMEMBER BRAGG spoke in opposition to the project due to the cost and impacts to traffic.

MOTION BY SPRIGGS, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7052 – APPROVING ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (ACP) 110014, WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, SPRIGGS, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: BRAGG
ABSTAIN: COUNCILMEMBERS: NONE

MAYOR JANNEY called a recess at 8:51 p.m. and reconvened the meeting to Open Session at 9:00 p.m.

ROLL CALL

Councilmembers present: Spriggs, Bragg, King
Councilmembers absent: None
Mayor Pro Tem Present: Bilbray
Mayor present: Janney
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

REPORTS (6.1-6.4)

6.1 RESOLUTION NOS. 2011-7057 AND R-11-263 APPROVING FISCAL YEAR 2011-12 AND 2012-13 OPERATING BUDGETS. (0330-30)

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE reported on the item and noted that the budget is balanced with the PERS side fund balance paid off; and elimination of the Redevelopment Agency could cause a \$300,000 operating gap.

MICHAEL DENNISON questioned if the \$7.4 million in reserves could be used for lawsuits.

COUNCILMEMBER SPRIGGS expressed concern about approving a budget at this time when there are uncertain financial impacts to Imperial Beach should the State of California eliminate the Redevelopment Agency.

CITY MANAGER BROWN responded that staff will return to City Council when there is certainty as to the impacts of the legislation.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NOS. 2011-7057 AND R-11-263 APPROVING FISCAL YEAR 2011-12 AND 2012-13 OPERATING BUDGETS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: SPRIGGS
ABSTAIN: COUNCILMEMBERS: NONE

- 6.2 RESOLUTION NO. 2011-7053 AND NO. R-11-261 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH VERONICA TAM AND ASSOCIATES TO PREPARE THE 2013-2020 FIFTH CYCLE HOUSING ELEMENT AND AUTHORIZING THESE SERVICES TO BE FUNDED THROUGH REDEVELOPMENT HOUSING FUNDS. MF 1060. (0660-90)**

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA reported on the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded to City Council's concerns with project overruns and will communicate to the contractor that there is an expectation to deliver on the cost estimate provided.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7053 AND NO. R-11-261 AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH VERONICA TAM AND ASSOCIATES TO PREPARE THE 2013-2020 FIFTH CYCLE HOUSING ELEMENT AND AUTHORIZING THESE SERVICES TO BE FUNDED THROUGH REDEVELOPMENT HOUSING FUNDS. MOTION CARRIED UNANIMOUSLY.

- 6.3 APPOINTMENT OF ONE COUNCILMEMBER TO SERVE AS A MEMBER OF THE OTAY RIVER MANAGEMENT PLAN POLICY COMMITTEE. (0410-70 & 0770-85)**

MAYOR JANNEY nominated Councilmember Bragg to serve on the Otay River Management Plan Policy Committee.

MOTION BY JANNEY, SECOND BY SPRIGGS, TO APPROVE THE MAYOR'S APPOINTMENT OF COUNCILMEMBER BRAGG TO SERVE AS A MEMBER OF THE OTAY RIVER MANAGEMENT PLAN POLICY COMMITTEE. MOTION CARRIED UNANIMOUSLY.

- 6.4 RESOLUTION NO. 2011-7059 AND RESOLUTION NO. R-11-264 AUTHORIZING AN AGREEMENT AND INCREASING THE CONTRACT AMOUNT WITH PROJECT DESIGN CONSULTANTS FOR CIVIL ENGINEERING SERVICES FOR THE STATE ROUTE 75/DELAWARE AND 7TH STREETS INTERSECTION PROJECT. (0640-05)**

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY reported on the item.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7059 AND RESOLUTION NO. R-11-264 AUTHORIZING AN AGREEMENT AND INCREASING THE CONTRACT AMOUNT WITH PROJECT DESIGN CONSULTANTS FOR CIVIL ENGINEERING SERVICES FOR THE STATE ROUTE 75/DELAWARE AND 7TH STREETS INTERSECTION PROJECT. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR (2.2)

2.2 RESOLUTION NO. 2011-7055 APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE J. SIMMS AGENCY TO PROVIDE PUBLIC RELATION SERVICES. (0160-05)

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER SPRIGGS spoke of the need to focus on marketing the area around the new hotel and suggested there be a joint public relations effort between the City of Imperial Beach and Pacifica.

CITY MANAGER BROWN responded that his request will cost more than the \$15,000 budget for the contract.

MOTION BY KING, SECOND BY BRAGG, TO APPROVE RESOLUTION NO. 2011-7055 APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE J. SIMMS AGENCY TO PROVIDE PUBLIC RELATION SERVICES. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 10:35 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk