

## MINUTES

### **IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PUBLIC FINANCING AUTHORITY**

**NOVEMBER 21, 2007**

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

**REGULAR MEETING – 6:00 P.M.**

#### **REGULAR MEETING CALL TO ORDER BY MAYOR**

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

#### **ROLL CALL BY CITY CLERK**

Councilmembers present:	McLean, Bragg, McCoy
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Winter
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

#### **PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

#### **AGENDA CHANGES**

None.

#### **MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS**

COUNCILMEMBER MCLEAN reported that he distributed to Councilmembers a written update on MTS rates and transfers; he also provided Council with information on MTS' role during the fires; he announced the Christmas Comes to IB event is scheduled for December 1; he reported on the recent Military Affairs Subcommittee meeting, Bicycle Rodeo event and the rededication of the Ocean Riders sculpture at Dunes Park.

COUNCILMEMBER MCCOY wished everyone a happy Thanksgiving and reflected on the true meaning of the holiday.

MAYOR PRO TEM WINTER reported that she attended the League of California Cities – San Diego County Division Luncheon where they were given a presentation on the recent fires that took place in San Diego County; she announced the South Bay Education Foundation (SBEF) will hold a craft fair on December 8 at Mendoza School; SBEF provides funding for Arts and Sciences programs for which the State no longer funds.

MAYOR JANNEY reported on the military's role during the recent fires; he also reported that the Navy has agreed to provide approximately 50,000 square feet of land for a dog run; the area, located by the entrance for Camp Surf, will be available 24 hours a day; he noted that the dog run is on military property and it is a privilege that the Navy is allowing the City to enjoy.

### **COMMUNICATIONS FROM CITY STAFF**

CITY MANAGER BROWN reported Public Works Director Levien is working with the citizen who expressed concern at the previous City Council meeting about the cleanliness of the corner at Seacoast Drive and Evergreen and gave a brief update on the situation.

### **PUBLIC COMMENT**

MAYOR JANNEY read the following comment from DAREN JOHNSON who did not wish to speak: "Opposed to polluted sand dumping in I.B. I would like the City publicly post the test results (if testing was done) that prove that the sand dumped this past Sunday is clean. I would also ask the City Council to be proactive in informing citizens the citizens of I.B. of any and all dredging projects prior to their starting."

MICHEL DEDINA expressed concern about the dumping of sand onto the beaches of Imperial Beach; he requested that the Port staff and contractors give a presentation to the Tidelands Advisory Committee (TAC); and he requested that upcoming term expirations for TAC members be renewed.

MAYOR JANNEY noted that TAC members with upcoming term expirations have been notified and he is awaiting responses from them.

CITY MANAGER BROWN stated that when he first learned of the matter, his first goal was to determine if all legal requirements were met; the Port confirmed that all legal requirements were met.

EMILY YOUNG expressed concern about the potential toxicity of the sand that was dredged off of Shelter Island and dumped in Imperial Beach; she requested that the TAC be empowered to look into sand replenishment and work in tandem with the Waterman's Committee.

ISRAEL DEDINA requested that the Port notify the public prior to the dumping of sand.

JEFF KNOX expressed concern about the dumping of sand and the Port's lack of public notice.

SERGE DEDINA Executive Director of Wildcoast, recognized the quick response of the lifeguards and the efforts of City Manager Brown when the tug boat and barge were first seen off the coast of IB; he submitted a letter to City Council requesting an injunction against the Port and San Diego Silver Gate Yacht Club's dredge and fill project.

COUNCILMEMBER MCCOY requested that the City Manager ensure that City Council is provided with copies of all permits.

MAYOR JANNEY expressed disappointment that the City was not informed of the project; he added the City is doing its best to look into the matter.

MAYOR PRO TEM WINTER thanked City Manager Brown for immediately notifying her of the situation and for tracking down the responsible party; she expressed discontent that the recipient jurisdiction wasn't even notified and questioned why I.B. was the recipient.

CITY MANAGER BROWN thanked Assistant City Manager Ritter and Community Development Director Wade for their efforts on the matter.

### **PRESENTATIONS (1.1)**

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

MAYOR JANNEY presented the Recycle All-Star Award Certificate and used oil recycling premiums to Jed Winn.

Ron Oliver, of EDCO, presented the \$100.00 check to Mr. Winn.

### **CONSENT CALENDAR (2.1 - 2.6)**

MAYOR PRO TEM WINTER announced she had a potential conflict of interest on Item No. 2.6 and disqualified herself from voting on the item.

**MOTION BY MCLEAN, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.5. MOTION CARRIED UNANIMOUSLY.**

**WITH REGARD TO ITEM NO. 2.6, MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>MCLEAN, BRAGG, MCCOY, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS:</b>	<b>WINTER (DUE TO POTENTIAL CONFLICTS OF INTEREST)</b>

#### **2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 65175 through 65268 with the subtotal amount of \$806,898.34; and Payroll Register Numbers 39066 through 39113 for the pay periods ending 10/25/07 and 11/08/07 with the subtotal amount of \$134,467.36; for a total amount of \$941,365.70.

#### **2.2 STATE CONTROLLER'S REPORT. (0300-88)**

Received and filed the State Controller's report for the year ending June 30, 2007.

#### **2.3 UNCOLLECTIBLE DUI ACCOUNTS. (0390-10)**

1. Received report; and
2. Adopted Resolution No. 2007-6558 authorizing the write-off of delinquent accounts incurred prior to January 1, 2005 totaling \$11,149 and authorizing the Finance Director to send these accounts to a collection agency.

#### **2.4 RESOLUTION NO. 2007-6557 – AMENDING THE PUMP STATION NUMBER 3 UPGRADE (CIP# W05-104) PROJECT IN THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET 2004/2005 THROUGH FISCAL YEAR 2008/2009 AND AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – PUMP STATION NUMBER 3 UPGRADE (CIP# W05-104). (0830-35)**

Received report and adopt resolution.

**2.5 TIDELANDS ADVISORY COMMITTEE – TERMS EXPIRING ON DECEMBER 31, 2007. (0120-90)**

Received and filed.

**2.6 LETTER OF SUPPORT FOR AN EPA GRANT. (0460-20)**

Ratified letter.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

None.

**ORDINANCES – INTRODUCTION/FIRST READING (3)**

**3.1 SEACOAST INN: OWNER/APPLICANT: IMPERIAL COAST LIMITED PARTNERSHIP/PACIFICA COMPANIES RE SPECIFIC PLAN (GPA 03-095), DESIGN REVIEW (DRC 03-094), REGULAR COASTAL PERMIT (CP 03-091) SITE PLAN REVIEW (SPR 03-093), TENTATIVE MAP (TM 03-092), DEVELOPMENT AGREEMENT AND ENVIRONMENTAL IMPACT REPORT (EIA 04-034) FOR THE REDEVELOPMENT OF AN EXISTING HOTEL LOCATED AT 800 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF661. (0660-43)**

MAYOR JANNEY declared public hearing open.

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item as her place of employment is within 500 feet of the project and she left Council Chambers at 6:34 p.m.

CITY MANAGER BROWN introduced the item and thanked Community Development Director Wade, City Planner Nakagawa, Darrell Gentry and Allison Rolfe for their efforts on the item.

DARRELL GENTRY gave a PowerPoint presentation on the item; he reviewed the project application process, gave a project overview and reviewed the project design, key issues, project resolutions, project findings, and proposed site plan; he compared the existing hotel to the proposed project; he went into detail on the proposed project description and the specific plan required findings.

COMMUNITY DEVELOPMENT DIRECTOR WADE recognized Public Works Director Levien and Building Official Wilczak for their efforts on the item.

ALLISON ROLFE expressed appreciation for staff's dedication and efforts on the project; she noted that she prepared a matrix of comments raised at the three workshops and their responses; she noted that she and staff have come to resolution on all of the outstanding items on the development agreement and Conditions of Approval.

COMMUNITY DEVELOPMENT DIRECTOR WADE noted that the changes will be presented later in the presentation.

MICHEL DEDINA spoke in support of the project; he expressed concern about the improvements to Date Avenue and hoped that the developer, and not the City, would pay for the improvements; he requested the hotel be made available in the case of a tsunami.

TRAVIS BRAZIL spoke in support of the project.

ZEKE MAZUR requested access to the roof in order to see the view and questioned if there would be bicycle parking.

MS. ROLFE responded that the owner agreed that the hotel would be made available in the event of a tsunami and that details would be included in the specific plan; no activities are planned for the roof due to the height limits, view spots within the hotel will be made available to the public and will be specified in the construction level documents; bicycle parking will be made available and is identified in their Green Plan.

MAYOR JANNEY announced a letter was received from John Burton and Fred Cook.

JOHN BURTON stated that he lives next door to the project; he spoke in support of the project; he noted that his concerns are detailed in the letter with the biggest concern being increased traffic on Date Avenue, which is currently lightly trafficked.

In regard to Date Avenue, COMMUNITY DEVELOPMENT DIRECTOR WADE stated that there are no significant impacts related to traffic per the EIR; he reported that after looking at ingress and egress points for the hotel, staff recommended Date Avenue for access to the parking garage and for loading and unloading rather than Seacoast Drive, since Seacoast Drive is the major thoroughfare along the coast for vehicle, bus, and pedestrian traffic; he noted that the area west of the parking garage is designed to be a pedestrian plaza with minimal street parking, a concept design that is most efficient although there are still some drainage and storm water runoff issues that need to be addressed; he emphasized that he would be happy to work with Messrs. Burton and Cook regarding their concerns; he also stressed that the Date Avenue street end project will be an RDA project in the CIP program and although the RDA will be funding the project, the City will exceed the return on the investment in one year of revenue from the hotel based on current projections.

COUNCILMEMBER MCCOY requested dust barriers be erected to silence the noise and contain dust.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated there are required noise mitigation measures during construction of the project, in regard to the mitigation wall during pile driving activity, the Conditions of Approval state that it has to be in place during the sensitive noise activity and every effort will be made to maintain it in place during construction; however, there may be construction constraints that may make it impractical to keep the noise mitigation barrier up at all times.

MAYOR JANNEY called for the introduction of Ordinance No. 2007-1060.

CITY CLERK HALD read the title of Ordinance No. 2007-1060, an Ordinance of the City Council of the City of Imperial Beach, California, approving the Seacoast Inn Specific Plan (GPA 03-095) that proposes the demolition of the existing 38-room hotel and construction of a new 4-story, 78-room hotel with a seawall, 111 parking spaces, a restaurant, a meeting room

and related Date Avenue street end improvements located at 800 Seacoast Drive in the C-2 (Seacoast Commercial) Zone.

CITY ATTORNEY LOUGH noted that there is one amendment to Ordinance No. 2007-1060 as stated on Last Minute Agenda Information III on Page 3, Section 1: the word "expands" is crossed out; he explained what kinds of changes were being made.

**MOTION BY MCLEAN, SECOND BY MCCOY, TO DISPENSE THE FIRST READING OF ORDINANCE NO. 2007-1060 BY TITLE ONLY INCLUDING THE CHANGE AS DESCRIBED. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>MCLEAN, MCCOY, WINTER, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG (DUE TO POTENTIAL CONFLICTS OF INTEREST)</b>

MAYOR JANNEY called for the introduction of Ordinance No. 2007-1061.

CITY CLERK HALD read the title of Ordinance No. 2007-1061, an Ordinance of the City Council of the City of Imperial Beach, California, approving a Development Agreement by and between the City Council of the City of Imperial Beach and Imperial Coast Limited Partnership of a general partnership of Pacifica Hospitality Group, Inc.

CITY ATTORNEY LOUGH reported that the Development Agreement freezes in place the development standards, in exchange the City gets benefits; he emphasized that current information is in Last Minute Agenda Information II, showing what has been changed; he added that 95% of the document has not changed and there have not been significant changes. The following were changes noted for the record:

Page 12: Remove Section 6.02(f) regarding dedication issues;

Exhibit C – Existing Land Use Ordinances and Plans: Add following language: "Title 19 of the Imperial Beach Municipal Code and Ordinance No. 2007-1060 are on file with the City Clerk";

Exhibit D – Site Plan: Add the following language: "The Site Plan (SPR 03-093) is on file with the City Clerk; and

Exhibit E – Conditions of Approval: Conditions of Approval are added from Resolution No. 2007-6559 as amended by the errata Conditions of Approval from page 9 of 19 through 19 of 19 inclusive, as amended by errata changes (Last Minute Agenda Information III) of approval on pages 2-6.

He spoke of clerical changes that need to be made.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that since the Conditions of Approval that are contained in the resolution are an Exhibit to the Development Agreement, he requested that the following changes to the errata document, submitted as Last Minute Agenda Information III, be reflected in the record:

**Date Avenue**

For purposes of implementation and consistency, any references in the Seacoast Inn

Specific Plan, Development Agreement and Conditions of Approval regarding Date Avenue rights of way dedication shall read as: **sufficient rights of way necessary to accommodate the proposed Date Avenue street end improvements shall be dedicated by the applicant. Balconies fronting Date Avenue shall be allowed to project over the dedicated right-of-way, and beyond the newly established property line, a distance equal to the width of the required right-of-way dedication.**

**Noise:** (The word "be" was added)

It is anticipated that the project will create temporary noise impacts associated with construction activities. During construction, equipment and material transport will **also** generate temporary noise, which could be a significant increase in levels for the adjacent residents. Therefore, the following **conditions shall also be incorporated into the project as additional requirements to assure conformance or compliance with City regulations, and are in addition to required EIR Mitigation Measure.** mitigation measures shall be implemented to reduce impacts to below a level of significance:

The 1<sup>st</sup> #81 was deleted:

~~81. Remove sidewalk on Seacoast Drive frontage and construct an 8-foot wide sidewalk with a design that conforms to the constructed sidewalk adjacent to Dunes Park. **Applicant shall dedicate sufficient rights of way necessary to comply with ADA accessibility requirements and applicable design criteria, and the proposed improvements for Date Avenue.**~~

The following text was deleted from #83:

~~83. ... Any necessary right of way dedication required for ADA access compliance, the applicant shall agree to provide said dedication.~~

In response to Council's request for consistency, CITY ATTORNEY LOUGH recommended the following change to Section 6.09 (n): "Any amendments or modifications to the CC&Rs shall require City approval, which approval the City has the right to reasonably withhold. Amendments and modifications shall also be subject to approval by CCC in the manner found in section 6.02 (k) ..."

Discussion ensued regarding performance of the developer and should the developer fail to perform, the entitlement rights are forfeited.

MS. ROLFE stated the owner is interested in getting the project moving along very quickly and is looking into having the working drawings done by an outside firm so they can be done sooner than originally anticipated.

**MOTION BY MCCOY, SECOND BY MCLEAN, TO DISPENSE THE FIRST READING OF ORDINANCE NO. 2007-1061 BY TITLE ONLY WITH THE AMENDMENTS AS NOTED BY CITY ATTORNEY LOUGH AND COMMUNITY DEVELOPMENT DIRECTOR WADE.**

**MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: MCLEAN, MCCOY, WINTER, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: NONE**  
**DISQUALIFIED: COUNCILMEMBERS: BRAGG (DUE TO POTENTIAL CONFLICTS OF INTEREST)**

COUNCILMEMBER BRAGG returned to Council Chambers at 7:57 p.m.

MAYOR JANNEY called a recess at 7:58 p.m. and reconvened the Regular Meeting at 8:11 p.m.

### **ROLL CALL**

Councilmembers present:	McLean, Bragg, McCoy
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Winter
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

### **ORDINANCES – SECOND READING & ADOPTION (4)**

None.

### **INTERIM ORDINANCE EXTENDING URGENCY MEASURE – READING & ADOPTION (4A.1)**

**4A.1 AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING ADDITIONAL RETAIL ESTABLISHMENTS SELLING TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA DURING A 45-DAY SPECIAL STUDY PERIOD FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS. (0240-35)**

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of Ordinance No. 2007-1059.

CITY CLERK HALD read the title of Ordinance No. 2007-1059, an Interim Ordinance extending an urgency measure prohibiting additional retail establishments selling tobacco products and tobacco paraphernalia during a 45-day special study period for an additional 10 months and 15 days.

**MOTION BY MCCOY, SECOND BY MCLEAN, TO INTRODUCE, READ, PASS AND ADOPT ORDINANCE NO. 2007-1059 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

### **WRITTEN COMMUNICATIONS (5)**

None.

**PUBLIC HEARINGS (6.1)**

**6.1 822 GEORGIA STREET – NOTICE AND ORDER TO DEMOLISH AND REMOVE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS. (0470-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a PowerPoint presentation on the item; he noted that when the property was a rental property, the owner was an absentee landlord; the property owner has not returned any of staff's phone calls; the property owner has signed for all notices sent to him and has failed to communicate with staff since the onset of the investigation. He noted that the current assessment is \$11,900 in civil penalties and \$500 in administrative costs, for a total of \$12,400; he also explained that once an abatement warrant is obtained through the court, staff would request bids for demolition contractors, once a bid is secured, the building and violations would be removed.

In response to concerns raised regarding the property owner's financial status and ability of the owner to pay for the violations, CITY MANAGER BROWN clarified that staff is only aware that the owner has failed to take care of the violations.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY WINTER, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2007-6560 DECLARING THE PROPERTY AND STRUCTURE AT 822 GEORGIA STREET SUBSTANDARD AND A PUBLIC NUISANCE, AND ORDERING THE STRUCTURE TO BE DEMOLISHED AND REMOVED, AND ASSESSING THE TWELVE THOUSAND FOUR HUNDRED DOLLARS (\$12,400.00) IN ADMINISTRATIVE COSTS AND ACCUMULATED CIVIL PENALTIES AGAINST THE PROPERTY AND TO DIRECT STAFF TO COMMENCE LEGAL ACTION TO ABATE THE NUISANCE, AND STAFF WILL CAUSE THE REQUIRED WORK TO BE DONE AT THE EXPENSE OF THE OWNER(S), AND WILL SECURE PAYMENT OF SUCH EXPENSE BY ASSESSMENT AND LIEN.**

Discussion ensued about the legal process and the placement of assessment on the tax roles.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY WINTER, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2007-6560 DECLARING THE PROPERTY AND STRUCTURE AT 822 GEORGIA STREET SUBSTANDARD AND A PUBLIC NUISANCE, AND ORDERING THE STRUCTURE TO BE DEMOLISHED AND REMOVED, AND ASSESSING THE TWELVE THOUSAND FOUR HUNDRED DOLLARS (\$12,400.00) IN ADMINISTRATIVE COSTS AND ACCUMULATED CIVIL PENALTIES AGAINST THE PROPERTY AND TO DIRECT STAFF TO COMMENCE LEGAL ACTION TO ABATE THE NUISANCE, AND STAFF WILL CAUSE THE REQUIRED WORK TO BE DONE AT THE EXPENSE OF THE OWNER(S), AND WILL SECURE PAYMENT OF SUCH EXPENSE BY ASSESSMENT AND LIEN. MOTION CARRIED UNANIMOUSLY.**

**REPORTS (7)**

None.

**REPORTS OF MAYOR AND COUNCILMEMBERS**

COUNCILMEMBER MCLEAN wished all a happy Thanksgiving.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 8:31 p.m.

---

James C. Janney, Mayor

---

Jacqueline M. Hald, CMC  
City Clerk