

**REGULAR CITY COUNCIL  
REDEVELOPMENT AGENCY  
PUBLIC FINANCING AUTHORITY MINUTES  
CITY OF IMPERIAL BEACH  
March 1, 2006  
CLOSED SESSION – 5:15 P.M.  
REGULAR MEETING – 6:00 P.M.  
CITY COUNCIL CHAMBERS  
825 Imperial Beach Boulevard  
Imperial Beach, California**

**CALL TO ORDER**

MAYOR PRO TEM MCLEAN called the Closed Session Meeting to order at 5:24 p.m.

**ROLL CALL**

Councilmembers present:	Janney, McCoy, Winter
Councilmembers absent:	None
Mayor present:	Rose (arrived at 5:30 p.m.)
Mayor Pro Tem present:	McLean
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

**CLOSED SESSION**

**MOTION BY MCCOY, SECOND BY WINTER, TO ADJOURN TO CLOSED SESSION UNDER:**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a)

Names of Cases: 2

Jona Knecht, Albert Knecht v. City of Imperial Beach; Case No.: GIC 835800

Suyat v. City of Imperial Beach, San Diego Superior Court Case No.: GIC 831429

**MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: JANNEY, MCCOY WINTER, MCLEAN**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: ROSE**

MAYOR PRO TEM MCLEAN adjourned the meeting to Closed Session at 5:25 p.m. MAYOR ROSE reconvened the meeting to Open Session at 6:05 p.m. Reporting out of Closed Session, MAYOR ROSE announced Council met earlier in Closed Session, received information from staff, gave direction, and had nothing to report at this time.

The Regular meeting was called to order at 6:06 p.m.

### **ROLL CALL**

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

### **PLEDGE OF ALLEGIANCE**

MAYOR ROSE led everyone in the Pledge of Allegiance.

### **AGENDA CHANGES**

COUNCILMEMBER MCCOY requested Item No. 2.9 be pulled for discussion.

**MOTION BY MCCOY, SECOND BY ROSE, TO PULL ITEM NO. 2.9 – OPPOSITION TO A TOLL ROAD THROUGH SAN ONOFRE STATE BEACH FOR DISCUSSION AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.**

### **MAYOR/COUNCIL ANNOUNCEMENTS**

COUNCILMEMBER MCCOY announced a bi-national meeting will take place in Mexicali on April 26<sup>th</sup> regarding Global Competitiveness for the Southwest Mega Region.

COUNCILMEMBER WINTER announced an hour and a half training course on how to be a Grunion Greeter is scheduled for April 15<sup>th</sup> at the Tijuana National Estuarine and Research Reserve. For more information, visit [www.grunion.org](http://www.grunion.org).

MAYOR PRO TEM MCLEAN reported on a tour of the watershed he took with Oscar Romo of National Oceanic and Atmospheric Administration (NOAA).

MAYOR ROSE announced that she would be attending the training course to be a grunion greeter; she recognized Andrew Kornblatt of Assemblymember Juan Vargas' office, and John Snyder of EDCO, a \$10,000 sponsor of the 50<sup>th</sup> Anniversary, both of whom were in attendance tonight.

### **COMMUNICATIONS FROM CITY STAFF**

None.

### **PUBLIC COMMENT**

SERGE DEDINA, of Wildcoast, thanked Council for advocating clean water and clean beaches; he provided a copy of a letter Wildcoast sent to US Attorney Carol C. Lam requesting that the US Attorney's office investigate recent disclosures of financial relationships among Bajagua Project LLC, its representatives, former US Congressmen Brian Bilbray and Duke Cunningham, and Congressman Bob Filner; he expressed a desire for the development and implementation

of a plan that would deal with all seven major reasons why the water is polluted and not just one issue that Bajagua will address.

PAUL AILLET complained about the curb and gutters project on Ebony Ave. between 3<sup>rd</sup> St. and 4<sup>th</sup> St.; he requested that staff discuss with each property owner the effects to each property.

CITY MANAGER BROWN stated that Public Works Director Levien is scheduling meetings with property owners.

MAYOR ROSE requested that City Manager Brown meet with Mr. Aillet.

### **PRESENTATIONS/PROCLAMATIONS (1.1 - 1.3)**

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

CITY MANAGER BROWN introduced the item.

MAYOR ROSE, along with John Snyder of EDCO, presented the Recycle All-Star Award Certificate, \$100.00 check, and used oil recycling premiums to Leo Clement and family.

#### **1.2 PRESENTATION BY VICKI TOUCHSTONE, REFUGE PLANNER, SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX – COMPREHENSIVE CONSERVATION PLAN: SAN DIEGO BAY NATIONAL WILDLIFE REFUGE. (0230-80)**

CITY MANAGER BROWN introduced the item.

ANDY YUEN, new Project Leader for the San Diego National Wildlife complex, gave a PowerPoint presentation on the Comprehensive Conservation Plan for the Sweetwater Marsh and South San Diego Bay Units.

#### **1.3 CITY OF IMPERIAL BEACH 2005 ACCOMPLISHMENTS – PRESENTATION BY CITY MANAGER BROWN. (0100-10)**

CITY MANAGER BROWN gave a PowerPoint presentation on the City of Imperial Beach 2005 Accomplishments.

### **CONSENT CALENDAR (2.1 - 2.8)**

**MOTION BY ROSE, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.8. MOTION CARRIED UNANIMOUSLY.**

#### **2.1 MINUTES.**

Approved the minutes of the Regular City Council Meeting of January 18, 2006.

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

Ratified Accounts Payable Numbers 61175 through 61246 for the period ending 02/16/06 and Payroll Register Numbers 36602 through 36687 for the period ending 02/02/06 in the amount of \$939,547.56.

- 2.3 RESOLUTION NO. 2006-6287 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AUTHORIZING CITY MANAGER TO ENTER INTO DEED OF TRUST & ASSIGNMENT OF RENTS AND REGULATORY AGREEMENT FOR 1360 HEMLOCK AVENUE IN IMPERIAL BEACH, CALIFORNIA. (0490-40 & 0660-15)**
1. Received report; and
  2. Adopted Resolution No. 2006-6287.
- 2.4 RESOLUTION NO. 2006-6288 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AUTHORIZING CITY MANAGER TO ENTER INTO DEED OF TRUST & ASSIGNMENT OF RENTS AND REGULATORY AGREEMENT FOR 1260 CALLA AVENUE IN IMPERIAL BEACH, CALIFORNIA. (0490-40 & 0660-15)**
1. Received report; and
  2. Adopted Resolution No. 2006-6288.
- 2.5 2007 OFFICE OF TRAFFIC SAFETY (OTS) GRANT AND DUI ENFORCEMENT AND AWARENESS PROGRAM. (0390-88)**
1. Received report; and
  2. Authorized the City Manager or his designee to pursue this grant opportunity.
- 2.6 RESOLUTION NO. 2006-6290 – APPROVAL OF APPLICATION FOR 2006 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG). (0390-88)**  
Adopted Resolution.
- 2.7 RESOLUTION NO. 2006-6291 – AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – 4000 LB FORKLIFT SERIES. (0470-20)**
1. Received report; and
  2. Adopted Resolution.
- 2.8 AMENDING RESOLUTION NO. 2006-6283. (0470-20)**  
Adopted Resolution No. 2006-6283 assessing Five Thousand Dollars (\$5,000.00) of the probationary civil penalties and administrative costs, the Three Thousand Five Hundred dollars (\$3,500.00) in accrued civil penalties, and the Five Hundred Dollars (\$500.00) in administrative costs. The total amount of \$9,000.00 would be assessed and is to be remitted to the City within 30 days of adoption of this Resolution. The remainder of the Fourteen Thousand Five Hundred Fifty Dollars (\$14,550.00) in probationary civil penalties and administrative costs would be placed in abeyance, and in order to ensure the property is maintained with all federal, state and local laws, a 5-year probation period is established.
- 2.9 OPPOSITION TO A TOLL ROAD THROUGH SAN ONOFRE STATE BEACH. (0460-40)**

CITY MANAGER BROWN introduced the item and recommended that a letter in opposition to the toll road through San Onofre State Beach be sent to both the California State Governor and the Attorney General.

COUNCILMEMBER MCCOY stated that the issue was brought to her attention by some of the northern San Diego coastal cities; she expressed concern about a highway placed in a state park; she urged Council to take a position of opposition.

BEN MCCUE, representing Wildcoast, spoke in opposition of the toll road through San Onofre State Beach.

MICHEL DEDINA spoke in opposition of the toll road through San Onofre State Beach.

SERGE DEDINA was opposed to the toll road through San Onofre State Beach (did not wish to speak).

ISRAEL DEDINA spoke against the toll road through San Onofre State Beach.

DANIEL DEDINA supported Item No. 2.9 (did not wish to speak).

BELINDA SMITH spoke in opposition to the toll road through San Onofre State Beach.

ALAN HONADLE, Chairman of Surfrider Foundation, spoke in opposition to the toll road through San Onofre State Beach; he noted that San Onofre State Beach is the only area in the U.S. where an international surf contest takes place.

MAYOR ROSE thanked Councilmember McCoy for bringing the matter to the Council's attention; she thanked those that spoke in support of the letter and she announced that several e-mails in opposition to the toll road were received and were submitted as last minute agenda information; she also suggested that the legislative representatives also receive a copy of the letter.

COUNCILMEMBER WINTER spoke in support of the letter of opposition.

COUNCILMEMBER JANNEY stated that he would abstain from voting on the item, as he has not heard both sides of the issue; he added that he is hesitant to take a position on an issue not in the City's jurisdiction, especially when both sides of the issue have not been presented.

MAYOR ROSE stated that she understood Councilmember Janney's comments; she stated, however, that the location is in a State park and the Council has a right to state its position on the issue.

COUNCILMEMBER MCCOY again spoke in opposition to the toll road through San Onofre State Beach.

JEFF KNOX stated that the parks are located entirely in San Diego County and questioned how the Board of Supervisors of Orange County could approve a road in San Diego County.

SERGE DEDINA noted that the San Onofre State Beach is one of the major areas where IB residents go to surf and camp.

COUNCILMEMBER WINTER added that as a resident of IB and the State of California, she stated it is her right to exercise her opposition to the toll road.

MAYOR PRO TEM MCLEAN spoke in support of the letter.

COUNCILMEMBER JANNEY stated that he is voting in abstention and again noted that both sides of the issue have not been presented.

**MOTION BY ROSE, SECOND BY MCLEAN, TO SEND A LETTER OF OPPOSITION TO A TOLL ROAD THROUGH SAN ONOFRE STATE BEACH TO THE CALIFORNIA STATE GOVERNOR AND THE ATTORNEY GENERAL. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**ORDINANCES - INTRODUCTION/FIRST READING (3.1)**

**3.1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH TO AMEND CHAPTER 4.52 (BURGLARY AND ROBBERY ALARM SYSTEMS) OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING SECTIONS 4.52.040 AND 4.52.090. (0390-55)**

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD announced no speaker slips were submitted.

CITY CLERK HALD read the title of Ordinance No. 2006-1040, An ordinance of the City Council of the City of Imperial Beach amending chapter 4.52 (Burglary and robbery alarm systems) of the Imperial Beach Municipal Code by amending Sections 4.52.040 and 4.52.090.

**MOTION BY ROSE, SECOND BY JANNEY, TO DISPENSE FIRST READING OF ORDINANCE NO. 2006-1040 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.**

COUNCILMEMBER JANNEY noted that he previously had two businesses within the City of Imperial Beach and was never charged for alarm permits; he encouraged staff to look into procedures for tracking and collecting fees.

**ORDINANCES - SECOND READING & ADOPTION (4)**

None.

**WRITTEN COMMUNICATIONS (5)**

None.

**PUBLIC HEARINGS (6.1)**

**6.1 ARTHUR ZEPEDA/FRANK SPEES: TENTATIVE MAP (TM 05-249) AND ADMINISTRATIVE COASTAL PERMIT (ACP 05-248) FOR A 7-UNIT CONDOMINIUM CONVERSION LOCATED AT 560 FLORIDA STREET, IN THE R-3000-D (TWO-FAMILY RESIDENTIAL) ZONE. MF 791. (0600-20)**

MAYOR ROSE declared the public hearing open.

COUNCILMEMBER MCCOY announced she had a potential conflict of interest on the item as she has a business interest within 500 feet of the project and she left Council Chambers at 7:23 p.m.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item and responded to Council's concern regarding landscaping requirements; he also noted that in the condo conversion ordinance today's zoning and parking cannot be applied to yesterday's development.

FRANKLIN SPEES, representing the owner, spoke on the landscaping and greenery on the proposed development.

COUNCILMEMBER JANNEY stated that he had driven past the property and noticed that there is greenery to the north and south of the property that isn't shown in the presentation.

MAYOR ROSE noted that the various elements that Mr. Spees and the developers are bringing forward will be an improvement.

BOB WADHAM expressed concern about the safety of the children playing in the courtyard and suggested that the developer add accessible greenery for children to play and thereby making the development safer for the children.

**MOTION BY ROSE, SECOND BY MCLEAN, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**MOTION BY ROSE, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2006-6289, APPROVING TENTATIVE MAP (TM 05-249) AND AN ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (ACP 05-248), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

COUNCILMEMBER MCCOY returned to Council Chambers at 7:40 p.m.

**REPORTS (7.1 - 7.3)**

**7.1 SOLID WASTE ASSESSMENT OF DISPOSAL AND DIVERSION; REPORT OF. (0270-90)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN recognized Todd Snyder for his efforts on the Environmental Program and recognized John Snyder of EDCO for his and his staff's efforts; he gave a PowerPoint presentation on Assessment of Solid Waste Disposal & Diversion and responded to Council's concerns regarding detection of e-waste and the disposal of batteries.

JOHN SNYDER, Vice President of EDCO, responded that the South Bay Regional Household Hazardous Waste facility accepts universal waste items. He added that EDCO performs load checks at their transfer facility to ensure compliance.

COUNCILMEMBER WINTER thanked Mr. John Snyder for providing recycle bins for the building she works at and also thanked him for their efforts in encouraging commercial businesses in participating in recycling.

COUNCILMEMBER JANNEY requested that the letter to commercial property owners include an explanation of the importance of compliance.

**7.2 PROGRESS REPORT REGARDING SEACOAST INN REDEVELOPMENT. (0660-43)**

CITY MANAGER BROWN gave a report on the item and noted that Pacifica has authorized sewer and water impact studies to proceed; he noted that an updated schedule was submitted as last minute agenda information, and he stated that he was skeptical that the project would break ground this year.

COUNCILMEMBER MCCOY expressed concern about the delay and the slow pace of the project.

Discussion ensued.

MAYOR ROSE clarified that the plan to have the TAC and DRB involved was for community outreach-type meetings before the draft EIR went out for public comment.

**7.3 SEWAGE ISSUE STRATEGY/SECONDARY TREATMENT STATUS. (0620-75)**

COUNCILMEMBER WINTER spoke about the article that appeared in Sunday's Union-Tribune regarding the debate surrounding the Bajagua facility and the development agreement; she stated that she participated in a press conference with Assemblymember Saldaña and Serge Dedina of Wildcoast; she noted that Assemblymember Saldaña has asked for a Federal probe of the contract's terms and added that Assemblymember Saldaña is currently working on a bill that would regulate out-of-state entities that are seeking a discharge permit within California waters; she spoke about treatment plants in Tijuana that may come online by 2008 and the issues regarding the Bajagua project.

COUNCILMEMBER JANNEY requested Council be kept informed of discharges from other plants.

COUNCILMEMBER WINTER stated that Assemblymember Vargas' representative is here tonight and hoped that the City could rely on his support to get a handle on the situation; she also noted that there were several letters to the editor today; she expressed disappointment with the proponents of the project and felt the citizens deserved a better solution for the amount of money put into the project.

### **REPORTS OF MAYOR AND COUNCILMEMBERS**

COUNCILMEMBER MCCOY reported on recent SANDAG Board actions; she announced that at the Borders Committee meeting it was reported that, with regard to trucking, \$6 billion is lost due to the border wait times; on March 10<sup>th</sup> a tribal summit with the 18 tribal governments will take place; she reported on the Second Regional Board of Economic Development Forum that runs from Texas to California and stated they want \$100 million over the next three to five years to create secure manufacturing zones and to ensure safety along the border.

MAYOR ROSE announced that Mayor Smisek of Coronado would be going to Washington, D.C. to meet with the Assistant Secretary of the Navy regarding airport issues.

CITY MANAGER BROWN requested that the March 7<sup>th</sup> City Council workshop meeting be rescheduled to Saturday, March 25<sup>th</sup> at 9:00 a.m.

Consensus of City Council to the reschedule the March 7<sup>th</sup> City Council workshop meeting to Saturday, March 25<sup>th</sup> at 9:00 a.m.

The meeting adjourned at 8:35 p.m.

---

Diane Rose, Mayor

---

Attest:  
Jacqueline M. Hald, CMC  
City Clerk