

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
February 21, 2007
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:08 p.m.

ROLL CALL

Councilmembers present:	McLean, Bragg, McCoy
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Winter

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(b)(3)(A)
No. of Cases: 1

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: City Manager

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 800 Seacoast Dr., Imperial Beach, CA 91932; APN 625-262-01
Agency Negotiator: City Manager
Negotiating Parties: Imperial Coast Ltd. Partnership
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:09 p.m. and he reconvened the meeting to Open Session at 6:02 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information and gave direction to staff.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:03 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

PLEDGE OF ALLEGIANCE

IMPERIAL BEACH GIRL SCOUT TROOP 5090 led everyone in the Pledge of Allegiance.

MAYOR JANNEY announced Girl Scout Troop 5090 raised funds to purchase a printer for the Boys and Girls Club.

AGENDA CHANGES

None.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

In accordance with AB 1234, MAYOR PRO TEM WINTER announced she attended the League of California Cities luncheon meeting.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS/PROCLAMATIONS (1.1)

1.1 CITY OF IMPERIAL BEACH 2006 ACCOMPLISHMENTS – PRESENTATION BY CITY MANAGER BROWN. (0100-10)

CITY MANAGER BROWN announced the item would be presented at the next City Council meeting.

CONSENT CALENDAR (2.1 - 2.3)

COUNCILMEMBER BRAGG announced she would be abstaining on Item No. 2.1.

MOTION BY MCCOY, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.2 THRU 2.3.

In regard to Item No. 2.3, MAYOR PRO TEM WINTER expressed a desire for the analysis (and the resulting report) to be applied to all visitor serving sites within the City.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCCOY, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.2 THRU 2.3. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO ITEM NO. 2.1, MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 MINUTES.

Approved the minutes of the Regular City Council Meetings of November 15, 2006 and February 7, 2007.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified Accounts Payable Numbers 63307 through 63384 and Payroll Register Numbers 38063 through 38098 for the pay period ending 02/01/07 in the total amount of \$1,508,661.47.

2.3 ADOPTION OF RESOLUTION NO. R-07-116 AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PKF CONSULTING (PKF/C) FOR REAL ESTATE CONSULTING SERVICES. (0640-90)

Adopted Resolution No. R-07-116.

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

3.1 ORDINANCE NO. 2007-1052: CITY-INITIATED ORDINANCE AMENDMENT TO IBMC CHAPTER 19.48 (OFF-STREET PARKING; LCPA/ZCA 04-01) MODIFYING ORDINANCE NO. 2005-1032 PER COASTAL COMMISSION CERTIFICATION ORDER. MF 692. (0760-95)

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a report on the item.

MAYOR JANNEY declared the public hearing open.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing and called for the introduction of Ordinance No. 2007-1052.

CITY CLERK HALD read the title of Ordinance No. 2007-1052, an Ordinance of the City Council of the City of Imperial Beach, California amending Section 1 of Ordinance No. 2005-1032 that amended Chapter 19.48 (Off-Street Parking) of the Zoning Ordinance to include modifications pursuant to Coastal Commission Certification Order for Local Coastal Program Implementation Amendment #1-06. MF 692.

MOTION BY WINTER, SECOND BY MCCOY, TO DISPENSE FIRST READING OF ORDINANCE NO. 2007-1052 BY TITLE ONLY 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.

ORDINANCES - INTRODUCTION/FIRST READING (3.2)

3.2 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING TITLE 6, ANIMALS, ADDING A NEW CHAPTER 6.08 PROHIBITING THE FEEDING OF PIGEONS AND SEAGULLS WITHIN THE CITY OF IMPERIAL BEACH. (0200-35)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH recommended that the ordinance not be applied to private property due to difficulties in enforcement. The ordinance would only be in enforced on public rights-of-way and public parks where posted.

ALBERT KNECHT indicated he opposed the item (did not speak).

MAYOR JANNEY called for the introduction of Ordinance No. 2007-1051.

CITY CLERK HALD read the title of Ordinance No. 2007-1051, an Ordinance of the City Council of the City of Imperial Beach, California amending Title 6, Animals, adding a new Chapter 6.08 prohibiting the feeding of pigeons and seagulls within the City of Imperial Beach.

MOTION BY MCLEAN, SECOND BY WINTER, TO DISPENSE FIRST READING OF ORDINANCE NO. 2007-1051 BY TITLE ONLY 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.

ORDINANCES - SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6)

None.

MAYOR JANNEY announced he just received a public speaker slip and would allow the speaker to speak at this time.

PUBLIC COMMENTS

J.P. PALMER expressed concern about the administrative citation appeals process and his inability to pay his fines.

MAYOR JANNEY stated the City Attorney would contact Mr. Palmer.

REPORTS (7.1 - 7.7)

7.1 BUDGET AMENDMENT TO DECEMBER 7, 2005 FIVE YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009 AND AWARDING SEWER SYSTEM CAPACITY STUDY CIP (W05-902) CONTRACT. (0330-35)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

City Council discussion ensued regarding support for the item.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2007-6449 AWARDING THE CONTRACT TO RBF CONSULTING FOR THE SEWER CAPACITY STUDY (CIP W05-902). MOTION CARRIED UNANIMOUSLY.

MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2007-6450 AMENDING THE "SEWER SYSTEM CAPACITY STUDY" PROJECT W05-902 IN THE DECEMBER 7, 2005 AMENDED "FIVE YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009" BUDGET TO \$275,000. MOTION CARRIED UNANIMOUSLY.

7.2 RESOLUTION AWARDING STREET IMPROVEMENTS PHASE 3 RDA/CIP S04-108 PROFESSIONAL SERVICES CONTRACT. (0720-25)

CITY ATTORNEY LOUGH stated that Mayor Pro Tem Winter and Councilmember McCoy have real property interests within 500 feet and Councilmember Bragg has a source of income within 500 feet, all being equal conflicts; he noted that to establish a quorum, names of those with conflicts will be in a random drawing and the person whose name is drawn will participate in the discussion of the item.

CITY MANAGER BROWN announced Mayor Pro Tem Winter was selected and would participate in discussion of the item.

COUNCILMEMBERS MCCOY AND BRAGG left Council Chambers at 6:30 p.m.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY questioned if MTS were responsible for funding bus pads; he suggested that bus stops be moved; and he requested that shorter length buses be considered for the area.

MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NO. R-07-118 AWARDING A PROFESSIONAL SERVICES AGREEMENT WITH NASLAND ENGINEERING FOR THE DEVELOPMENT OF THE STREET IMPROVEMENTS, RDA PHASE 3 PROJECT S04-108 CONSTRUCTION DRAWINGS AND SPECIFICATIONS. MOTION CARRIED BY THE FOLLOWING VOTE:

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

COUNCILMEMBERS MCCOY AND BRAGG returned to Council Chambers at 6:37 p.m.

7.3 ADOPTION OF RESOLUTION NOS. R-07-117 AND 2007-6448 APPROVING PROPOSED MODIFICATIONS TO THE FACADE IMPROVEMENT PROGRAM. (0640-20)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY reported on the item and noted there was a correction to Resolution No. 2007-6448 that was submitted as Last Minute Agenda Information.

City Council discussion ensued. It was discussed that the City Attorney will look into developing a clause requiring property owners to maintain improvements; applications that have been received up to this point will be processed using the previous requirements and those that are received from this point forward would be subject to the new requirements.

MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NOS. R-07-117 AND 2007-6448 AS AMENDED APPROVING PROPOSED MODIFICATIONS TO THE FAÇADE IMPROVEMENT PROGRAM. MOTION CARRIED UNANIMOUSLY.

7.4 ADOPT RESOLUTION NO. 2007-6451 APPROVING AN AGREEMENT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH FOR POLICE, FIRE, EMERGENCY MEDICAL, LIFEGUARD AND ANIMAL CONTROL SERVICES. (0150-70)

CITY MANAGER BROWN introduced the item and thanked Assistant City Manager Ritter for his efforts on the item.

ASSITANT CITY MANAGER RITTER reported on the item.

CITY COUNCIL raised concern about the Port's denial to fund additional Sheriff staffing on the beach during the summer months.

MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2007-6451 APPROVING AN AGREEMENT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH FOR POLICE, FIRE, EMERGENCY MEDICAL, LIFEGUARD AND ANIMAL CONTROL SERVICES. MOTION CARRIED UNANIMOUSLY.

7.5 SEWAGE TREATMENT. (0620-75)

CITY MANAGER BROWN reported on the item.

City Council discussion ensued regarding support for the President's budget proposal with direction for City Manager Brown to work with Mayor Pro Tem Winter and Mayor Janney on fine-tuning the letter.

MOTION BY MCLEAN, SECOND BY MCCOY, TO AUTHORIZE THE MAYOR TO SEND LETTERS TO OUR CONGRESSIONAL DELEGATION AND OTHERS AS DEEMED APPROPRIATE BY THE MAYOR, STATING THE CITY'S SUPPORT OF THE PRESIDENT'S BUDGET PROPOSAL OF \$66M FOR SEWAGE TREATMENT IMPROVEMENTS AT THE EXISTING PLANT IN SAN YSIDRO AND TO AUTHORIZE THE MAYOR TO SOLICIT FROM CITIES, STATE LEGISLATORS AND OTHERS DEEMED APPROPRIATE BY THE MAYOR.

7.6 RESOLUTION NOS. 2007-6452 AND R-07-119 APPROVING THE DESIGN, LOCATION, AND PURCHASE OF CIVIC CENTER MONUMENT SIGN (CIP F05-201). (0910-10)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVEIN gave a PowerPoint presentation.

City Council discussion ensued regarding size of the sign and location preferences.

MOTION BY MCCOY, SECOND BY JANNEY, TO INSTALL AN 8 FOOT SIGN ON THE EAST SIDE AND ADOPT RESOLUTION NOS. 2007-6452 AND R-07-119 AUTHORIZING STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH FABRICATION ARTS FOR THE CONSTRUCTION AND INSTALLATION OF ONE CIVIC CENTER MONUMENT SIGN. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCLEAN, MCCOY, WINTER, JANNEY
NOES:	COUNCILMEMBERS:	BRAGG
ABSENT:	COUNCILMEMBERS:	NONE

7.7 VETERANS PARK/SPORTS PARK FICUS TREE CONSULTING ARBORIST REPORT – TREE REMOVAL AND TREE REDUCTION/THINNING RECOMMENDATION. (0940-60)

CITY MANAGER BROWN introduced the item and noted that should City Council decide to remove the trees, staff would return with replacement tree options in the future.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2007-6453 REMOVING ALL 8 TREES AND TO SELECT REPLACEMENT TREES IN THE FUTURE. MOTION CARRIED UNANIMOUSLY.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCLEAN reported on MTS and noted that news articles regarding MTS would be distributed to City Council.

CITY MANAGER BROWN announced Mayor Janney would be appearing on the local news on Channel 10 this evening.

ADJOURNMENT

The meeting adjourned at 7:41 p.m.

James C. Janney, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk