

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
September 20, 2006
CLOSED SESSION – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CALL TO ORDER

MAYOR ROSE called the Closed Session Meeting to order at 5:35 p.m.

ROLL CALL

Councilmembers present:	Janney, Winter
Councilmembers absent:	McCoy
Mayor present:	Rose
Mayor Pro Tem present:	McLean

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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CLOSED SESSION

MOTION BY ROSE, 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:

TC Construction Company v. City of Imperial Beach; Case No. GIS 24202

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: JANNEY, WINTER, MCLEAN, ROSE

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: MCCOY

MAYOR ROSE adjourned the meeting to Closed Session at 5:37 p.m. and she reconvened the meeting to Open Session at 6:18 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.

REGULAR MEETING

MAYOR ROSE called the Regular Meeting to order at 6:19 p.m.

ROLL CALL

Councilmembers present: Janney, Winter
Councilmembers absent: McCoy
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

MOTION BY ROSE, SECOND BY MCLEAN TO TAKE ITEM NO. 7.1 – ADOPT RESOLUTION NO. 2006-6405 APPROVING THE AWARD OF GRANTS UNDER THE COMMUNITY GRANTS PROGRAM FY 2006/2007 AFTER THE CONSENT CALENDAR AND PULL ITEM NO. 2.7 – ADOPT RESOLUTION NO. 2006-6402 APPROVING A REVISED ONE-YEAR CONTRACT WITH WALKE COMMUNICATIONS, INC. TO PROVIDE PUBLIC RELATION SERVICES FROM THE CONSENT CALENDAR FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR/COUNCIL ANNOUNCEMENTS

In compliance with AB 1234, MAYOR ROSE announced that the League of California Cities Annual Conference took place in San Diego September 7-9, 2006, and Councilmember Winter, Mayor Pro Tem McLean, and she attended portions of the conference.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

ZEKE MAZUR enjoyed the recent film production that took place in the City.

ED SORRELS expressed concern about handicap parking and requested a handicap zone be placed in front of his house.

PRESENTATIONS/PROCLAMATIONS (1.1)

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

MAYOR ROSE announced Carlos Ramirez was not in attendance to receive the Recycle All-Star Award Certificate, used oil recycling premiums and \$100.00 check from EDCO.

CONSENT CALENDAR (2.1 - 2.6)

CITY MANAGER BROWN announced Councilmember Winter had a conflict of interest on Item No. 2.4 as she lives within 500 feet of the property.

MOTION BY ROSE, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3, 2.5 AND 2.6. MOTION CARRIED BY THE FOLLOWING VOTE:

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

WITH REGARD TO ITEM NO. 2.4: MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified Accounts Payable Numbers 62353 through 62400 for the period ending 09/08/06 and Payroll Register Numbers 37545 through 37611 for the period ending 08/31/06 in the amount of \$756,280.18.

2.2 FINAL MAP (TM 04-121) FOR THE PROPOSED CONVERSION OF FORTY-TWO RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 1450 IRIS AVENUE, IN THE R-2000 (MEDIUM DENSITY RESIDENTIAL) ZONE. OWNER/APPLICANT: IMPERIAL CREST APARTMENTS, LLC. MF 733. (0600-20)

Approved Final Map for recordation.

2.3 THE BREEZES; FINAL MAP (TM 04-122) FOR THE PROPOSED CONVERSION OF TWELVE UNITS TO CONDOMINIUM OWNERSHIP AT 120-126 ELDER AVENUE, IN THE C-2 (SEACOAST COMMERCIAL) ZONE. OWNER/APPLICANT: ELDER STREET APARTMENTS, LLC. MF 734. (0600-20)

Approved Final Map for recordation.

2.4 RESOLUTION ACCEPTING FOUR EASEMENTS FROM HOMEOWNERS OF THE IMPERIAL GARDENS CONDOMINIUM FOR CERTAIN PUBLIC WORKS PROJECT – INSTALLATION OF A SIDEWALK ALONG THE 100 BLOCK OF CARNATION AVENUE. (0720-50)

1. Received report; and
2. Adopted Resolution No. 2006-6395 authorizing ~~Grant of Easement and Agreement accepting Grant Deeds~~ for sidewalk access by the City of Imperial Beach.

2.5 SALE OF SURPLUS PROPERTY. (0380-45)

Approved Resolution No. 2006-6398 authorizing the sale/transfer of surplus property as follows:

1. The fourteen (14) items listed in Attachment 2 of staff report (Resolution Exhibit A), Equipment Inventory List for County Auction; and
2. The two (2) vehicles listed in Attachment 3 (Resolution Exhibit B) to be sold at the County Auction.

- 2.6 RESOLUTION NO. 2006-6404 – AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR FINANCIAL ASSISTANCE FOR THE 2006 BEACH BLAST EVENT. (0150-70 & 1040-10)**
Adopted resolution.

REPORTS (7.1)

- 7.1 ADOPT RESOLUTION NO. 2006-6405 APPROVING THE AWARD OF GRANTS UNDER THE COMMUNITY GRANTS PROGRAM FY 2006/2007. (0330-15)**

CITY MANAGER BROWN announced that he is a member of Kiwanis and has a non-interest in accordance with California Government Code 1091.5.

COUNCILMEMBER JANNEY announced that due to his affiliation with the Chamber of Commerce and the BID he has a non-interest in accordance with California Government Code 1091.5.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item.

COUNCILMEMBER WINTER stated that the Boys and Girls Club has a large budget and is the only organization that is receiving \$500, compared to the IB Seniors Club who has a small budget and receiving \$300. She requested an increase in the grant amount to the IB Seniors Club.

MAYOR ROSE supported a change in financial assistance to both the Boys and Girls Club and the IB Seniors Club in the amount of \$400 each.

MOTION BY ROSE, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2006-6405 WITH A CHANGE OF \$400 TO BOTH THE BOYS AND GIRLS CLUB AND IB SENIORS CLUB. MOTION CARRIED BY THE FOLLOWING VOTE:

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

ORDINANCES - INTRODUCTION/FIRST READING (3.1 - 3.2)

- 3.1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH ADDING SECTION 10.36.025 (USE OF STREETS FOR HABITATION PROHIBITED) OF THE IMPERIAL BEACH MUNICIPAL CODE. (0720-95)**

CITY MANAGER BROWN introduced the item.

MAYOR ROSE called for introduction of Ordinance No. 2006-1047.

CITY CLERK HALD read the title of Ordinance No. 2006-1047, an Ordinance of the City Council of the City of Imperial Beach, California adding Section 10.36.025 (Use of Streets for Habitation Prohibited) of the Imperial Beach Municipal Code.

MOTION BY ROSE, SECOND BY MCLEAN, TO DISPENSE THE FIRST READING OF ORDINANCE NO. 2006-1047 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 BY THE FOLLOWING VOTE:

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

3.2 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH ADDING CHAPTER 9.70 (HOTEL, MOTEL AND LODGING HOUSE REGISTRATION REGULATIONS) OF THE IMPERIAL BEACH MUNICIPAL CODE. (0660-43)

CITY MANAGER BROWN introduced the item.

Council discussion ensued regarding the removal of the last sentence on page 2, in Section 9.70.030 A.

MAYOR ROSE called for the introduction of Ordinance No. 2006-1048.

CITY CLERK HALD read the title of Ordinance No. 2006-1048, an Ordinance of the City Council of the City of Imperial Beach, California adding Chapter 9.70 (Hotel, Motel and Lodging House Registration Regulations).

MOTION BY ROSE, SECOND BY WINTER, TO REMOVE THE LAST SENTENCE ON PAGE 2, IN SECTION 9.70.030 A, TO DISPENSE THE FIRST READING OF ORDINANCE NO. 2006-1048, 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 BY THE FOLLOWING VOTE:

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

ORDINANCES - SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

MOTION BY ROSE, SECOND BY MCLEAN TO TAKE ITEM NO. 7.4 AT THIS TIME. MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS (7.4)

7.4 APPROVAL OF TWO SIGNAGE PROJECTS RELATED TO THE TIJUANA RIVER NATIONAL ESTUARINE RESEARCH RESERVE. (0150-40)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

CLAY PHILLIPS, of the Tijuana Estuary, gave a PowerPoint presentation on the item. He responded to concerns of Council regarding the development of the design, the issues in obtaining Caltrans approval, and the size of the signs; he discussed the importance of signage consistency throughout the region; and he stressed that if the City is not in a position to cover the costs, the Estuary will find the funding.

MAYOR ROSE requested that the design be presented to the Ecotourism Committee to ensure consistency with other/future signage.

MOTION BY ROSE, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2006-6397. MOTION CARRIED BY THE FOLLOWING VOTE:

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

PUBLIC HEARINGS (6.1 - 6.2)

6.1 PROJECT PROPOSALS FOR THE FISCAL YEAR 2007/2008 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM. (0620-33)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item and recommended funding of the parks which would directly benefit the residents of IB and it is also an opportunity to spread the benefit throughout the City.

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

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

MOTION BY ROSE, SECOND BY WINTER, TO SCHEDULE A PUBLIC HEARING FOR OCTOBER 4, 2006. MOTION CARRIED BY THE FOLLOWING VOTE:

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

6.2 CITY OF IMPERIAL BEACH HOUSING ELEMENT (GPA 04-01) RELEASE OF DRAFT FOR 60-DAY PUBLIC REVIEW. MF 692. (0620-40)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item and he noted the Housing Element needs to undergo a 60-day review.

MAYOR ROSE requested a before and after comparison to show the differences in the Housing Element presented to Council tonight.

CITY ATTORNEY LOUGH stated that the Housing Element has to be reviewed every 5 years, with regard to Mayor Rose's concern about second units, he stated that the City must update its code to comply with State code.

Discussion ensued regarding State requirements, its impacts on local governments, and the procedures for receiving and processing public comments.

CITY CLERK HALD announced no speaker slips were submitted.

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

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

MOTION BY ROSE, SECOND BY MCLEAN, TO DIRECT STAFF TO RELEASE THE DRAFT 2005-2010 HOUSING ELEMENT FOR A 60-DAY PUBLIC REVIEW. MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS (7.2 - 7.3, 7.5 - 7.7)

7.2 RESOLUTION NO. 2006-6399 – APPROVING THE TIDELANDS MAINTENANCE AGREEMENT NO. 29-2006 WITH SAN DIEGO UNIFIED PORT DISTRICT: FY 2006/2007 – FY 2008/2009. (0150-70 & 0920-20)

CITY MANAGER BROWN introduced the item and announced a revised agreement was submitted as last minute agenda information; he noted that the Port Board would be reviewing the agreement at their October meeting.

MOTION BY ROSE, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2006-6399. MOTION CARRIED BY THE FOLLOWING VOTE:

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

7.3 RESOLUTION NO. R-06-109 – APPROVING A BUDGET AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009 WITH AMENDMENTS APPROVED DECEMBER 7, 2005; VETERANS PARK MASTER PLAN PROJECT (CIP P03-502) FOR CONTRACT SUPPORT SERVICES COSTS. (0920-70)

CITY MANAGER BROWN reported on the item.

MOTION BY ROSE, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. R-06-109. MOTION CARRIED BY THE FOLLOWING VOTE:

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

7.5 RESOLUTION APPROVING BUDGET AMENDMENT TO THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009 ADOPTED BY RESOLUTION NO. 2005-6089 AND AS AMENDED DECEMBER 7, 2005 – RESOLUTION NO. 2005-6253; CIP PROJECT F05-203 “CITY EMERGENCY POWER REPLACE & UPGRADE” AND CIP PROJECT F05-201 “CIVIC CENTER MASTER PLAN”. (0910-10)

CITY MANAGER BROWN introduced the item and gave an update on the balance of the Residential Construction Fund.

In response to Council's questions regarding the Residential Construction Fund, PUBLIC WORKS DIRECTOR LEVIEN stated that he would provide Council with details on the fund; he also reported that the City Council Chambers upgrades are contingent upon the HVAC system and electrical upgrades to the emergency generator.

CITY MANAGER BROWN stated that the final design of the City Council Chambers would be presented to the subcommittee, and then the City Council.

MOTION BY ROSE, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2006-6400. MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

CITY MANAGER BROWN reported staff met with the property owner and reviewed aspects of a development agreement and announced the administrative draft of the environmental impact report.

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

CITY MANAGER BROWN gave a verbal report on the overflow of sewage from Mexico and the current status of secondary treatment progress. He reported that the Border Environment Cooperation Commission approved \$152,000 for a feasibility study to determine potential reuse of treated water in Tijuana and spoke about an interesting article on Oscar Romo, of the Tijuana Estuary, that appeared in Voice of San Diego.org, an online newspaper.

COUNCILMEMBER WINTER reported on meeting with Carlos Pena of the IBWC who noted that the Binational Technical Committee will review details of the secondary treatment for the international plant and the Comprehensive Plan.

CONSENT CALENDAR (2.7)

Item pulled for discussion at the end of the Agenda by prior City Council action.

2.7 ADOPT RESOLUTION NO. 2006-6402 APPROVING A REVISED ONE-YEAR CONTRACT WITH WALKE COMMUNICATIONS, INC. TO PROVIDE PUBLIC RELATION SERVICES. (0160-05)

CITY MANAGER BROWN announced a memorandum written by him and a worksheet with Potential Expenditure Reductions and Revenue Enhancements were submitted as Last Minute Agenda Information; and he reviewed the changes that led to the reduction in hours. The key cut would be in activities that may relate to regional placement of stories

MAYOR ROSE spoke about how the City has benefited from working with Julie Walke and how she appreciated Ms. Walke's efforts; she suggested a professional marketing firm to assist with the ecotourism kickoff.

COUNCILMEMBER JANNEY expressed concern that the scope of services was too general. He requested that future consultant agreements be more specific.

COUNCILMEMBER WINTER requested that if the City is faced with an event where media is involved that a professional response be considered rather than handling the situation internally.

MOTION BY ROSE, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2006-6402. MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER WINTER stated that the League of California Cities Conference is continuing education for Councilmembers and she appreciated Council's recognition of the value of the conference.

The meeting adjourned at 8:45 p.m.

Diane Rose, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk