

**SPECIAL AND REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
November 2, 2005
CLOSED SESSION – 4:30 P.M.
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CALL TO ORDER

MAYOR PRO TEM JANNEY called the Special and Regular Closed Session Meetings to order at 4:30 p.m.

ROLL CALL

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

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

CLOSED SESSION

MOTION BY JANNEY, SECOND BY MCCOY, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Names of Cases:

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

John Carr v. City of Imperial Beach, et. al.; Case No. GIS 014362

Jose Moreno; Gerardus Reed; Paulina Osorio and Michelle Perez, a minor by her Guardian ad Litem, Maria V. Osorio v. City of Imperial Beach; Case No. GIS 16682

Ricardo Ortega, an individual, and Cesar Ayala, an individual, Plaintiffs, v. City of Imperial Beach, a municipal entity, Jack Cellano, an individual; Case No. GIS 20207

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Pursuant to Government Code Section 54956.9(b)(1)

Number of Potential Cases: 1

MOTION CARRIED UNANIMOUSLY.

MAYOR PRO TEM JANNEY adjourned the Special and Regular meetings to Closed Session at 4:31 p.m. and he reconvened the meetings to Open Session at 6:05 p.m. Reporting out of Closed Session, MAYOR PRO TEM JANNEY announced Council met earlier in Closed Session, received information from staff, and had nothing to report at this time. The Special meeting was adjourned at 6:06 p.m. The Regular meeting was called to order at 6:07 p.m.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

MAYOR PRO TEM JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

CITY MANAGER BROWN recommended Item No. 7.3 be taken before Item No. 7.1.

MOTION BY JANNEY, SECOND BY MCLEAN, TO TAKE ITEM NO. 7.3 – RESIDENTIAL CITYWIDE LIGHTING IMPROVEMENTS CIP (S04-402) - STATUS REPORT FOLLOW-UP BEFORE ITEM NO. 7.1. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR/COUNCIL ANNOUNCEMENTS

COUNCILMEMBER MCCOY announced I.B. resident Bud Harbin was ill and in the hospital and spoke of the recent passing of I.B. resident Art Zamisch.

COUNCILMEMBER WINTER spoke about the presentation of a proclamation to Mr. Zamisch while he was in the hospital.

COMMUNICATIONS FROM CITY STAFF

City Manager Brown recommended that a City Council Workshop be held on Tuesday, November 8, 2005 at 6:00 p.m.

Consensus of Councilmembers present to set a Council workshop for Tuesday, November 8, 2005 at 6:00 p.m.

PUBLIC COMMENT

EDDIE MEYER, Field Representative for Assemblymember Juan Vargas, spoke about and provided pamphlets on preventing identity theft and he announced a meeting regarding the release of a sexual violent predator would be held in Otay, tomorrow from 1:00 p.m. to 6:00 p.m.

PRESENTATIONS/PROCLAMATIONS (1.1)

1.1 RECOGNITION OF I.B. LITTLE LEAGUE ALL STARS. (0410-30)

MAYOR PRO TEM JANNEY introduced the item.

RANDY PUTLAND, Team Manager, announced the I.B. Little League All Stars were California District 42 and Section 8 champions, and won second place in the State Championship. He added that the team played a ten-inning game against Rancho Buena Vista and lost 2-1; had I.B. won the State Championship, they would have gone on to Williamsport, Pennsylvania for the World Series. He recognized the coaches for their hard work and dedication and thanked the parents for their support, and the City for providing the baseball fields.

MAYOR PRO TEM JANNEY presented certificates of achievement to the I.B. Little League All Stars.

CONSENT CALENDAR (2.1 - 2.6)

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

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

2.1 MINUTES.

Approved the minutes of the Regular City Council Meetings of September 7, 2005 and September 21, 2005.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified Accounts Payable Numbers 60406 through 60552 for the period ending 10/20/05 and Payroll Register Numbers 36244 through 36297 for the period ending 10/13/05 in the amount of \$1,401,316.39.

2.3 SALE OF SURPLUS PROPERTY. (0380-45)

Approved Resolution No. 2005-6234 authorizing the sale/transfer of certain surplus City equipment as listed in the staff report.

2.4 AUTHORIZATION TO AWARD A CONTRACT WITH KAWASAKI THEILACKER UENO + ASSOCIATES (KTU+A) TO CONDUCT A FOLLOW-UP STUDY OF PALM AVENUE BIKEWAY IMPROVEMENTS. (0680-20)

1. Received report;
2. Transferred the remaining funds from CIP project S04-302 to the unfunded "Eco Bikeway 7th & Seacoast" CIP project funding the Eco Bikeway 7th & Seacoast at an amount equal to the remaining funds from S04-302; and
3. Approved Resolution No. R-05-75 authorizing the City Manager to enter into a Professional Services Agreement with KTU+A to study the "Eco Bikeway 7th & Seacoast" to determine the cost and feasibility of installing a bicycle route along the study section of Palm Avenue which included single lane traffic in each direction, increased landscaping with landscape pop outs or planters along the existing curbsides of the street and to include some curbside parking along Palm Avenue.

2.5 RDA HOUSING FUND – F.Y. 2004-05 & F.Y. 2005-06 BUDGETS. (0330-30)

The Redevelopment Agency Board adopted Resolution No. R-05-76 finding and determining that the planning and administrative expenses to be paid from the Low and Moderate Income Housing Fund for each redevelopment project are necessary for the production, improvement, or preservation of low and moderate income housing and are not disproportionate to the amounts budgeted for the costs of production, improvement, or preservation of that housing.

2.6 FINAL PARCEL MAP (PM 04-29) FOR FOUR NEW CONDOMINIUM UNITS AT 1187 13th STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. OWNER/APPLICANT: GEORGE BRAUDAWAY. MF 686. (0600-20)

Approved the final Parcel Map (PM 04-29).

ORDINANCES - INTRODUCTION/FIRST READING (3.1)

3.1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH ADDING CHAPTER 8.38 TITLED CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING, TO TITLE 8 HEALTH AND SAFETY OF THE IMPERIAL BEACH MUNICIPAL CODE. (0600-95)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item; he noted that the proposed ordinance was modeled after the ordinance adopted by the Regional Integrated Solid Waste Management Task Force, Technical Advisory Committee; it was reviewed by representatives of the construction industry and their recommendations were considered.

No speaker slips were submitted.

MAYOR PRO TEM JANNEY called for the reading of the title of Ordinance No. 2005-1037.

CITY CLERK HALD read the title of Ordinance No. 2005-1037, an Ordinance of the City Council of the City of Imperial Beach adding Chapter 8.38 titled Construction and Demolition Debris Recycling, to Title 8 Health and Safety of the Imperial Beach Municipal Code.

MOTION BY JANNEY, SECOND BY MCLEAN, TO DISPENSE FIRST READING OF ORDINANCE NO. 2005-1037 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:	MCCOY, WINTER, MCLEAN, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	ROSE

MAYOR PRO TEM JANNEY commented on the positive working relationship the City has with EDCO.

ORDINANCES - SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2005-1036 OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ESTABLISHING A SOLID WASTE FEE FOR STORM WATER MANAGEMENT SERVICES RELATED TO THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM. (0270-05 & 0770-05)

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER RITTER gave a report on the item and reviewed the Storm Water Management Fee Schedule to be applicable to all residential and commercial solid waste accounts serviced by the City's solid waste collection franchisee (EDCO) and noted that the rates would be effective January 1, 2006.

MAYOR PRO TEM JANNEY declared the public hearing open.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR PRO TEM JANNEY declared the public hearing closed.

MAYOR PRO TEM JANNEY called for the Second Reading of Ordinance No. 2005-1036.

CITY CLERK HALD read the title of Ordinance No. 2005-1036, an Ordinance of the City Council of the City of Imperial Beach, California establishing a solid waste fee for storm water management services related to the City's National Pollutant Discharge Elimination System Program.

MOTION BY MCLEAN, SECOND BY MCCOY, TO DISPENSE SECOND READING AND ADOPT ORDINANCE NO. 2005-1036. MOTION CARRIED BY THE FOLLOWING VOTE:

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

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1)

6.1 RESOLUTION NO. 2005-6237; SHAPIRO-KIRKEENG: CONDITIONAL USE PERMIT (CUP 04-129) AND ADMINISTRATIVE COASTAL PERMIT (ACP 04-128) FOR AN ART SCHOOL LOCATED AT 133 ELM AVENUE, IN THE R-2000 (MEDIUM DENSITY RESIDENTIAL) ZONE. MF 737. (0600-20)

MAYOR PRO TEM JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA noted there was a grammatical error on the staff report, that the

address should read 133 Elder Avenue, and he gave a PowerPoint presentation on the item and he responded to Council's concerns regarding parking, the maximum capacity of the school, and noise. He noted that if most of the students would be dropped off and that if more parking spaces were needed that the Elder parking lot would be used.

COUNCILMEMBER MCCOY spoke in support of the project.

ELISABETH SHAPIRO thanked staff for their efforts; she stated that she had no objection to a waiver for parking; and she requested Council's support of the item.

JD KRISTENSON spoke in support of the item.

TRAVIS BRAZIL spoke in support of the item.

MICHAEL CAREY spoke in support of the item.

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

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

COUNCILMEMBER WINTER stated that the project would be an asset to the community, noted that art funding has been cut from the schools, and spoke in support of the project.

MAYOR PRO TEM JANNEY expressed concern about potential problems in the future relating to parking in the Seacoast area and spoke in support of the project.

MOTION BY WINTER, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2005-6237, APPROVING CONDITIONAL USE PERMIT (CUP 04-129) AND ADMINISTRATIVE COASTAL PERMIT (ACP 04-128), 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:	MCCOY, WINTER, MCLEAN, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	ROSE

REPORTS (7.1 - 7.5)

Item No. 7.3 taken at this time by prior Council action.

7.3 RESIDENTIAL CITYWIDE LIGHTING IMPROVEMENTS CIP (S04-402) - STATUS REPORT FOLLOW-UP. (0720-60)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item and proposed that the City-wide Residential Street Lighting District be divided into two (2) zones.

PAT PETERSON gave a PowerPoint presentation on the item. She reviewed the Engineer's report, construction options, and Zone B options; she provided an assessment summary, reviewed balloting and reviewed the timeframe for the balloting process. She also displayed a citywide map showing the existing lights, proposed streetlights, proposed new pole locations, and proposed new wood pole locations.

PUBLIC WORKS DIRECTOR LEVIEN requested Council's consideration and direction for installation of street lighting.

Council discussion ensued regarding benefit units and installation and maintenance costs.

MAYOR PRO TEM JANNEY expressed concern about having an assessment at this time; he stressed the importance of including the Mayor in the discussion; and he recommended that the item be continued to a future meeting.

CITY ATTORNEY LOUGH suggested that City Council direct the City Manager place the item on a future agenda as well as provide Council with information on the costs.

MOTION BY JANNEY, SECOND BY MCLEAN, TO CONTINUE THE ITEM TO A FUTURE MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:

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

7.1 RESOLUTION NO. 2005-6233 APPROVING EDCO DISPOSAL CORPORATION RATE ADJUSTMENT. (0270-40)

MAYOR PRO TEM JANNEY announced that he had a potential conflict of interest on the item due to a business interest and left Council Chambers at 7:32 p.m.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item; he reviewed and displayed the rate adjustments as requested by EDCO.

MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2005-6233.

Council discussion ensued.

COUNCILMEMBER MCCOY spoke of the need to re-evaluate our attitudes towards waste and the need to recycle and reuse to reduce the waste stream.

JOHN SNYDER, Vice President of EDCO, responded to concerns of council the levels of green waste stream and recycling stream; the use of recycling bins at multi-family complexes and noted that there would be a concerted effort to focus on them to obtain higher participation.

CITY MANAGER BROWN announced that Public Works Director Levien, along with EDCO have a "Recycle All-Star" Program designed to encourage residents to participate in the weekly collection of recyclables. The winner receives a Recycle All-Star Certificate and a \$100.00 check.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2005-6233. MOTION CARRIED BY THE FOLLOWING VOTE:

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

7.2 PARK GRANT AWARDS – PROJECT SELECTION. (0920-70)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item and responded to concerns of Council.

MOTION BY MCLEAN, SECOND BY MCCOY, TO AUTHORIZE STAFF TO SUBMIT PROJECT APPLICATIONS USING THE ROBERTI-Z'BERG-HARRIS (RZH) AND PER CAPITA PROGRAM GRANTS FOR THE ROTUNDA REHABILITATION PROJECT AND THE NEW SOCCER FIELD PROJECT AS OUTLINED WITHIN THE STAFF REPORT. MOTION CARRIED BY THE FOLLOWING VOTE:

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

COUNCILMEMBER WINTER thanked Public Works Director Levien for his efforts in seeking grant funding.

7.4 NO ITEM.

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

CITY MANAGER BROWN had nothing to report.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCCOY reported on SANDAG Board actions that pertained to the Binational Conference, findings of the 2005 Workforce Summit, SANDAG's DBE Program and Mixed Use Recycling Facility.

The meeting adjourned at 7:57 p.m.

Jim Janney, Mayor Pro Tem

Attest:
Jacqueline M. Hald, CMC
City Clerk