

## MINUTES

**IMPERIAL BEACH CITY COUNCIL  
REDEVELOPMENT AGENCY  
PLANNING COMMISSION  
PUBLIC FINANCING AUTHORITY**

**MARCH 18, 2009**

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

**REGULAR MEETING – 6:00 P.M.**

### **REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

### **ROLL CALL**

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

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 REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/ REPORTS ON ASSIGNMENTS AND COMMITTEES**

COUNCILMEMBER MCCOY announced the Metro Wastewater Commission will be issuing the City of Imperial Beach a credit in the amount of \$105,519; future audits are planned and may lead to additional credits; she provided information prepared by the Local Government Commission on how to apply for stimulus money to turn commercial developments into family friendly environments and to identify carbon reduction strategies.

COUNCILMEMBER KING clarified for the record his reason for a “No” vote on Item No. 6.2 from the February 18, 2009 City Council meeting; he stated that he did not object to the redevelopment of the property at 9<sup>th</sup> Street and Palm Ave., but rather the demolition of the building prior to having a developer in place and while there are tenants in the building; he supported keeping the demolition of the site as a future bargaining point to be used when under negotiations with the developer; and until there is a viable project, he supported maximizing the City’s return by collecting rent from the tenants rather than holding on to a vacant piece of land.

COUNCILMEMBER MCLEAN announced a ceremony for the Old Palm Avenue Outdoor Surfboard Museum is scheduled for March 20; on March 21 the following are scheduled: the Miss I.B. Pageant will hold their orientation meeting, the Tijuana River National Estuarine Research Reserve Speaker Series will continue on nesting habits of the California least tern and snowy plover, and Sparkles the Clown will be at the I.B. Library; he thanked Maxx Stalheim for serving on the Tidelands Advisory Committee, he announced the Sandcastle Committee is still seeking donations; and he reported that MTS will have a \$14 million budget cut, discussions will be held with the public regarding service reductions; and he reported that \$30 million has been approved for the rehabilitation of the Blue Line.

MAYOR PRO TEM BRAGG reported that she delivered meals for Meals on Wheels on behalf of the Mayor; that she, City Manager Brown and Mayor Janney attended the League of California Cities Luncheon meeting where they received information on pension reform; and she provided information on AB 155, SB 139 and SB 575, which may have major implications for cities that are redevelopment agencies.

MAYOR JANNEY reported that he and staff traveled to Washington, D.C. to obtain federal funding for City projects.

#### **COMMUNICATIONS FROM CITY STAFF**

None.

#### **PUBLIC COMMENT**

None.

#### **PRESENTATIONS (1.1)**

##### **1.1 PRESENTATION ON THE MARINE LIFE PROTECTION ACT (MLPA) BY DR. MICHAEL MCCOY, REGIONAL STAKEHOLDER ON MLPA PROCESS. (0460-20)**

DR. MICHAEL MCCOY gave a PowerPoint presentation on the item; he reviewed the goals of the MLPA and described the regional approach that is being used to redesign the marine protected areas.

CITY MANAGER BROWN stated that, based on information on the MLPA's website, a state marine reserve and state marine conservation area are proposed from the U.S.-Mexican border up to the Imperial Beach pier.

DR. MCCOY responded that there are three levels of protection in this system: a marine conservation area (limited commercial and recreational fishing), a marine park (limited recreation and no commercial), and a marine reserve (no commercial and no recreational); he stated that the City Manager's questions and concerns regarding a potential prohibition of fishing off the pier and surfing in Imperial Beach will be forwarded to the committee for review.

MAYOR JANNEY expressed concern about how the MLPA would impact recreation in the near-shore waters of Imperial Beach; he hoped that concerns raised would be considered and that

the City should be kept informed of upcoming meetings and the MLPA process so that concerns and opinions could be addressed.

CITY COUNCIL raised concern regarding MLPA's impacts on sport fishing, grunion hunting, surf fishing and fishing off the pier, parasurfing and other recreational activities that are crucial in making San Diego County a tourism destination point; they expressed desire to have Dr. McCoy provide regular updates.

DR. MCCOY stated that he would relay the concerns raised by City Council back to the committee.

### **CONSENT CALENDAR (2.1 - 2.5)**

COUNCILMEMBER MCCOY announced she had a potential conflict of interest on Item No. 2.4 as her residence is within 500 feet of the project, and she would recuse herself from voting on the item.

### **MOTION BY BRAGG, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3 AND 2.5. MOTION CARRIED UNANIMOUSLY.**

#### **2.1 MINUTES.**

Approved the minutes of the regular City Council meetings of February 18 and March 4, 2009.

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

Ratified the following registers: Accounts Payable Numbers 68212 through 68305 with the subtotal amount of \$738,805.99; and Payroll Checks 40796 through 40841 for the pay period ending 02/26/09 with the subtotal amount of \$142,567.84; for a total amount of \$881,373.83.

#### **2.3 RESOLUTION NO. 2009-6721 – INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT FOR A SPECIAL ASSESSMENT DISTRICT – AD 67M. (0345-10)**

Adopted resolution.

#### **2.5 CASH AND INVESTMENT REPORTS FOR THE QUARTER ENDED DECEMBER 31, 2008. (0300-90 & 0350-90)**

Received and filed.

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

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>KING, MCLEAN, BRAGG, 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>MCCOY (DUE TO A POTENTIAL CONFLICT OF INTEREST)</b>

**2.4 RESOLUTION NO. 2009-6720 – TIME EXTENSION FOR DOS DELMAR/ EDWIN JOHNSON (OWNER)/TIM MONAHAN OF NEWTRAC PACIFIC (APPLICANT)/JEFF FISCHFOGT (ARCHITECT); REGULAR COASTAL DEVELOPMENT PERMIT (CP 04-58), DESIGN REVIEW (DRC 04-59), SITE PLAN REVIEW (SPR 04-60), ENVIRONMENTAL INITIAL ASSESSMENT (EIA 04-61), AND VARIANCE (VAR 050313) FOR TWO ATTACHED RESIDENTIAL UNITS LOCATED AT 684-686 OCEAN LANE, IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. MF 701. (0600-20)**

Adopted Resolution No. 2009-6720, approving a one-year time extension for Regular Coastal Permit (CP 04-58), Design Review (DRC 04-59), Site Plan Review (SPR 04-60), Environmental Initial Assessment (EIA 04-61), and Variance (VAR 05-313), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

**ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)**

**3.1 ORDINANCE NO. 2009-1083 – AN ORDINANCE ADDING CHAPTER 2.24 OF THE IMPERIAL BEACH MUNICIPAL CODE REGARDING THE COMPOSITION AND DUTIES OF THE TIDELANDS ADVISORY COMMITTEE. (0120-90)**

CITY MANAGER BROWN reported on the item and announced a revised ordinance was submitted as last minute agenda information.

COUNCILMEMBER KING expressed concern about reducing the membership from seven to five given that three applicants applied for a recent vacancy; however he was amenable to a membership of five.

City Council discussion ensued regarding the history of the committee and the committee's purview.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2009-1083.

CITY CLERK HALD read the title of Ordinance No. 2009-1083, "An ordinance adding Chapter 2.24 of the Imperial Beach Municipal Code regarding the composition and duties of the Tidelands Advisory Committee."

**MOTION BY MCLEAN, SECOND BY MCCOY, TO DISPENSE THE FIRST READING AND INTRODUCE ORDINANCE NO. 2009-1083 BY TITLE ONLY.**

COUNCILMEMBER KING favored increasing public participation, however, would support staff's recommendation; he encouraged City Council to improve and promote public participation in the government process.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCLEAN, SECOND BY MCCOY, TO DISPENSE THE FIRST READING AND INTRODUCE ORDINANCE NO. 2009-1083 BY TITLE ONLY MOTION CARRIED UNANIMOUSLY.**

City Council discussion ensued regarding the various opportunities for public participation and that it isn't limited to serving on a committee.

**ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4)**

None.

**PUBLIC HEARINGS (5.1)**

**5.1 FINAL ENVIRONMENTAL IMPACT REPORT AND PROPOSED AMENDMENTS TO CITY'S BICYCLE TRANSPORTATION PLAN, THE LOCAL COASTAL PROGRAM (LCP)/GENERAL PLAN BY ADDING GENERAL PLAN BIKEWAY POLICIES FOR FACILITIES, ROUTE DESIGNATIONS, AN ECO BIKEWAY AND TRAFFIC CALMING PROJECT FOR A PORTION OF THE PALM AVENUE CORRIDOR (MF 934). (0680-20 & 0750-90)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

No speaker slips were submitted.

**MOTION BY MCCOY, SECOND BY BRAGG, TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING OF APRIL 1, 2009. MOTION CARRIED UNANIMOUSLY.**

**REPORTS (6.1 - 6.3)**

**6.1 TRANSMITTAL OF PROPOSED FISCAL YEAR 2009-2010 AND 2010-2011 OPERATING BUDGETS. (0330-30)**

CITY MANAGER BROWN introduced the item; he recognized Finance Director McGrane for his efforts on the budget; and he announced that staff is presenting a narrowly balanced budget, and over the next two years it is important to be watchful of revenues and look at ways to reduce costs.

FINANCE DIRECTOR MCGRANE gave a PowerPoint presentation on the draft budget; he noted the following issues with the 5-Year General Fund Projection:

- Presenting a status quo budget
- Tax revenues are not expected to grow
- Will be negative in 3 years even without additional bad news
- The deficit climbs to \$1.9 million per year in Year 5 with additional potential costs (21% cut on net budget)

He reported that in Imperial Beach the sales tax per capita is way below average; that the cost to Imperial Beach residents for City services (such as law enforcement, fire protection, code enforcement, animal control, park and beach maintenance, and other City services) is \$0.53 per day (Note: This amount does not represent all taxes paid by I.B. residents); the following contributes to budget uncertainties: continued economic downturn; downturn in stock market impacting investment earnings; Sheriff labor costs; negotiations with Port for services; limited General Fund capacity to pay for street and facility improvements; changes in allowed uses for TransNet transportation funds; bond market uncertainty; development of new Seacoast Inn; development of 9<sup>th</sup> and Palm; sewer CIP and treatment costs; RWQCB permitting requirements; need to retain employees; stagnant General Fund tax revenue growth; State budget impacts;

and the need for greater water/energy conservation; and he reported on potential cuts that could be made in order to save \$1 million.

City Council discussion ensued regarding the need for public participation in budget discussions; City Council suggested: placing an advertisement in the newspaper indicating the next budget discussion, providing copies of the proposed budget to the I.B. Library, Mar Vista High School library, Chamber of Commerce, and having multiple copies available at City Hall.

**6.2 RESOLUTION NO. 2009-6722 – SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER ADOPTION OF THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION. (0270-40)**

MAYOR JANNEY announced he had a potential conflict of interest on the item due to his employment, and he left Council Chambers at 7:36 p.m.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item; he noted that at the public hearing City Council will consider the use of Consumer Price Index in place of Producer Price Index as a basis for annual rate adjustments; other changes being proposed is to eliminate the fee charged for the storm water pollution prevention program and to increase the franchise fee; in the public hearing notice to residents, a chart is included explaining the proposed fee changes.

**MOTION BY MCLEAN, SECOND BY KING, TO ADOPT RESOLUTION NO. 2009-6722 – SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER ADOPTION OF THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>MCCOY, KING, MCLEAN, BRAGG</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>JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)</b>

MAYOR JANNEY returned to Council Chambers at 7:42 p.m.

**6.3 RESOLUTION NO. 2009-6723 – ACCEPTING A \$15,500 GRANT FROM CALIFORNIA AMERICAN WATER COMPANY FOR THE PURPOSE OF INSTALLING XERISCAPE LANDSCAPE AT THE CITY OF IMPERIAL BEACH CIVIC CENTER. (0230-70 & 0840-05)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item; grant funds would cover the costs for plant material and supplies; xeriscaping will be done by staff and Eagle Scouts as five separate Eagle Scout projects; therefore, it will take longer to complete than if staff were to hire a contractor.

**MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6723 – ACCEPTING A \$15,500 GRANT FROM CALIFORNIA AMERICAN WATER COMPANY (CALAM) FOR THE PURPOSE OF INSTALLING XERISCAPE LANDSCAPE AT THE CITY OF IMPERIAL BEACH CIVIC CENTER, AND AUTHORIZE STAFF TO PROCEED WITH THE INSTALLATION OF XERISCAPE LANDSCAPE AT THE CIVIC CENTER ALONG IMPERIAL BEACH BOULEVARD USING CALAM GRANT OF \$15,500 FOR PROJECT MATERIALS PURCHASES AND WITH CITY EMPLOYEES AND BOY SCOUTS OF AMERICA VOLUNTEERS PROVIDING THE INSTALLATION LABOR.**

Discussion ensued; a question was raised regarding if nurseries were asked to donate plants towards the project in return for recognition in participating in xeriscape landscaping; Public Works Director Leven responded that nurseries were not contacted as there was no interest to participate in a previous Scout project.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6723 – ACCEPTING A \$15,500 GRANT FROM CALIFORNIA AMERICAN WATER COMPANY (CALAM) FOR THE PURPOSE OF INSTALLING XERISCAPE LANDSCAPE AT THE CITY OF IMPERIAL BEACH CIVIC CENTER, AND AUTHORIZE STAFF TO PROCEED WITH THE INSTALLATION OF XERISCAPE LANDSCAPE AT THE CIVIC CENTER ALONG IMPERIAL BEACH BOULEVARD USING CALAM GRANT OF \$15,500 FOR PROJECT MATERIALS PURCHASES AND WITH CITY EMPLOYEES AND BOY SCOUTS OF AMERICA VOLUNTEERS PROVIDING THE INSTALLATION LABOR. MOTION CARRIED UNANIMOUSLY.**

**ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

None.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 7:54 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, CMC  
City Clerk