



A G E N D A



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

JULY 7, 2010

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

**CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.**

**THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH REDEVELOPMENT AGENCY,
PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY**

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

CLOSED SESSION CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Name of Case: Imperial Beach Redevelopment Agency v. Shawki Bochoua
dba Southbay Drugs

Case No. 37-2010-00030617-CL-UD-SC

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Name of Case: Imperial Beach RDA v. James E. Sides, Jr., et al.

Case No. 37-2010-00075370-CU-EI-SC

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Name of Case: Imperial Beach RDA v. Deborah A. Sides, et al.

Case No. 37-2010-00075462-CU-EI-SC

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(b)(3)(A)

No. of Cases: 1

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

REGULAR MEETING CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

Any writings or documents provided to a majority of the City Council/RDA/Planning Commission/Public Financing Authority regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.

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

COMMUNICATIONS FROM CITY STAFF

PUBLIC COMMENT - Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.

PRESENTATIONS (1.1)

1.1* RECOGNITION OF "BE KIND TO ANIMALS MONTH" POSTER CONTEST WINNERS. (0410-30)

*No Staff Report.

CONSENT CALENDAR (2.1 - 2.6) - All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.

2.1 MINUTES.

City Manager's Recommendation: Approve the minutes of the Regular City Council meeting of June 2, 2010.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 71054 through 71199 with the subtotal amount of \$1,598,970.02 and Payroll Checks 42679 through 42736 for the pay period ending 06/03/10 with the subtotal amount of \$157,256.66, and Payroll Checks 42737 through 42799 for the pay period ending 06/17/10 with the subtotal amount of \$197,118.16 for a total amount of \$1,953,344.84.

2.3 RESOLUTION NO. 2010-6913 – AUTHORIZING THE SALE OF CERTAIN SURPLUS CITY EQUIPMENT. (0380-45)

City Manager's Recommendation: Adopt resolution.

2.4 RESOLUTION NO. 2010-6915 – RATIFYING AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR PROMOTIONAL SERVICES AT THE 4TH OF JULY FIREWORKS SHOW IN CONJUNCTION WITH THE 10TH ANNUAL BIG BAY BOOM FIREWORKS SPECTACULAR. (1040-10)

City Manager's Recommendation: Adopt resolution.

2.5 RESOLUTION NO. 2010-6909 – AUTHORIZING FIRST AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES TO SERVE AS PART-TIME ASSISTANT CITY MANAGER. (0530-60)

City Manager's Recommendation: Adopt resolution.

2.6 KAMAL NONA (OWNER)/STOSH THOMAS (ARCHITECT); TIME EXTENSION FOR A CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW CASE (DRC 060399), SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL UNITS AND TWO RESIDENTIAL UNITS FOR EACH DEVELOPMENT (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH STREET AND 1150, 1152 13TH STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863. (0600-20)

City Manager's Recommendation: Adopt Resolution No. 2010-6910, approving a six (6) month time extension for Conditional Use Permit (CUP 060398), Design Review Case (DRC 060399), and Site Plan Review (SPR 060400), 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. 2010-1107 – AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD FOR AN ADDITIONAL YEAR. (0610-95)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public testimony;
3. Close the public hearing;
4. Mayor calls for the reading of the title of amended Ordinance No. 2010-1107, "AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD FOR AN ADDITIONAL YEAR";
5. City Clerk to read Ordinance No. 2010-1107; and
6. Motion to dispense the first reading and adopt, with a four-fifths vote, Ordinance No. 2010-1107 by title only.
7. Give City staff guidance about how the Council would like dispensaries regulated – a total ban, tight regulation, or loose regulation – and provide a timeframe for when staff should report back to Council.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 PLANNING COMMISSION INTERPRETATION (PCI 100040) TO DETERMINE APPROPRIATE CLASSIFICATION AND/OR CRITERIA FOR ALLOWING OUTDOOR USES. MF 1048. (0620-95)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public testimony;
3. Close the public hearing; and
4. Consider and select among the options listed in the Staff Report or other alternatives to provide direction to staff on how to handle push carts and outdoor vendors.

REPORTS (6.1 - 6.7)

6.1 RESOLUTION NO. R-10-224 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS CONTRACT – SKATE PARK ELEMENT CIP (P07-101). (0920-40)

City Manager's Recommendation: Adopt resolution.

6.2 LETTER OF INTENT AND PROPOSED PORT FUNDING FOR THE ARMY CORPS OF ENGINEERS' SAN DIEGO HARBOR MAINTENANCE DREDGE AND FOR THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) REGIONAL BEACH SAND PROJECT II. (0140-40 & 0220-70)

City Manager's Recommendation:

1. Authorize the issuance of a Letter of Intent to enter into a Memorandum of Agreement between the City of Imperial Beach and the Department of the Army for participation in the San Diego Harbor Maintenance Dredging Project;
2. Support the use of Port District funds for the San Diego Harbor Maintenance Dredging Project;
3. Support the idea of approaching the State Department of Boating and Waterways about the possibility of re-scoping the \$4.2 million of Public Beach Restoration funds to the San Diego Association of Governments (SANDAG) Regional Beach Sand Project II; and
4. Support the use of approximately \$700,000 of Port District funds towards the local share of the State Department of Boating and Waterways funds.

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REPORTS (Continued)

6.3 CODE ENFORCEMENT – WEED & RUBBISH ABATEMENT. (0250-70 & 0470-20)

City Manager’s Recommendation: Adopt Resolution No. 2010-6912 – finding and declaring that weeds, brush, rubbish and refuse upon or in front of specified properties in the City are a seasonal and recurrent public nuisance, and declaring its intention to provide for the abatement thereof and schedule a weed and rubbish abatement public hearing to hear objections on July 21, 2010.

6.4 RESOLUTION NO. 2010-6911 – AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND SWEETWATER UNION HIGH SCHOOL DISTRICT FOR SERVICES OF A SPECIAL PURPOSE SCHOOL RESOURCE OFFICER. (1010-20)

City Manager’s Recommendation: Adopt resolution.

6.5 RESOLUTION NO. 2010-6914 – RESPONSE TO JUNE 7, 2010 GRAND JURY REPORT ENTITLED “MEDICAL MARIJUANA IN SAN DIEGO”. (0440-25)

City Manager’s Recommendation: Adopt resolution.

6.6 DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 15-17, 2010. (0140-10)

City Manager’s Recommendation:

1. Designate a voting delegate and up to two voting alternates for the 2010 League Annual Conference and
2. Direct staff to complete and submit a Voting Delegate Form to the League office by Friday, August 20, 2010.

Item No. 6.7 will be discussed at 7:00 p.m. – TIME SPECIFIC

6.7 COMMERCIAL ZONING REVIEW – CONTINUED FOCUS DISCUSSION ON COMMERCIAL ZONING DESIGN GUIDELINES. (0610-95)

City Manager’s Recommendation: Support the adoption of the key design guidelines as listed in the Staff Report for the City’s Commercial/Mixed-Use Zones. It is further recommended that these design guidelines be adopted concurrently with the other proposed zoning amendments when they are presented to the City Council for adoption.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURNMENT

The Imperial Beach City Council welcomes you and encourages your continued interest and involvement in the City’s decision-making process.

FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT

www.cityofib.com.

Jacqueline M. Hald, CMC
City Clerk