

MINUTES

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

APRIL 2, 2008

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

**CLOSED SESSION – 5:15 P.M.
REGULAR MEETING – 6:00 P.M.**

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:15 p.m.

ROLL CALL

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

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

CLOSED SESSION

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

Pursuant to Government Code Section 54956.8:

Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04

Agency Negotiator: City Manager

Negotiating Parties: Sam & Sandra Dimenstein Trust

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 761-779 Palm Ave., Imperial Beach, CA 91932, APN 626-250-05

Agency Negotiator: City Manager

Negotiating Parties: Sam & Sandra Dimenstein Trust

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 743-849 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06

Agency Negotiator: City Manager

Negotiating Parties: Sam & Sandra Dimenstein Trust

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 776 10th Street, Imperial Beach, CA 91932, APN 626-282-12
Agency Negotiator: City Manager
Negotiating Parties: Lasalle BK NA 2005-AHL2 TR
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:16 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session and gave direction to staff.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

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

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

COUNCILMEMBER MCLEAN reported on the joint meeting between the MTS Board and the Airport Authority, the Chamber Breakfast meeting, a meeting at the San Clemente pier among IB staff, Port staff, and City of San Clemente staff, and the regular SCEDC meeting; he attended the SCEDC reception; and he announced that the City of Imperial Beach will host the SCEDC reception for public officials on October 9.

MAYOR PRO TEM MCCOY spoke about an error that appeared in a Union-Tribune editorial today and noted that the Imperial Beach City Council has never received a car allowance; she announced that on April 30 Earth Day will be celebrated at Pier Plaza.

MAYOR JANNEY commended City Council and staff for maintaining a balanced budget over the years.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATION/REPORT (1.1)

1.1 CITY OF IMPERIAL BEACH 2007 ACCOMPLISHMENTS – PRESENTATION BY CITY MANAGER BROWN. (0100-10)

CITY MANAGER BROWN gave a PowerPoint presentation on the item.

COUNCILMEMBER MCLEAN commended City Manager Brown for his leadership and congratulated him on the accomplishments.

CONSENT CALENDAR (2.1 - 2.7)

MOTION BY MCCOY, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 - 2.7. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Workshop Meeting of March 12, 2008 and Regular City Council Meeting of March 19, 2008.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 66054 through 66147 with the subtotal amount of \$1,356,762.48; and Payroll Register Numbers 39445 through 39488 for the pay period ending 03/13/08 with the subtotal amount of \$133,142.09; for a total amount of \$1,489,904.57.

2.3 REQUEST FOR FUNDING 2-1-1 SYSTEM. (0680-85)

Directed staff to include \$5,541.80 for the 2-1-1 service in the FY 2008-2009 budget.

2.4 RATIFICATION OF LETTER ABOUT MOVING AND CONSOLIDATION OF FEDERAL MEDICAL SUPPLY WAREHOUSES. (0460-20)

Ratified letter dated March 25, 2008 to Representatives Obey and Walsh.

2.5 RESOLUTION NO. 2008-6606 – APPROVING ADDING THE POSITION OF PART-TIME TEMPORARY PROGRAM AIDE FOR THE SENIOR CENTER ON AN AS NEEDED BASIS. (0510-20)

Adopted resolution.

2.6 RESOLUTION NO. 2008-6609 – 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)

Adopted resolution.

2.7 CANCELLATION OF THE APRIL 16, 2008 CITY COUNCIL MEETING AND HOLDING A REGULAR MEETING ON APRIL 23, 2008. (0410-05)

Canceled the April 16, 2008 City Council meeting and scheduled a Regular meeting for April 23, 2008 at 6:00 p.m. in the Council Chambers.

ITEMS PULLED FROM THE CONSENT CALENDAR

None.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.4)

- 6.1 RESOLUTION NOS. 2008-6611 AND R-08-144 – MAKING THE REQUIRED FINDINGS FOR USE OF AGENCY TAX INCREMENT FOR SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM (“SCOUP”) RELATED EXPENDITURES AND RESOLUTION NO. 2008-6610 – AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH MOFFATT & NICHOL ENGINEERS TO SECURE PERMITS FOR THE SCOUP. (0220-70)**

COUNCILMEMBER WINTER left Council Chambers at 6:46 p.m. due to a potential conflict of interest due to her employment.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item; and he responded to concerns of Council regarding potential beach-compatible sites.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-08-144 MAKING THE REQUIRED FINDINGS FOR EXPENDITURE OF AGENCY TAX INCREMENT PURSUANT TO HEALTH AND SAFETY CODE 33445, TO ADOPT RESOLUTION NO. 2008-6611 APPROVING THE AGENCY’S PAYMENT FOR CERTAIN PUBLIC IMPROVEMENTS AND MAKING CERTAIN DETERMINATIONS AND FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445, AND TO ADOPT RESOLUTION NO. 2008-6610 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MOFFATT & NICHOL ENGINEERS TO CONDUCT SEDIMENT ANALYSIS, SECURE PERMITS AND CONDUCT AN ESSENTIAL FISH HABITAT

ASSESSMENT TO IMPLEMENT PROJECTS UNDER THE SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM (“SCOUP”). MOTION CARRIED BY THE FOLLOWING VOTE:

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

COUNCILMEMBER WINTER returned to Council Chambers at 6:56 p.m.

6.2 RESOLUTION NO. 2008-6612 – AUTHORIZING THE PURCHASE OF SPARE/REPLACEMENT SEWER PUMP FOR PUMP STATION NO. 3. (0830-35)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6612, AUTHORIZING THE PURCHASE OF SPARE/REPLACEMENT SEWER PUMP FOR PUMP STATION NO. 3. MOTION CARRIED UNANIMOUSLY.

6.3 RESOLUTION NO. 2008-6613 – APPROVING AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH REGARDING THE ALLOCATION OF FUNDS FOR THE PALM AVENUE STREET END PROJECT AND RESOLUTION NO. R-08-145 – AUTHORIZING THE USE OF RDA TAX INCREMENT NON-HOUSING FUNDS FOR THE PALM AVENUE STREET END PROJECT. (0150-70 & 0720-10)

MAYOR PRO TEM MCCOY and COUNCILMEMBER WINTER had potential conflicts of interest on the item as they both live within 500 feet of the project and left Council Chambers at 7:00 p.m.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6613: A) APPROVING AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH; B) RESCINDING RESOLUTION NO. 2007-6535; AND C) AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF IMPERIAL BEACH AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH AND TO ADOPT RDA RESOLUTION NO. R-08-145 AUTHORIZING THE USE OF RDA TAX INCREMENT NON-HOUSING FUNDS FOR THE PALM AVE. STREET END PROJECT. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR PRO TEM MCCOY and COUNCILMEMBER WINTER returned to Council Chambers at 7:08 p.m.

6.4 REDEVELOPMENT OF THE MIRACLE SHOPPING CENTER, NORTH ISLAND CREDIT UNION AND IMPERIAL BEACH MEDICAL CENTER SITES LOCATED ON THE SOUTH SIDE OF STATE ROUTE ("SR") 75/PALM AVENUE AND BETWEEN 9TH AND 7TH STREETS. (0640-20)

CITY MANAGER BROWN introduced the item.

TRAVIS BRAZIL spoke in support of having Sterling Development present their plan to City Council.

DAN MALCOLM, representing Sterling Development, Retail Development Corporation, and Grubb & Ellis, submitted handouts for Council's review, including the project area showing Phase 1 and Phase 2, conceptual site plan, elevations, community benefits of Phase 1, redevelopment fiscal impact analysis, development pro forma, revenue/financial pro forma, and rental income and capitalization approach pro forma; he stressed that Sterling Development will not ask for financial assistance from the City/RDA; he stated that numerous attempts were made to acquire the medical site although the owner is not interested in selling; he noted that they would be unable to proceed with the project absent an Exclusive Negotiation Agreement (ENA); he also noted that they are limiting their proposal to Phase 1 (site west of Palm Ave. & 9th Street); and he requested City Council consider an ENA with his development team.

In response to Council's questions, REDEVELOPMENT COORDINATOR SELBY clarified that Mr. Malcolm was not requesting financial assistance, but rather a commitment for the possible use of eminent domain to acquire the property; he noted that the developer should provide documentation of their good faith efforts to contact the owner for acquisition of the property; however, this would not hold up an ENA.

In response to concerns of Council, CITY MANAGER BROWN stated that an ENA is not a binding document and a possible recommendation is to authorize staff to negotiate an ENA with Sterling Development if documentation showing efforts to contact the property owner is

provided.

MAYOR JANNEY spoke in support of an ENA with Sterling Development for the western parcels (Phase 1).

MOTION BY JANNEY, SECOND BY WINTER, TO AUTHORIZE STAFF TO NEGOTIATE AN ENA WITH STERLING DEVELOPMENT FOR THE PROPOSED DEVELOPMENT OF THE TWO WESTERN PARCELS.

Council discussion ensued regarding the contents of an ENA and the ENA process.

VOTERS WERE NOW CAST ON ORIGINAL MOTION BY JANNEY, SECOND BY WINTER, TO AUTHORIZE STAFF TO NEGOTIATE AN ENA WITH STERLING DEVELOPMENT FOR THE PROPOSED DEVELOPMENT OF THE TWO WESTERN PARCELS. MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER WINTER requested a workshop be held to discuss the parameters for an RFP for the eastern property at Palm Ave. and 9th Street.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCLEAN reported that SANDAG had requested a letter of support from him for a grant application they are submitting to the California Coastal Conservancy to extend the bikeway at Main Street in Chula Vista to 24th Street; he will provide information to the Councilmembers if interested in submitting individual letters of support.

CITY MANAGER BROWN reported that the April 8, 2008 City Council Workshop needs to be cancelled and rescheduled for another date.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:55 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk