

**MINUTES**

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

**APRIL 23, 2008**

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

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

**CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:01 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;  
Deputy City Clerk Wolfson

**CLOSED SESSION**

**MOTION BY MCLEAN, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957  
Title: City Manager

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS.**

Pursuant to Government Code Section 54956.8:

Property: 766 10<sup>th</sup> Street, Imperial Beach, CA 91932, APN 626-282-13  
Agency Negotiator: City Manager  
Negotiating Parties: Borgia, Andy G. & Catherine M.  
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 236 Palm Ave., Imperial Beach, CA 91932, APN 625-023-07  
Agency Negotiator: City Manager  
Negotiating Parties: Braudaway, George E. and Cinder E.  
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

**MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:02 p.m. and he reconvened the meeting to Open Session at 6:01 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session and gave staff direction.

**REGULAR MEETING CALL TO ORDER BY MAYOR**

MAYOR JANNEY called the Regular Meeting to order at 6:02 p.m.

**ROLL CALL BY CITY CLERK**

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

Staff present:	City Manager Brown; City Attorney Lough; Deputy City Clerk Wolfson
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**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

None.

**MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS**

COUNCILMEMBER WINTER stated she attended the Legislative Action Days on April 16 and April 17 in Sacramento; she met with Senators Kehoe, Ducheny, Hollingsworth, and Salas.

COUNCILMEMBER MCLEAN gave a report on MTS issues, including labor issues that were pending and the purchase of 60 new Clean Natural Gas buses; he reported that he attended an SCEDC meeting in Santa Barbara where Senator Ducheny spoke; September 7 will be the first Bike the Bay bike ride on the Bayshore Bikeway; he spoke about a fundraiser that the Chamber of Commerce will hold on Saturday; he gave a report on the status of tennis courts at Mar Vista High School.

MAYOR PRO TEM MCCOY voiced her appreciation of Councilmember McLean's efforts to give thorough reports; she spoke about and lauded those who attended the California Coastal Commission meeting in Santa Barbara where the Seacoast Inn was discussed and approved; she commended Community Development Director Wade and City staff for their hard work.

MAYOR JANNEY also attended Legislative Action Days; he spoke about the Seacoast Inn and thanked City Manager Brown, City staff, particularly Community Development Department staff, and the City Attorney for their hard work.

CITY MANAGER BROWN stated the mosaic art piece that was at the Palm Ave. street end was successfully moved; he reported the resurfacing on South Seacoast Drive was almost complete; he spoke about Imperial Beach's first Earth Day that will take place on April 30<sup>th</sup> and will feature banners painted by elementary school students.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

LAUREN GIARDINE requested that the municipal code be amended to allow poultry; she spoke about the environmental benefits and the importance of having self-sustaining backyards.

CITY MANAGER BROWN responded that staff will look into the matter and will get in touch with Ms. Giardine.

MAYOR PRO TEM MCCOY suggested a review of other cities' ordinances.

**PRESENTATION/REPORT (1.1)**

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

MAYOR JANNEY presented the Recycle All-Star Award Certificate and used oil-recycling premiums to Deborah Newton.

MARCO TOPETE, of EDCO, presented the \$100.00 check.

**CONSENT CALENDAR (2.1 - 2.7)**

MAYOR JANNEY announced that revised resolutions were submitted as Last Minute Agenda Information for Item No. 2.7.

MAYOR PRO TEM MCCOY and COUNCILMEMBER WINTER announced potential conflicts of interest on Item No. 2.4 due to their residences located within 500 feet of the project.

**MOTION BY MCLEAN, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 - 2.3 AND 2.5 - 2.7. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY MCLEAN, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NO. 2.4. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>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>WINTER, MCCOY (DUE TO POTENTIAL CONFLICTS OF INTEREST)</b>

**2.1 MINUTES.**

Approved the minutes of the Regular City Council Meetings of March 5, 2008 and April 2, 2008.

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

Ratified the following registers: Accounts Payable Numbers 66148 through 66258 with the subtotal amount of \$306,337.51; and Payroll Register Numbers 39489 through 39539 for the pay period ending 03/27/08 with the subtotal amount of \$144,611.48; for a total amount of \$450,948.99.

**2.3 RESOLUTION NO. 2008-6615 – SETTING THE TIME AND PLACE FOR PUBLIC HEARING TO REVIEW THE SETTING OF THE SEWER CAPACITY FEE. (0390-55)**

1. Received report; and
2. Adopted resolution.

**2.4 GREG AND ELTA NEIL [OWNER/APPLICANT]: TIME EXTENSION FOR ADMINISTRATIVE COASTAL PERMIT (ACP 05-283), DESIGN REVIEW (DRC 05-284), CONDITIONAL USE PERMIT (CUP 05-285), SITE PLAN REVIEW (SPR 05-286) AND TENTATIVE MAP (TM 05-287) FOR A MIXED-USE PROJECT LOCATED AT 198-200 PALM AVENUE, IN THE SEACOAST COMMERCIAL (C-2) ZONE. MF 807. (0600-20)**

Adopted Resolution No. 2008-6617, approving a time extension for Administrative Coastal Permit ACP 05-283/Design Review Case DRC 05-284/Conditional Use Permit CUP 05-285/Site Plan Review SPR 05-286/Tentative Map TM 05-287, which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

**2.5 RESOLUTION NO. 2008-6618 – APPROVING THE ENGINEER’S REPORT FOR PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN A SPECIAL ASSESSMENT DISTRICT – AD 67M. (0345-10)**

Adopted resolution.

**2.6 RESOLUTION NO. 2008-6619 – DECLARING INTENT TO PROVIDE AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN A SPECIAL ASSESSMENT DISTRICT (AD 67M) AND SETTING A TIME AND A PLACE FOR THE PUBLIC HEARING THEREON. (0345-10)**

Adopted resolution.

**2.7 PROPOSITIONS 98 AND 99. (0460-20)**

1. Adopted revised Resolution No. 2008-6622 opposing Proposition 98 and revised Resolution No. 2008-6623 supporting Proposition 99.
2. Directed staff to forward the adopted resolutions to the League of California Cities.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

None.

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

**3.1 FEE REDUCTIONS RELATED TO MASSAGE ESTABLISHMENTS AND TECHNICIANS. (0390-40)**

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE responded to questions of Council.

Discussion ensued regarding the proposed reduction in fees; administrative processing charges; background checks conducted by San Diego County Sheriff's Department and Identi-Port.

COUNCILMEMBER BRAGG voiced her support for obtaining background checks from Identi-Port, a local business.

DEPUTY CITY CLERK WOLFSON announced no speaker slips were submitted.

MAYOR JANNEY called for the reading of Ordinance No. 2008-1068.

DEPUTY CITY CLERK WOLFSON read the title of Ordinance No. 2008-1068, an Ordinance of the City Council of the City of Imperial Beach, California, amending Section 4.04.490 of Chapter 4.04 Business Licenses Generally of Title 4 Business Taxes, Licenses and Regulations, regarding business license fees of Massage Establishments.

**MOTION BY JANNEY, SECOND BY WINTER, TO DISPENSE THE FIRST READING OF ORDINANCE NO. 2008-1068 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING, AND AUTHORIZE THE PUBLICATION OF THE ORDINANCE IN A NEWSPAPER OF GENERAL CIRCULATION.**

**MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>WINTER, MCLEAN, MCCOY, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>

COUNCILMEMBER BRAGG expressed concern that this type of business was being charged redundantly and she supported using local businesses.

**MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6621, REDUCING ADMINISTRATIVE PROCESSING FEES RELATED TO BUSINESS LICENSES FOR MASSAGE ESTABLISHMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>WINTER, MCLEAN, MCCOY, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>

**ORDINANCES – SECOND READING & ADOPTION (4)**

None.

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.1 - 6.5)**

**6.1 DESIGN REVIEW BOARD APPOINTMENT. (0120-30)**

MAYOR JANNEY voiced his appreciation of efforts put forward by members of the Design Review Board. Of the five qualified candidates, he recommended Janet Bowman (in attendance) be appointed to fill the one (1) vacancy on the Design Review Board with a term expiring on December 31, 2008.

**MOTION BY MCCOY, SECOND BY WINTER, TO APPOINT JANET BOWMAN TO THE DESIGN REVIEW BOARD FOR A TERM EXPIRING ON DECEMBER 31, 2008.**

COUNCILMEMBER MCLEAN spoke about candidate Travis Brazil's longtime service to the City; he supported the Mayor's recommendation.

MAYOR JANNEY indicated that he spoke with Mr. Brazil at length and voiced his appreciation.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCCOY, SECOND BY WINTER, TO APPOINT JANET BOWMAN TO THE DESIGN REVIEW BOARD FOR A TERM EXPIRING ON DECEMBER 31, 2008. MOTION CARRIED UNANIMOUSLY.**

**6.2 STATE ROUTE 75 PARKING PLAN PROPOSAL. (0150-30, 0760-90)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and responded to questions of Council.

Discussion ensued regarding striping; signage; parking on side streets; commercial vehicles; and the truck ordinance addressing diesel trucks and whether it addressed motor homes and tow trucks.

In response to Council's concern that there is limited visibility on Palm Ave. near Rainbow Dr. and request for red striping, PUBLIC WORKS DIRECTOR LEVIEN stated he would present this to Caltrans.

Extensive discussion ensued regarding the California Vehicle Code.

CITY ATTORNEY LOUGH reminded Council that State Vehicle Code supersedes local laws and stated that commercial vehicles can be restricted in residential areas; he expressed concern regarding sight distance issues.

Council expressed the need to have a tight enforcement program and the need to work with the Sheriff's Department; annual costs, both monetary and time, of striping; enhancing aesthetics of the business community and avoiding sign pollution; diagonal parking to alleviate the lack of

parking availability; the need to study parking on side streets; how the number of driveways may inhibit parking on side streets; the desire to do a bike path with sufficient buffer.

MAYOR JANNEY expressed a desire to proceed with Palm Ave./SR 75 portion as soon as possible.

PUBLIC WORKS DIRECTOR LEVIEN confirmed that Council desired to have red curbs near Rainbow Dr.

**MOTION BY JANNEY, SECOND BY WINTER, TO DIRECT STAFF TO PROCEED WITH WHAT WAS PRESENTED, INCLUDING RED STRIPING ON THE CURB. MOTION CARRIED UNANIMOUSLY.**

### **6.3 CIVIC CENTER MONUMENT PURCHASE. (0910-10)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

Council expressed concern that they were not familiar with the quality of work performed by U.S. Concrete Precast Group.

**MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NOS. 2008-6616 AND R-08-146, WHICH:**

- A) AUTHORIZE THE CITY MANAGER TO APPROVE A PURCHASE ORDER WITH U.S. CONCRETE PRECAST GROUP FOR THE CONSTRUCTION AND DELIVERY OF ONE CIVIC CENTER ENTRY MONUMENT OF THE SAME DESIGN, STYLE, COLOR AND MATERIALS AS APPROVED IN RESOLUTION NO. 2007-6452 AND RESOLUTION NO. R-07-119; AND**
- B) RESCINDS RESOLUTION NO. 2007-6452 AND RESOLUTION NO. R-07-119 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH FABRICATION ARTS FOR THE CONSTRUCTION AND INSTALLATION OF ONE CIVIC CENTER MONUMENT SIGN.**

Discussion ensued regarding the need to sample the work prior to entering into the agreement, the limited number of firms that do this type of work, warranties and assurances that repairs will be done.

**VOTES NOW CAST ON ORIGINAL MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NOS. 2008-6616 AND R-08-146, WHICH:**

- A) AUTHORIZE THE CITY MANAGER TO APPROVE A PURCHASE ORDER WITH U.S. CONCRETE PRECAST GROUP FOR THE CONSTRUCTION AND DELIVERY OF ONE CIVIC CENTER ENTRY MONUMENT OF THE SAME DESIGN, STYLE, COLOR AND MATERIALS AS APPROVED IN RESOLUTION NO. 2007-6452 AND RESOLUTION NO. R-07-119; AND**
- B) RESCIND RESOLUTION NO. 2007-6452 AND RESOLUTION NO. R-07-119 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH FABRICATION ARTS FOR THE CONSTRUCTION AND INSTALLATION OF ONE CIVIC CENTER MONUMENT SIGN**

**CONTINGENT UPON STAFF'S CONFIRMATION OF U.S. CONCRETE PRECAST'S QUALITY OF WORK. MOTION CARRIED UNANIMOUSLY.**

**6.4 BAYSHORE BIKEWAY – NATIONAL RAIL-TRAIL NETWORK DESIGNATION. (0680-20, 0680-50)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

Council discussion ensued regarding positive national exposure, promoting walkable communities, encouraging bike use, and reducing the carbon footprint.

**MOTION BY WINTER, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2008-6614. MOTION CARRIED UNANIMOUSLY.**

**6.5 RESOLUTION NO. 2008-6620 – APPROVING REORGANIZING THE CAPITAL IMPROVEMENT PROGRAM DIVISION BY CREATING THE POSITIONS OF CIP MANAGER, PUBLIC WORKS INSPECTOR, AND ADMINISTRATIVE ASSISTANT AND ELIMINATING THE TWO PROJECT MANAGER TECHNICIAN POSITIONS AND OFFICE SPECIALIST POSITION AND AMENDING THE SALARY AND COMPENSATION PLAN ACCORDINGLY. (0510-20, 0520-75)**

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER RITTER gave a report on the item.

Discussion ensued regarding increasing costs of resources and ability to get projects completed more timely.

**MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6620 – APPROVING REORGANIZING THE CAPITAL IMPROVEMENT PROGRAM DIVISION BY CREATING THE POSITIONS OF CIP MANAGER, PUBLIC WORKS INSPECTOR, AND ADMINISTRATIVE ASSISTANT AND ELIMINATING THE TWO PROJECT MANAGER TECHNICIAN POSITIONS AND OFFICE SPECIALIST POSITION AND AMENDING THE SALARY AND COMPENSATION PLAN ACCORDINGLY. MOTION CARRIED UNANIMOUSLY.**

**REPORTS OF MAYOR AND COUNCILMEMBERS**

COUNCILMEMBER WINTER spoke about legislative efforts in Sacramento and stated the importance of generating ideas at the local level to reduce the deficit.

COUNCILMEMBER MCLEAN spoke about the Save Our Heritage Organization and how the County of San Diego has agreed to put railways in the project area at Salt Works and their desire to have two historical signs installed.

MAYOR PRO TEM MCCOY discussed a Lemon Grove newsletter article regarding legislation addressing global warming and carbon footprints; she expressed a desire to see how other cities are addressing this issue and hoped to implement similar ideas to reduce I.B.'s costs.

CITY MANAGER BROWN stated that the June 4 Council meeting conflicts with a League of California Cities function that a majority of Council will attend. He suggested rescheduling the meeting for May 28.

Consensus of City Council to cancel the June 4 City Council meeting, schedule a meeting on May 28, and to cancel July 2 City Council meeting.

CITY ATTORNEY LOUGH announced that members of law firm McDougal Love Eckis Smith Foley & Boehmer attended the City of Calexico's 100<sup>th</sup> anniversary.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 7:34 p.m.

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James C. Janney, Mayor

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Lisa Wolfson  
Deputy City Clerk