

MINUTES

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

JULY 1, 2009

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

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

CLOSED SESSION

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: McCoy
Councilmembers absent: King, Rose
Mayor present: Janney
Mayor Pro Tem present: Bragg

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

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)
Number of potential cases: 1 (Threat of Litigation)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: City Attorney

MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBERS: MCCOY, BRAGG, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: KING, ROSE**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 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, gave direction and had no reportable action.

REGULAR MEETING CALL TO ORDER

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

ROLL CALL

Councilmembers present: McCoy, King, Rose
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

MOTION BY MCCOY, SECOND BY BRAGG, TO MOVE ITEM NO. 6.1 – RESOLUTION NO. R-09-184 – AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO AMEND A PROFESSIONAL SERVICES CONTRACT WITH NASLAND ENGINEERING FOR THE PREPARATION OF CONSTRUCTION DRAWINGS FOR THE IMPROVEMENT OF THE DATE AVENUE STREET END TO THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

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

COUNCILMEMBER MCCOY stated that she attended the Pow Wow by the Sea event.

COUNCILMEMBER KING stated that he attended the Chamber of Commerce's Sunset Celebrations Mini Concert at Palm Ave. and Seacoast Drive, and briefly attended the skate park community workshop.

MAYOR PRO TEM BRAGG thanked the Mayor for allowing her to be a judge at Loews Surf Dog Competition, and spoke about attending the Chamber of Commerce Installation Dinner along with Mayor Janney and Councilmember McCoy.

MAYOR JANNEY thanked Mayor Pro Tem Bragg for agreeing to be a judge at the surf dog competition while he was out of town.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

ORDINANCES/PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.3)

MOTION BY MCCOY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the special City Council meeting of May 27, 2009 and the regular City Council Meeting of June 3, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 68885 through 68986 with the subtotal amount of \$342,144.79; and Payroll Checks 41172 through 41237 for the pay period ending 06/04/09 with the subtotal amount of \$159,111.33; for a total amount of \$501,256.12.

2.3 RESOLUTION NO. 2009-6779 – 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)

Adopted resolution.

ORDINANCES – PUBLIC HEARING/INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.3)

6.2 UPDATE ON THE FINANCIAL STATUS OF THE CITY'S GENERAL FUND. (0310-10)

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE gave a PowerPoint presentation on the item; he responded to Council's questions regarding booking fees and graffiti removal costs.

MAYOR JANNEY requested updates on the City's financial status on a quarterly basis or sooner if needed.

MARY CRIST expressed concern about sewer billing and collections; she suggested that there be tighter controls and having sewer charges appear on the water bills rather than on the tax assessment roll.

MOTION BY KING, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6775 – APPROVING ADJUSTMENTS TO THE FISCAL YEAR 2008/2009 BUDGET. MOTION CARRIED UNANIMOUSLY.

6.3 RESOLUTION NO. R-09-185 – AWARDING CONTRACT FOR DEMOLITION OF 735 PALM AVENUE – FORMER NORTH ISLAND CREDIT UNION PROPERTY (CIP R05-201). (0640-20)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item; he announced a revised staff report and resolution were submitted as Last Minute Agenda Information; he noted that after the data was entered into the construction bid board system, some of the quotes received were different from that which were written on the bid forms; he stressed that the rank ordering did not change and the quote of the lowest bid also did not change.

ALBERT KNECHT, representing the Imperial Beach Chapter of Community Commission for Better Government, questioned if an EIR for this project were available, what compounds will be released into the environment during the demolition; and how many people have inquired about leasing or purchasing the property.

CITY MANAGER BROWN responded that the project is categorically exempt from CEQA pursuant to CEQA Guidelines.

PUBLIC WORKS DIRECTOR LEVIEN responded that he has had discussions with the low bidder regarding how they would control dust handle and manage waste generated from the project; a common technology will be utilized to keep the dust down; there will be some asbestos removal and the building does not have lead paint.

COUNCILMEMBER KING read for the record a letter he submitted to City Council expressing his opposition to the process City staff recommended for redevelopment of properties located at 9th Street and Palm Ave. and 735 Palm Ave.; he stressed that he was in support of redevelopment of the properties, however, opposed the process of demolishing the properties prior to City Council/RDA's review of the redevelopment proposals; in his letter he raised the following concerns: 1. Removing businesses too early removes revenues from the City's tax base; 2. There are numerous businesses serving the community that may be lost prematurely; as he spoke he raised an additional concern: The possibility of the property sitting vacant for a number of years.

MOTION BY KING TO DEFER THIS ITEM UNTIL AFTER CITY COUNCIL REVIEWS PROPOSALS AND HAS AN AGREEMENT FOR AN ACTUAL REDEVELOPMENT PROJECT.

City Council discussion ensued.

In response to questions of City Council, CITY MANAGER BROWN stated that staff recommends moving forward with the demolition of the building located at 735 Palm Ave. given that there is no active use of the building, the building has become an attractive nuisance, and the building continues to deteriorate in appearance; he also noted that there have been cases of transients occupying the building as a shelter; by keeping the building there would be

associated costs to maintain and patrol the site and the possibility of its continued use as a shelter; he also noted that in regard to the businesses located at 9th Street and Palm Ave., staff is working on relocation with the businesses and has not yet issued 90-day notices to vacate; he added nobody has expressed interest in leasing the building.

MAYOR PRO TEM BRAGG stated this is a first step towards achieving a long-time community desire; she supported demolition of the property.

Concern was raised regarding leasing out the property and that lease being subject to relocation benefits under relocation laws.

STEVE FUTTERMAN stated that there may be organizations interested in using the building; he requested that City Council hold off on the issue at this time to consider other options and he spoke in opposition to demolishing the building.

ORIGINAL MOTION BY KING TO DEFER THIS ITEM UNTIL AFTER CITY COUNCIL REVIEWS PROPOSALS AND HAS AN AGREEMENT FOR AN ACTUAL REDEVELOPMENT PROJECT FAILED DUE TO A LACK OF A SECOND.

MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. R-09-185 – AWARDED CONTRACT FOR DEMOLITION OF 735 PALM AVENUE CIP – FORMER NORTH ISLAND CREDIT UNION PROPERTY (CIP R05-201).

City Council discussion ensued.

In response to Mayor Pro Tem Bragg's questions, REDEVELOPMENT COORDINATOR SELBY indicated the property has been vacant for quite awhile; there are concerns of transient activity, vandalism, the staff time required to maintain the property, illegal dumping, its blighted condition and how it blights the neighborhood, code issues, and its present uninhabitable status; to redo the property would be costly; he advised that if a non-profit agency used the property, it would be on a temporary basis only; he added that two proposals would be brought forward soon for City Council's consideration.

With regard to concerns about erecting a fence, PUBLIC WORKS DIRECTOR LEVIEN stated that staff supported a chain link fence as a solid fence would limit Sheriff's deputies visibility of activity and create shadowed areas for people to set up camp; he added the need to have a fence would discourage use of the property as a parking lot and as a dump.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that staff considered different fencing options, while keeping in mind the budget, maintenance issues, and potential for vandalism; a chain link fence was the best option with the expectation that it only would be used temporarily.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. R-09-185 – AWARDED CONTRACT FOR DEMOLITION OF 735 PALM AVENUE CIP – FORMER NORTH ISLAND CREDIT UNION PROPERTY (CIP R05-201). MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	KING
ABSENT:	COUNCILMEMBERS:	NONE

MAYOR PRO TEM BRAGG announced she had a potential business conflict of interest on the item and left Council Chambers at 7:07 p.m.

6.1 RESOLUTION NO. R-09-184 – AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO AMEND A PROFESSIONAL SERVICES CONTRACT WITH NASLAND ENGINEERING FOR THE PREPARATION OF CONSTRUCTION DRAWINGS FOR THE IMPROVEMENT OF THE DATE AVENUE STREET END. (0720-10)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item and announced City Council Resolution No. 2009-6780 was submitted as Last Minute Agenda Information.

ALBERT KNECHT questioned if Nasland Engineering is providing engineering services for the Seacoast Inn, to which COMMUNITY DEVELOPMENT DIRECTOR WADE responded they were not.

MOTION BY KING, SECOND BY MCCOY, TO ADOPT RESOLUTION NOS. R-09-184 AND 2009-6780 – AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO AMEND A PROFESSIONAL SERVICES CONTRACT WITH NASLAND ENGINEERING FOR THE PREPARATION OF CONSTRUCTION DRAWINGS FOR THE IMPROVEMENT OF THE DATE AVENUE STREET END. MOTION CARRIED BY THE FOLLOWING VOTE:

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

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:15 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk