

MINUTES

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

NOVEMBER 7, 2007

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

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

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:34 p.m.

ROLL CALL

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

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

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

Number of potential cases: 1

CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)

Number of potential cases: 1

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:35 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 had nothing to report.

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

MAYOR JANNEY reported he attended a meeting in Mexico, hosted by the Mayor of Tijuana.

COUNCILMEMBER MCCOY reported she attended the Annual Ocean Gala hosted by San Diego Baykeeper Saturday evening.

COUNCILMEMBER BRAGG reported she attended the Heartland Communications meeting on Thursday, October 25th in La Mesa.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN introduced new Finance Director Mike McGrane.

PUBLIC COMMENT

JUDI STRANG, with HARM, provided a packet of information for Council's review regarding prevention of head shops; she also provided copies of the City of San Diego tobacco retail licensure ordinance (additional speaking time donated by JOVITA JUAREZ and ERICA BELANDRES).

COUNCILMEMBER MCLEAN thanked Capt. Parker for serving Imperial Beach well; he thanked the firefighters for efforts during the recent San Diego County fire tragedy.

KATHY UNDERHILL expressed concern about the condition of Evergreen Avenue and Seacoast Drive; she noted the abundance of trash and cigarette butts, and the presence of stagnant water; she requested more trash cans be placed by the beach.

COUNCILMEMBER MCCOY requested an update of the situation at the next meeting.

PRESENTATIONS (1.1 - 1.2)

MAYOR JANNEY announced Dannie Myers was not yet present; Item No. 1.1 would be taken when she arrives.

**1.2 PRESENTATION OF PROCLAMATION – OCTAVIA PARKER, SHERIFF’S CAPTAIN.
(0410-30)**

MAYOR JANNEY presented a proclamation and plaque to Captain Parker in recognition of her service to the City of Imperial Beach.

CONSENT CALENDAR (2.1 - 2.4)

MOTION BY MCLEAN, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.4.

Discussion ensued.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated the applicant for Item No. 2.4 requested that the item be pulled for discussion immediately following the Consent Calendar.

VOTES WERE NOW CAST ON REVISED MOTION BY MCLEAN, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.3 AND PULL ITEM NO. 2.4 FOR DISCUSSION AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 65019 through 65174 with the subtotal amount of \$544,460.44; and Payroll Register Numbers 38975 through 39064 for the pay period ending 10/25/07 with the subtotal amount of \$269,959.49; for a total amount of \$814,419.93.

2.2 ADMINISTRATIVE COASTAL PERMIT (ACP 04-114) AND FINAL MAP (TM 04-115) FOR A FIVE-UNIT CONDOMINIUM CONVERSION LOCATED AT 211 ELM AVENUE, IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 729. (0600-20)

Approved the Final Map for recordation along with the recordation of any required documents as security of the required improvements.

2.3 RESOLUTION NO. 2007-6554 – AFFIRMING CHANGE ORDER TO THE ONEONTA TO NOLF STORM DRAIN PIPE (CIP # D05-105) PROJECT AND AUTHORIZING A BUDGET TRANSFER TO THE ONEONTA TO NOLF STORM DRAIN PIPE (CIP # D05-105) PROJECT. (0770-10)

Adopted resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR

2.4 ADMINISTRATIVE COASTAL PERMIT (ACP 050299) AND FINAL MAP (TM 050300) FOR AN EIGHT-UNIT CONDOMINIUM CONVERSION LOCATED AT 220 EVERGREEN AVENUE, IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE, MF 813. (0600-20)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item; he noted that the applicant proposed a change to the landscape plan that was previously approved by City Council. The applicant proposed drought tolerant landscaping (gravel) rather than grass.

PHILIP CURTIS, applicant, spoke in support of the drought tolerant landscaping proposal.

Staff discussion ensued regarding support for the original landscaping design or pursuit of other drought tolerant options; staff did not support the applicant's proposal of gravel.

CITY ATTORNEY LOUGH recommended the following language be substituted in the landscaping portion of the map: "The landscaping plan will consist of drought tolerant landscaping in a form acceptable to the Community Development Director and to ensure that the landscaping is put in after the map is issued that a bond in an amount not to exceed \$8,000.00. The amount would be subject to the discretion of the Community Development Director." He noted that staff could take clerical license on the language he proposed.

MOTION BY WINTER, SECOND BY MCCOY, TO APPROVE THE FINAL MAP WITH THE LANGUAGE RECOMMENDED BY THE CITY ATTORNEY. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY announced Dannie Myers just arrived and he took Item No. 1.1 at this time.

PRESENTATIONS (1.1)

1.1 PRESENTATION OF PROCLAMATION – DANNIE MYERS, AMR MEDIC. (0410-30)

MAYOR JANNEY presented the proclamation to Dannie Myers.

ORDINANCES - INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ADOPT ORDINANCE NO. 2007-1057 ADDING CHAPTER 13.10 OF THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO STATE AND CITY VIDEO FRANCHISES. (0800-10)

MAYOR JANNEY announced he had a potential conflict of interest on the item and left Council Chambers at 6:32 p.m.

CITY MANAGER BROWN introduced the item.

MAYOR PRO TEM WINTER called for the reading of Ordinance No. 2007-1057.

CITY CLERK HALD read the title of Ordinance No. 2007-1057, an Ordinance of the City Council of the City of Imperial Beach, California adding Chapter 13.10 of the Imperial Beach Municipal Code, related to State and City video franchises.

MOTION BY WINTER, SECOND BY MCCOY, TO DISPENSE SECOND READING BY TITLE ONLY AND ADOPT ORDINANCE NO. 2007-1057. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR JANNEY returned to Council Chambers at 6:35 p.m.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1)

6.1 JOSEPH SCARLATTI REPRESENTING JEREMY TRESKON: ADMINISTRATIVE COASTAL PERMIT (ACP 070041) AND TENTATIVE MAP (TM 070042) FOR A TEN-UNIT CONDOMINIUM CONVERSION LOCATED AT 100 PALM AVENUE, IN THE R-1500 (HIGH-DENSITY RESIDENTIAL) ZONE. MF 928. (0600-20)

MAYOR PRO TEM WINTER AND COUNCILMEMBER MCCOY announced their residences are within 500 feet of the project and, therefore, had potential conflicts of interest on the item and left Council Chambers at 6:36 p.m.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item.

JOSEPH SCARLATTI, representing Jeremy Treskon, noted that with the exception of part of Condition 13, his client had no issues with the Conditions of Approval; he noted that changing

out the trim could place the warranty for the new roof in jeopardy; he showed photos of the trim and stated that rather than changing out the trim, the applicant is willing to paint the trim a different color.

In response to concerns regarding a tree located in close proximity to a lamppost, JEREMY TRESKON stated that he would relocate the tree if desired; he had no preference on paint colors; and he requested a timely answer so he can proceed with the project.

CITY PLANNER NAKAGAWA requested that the roofline be changed to meet standards for condominium conversions upheld thus far.

COMMUNITY DEVELOPMENT DIRECTOR WADE added staff is willing to alter the condition regarding the roofline in order to explore other ways in which the roofline could be set off in order to address aesthetic issues.

CITY MANAGER BROWN read for the record the following change to paragraph 13: "The following design enhancements shall be in place prior to final map approval: the new roof shall be of a darker color than what is existing (light beige); window trim should match the new roof color; railing should match the new roof and window trim color."

MR. TRESKON supported staff's changes and stated he would move the tree in question so that it is consistent with the landscape plan.

MAYOR JANNEY closed the public hearing.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6552, APPROVING ADMINISTRATIVE COASTAL PERMIT (070041) AND TENTATIVE MAP (TM 070042), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS, INCLUDING THE REVISION AS READ BY CITY MANAGER BROWN. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR PRO TEM WINTER AND COUNCILMEMBER MCCOY returned to Council Chambers at 7:02 p.m.

REPORTS (7.1 - 7.4)

7.1 DESIGNATION OF STATE PROPOSITION 1B (TRANSPORTATION BOND) FUNDS TO FINANCE SOME OF STREET IMPROVEMENTS PHASE III RDA CIP (S04-108) STREET SEGMENTS. (0390-86 & 0720-25)

CITY MANAGER BROWN reported on the item.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2007-6553 – DESIGNATING STATE PROPOSITION 1B (TRANSPORTATION BOND) FUNDS TO FINANCE SOME OF STREET IMPROVEMENTS PHASE III RDA CIP (S04-108) STREET SEGMENTS. MOTION CARRIED UNANIMOUSLY.

7.2 STREET IMPROVEMENTS, RDA PHASE III – SEACOAST NEIGHBORHOOD – CIP S04-108. (0720-25)

CITY ATTORNEY LOUGH reported that at a previous meeting when this item was first discussed, it was determined that Mayor Pro Tem Winter and Councilmembers Bragg and McCoy had potential conflicts of interest on the item; straws were drawn at that time and MAYOR PRO TEM WINTER was randomly selected to participate on the item.

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item as her place of employment is within 500 feet of the project and left Council Chambers at 7:09 p.m.

COUNCILMEMBER MCCOY announced she had a potential conflict of interest on the item as her residence is located within 500 feet of the project and left Council Chambers at 7:09 p.m.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN introduced the consultants.

PAT O'CONNOR, of Parterre, gave a PowerPoint presentation and reported on the proposed paving enhancements and passed around a sample of the material for the surfboard medallion.

LARRY THORNBURG, of Nasland Engineering, continued with the PowerPoint presentation, detailing the lighting and ADA enhancements.

PUBLIC WORKS DIRECTOR LEVIEN responded to concerns of Council regarding utility boxes, shape of the pavement medallions, and number of crosswalks; he recommended setting aside 30% to fund project delivery costs; he also recommended support for the base bid items and alternate (additives) to the base bid items .

MOTION BY MCLEAN, SECOND BY WINTER, TO DIRECT STAFF TO:

- a. Advertise for "base bid" consisting of the:
 - i. 2nd Street, 3rd Street, Ebony Avenue, Silver Strand Blvd. overlay, sidewalk, and curb & gutter work; and
 - ii. Seacoast Drive Baseline Improvements; and
 - iii. ADA enhancements.
 - iv. Engineer's Estimate = \$2,014,875.37
- b. Advertise as additives to the "base bid":
 - i. Street lighting; and
 - ii. Enhanced Crosswalks.
 - iii. Engineer's Estimate = \$323,617.48
- c. Prepare a budget amendment for subsequent City Council approval to incorporate the following CIP projects and funds into this CIP (S04-108):
 - i. Bus Route Wheel Chair – S05-201 \$ 83,000
 - ii. Seacoast Drive Streetscape Plan - S05-102 \$ 19,000
 - iii. State Prop 1B Allocation \$400,000

MOTION CARRIED BY THE FOLLOWING VOTE:

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

COUNCILMEMBERS BRAGG AND MCCOY returned to Council Chambers at 7:38 p.m.

7.3 RESOLUTION NO. 2007-6555 – APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR PARTICIPATION IN PRELIMINARY PLANNING ACTIVITIES FOR A SECOND REGIONAL BEACH SAND REPLENISHMENT PROJECT. (0140-40 & 0220-70)

MAYOR PRO TEM WINTER announced she had a potential conflict of interest on the item due to her employment and left Council Chambers at 7:39 p.m.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

CITY MANAGER BROWN announced faxed correspondence dated November 7, 2007 and e-mail correspondence also dated November 7, 2007, both received from Serge Dedina of Wildcoast, were submitted as Last Minute Agenda Information.

SERGE DEDINA spoke in opposition to the project; he expressed concern about the funding for the study and the number of sand replenishment projects taking place at this time; he requested public hearings be held to keep the public informed (additional speaking time donated by JO DEDINA AND ISRAEL DEDINA).

Discussion ensued regarding funding for Marlowe & Co. and preliminary funding for the SANDAG beach study; it was noted that on the studies that have been done by the Army Corps of Engineers has primarily been funded by the federal government.

MIRIAM LOSUPOVICE spoke in opposition to the project; she expressed concern about costs for the project.

MICHEL DEDINA spoke in opposition to the project and support of a swimming pool.

EMILY YOUNG indicated opposition to the item (not in attendance).

JOHN HAUPT spoke in support of the item.

COUNCILMEMBER MCCOY spoke about the history of damming rivers and the effects on the natural transport of sand to beaches; she expressed concern about the project and requested that SANDAG give a presentation on the project, followed by additional public hearings as the project moves along; she expressed concern about global climate change, how beaches are no longer able to sustain themselves and the need for solutions.

MAYOR JANNEY spoke about the beach being an asset to the residents of IB and residents in the county; in response to Public Comments, since there is no federal funding, there is no project, and no need for public hearings at this point; in regard to the SANDAG project, if all of the coastal cities do not agree to the MOU, the item would return to Council for reconsideration; he spoke in support of using RDA funds for sand replenishment as without the beach we would not have a stable economy.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that SANDAG would be willing to give a presentation on the project; he clarified that sand on the beach today is a direct result of previous sand replenishment projects; without those projects, the City may not have a beach today; and to suggest that these projects do nothing is misleading.

Discussion ensued regarding support of the item.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6555, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF IMPERIAL BEACH AND THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) TO CONDUCT PRELIMINARY PLANNING ACTIVITIES FOR A REGIONAL BEACH SAND REPLENISHMENT PROJECT.

Discussion ensued regarding the importance of sand replenishment and a request for SANDAG to give a presentation on the project.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6555, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF IMPERIAL BEACH AND THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) TO CONDUCT PRELIMINARY PLANNING ACTIVITIES FOR A REGIONAL BEACH SAND REPLENISHMENT PROJECT. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR PRO TEM WINTER returned to Council Chambers at 8:26 p.m.

7.4 MEMORANDUM OF UNDERSTANDING BETWEEN CO-PERMITTEES REGARDING SHARING OF COSTS ASSOCIATED WITH PROSECUTION OF UNFUNDED STATE MANDATES CLAIM (NPDES/STORMWATER PROGRAM). (0770-70)

CITY MANAGER BROWN introduced the item; he spoke about the imposition of unfunded state mandates and announced a revised Exhibit A was submitted as Last Minute Agenda Information.

CITY ATTORNEY LOUGH reported on the legal process currently underway with the County of Los Angeles; he discussed the process for processing a claim with the State Mandates Commission, gave examples of some of the unfunded State mandates, and reviewed the cost breakdown.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2007-6556 RATIFYING PARTICIPATION IN THE JOINT ACTION AND AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO WORK WITH THEIR RESPECTIVE JOINT COMMITTEES IN THE COUNTY ON IMPLEMENTING THE MOU. MOTION CARRIED UNANIMOUSLY.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCLEAN spoke about the successful Taste of IB event.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:38 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk