

## MINUTES

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

**OCTOBER 15, 2008**

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

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

### **CLOSED SESSION MEETING 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:	Assistant City Manager Ritter; City Attorney Lough; City Clerk Hald

### **CLOSED SESSION**

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

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8  
Property: 735 Palm Avenue, APN 626-250-03  
Agency Negotiator: City Manager  
Negotiating Parties: North Island Federal Credit Union  
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8  
Property: 741-849 Palm Avenue, APN 626-250-04, 05, & 06  
Agency Negotiator: City Manager  
Negotiating Parties: Sam & Sandra Dimenstein  
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, received information from staff and had no

reportable action.

### **REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

### **ROLL CALL**

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

Staff present:	Assistant City Manager Ritter; City Attorney Lough; City Clerk Hald
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### **PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

### **AGENDA CHANGES**

MAYOR JANNEY announced that the applicant for Item No. 5.1 requested that the public hearing be continued.

MAYOR PRO TEM MCCOY requested Item Nos. 2.5 and 2.6 be pulled from the Consent Calendar for discussion.

**MOTION BY WINTER, SECOND BY MCLEAN, TO PULL ITEM NOS. 2.5 AND 2.6 FOR DISCUSSION AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.**

### **MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE & COMMUNITY ANNOUNCEMENTS**

COUNCILMEMBER MCLEAN spoke about attending the American Public Transportation Association Conference, the SCEDC meeting, and the SCEDC reception; he announced Supervisor Cox will celebrate the groundbreaking of a new segment of the Bayshore Bikeway on October 20, a Business Expo will be held at the Marina Vista Center on October 16, the Taste of IB event is scheduled for October 19; a community rally against drugs will be held October 23, the Sports Park grand re-opening is scheduled for October 25, and Councilmember Bragg will be a judge at the Teen Advisory Council costume contest on October 29.

COUNCILMEMBER BRAGG announced there will be a Fire Station open house on October 18; spoke of the recent passing of A. Wasil, the artist of the "Spirit of I.B." sculpture; and reported attendance at the SCEDC reception.

MAYOR PRO TEM MCCOY announced she and Councilmember Winter attended the Fiesta del Rio event; and reminded everyone of the upcoming election and urged everyone to vote.

MAYOR JANNEY thanked Councilmember Bragg for conducting the previous City Council meeting.

### **COMMUNICATIONS FROM CITY STAFF**

PUBLIC WORKS DIRECTOR LEVIEN introduced Chris Helmer, the new Environmental Program Specialist.

### **PUBLIC COMMENT**

MAYA LUNDSBERG expressed concern about high prices of gas and trash on the beach.

### **PRESENTATIONS (1.1)**

#### **1.1 PRESENTATION OF PROCLAMATION TO JOSE NESTOR MARTINEZ. (0410-30)**

MAYOR JANNEY, along with SHERIFF'S CAPT. MILLER, presented a Proclamation to Jose Nestor Martinez for his observance, involvement and willingness to help law enforcement in the apprehension of a criminal and the prevention of further crimes after he witnessed a juvenile spray painting graffiti on the wall in the alley by his business.

### **CONSENT CALENDAR (2.1 - 2.4, 2.7 & 2.8)**

**MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1-2.4, 2.7 AND 2.8. MOTION CARRIED UNANIMOUSLY.**

#### **2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 67238 through 67322 with the subtotal amount of \$318,497.55; and Payroll Checks 40241 through 40294 for the pay period ending 09/25/08 with the subtotal amount of \$149,838.35; for a total amount of \$468,335.90.

#### **2.2 RESOLUTION NO. 2008-6680 – AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN A REGIONAL WASTE TIRE ENFORCEMENT PROGRAM. (0270-70)**

Adopted resolution.

#### **2.3 LETTER OF SUPPORT FOR THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) APPLICATION FOR PROPOSITION 84 FUNDING TO STUDY SAND RETENTION STRUCTURES. (0220-70 & 0460-20)**

Authorized the Mayor to sign the letter of support.

#### **2.4 RESOLUTION NO. 2008-6684 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY AND THE CITY OF IMPERIAL BEACH REGARDING URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDING. (0390-88)**

Adopted resolution.

**2.7 RESOLUTION NO. 2008-6687 – SUPPORTING THE 2010 CAMPAIGN FOR ACTIVE TRANSPORTATION. (0460-20 & 0680-85)**

Adopted resolution.

**2.8 RESOLUTION NO. 2008-6685 – OPPOSING PROPOSITION 7 (THE SOLAR AND CLEAN ENERGY ACT OF 2008) ON THE NOVEMBER 2008 BALLOT. (0460-20)**

Adopted resolution.

**ITEMS PULLED FROM THE CONSENT CALENDAR (2.5 & 2.6)**

ASSISTANT CITY MANAGER RITTER introduced Item Nos. 2.5 and 2.6.

**2.5 RESOLUTION NO. 2008-6682 – APPROVAL OF COUNCIL POLICY 408: INVESTMENT POLICY. (0350-95)**

FINANCE DIRECTOR MCGRANE gave a report on the conservative investment practices of the City; he noted that the City currently has investments totaling over \$50 million and last year the City earned \$2 million from investments; he stressed that it is difficult to know what direction the economy is heading and recommended staying with short-term and liquid investments with LAIF or Government Agency bonds.

MAYOR PRO TEM MCCOY spoke about the Country's economic uncertainty and the importance of keeping the public informed of the City's investment practices.

**MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2008-6682. MOTION CARRIED UNANIMOUSLY.**

**2.6 CASH AND INVESTMENT REPORTS FOR THE QUARTER ENDED JUNE 30, 2008. (0350-90)**

**MOTION BY JANNEY, SECOND BY MCCOY, TO RECEIVE AND FILE THE REPORT. MOTION CARRIED UNANIMOUSLY.**

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

**3.1 ORDINANCE NO. 2008-1076 – TO AMEND CHAPTER 1.18 (ADMINISTRATIVE APPEAL PROCEDURES AND TIME LIMITS FOR APPEAL) OF THE IMPERIAL BEACH MUNICIPAL CODE REGARDING APPEALS PROCEDURES FOR CERTAIN ADMINISTRATIVE DECISIONS. (0600-95)**

ASSISTANT CITY MANAGER RITTER introduced the item.

CITY ATTORNEY LOUGH reported on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2008-1076.

CITY CLERK HALD read the title of Ordinance No. 2008-1076, an ordinance of the City Council of the City of Imperial Beach, California, to amend Chapter 1.18 (Administrative Appeal Procedures and Time Limits for Appeal) of the Imperial Beach Municipal Code regarding Appeals Procedures for Certain Administrative Decisions.

**MOTION BY MCLEAN, SECOND BY MCCOY, TO DISPENSE FIRST READING AND INTRODUCE ORDINANCE NO. 2008-1076 BY TITLE ONLY, SET THE MATTER FOR ADOPTION AT THE NEXT REGULAR CITY COUNCIL MEETING OF NOVEMBER 5, 2008, AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.**

**INTERIM ORDINANCE EXTENDING URGENCY MEASURE – READING & ADOPTION (4.1)**

**4.1 ORDINANCE NO. 2008-1078 – AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING ADDITIONAL RETAIL ESTABLISHMENTS SELLING TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA DURING AN EXTENDED SPECIAL STUDY PERIOD FOR AN ADDITIONAL ONE YEAR. (0240-35)**

ASSISTANT CITY MANAGER RITTER introduced the item.

CITY ATTORNEY LOUGH reported on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2008-1078.

CITY CLERK HALD read the title of Ordinance No. 2008-1078, an interim ordinance extending an urgency measure prohibiting additional retail establishments selling tobacco products and tobacco paraphernalia during an extended special study period for an additional one year.

**MOTION BY MCCOY, SECOND BY MCLEAN, TO INTRODUCE, READ, PASS, AND ADOPT ORDINANCE 2008-1078 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

**ORDINANCES – SECOND READING & ADOPTION (4.2 - 4.3)**

**4.2 ORDINANCE NO. 2008-1074 – AMENDING SECTIONS 19.04.415 OF THE ZONING ORDINANCE CHANGING THE DEFINITION OF “HOUSEHOLD PETS” AND AMENDING CHAPTER 6.04 OF THE ANIMALS ORDINANCE ALLOWING HEN CHICKENS WITH RESTRICTIONS AMENDING SECTIONS 6.04.020, 6.04.030, AND 6.04.130 AND ADDING SECTION 6.04.035. (0200-95)**

ASSISTANT CITY MANAGER RITTER introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a report on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2008-1074.

CITY CLERK HALD read the title of Ordinance No. 2008-1074, an ordinance of the City Council of the City of Imperial Beach, California, amending Sections 19.04.415 of the Zoning Ordinance, changing the definition of “Household Pets,” amending Chapter 6.04 of the Animals Ordinance, allowing hen chickens with restrictions by amending Sections 6.04.020, 6.04.030, and 6.04.130 and adding Section 6.04.035.

**MOTION BY MCCOY, SECOND BY WINTER, TO DISPENSE SECOND READING OF ORDINANCE NO. 2008-1074 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: WINTER, BRAGG, MCCOY**  
**NOES: COUNCILMEMBERS: MCLEAN, JANNEY**  
**ABSENT: COUNCILMEMBERS: NONE**

CITY ATTORNEY LOUGH noted for the record that the City Council previously voted unanimously to conduct the first reading by title only; the unanimous vote only needs to be done one time during the ordinance approval process.

**MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT ORDINANCE NO. 2008-1074 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: WINTER, BRAGG, MCCOY**  
**NOES: COUNCILMEMBERS: MCLEAN, JANNEY**  
**ABSENT: COUNCILMEMBERS: NONE**

**4.3 ORDINANCE NO. 2008-1077 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 13.04 BY AMENDING SECTIONS 13.04.030, 13.04.040, AND 13.04.170, AND ADDING SECTIONS 13.04.180 AND 13.04.190 – SEWERS TO COMPLY WITH STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003-DWQ. (0830-95)**

ASSISTANT CITY MANAGER RITTER introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2008-1077.

CITY CLERK HALD read the title of Ordinance No. 2008-1077, an ordinance of the City Council of the City of Imperial Beach, California, amending Imperial Beach Municipal Code Chapter 13.04 by amending Sections 13.04.030, 13.04.040, and 13.04.170, and adding Sections 13.04.180 and 13.04.190 – SEWERS to comply with State Water Resources Control Board Order No. 2006-0003-DWQ.

**MOTION BY MCCOY, SECOND BY MCLEAN, TO DISPENSE SECOND READING OF ORDINANCE NO. 2008-1077 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY BRAGG, SECOND BY CLEAN, TO ADOPT ORDINANCE NO. 2008-1077 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARINGS (5.1 - 5.2)**

**5.1 JIM KENNEDY, PARSONS CORP. FOR OMNIPOINT/T-MOBILE (APPLICANT)/ TORREY PINE MERZIOTIS PROPS. (OWNER); REGULAR COASTAL PERMIT (CP 080015), CONDITIONAL USE PERMIT (CUP 080016), DESIGN REVIEW CASE (DRC 080017), AND SITE PLAN REVIEW (SPR 080018) TO INSTALL A TELECOMMUNICATIONS FACILITY ON A MONOPALM FAUX TREE STRUCTURE LOCATED AT 933 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 974. (0600-20)**

MAYOR JANNEY declared the continued public hearing open.

ASSISTANT CITY MANAGER RITTER introduced the item.

MAYOR JANNEY announced a speaker slip was submitted by Leslie McCollum.

CITY ATTORNEY LOUGH suggested that Ms. McCollum's comments be made specific to the continuance of the hearing as she spoke on the substance of the item at the previous public hearing; he noted that no new information has come forward and the applicant was not in attendance to hear her comments; he added City Council can speak to the continuance of the item, as to if there were good cause or not and to the substance of the matter itself.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported that at the last public hearing there was considerable amount of information requested of the applicant, including alternative sites analysis, alternative design analysis, and information regarding coverage and necessity for the site; he also noted that staff made additional requests of the applicant subsequent to the last public hearing; the applicant requested continuance to the next City Council meeting; however, since Mr. Wade would not be available for the next two City Council meetings and since the December 3 meeting will be taken up by the inauguration of new City Councilmembers, December 17 was the preferred date of continuance.

COUNCILMEMBER WINTER questioned the reason for continuance; she noted that City Council received information stating that the applicant requested a continuance in order to redesign the faux palm tree; she stated that at the previous public hearing City Council requested additional information regarding noise limits and how the facility can be split into two and expressed disappointment that the applicant was not in attendance to respond to these two requests.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded that the applicant is currently addressing everything suggested by both City Council and staff; he noted that the applicant and staff have been going back and forth with each other based on the additional information submitted, staff reviewing it and asking for more information; he clarified that staff's most recent request was specific to the redesign of the faux palm tree; however, he could not say that was the only reason for the continuance as there has been extensive dialogue between the applicant and staff since the last public hearing.

COUNCILMEMBER WINTER again expressed disappointment with the applicant for not being attendance to address the two items requested of them.

CITY ATTORNEY LOUGH stated that City Council can grant a continuance based on good

cause; he believed the threshold has been met and the City Council needs to decide which meeting date to continue the public hearing.

ASSISTANT CITY MANAGER RITTER explained that after staff and the applicant compared their schedules, December 17 was the agreed upon date.

City Council discussion ensued regarding the date for continuance of the public hearing.

**MOTION BY WINTER, SECOND BY MCCOY, TO CONTINUE THE PUBLIC HEARING TO THE CITY COUNCIL MEETING OF NOVEMBER 19, 2008. MOTION CARRIED UNANIMOUSLY.**

**5.2 PROPOSED PROJECT PROPOSALS FOR THE FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM. (0650-05)**

MAYOR JANNEY declared the continued public hearing open.

ASSISTANT CITY MANAGER RITTER introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item; he noted that the County has not approved the use of CDBG funds for the skate park; he recommended allocation of CDBG funding towards the Civic Center crosswalk project.

MAYOR JANNEY closed the public hearing.

**MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2008-6686, REQUESTING ALLOCATION OF THE FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS. MOTION CARRIED UNANIMOUSLY.**

**REPORTS (6.1 - 6.3)**

**6.1 RESOLUTION NO. 2008-6683 – APPROVING THE SEWER SYSTEM MANAGEMENT PLAN – LEGAL AUTHORITY, OPERATIONS AND MAINTENANCE PROGRAM, OVERFLOW EMERGENCY RESPONSE PROGRAM, AND FATS, OIL, AND GREASE (FOG) CONTROL PROGRAM ELEMENTS – AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003 STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS. (0830-95)**

ASSISTANT CITY MANAGER RITTER introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

**MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2008-6683, APPROVING THE SEWER SYSTEM MANAGEMENT PLAN – LEGAL AUTHORITY, OPERATIONS AND MAINTENANCE PROGRAM, OVERFLOW EMERGENCY RESPONSE PROGRAM, AND FATS, OIL, AND GREASE (FOG) CONTROL PROGRAM ELEMENTS – AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003 STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS. MOTION CARRIED UNANIMOUSLY.**

**6.2 ITEM REMOVED.**

**6.3 RESOLUTION NO. R-08-163 – APPROVING THE PURCHASE OF VETERANS PARK MONUMENT SIGNS – VETERANS PARK MASTER PLAN – RDA (CIP P03-502). (0910-10 & 0920-70)**

ASSISTANT CITY MANAGER RITTER introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item; he announced the Civic Center monument sign was installed on Monday; if City Council is satisfied with the new sign, he recommended approval of purchase of three new Veterans Park monument signs; he questioned if the three wood signs in front of the three buildings at the Civic Center should be removed and requested authorization to retain the brass plaque currently embedded in the Veterans Park brick monument sign (off of 8<sup>th</sup> Street) and install it at the base of the new monument sign; he noted that filler will be applied to the lettering on the new Civic Center monument sign before it is painted.

Consensus of City Council to remove the three wooden signs in front of the Civic Center and elevate the brass plaque so that it is off the ground and more readable.

**MOTION BY JANNEY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. R-08-163, APPROVING THE PURCHASE OF VETERANS PARK MONUMENT SIGNS – VETERANS PARK MASTER PLAN - RDA (CIP P03-502). MOTION CARRIED UNANIMOUSLY.**

**MAYOR/COUNCIL REPORTS ON ASSIGNMENTS AND COMMITTEES**

None.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 7:16 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, CMC  
City Clerk