

MINUTES

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

APRIL 7, 2010

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

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

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:33 p.m.

ROLL CALL

Councilmembers present: Bragg, McCoy, Rose
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: King

Staff present: City Manager Brown; City Attorney Lyon; 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: 821 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Jenah Enterprises (Best \$1) c/o Gary Bryon Roach, Esq.

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

Property: 827 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: New Song Church/Adulan Ministries, Eduardo Barros

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

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:33 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, 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: Bragg, McCoy, Rose
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: King

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

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY MCCOY, SECOND BY KING, TO TAKE ITEM NOS. 6.1 – XERISCAPE LANDSCAPE PROJECT PROPOSAL FOR MARINA VISTA CENTER FRONTAGE OFF 8TH STREET AND 6.3 – RESOLUTION NOS. R-10-216 AND 2010-6877 APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH IMPERIAL COAST LIMITED PARTNERSHIP RELATING TO CONCEPTUAL AGREEMENT AND AGENCY FINANCIAL PARTICIPATION IN THE DEVELOPMENT OF A NEW BEACH-FRONT HOTEL IMMEDIATELY FOLLOWING THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

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

COUNCILMEMBERS MCCOY AND ROSE both reported on a conference they attended regarding building livable communities by the Local Government Commission; information obtained at the conference was given to staff.

MAYOR PRO TEM KING announced he had recused himself from discussion of the Closed Session items due to an economic conflict of interest; he reported on the SANDAG Transportation Committee meeting stating there is a study to look at a rapid transit bus line from Otay Mesa to Downtown; a major study to look at developing the mass transit system in the future including connectivity of different modes of transportation with landmark projections for 2030 and 2050; a freight study to address the increased number of goods crossing the border; connections for the regional bicycle paths throughout the county; and midcoast corridor study to develop a light rail line from the border up to the UTC/UCSD area.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN announced the City Council workshop scheduled for April 13, 2010 has been cancelled.

PUBLIC COMMENT

JOHN PERNO requested an explanation on RDA expenditures, especially with the Palm Ave. and 9th Street project and the Seacoast Inn; he spoke in support for purchasing the hotel property for use in expanding the park or having the hotel developer develop the project themselves without using RDA funds; he requested a list of properties purchased by the City, including date of purchase, purchase price and the purpose of the property.

MAYOR JANNEY announced staff will present an annual review of the Redevelopment Agency at a future City Council meeting.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.6)

MOTION BY ROSE, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.6.

City Council discussion:

COUNCILMEMBER MCCOY questioned when Item No. 2.5 would return to City Council with regard to climate change; she spoke of the need to update the geotechnical/geophysical portion of the LCP.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY ROSE, SECOND BY BRAGG, APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.6. MOTION CARRIED UNANIMOUSLY.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 70601 through 70714 with the subtotal amount of \$2,059,081.98, Payroll Checks 42362 through 42406 for the pay period ending 03/11/10 with the subtotal amount of \$142,804.52 and Payroll Checks 42407 through 42453 for the pay period ending 03/25/10 with the subtotal amount of \$145,190.98, for a total amount of \$2,347,077.48.

2.2 RESOLUTION NO. 2010-6874 – APPROVING THE ENGINEER’S REPORT FOR PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS WITH A SPECIAL ASSESSMENT DISTRICT – AD 67M. (0465-10)

Adopted resolution.

2.3 RESOLUTION NO. 2010-6875 – 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. (0465-10)

Adopted resolution.

2.4 RESOLUTION NO. R-10-215 – APPROVING AN APPLICATION FOR AN ENVIRONMENTAL JUSTICE - TRANSPORTATION PLANNING GRANT - FISCAL YEAR 2010-11, DESIGNATING THE PERSON AUTHORIZED TO ENTER INTO A CONTRACT WITH CALTRANS AND THE USE OF REDEVELOPMENT AGENCY FUND FOR THE REQUIRED 7.5 PERCENT MATCH. (0390-88)

Adopted resolution.

2.5 GOALS FOR 2010-2014. (0100-10)

Approved modifications to goals.

2.6 MINUTES.

Approved changes to page 2 of the February 3, 2010 minutes.

REPORTS (6.1 & 6.3)

6.1 XERISCAPE LANDSCAPE PROJECT PROPOSAL FOR MARINA VISTA CENTER FRONTAGE OFF 8TH STREET. (0230-70 & 0930-10)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

EAGLE SCOUT CANDIDATE NICK MORRELL gave a presentation on the item.

CONSENSUS OF CITY COUNCIL TO APPROVE THE MARINA VISTA CENTER XERISCAPE LANDSCAPE PROJECT AS PRESENTED , TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN THE EAGLE SCOUT PROJECT APPLICATION AND TO AUTHORIZE THE CITY MANAGER TO APPLY FOR A CAL AM WATER CONSERVATION GRANT FOR THE PURPOSE OF INSTALLING XERISCAPE AT THE MARINA VISTA CENTER ON THE 8TH STREET SIDE. MOTION CARRIED UNANIMOUSLY.

6.3 RESOLUTION NOS. R-10-216 AND 2010-6877 APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH IMPERIAL COAST LIMITED PARTNERSHIP RELATING TO CONCEPTUAL AGREEMENT AND AGENCY FINANCIAL PARTICIPATION IN THE DEVELOPMENT OF A NEW BEACH-FRONT HOTEL. (0660-43).

COUNCILMEMBER BRAGG announced she had a potential conflict of interest due to the location of her former employment and she left Council Chambers at 6:22 p.m.

The following were submitted as Last Minute Agenda Info:

- Seacoast Inn hotel timeline, as submitted by Allison Rolfe at 4/15/09 Council meeting.
- Email and draft key Pacifica submittal or completion dates, submitted by Allison Rolfe of Pacifica Companies, received 04/07/10.
- Seacoast inn hotel timeline, as submitted at 08/20/08 Council meeting.

CITY MANAGER BROWN reported on the item and recommended it be continued to the April 21, 2010 City Council meeting.

MAYOR JANNEY stated he had a meeting with Ash Israni of Pacifica and was assured that there would be a presentation by Seacoast Inn representatives tonight and he expressed disappointment for the delay.

ALISON ROLFE, Project Manager for Pacifica; stated a postponement is being requested to finalize the project schedule for the MOU; she stated she would be back with a presentation on April 21st and would be prepared to address concerns of City Council and the community at that time.

City Council expressed disappointed with Pacifica for its slow progress on the development of the new hotel project; there was a request for a complete cost breakdown for the project; and there was support for Pacifica to obtain a demolition permit to tear down the existing hotel.

**MOTION BY KING, SECOND BY ROSE, TO CONTINUE THE ITEM TO APRIL 21, 2010.
MOTION CARRIED BY THE FOLLOWING VOTE:**

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

COUNCILMEMBER BRAGG returned to Council Chambers at 6:45 p.m.

ORDINANCES – URGENCY/INTRODUCTION/FIRST READING (3.1)

3.1 ADOPTION OF URGENCY ORDINANCE NO. 2010-1099 AND FIRST READING AND INTRODUCTION OF ORDINANCE NO. 2010-1100 AMENDING SECTIONS 9.08.020 AND 9.08.050 PERTAINING TO JUVENILE CURFEW. (0240-95)

CITY MANAGER BROWN introduced the item.

SHERIFF'S CAPTAIN MILLER gave a report on the item.

MOTION BY BRAGG, SECOND BY MCCOY, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION BY TITLE ONLY AND ADOPT URGENCY ORDINANCE NO. 2010-1099. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called for the reading of the title of Urgency Ordinance No. 2010-1099 and for the reading of the title of Ordinance No. 2010-1100.

CITY CLERK HALD read the title of Urgency Ordinance No. 2010-1099, "AN URGENCY ORDINANCE AMENDING SECTIONS 9.08.020 AND 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW" and the title of Ordinance No. 2010-1100, "AN ORDINANCE AMENDING SECTIONS 9.08.020 AND 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW."

MOTION BY BRAGG, SECOND BY MCCOY, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION OF ORDINANCE NO. 2010-1100 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1 - 5.2)

5.1 RESOLUTION NO. 2010-6871 – ADJUSTING A REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PLAN (RTCIP) FEE FOR FISCAL YEAR 2010-11. (0680-95)

MAJOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

COUNCILMEMBER MCCOY suggested the resolution be corrected to state "new" residential unit.

MAYOR JANNEY closed the public hearing.

MOTION BY MCCOY , SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2010-6871 AS AMENDED. MOTION CARRIED UNANIMOUSLY.

5.2 DEANNA ROSE, FOR I.B. BEAUTIFUL (APPLICANT); REGULAR COASTAL PERMIT (CP 100014), CONDITIONAL USE PERMIT (CUP 100015), SITE PLAN REVIEW (SPR 100016) TO PROVIDE A CERTIFIED FARMER'S MARKET ("IMPERIAL BEACH FARMER'S MARKET") LOCATED AT PIER PLAZA IN THE PF (PUBLIC FACILITIES) ZONE. MF 1036. (0130-30 & 0600-20)

Correspondence from I.B. Beautiful was submitted as Last Minute Agenda Information.

MAJOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item; he recommended the following condition revisions:

- Revise Planning Condition #1 to show 2 PM - 7:30 PM as the hours of operation with setup from 12 PM - 2 PM in the summer.
- Revise Planning Condition #11 from "Eight (8) parking spaces shall be maintained for customer parking." to "Eight (8) parking spaces shall be maintained for customer parking. Any modification to parking requirements shall be subject to the discretion of the Community Development Department."
- Add the following condition: "If adverse traffic and/or pedestrian conditions are observed as a result of and during the Farmers Market, traffic control measures shall be implemented. Such measures may include the use of trained traffic control personnel to allow for the safe and steady flow of both pedestrians and vehicles across and along Seacoast Drive."

He reviewed the revised site plan submitted by the applicant and noted staff was not in support of utilizing current street parking south of the grass area to accommodate a vendor parking space but was in support for using the street parking to the north if MTS agrees to it; and he thanked Associate Planner Foltz and Redevelopment Assistant Project Manager Cumming of their dedicated efforts on the project.

MELANIE MALESZA, a Farmer's Market vendor, spoke in support of holding the Farmer's Market at Pier Plaza.

DEANNA ROSE, representing I.B. Beautiful, responded to Council's concerns regarding the low percentage of farmers at the market and spoke about the difficulty the farmers have with navigating their trucks at Pier Plaza.

COUNCILMEMBER MCCOY expressed concern about the Farmer's Market becoming a craft fair.

DAVID ELLIS, President of I.B. Beautiful, stated the farmers' booths are larger than the booths for the other vendors; bringing in more farmers is contingent upon the Council granting them more space; and noted they are adhering to the certified farmers market motto.

In response to the concern expressed regarding trucks leaking oil and other fluid on to Pier Plaza, COMMUNITY DEVELOPMENT DIRECTOR WADE responded Condition No. 33 requires all vehicles have drip pans to collect any discharges.

MAYOR JANNEY closed public hearing then reopened the public hearing to allow the applicant to address questions regarding why the number of farmers fell below the required 22%.

DEANNA ROSE stated farmers need to have their trucks nearby and, therefore, it is difficult to fit them and the trucks at the site due to the small area.

MAYOR JANNEY closed the public hearing.

City Council raised concern regarding impacts to the Jr. Lifeguard program and supported a review of the CUP in six months.

MAYOR JANNEY spoke in opposition to holding the Farmer's Market at Pier Plaza.

Discussion ensued regarding general public liability insurance. In response to City Attorney Lyon's recommendation to revise the Conditions of Approval, there was support to address the insurance obligation within the next six months.

MOTION BY ROSE, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2010-6876, WITH STAFF'S RECOMMENDED REVISIONS, INCLUDING APPROVAL OF THE ADDITIONAL VENDOR PARKING SPACE IF APPROVED BY MTS, APPROVING REGULAR COASTAL PERMIT (CP 100014), CONDITIONAL USE PERMIT (CUP 100015), AND SITE PLAN REVIEW (SPR 100016), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS AND TO REVIEW THE CUP IN SIX (6) MONTHS. MOTION CARRIED BY THE FOLLOWING VOTE:

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

REPORTS (6.2 & 6.4 - 6.6)

6.2 RESOLUTION NO. 2010-6873 – APPROVING THE MAJOR MAINTENANCE OF FIRE TRUCK E-239. (1130-20)

CITY MANAGER BROWN introduced the item.

MOTION BY JANNEY, SECOND BY MCCOY, TO APPROVE RESOLUTION NO. 2010-6873 – APPROVING THE MAJOR MAINTENANCE OF FIRE TRUCK E-239. MOTION CARRIED UNANIMOUSLY.

6.4 AUTHORIZATION FOR THE CITY MANAGER TO REQUEST RELINQUISHMENT OF A PORTION OF CALTRANS RIGHT-OF-WAY TO FACILITATE THE REALIGNMENT OF THE PALM AVENUE/STATE ROUTE (SR) 75 INTERSECTION ADJACENT TO THE PROPOSED 9TH AND PALM REDEVELOPMENT PROJECT. (0640-30)

MAYOR PRO TEM KING announced he had a potential economic conflict of interest on the item and left Council Chambers at 8:30 p.m.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item.

COUNCILMEMBER BRAGG requested a discussion regarding the potential acquisition of the property to the north of the project to be placed on a future agenda.

MOTION BY JANNEY, SECOND BY ROSE, TO AUTHORIZE THE CITY MANAGER TO OFFICIALLY REQUEST THE INITIATION OF THE PROCESS TO RELINQUISH A PORTION OF PALM AVENUE/SR75 RIGHT-OF-WAY AS DEPICTED IN ATTACHMENT 1 OF THE STAFF REPORT. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR PRO TEM KING returned to Council Chambers at 8:44 p.m.

6.5 RESOLUTION NO. 2010-6872 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR THE SAN DIEGO URBAN AREA REGIONAL COMPUTER AIDED DISPATCH INTEROPERABILITY PROJECT. (0250-32)

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR SOTELO gave a report on the item.

COUNCILMEMBER ROSE recognized Public Safety Director Sotelo for his regional disaster preparedness efforts.

MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6872 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR THE SAN DIEGO URBAN AREA REGIONAL COMPUTER AIDED DISPATCH INTEROPERABILITY PROJECT. MOTION CARRIED UNANIMOUSLY.

6.6 RESOLUTION NO. R-10-214 – APPROVING CHANGES TO THE CLEAN AND GREEN PROGRAM GUIDELINES. (0640-95)

COUNCILMEMBER ROSE announced she had a potential conflict of interest on the item, and she left Council Chambers at 8:57 p.m.

CITY MANAGER BROWN introduced and reported on the item.

MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-214 – APPROVING CHANGES TO THE CLEAN AND GREEN PROGRAM GUIDELINES. MOTION CARRIED BY THE FOLLOWING VOTE:

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

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:59 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk