

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
January 17, 2007
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.
MARINA VISTA CENTER
1075 8th Street
Imperial Beach, California**

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:05 p.m.

ROLL CALL

Councilmembers present: Bragg, McCoy, Winter

Councilmembers absent: None

Mayor present: Janney

Mayor Pro Tem present: McLean

Staff present: City Manager Brown; Assistant City Attorney
Tashakorian; City Clerk Hald

CLOSED SESSION

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 874 8th Street, Imperial Beach, CA 91932

Agency Negotiator: City Manager

Negotiating Parties: Nakawatase, Kazumi & Shirley E.M.

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: 656 Florida St., Imperial Beach, CA 91932

Agency Negotiator: City Manager

Negotiating Parties: Mikkelson, Frankie L.

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: 640 Florida Street, Imperial Beach, CA 91932
Agency Negotiator: City Manager
Negotiating Parties: Blake, William G.S. & Deborah A. Family Trust
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: Vacant Lot, APN 626-170-09
Agency Negotiator: City Manager
Negotiating Parties: Blake, William G.S. & Deborah A. Family Trust
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)
Names of Case:
TC Construction Company v. City of Imperial Beach; Case No. GIS 24202

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: City Manager

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:06 p.m. and he reconvened the meeting to Open Session at 6:05 p.m. Reporting out of Closed Session, MAYOR JANNEY announced City Council met earlier in Closed Session and did not discuss the first item on the Closed Session agenda.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:06 p.m.

ROLL CALL

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

Staff present:	City Manager Brown; Assistant City Attorney Tashakorian; City Clerk Hald
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

In accordance with AB 1234, MAYOR JANNEY announced that he had attended the League of California Cities conference in Sacramento.

In Accordance with AB 1234, COUNCILMEMBER BRAGG announced she also attended the League of California Cities conference in Sacramento.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

BOB WADHAM announced applications for Paint IB 2007 were now being accepted.

JOANNE NORDEN requested the installation of a crosswalk at 8th St. and Imperial Beach Blvd.

MAYOR JANNEY referred Mrs. Norden's comments to the City Manager.

MARY CRIST was not available to speak.

DAVID NORDEN submitted a diagram for the record and spoke in support of a crosswalk at 8th St. and IB Blvd. and expressed concern about pedestrian safety.

ROBERT FARADAY expressed concern about skateboarders that are skating on the newly laid memorial bricks at Veterans Park.

SHARON RYNO spoke in favor of a crosswalk on Imperial Beach Blvd.

J.P. PALMER expressed concern about a lien that was placed on his property and requested that his property be placed on the agenda for City Council discussion.

CITY MANAGER BROWN stated that if a lien were filed, it would be for those fines that have gone beyond the period for an appeal.

MAYOR JANNEY requested City Manager Brown and Assistant City Attorney Tashakorian look into the situation.

PRESENTATIONS (1)

None.

MAYOR JANNEY announced the City Council has undergone its yearly rotation and congratulated Mayda Winter who will serve as Mayor Pro Tem for 2007 and he thanked Councilmember McLean who served as Mayor Pro Tem during 2006.

CONSENT CALENDAR (2.1 - 2.7)

MOTION BY MCCOY, SECOND BY WINTER, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.7. MOTION CARRIED UNANIMOUSLY.

- 2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)**
Ratified Accounts Payable Numbers 63067 through 63160 for the period ending 12/22/06 and Payroll Register Numbers 37902 through 37983 for the period ending 12/08/06 in the amount of \$783,672.78.
- 2.2 AMENDMENT TO THE DISADVANTAGED BUSINESS ENTERPRISE RACE NEUTRAL IMPLEMENTATION AGREEMENT. (0380-08)**
1. Received report; and
2. Affirmed the City staff execution of the Amendment to the Disadvantaged Business Enterprise Race Neutral Implementation Agreement.
- 2.3 AFFIRMATION OF CITY MANAGER'S APPROVAL OF CHANGE ORDER WITH ST. THOMAS ENTERPRISE FOR NEW WORK ON EMERGENCY GENERATOR POWER TO CIVIC CENTER COMPLEX. (0210-20 & 0910-10)**
1. Received report; and
2. Affirmed City Manager's approval of Change Order No. 2 for at a cost of \$23,143.05.
- 2.4 ACCEPTING THE BASIC FINANCIAL STATEMENTS FOR THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH FOR THE YEAR ENDED JUNE 30, 2006. (0310-30)**
Adopted Resolution No. R-07-113 accepting the Basic Financial Statements for the Redevelopment Agency for the City of Imperial Beach for the year ended June 30, 2006.
- 2.5 ACCEPTING THE STATE CONTROLLER'S ANNUAL REPORT ON FINANCIAL TRANSACTIONS AND HOUSING AND COMMUNITY DEVELOPMENT ANNUAL REPORT OF HOUSING ACTIVITY FOR THE YEAR ENDED JUNE 30, 2006. (0300-88)**
Adopted Resolution No. R-07-114 accepting the State Controller's Redevelopment Agencies Financial Transactions Report and Housing and Community Development Annual Report of Housing Activity for the fiscal year ended June 30, 2006.
- 2.6 RESOLUTION NO. 2007-6441 APPROVING A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF IMPERIAL BEACH AND MICHAL PIASECKI AND TERMINATING A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN CITY OF IMPERIAL BEACH AND JOHN NAZIMEK FOR ERP, GIS AND ENGINEERING TECHNICAL SUPPORT. (1110-05)**
Adopted resolution.
- 2.7 RESOLUTION NO. 2007-6443 AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2007-2008 PORT OF SAN DIEGO FINANCIAL ASSISTANCE PROGRAM APPLICATION FOR FUNDING ASSISTANCE FOR 2007 CONCERT/MOVIE EVENT. (1040-10)**
Adopted resolution.

ORDINANCES - INTRODUCTION/FIRST READING (3)

None.

ORDINANCES - SECOND READING & ADOPTION/PUBLIC HEARING (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1)

6.1 APPROVAL OF THE FY 2005-06 ANNUAL REPORT FOR THE JURISDICTIONAL URBAN RUNOFF MANAGEMENT PROGRAM (JURMP). (0770-65)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and announced the Regional Water Quality Control Board requires cities to file JURMP reports annually.

ENVIRONMENTAL PROGRAM MANAGER SNYDER gave an overview of the JURMP annual report, noting the progress the City has made in achieving minimum permit requirements, and he concluded his report with a review of recommendations for future action.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

Discussion of Council ensued regarding concern of runoff from the City of San Diego entering the City of Imperial Beach and the potential for future monitoring projects, interest in exploring options for local collection of universal and electronic waste, and concern of restaurants illegally dumping grease traps and the washing of kitchen mats on the pavement.

MAYOR JANNEY stressed that the program is a State of California mandate that costs the City of Imperial Beach over \$1 million and thanked staff for their efforts.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2007-6439, AUTHORIZING THE CITY MANAGER TO SIGN AND FORWARD THE CITY'S JURISDICTIONAL URBAN RUNOFF MANAGEMENT PROGRAM (JURMP) ANNUAL REPORT FOR FISCAL YEAR 2005-06 TO THE REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION, INCLUDING CORRECTIONS, ADDITIONS, OR DELETIONS AS DIRECTED. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS

MAYOR JANNEY announced that Mary Crist was doing a public service during Public Comments and was, therefore, unavailable to speak; he requested that she be able to speak at this time.

MARY CRIST expressed concern about the location of two bus stops and spoke in support of a crosswalk at 8th St. and IB Blvd. and another crosswalk at 9th St. and Ebony Ave.

REPORTS (7.1 - 7.8)

7.1 TIDELANDS ADVISORY COMMITTEE - SCHEDULED VACANCIES. (0120-90)

MAYOR JANNEY recommended that the committee be reduced to seven (7) members and recommended reappointment of Maxx Stalheim and Ed Spriggs for terms expiring December 31, 2008.

MOTION BY WINTER, SECOND BY MCLEAN, TO REDUCE THE TIDELANDS ADVISORY COMMITTEE TO SEVEN (7) MEMBERS AND TO APPROVE MAYOR JANNEY'S REAPPOINTMENT OF MAXX STALHEIM AND ED SPRIGGS FOR TERMS TO EXPIRE ON DECEMBER 31, 2008. MOTION CARRIED UNANIMOUSLY.

7.2 DESIGN REVIEW BOARD APPOINTMENTS. (0120-30)

MAYOR JANNEY recommended reappointment of Danny Lopez for a term expiring December 31, 2010.

MOTION BY MCCOY, SECOND BY WINTER, TO APPROVE MAYOR JANNEY'S REAPPOINTMENT OF DANNY LOPEZ TO THE DESIGN REVIEW BOARD FOR A TERM EXPIRING ON DECEMBER 31, 2010. MOTION CARRIED UNANIMOUSLY.

7.3 RESOLUTION REJECTING DESIGN BUILD SERVICES PROPOSALS FOR THE PUBLIC WORKS FACILITY IMPROVEMENTS (CIP F05-101). (0910-30)

CITY MANAGER BROWN introduced the item; he announced the bid received was too high and he requested authorization to reject the bid.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-07-112 REJECTING ALL BIDS AND AUTHORIZE STAFF TO CONTINUE TO PURSUE OTHER DESIGN OR BID OPTIONS FOR EFFECTING THE FACILITY IMPROVEMENTS. MOTION CARRIED UNANIMOUSLY.

7.4 ADOPTION OF REDEVELOPMENT AGENCY RESOLUTION NO. R-07-115 CLOSING OUT CIP PROJECT NO. R05-204 AND SHIFTING ALL FUNDS (\$55,000) FROM THIS PROJECT TO CIP PROJECT NO. R05-203, RENAMING CIP PROJECT NO. R05-203 "COMMERCIAL ZONING REVIEW", TRANSFERRING \$140,000 OF UNDESIGNATED RDA FUNDS (TAX INCREMENT, NON-HOUSING) TO CIP PROJECT NO. R05-203 AND AUTHORIZING THE EXECUTIVE DIRECTOR/CITY MANAGER TO ENTER INTO A CONTRACT WITH ED AW INC. IN AN AMOUNT NOT TO EXCEED \$250,000 TO CONDUCT A REVIEW OF THE CITY'S GENERAL PLAN/LOCAL COASTAL PROGRAM AND ZONING CODE'S COMMERCIAL ZONING AND DEVELOPMENT REGULATIONS

CITY MANAGER BROWN introduced the item; he stated that it is a City Council priority item to take a look at commercial zoning within the City.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

MAXX STALHEIM supported the item; however, he expressed concern about cost and the expected deliverable.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded to Council's questions regarding ED AW's previous projects; the deliverables; Coastal Commission review; the number of public workshops.

MOTION BY MCLEAN, SECOND BY WINTER, TO 1) CLOSE OUT CIP PROJECT NO. R05-204 AND SHIFT ALL FUNDS (\$55,000) FROM THIS PROJECT TO CIP PROJECT NO. R05-203; 2) RENAME CIP PROJECT NO. R05-203 "COMMERCIAL ZONING REVIEW"; AND 3) ADOPT RESOLUTION NO. R-07-115 TRANSFERRING \$140,000 OF UNDESIGNATED RDA FUNDS (TAX INCREMENT, NON-HOUSING) TO CIP PROJECT NO. R05-203 AND AUTHORIZING THE EXECUTIVE DIRECTOR/CITY MANAGER TO ENTER INTO A CONTRACT WITH EDAW INC. IN AN AMOUNT NOT TO EXCEED \$250,000 TO CONDUCT A REVIEW OF THE CITY'S COMMERCIAL ZONING AND DEVELOPMENT REGULATIONS AS PROVIDED FOR THE CITY'S GENERAL PLAN/LOCAL COASTAL PLAN AND ZONING ORDINANCE (FUNDS TRANSFERRED FROM FUND 405-0000-253.00-00 TO FUND 407-1262-413-20-06). MOTION CARRIED UNANIMOUSLY.

7.5 ADOPTION OF RESOLUTION NO. 2007-6438 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR SAND LOBBYIST. (0220-70)

City Manager Brown introduced the item and announced e-mail correspondence had been submitted as Last Minute Agenda Information.

MAYOR JANNEY emphasized that City Council is strictly voting on the approval of a sand lobbyist, and not on a particular project.

JIM MONTALBANO expressed concern about spending \$14 million on sand replenishment and toxicity of the sand.

ISRAEL DEDINA spoke against sand replenishment.

GARY ALCHIN opposed the item (did not speak).

KEN PALMATIER opposed the item (did not speak).

MIDGE PALMATIER opposed the item (did not speak).

WILLIAM RENOLD spoke in opposition to the sand project and the item.

BEN MCCUE, Program Manager for Wildcoast, expressed concern about the sand project and opposed the item.

JEFF KNOX opposed the item.

DIANE SCHERTZER requested more information on the item (did not speak).

TIM TOWNSLEY was neutral on the item and requested more information (did not speak).

TERRI JOHNSON opposed the item (did not speak).

DAREN JOHNSON opposed the item.

JOSHUA JOHNSON opposed the item (did not speak).

MICHEL DEDINA opposed the item.

JO DEDINA opposed the item (did not speak).

PETER DROWN opposed the item (did not speak).

EMILY YOUNG opposed the item (did not speak).

RANDY PUTLAND expressed concern about cost and opposed the item.

DANIEL DEDINA opposed the item (did not speak).

JOE FALLON opposed the item (did not speak).

DAVID THOMAS opposed the item (did not speak).

SERGE DEDINA, Executive Director of Wildcoast, expressed concern about taking sand near a sewage outfall pipe and any adverse impacts on surfing; he spoke in support of the formation of a sand assessment district to alleviate City costs; and he requested that the item be tabled while there is a review of the most cost-effective way of protecting the beach.

BOB WADHAM spoke in support of the item.

KEN SCHERTZER indicated opposition to the item (did not speak).

MAYOR JANNEY reiterated that the item under consideration is a contract for a lobbyist.

A majority of CITY COUNCIL discussed support of the item.

MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2007-6438 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MARLOWE & COMPANY FOR SAND RENOURISHMENT LOBBYIST SERVICES TO OBTAIN FUNDING FOR THE SILVER STRAND SHORELINE – IMPERIAL BEACH SAND RENOURISHMENT PROJECT. MOTION CARRIED UNANIMOUSLY.

7.6 AUTHORIZATION TO REMOVE THE LARGE FICUS TREES IN VETERANS PARK AND SPORTS PARK. (0940-60)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN recommended removal of the trees in question and replacing them with new pine trees; he stated another option would be to drop crotch (trim) the trees, which would then require ongoing tree trimming maintenance.

MAYOR PRO TEM WINTER spoke in support of trimming the trees versus removing them.

CITY MANAGER BROWN discussed the ongoing maintenance costs.

BOB WADHAM spoke in support of staff's recommendations.

COUNCILMEMBER MCLEAN spoke in support of removing the trees.

MAYOR JANNEY spoke in support of trimming the trees at this time and then re-evaluate the condition of the trees after two years.

MOTION BY JANNEY, SECOND BY WINTER, TO TRIM THE EIGHT TREES IN ACCORDANCE WITH DAVEY TREE EXPERT CO.'S RECOMMENDATION. MOTION CARRIED BY THE FOLLOWING VOTE:

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

7.7 RESOLUTIONS APPROVING THE DESIGN AND PURCHASE OF CIVIC CENTER MONUMENT SIGNS (CIP F05-201). (0910-10)

City Manager Brown introduced the item and noted that the Sheriff's Department requested that they have a sign that is consistent with other Sheriff's Department signs throughout the County.

A revised staff report was submitted as Last Minute Agenda Information.

PUBLIC WORKS DIRECTOR LEVIEN provided color copies of the two proposed signs by Fabrication Arts and expressed concern about the recommended size.

DEBBIE VALENTINI expressed concern about the City's budget and spoke in opposition to the item.

Due to City Council concern regarding recommended sign size, HERNANDO GARCIDIAZ, of Fabrication Arts, stated that he could create a cardboard mockup of the proposed signs to assist City Council with their decision.

MAYOR JANNEY expressed concern about the cost for three signs and suggested one sign for the whole Civic Center complex.

MAYOR PRO TEM WINTER supported the one Civic Center sign with individual signs above the doors of City Hall, Sheriff's Department and Fire Department.

PUBLIC WORKS DIRECTOR LEVIEN noted that the building already has a Civic Center sign on the building.

BOB WADHAM spoke in opposition to the item and suggested that the signage remain the same.

CITY MANAGER BROWN recommended that Fabrication Arts create two mockups of the Civic Center sign, one at 12 ft. and another at 8 ft.

Consensus of City Council to have Fabrication Arts create a 12 ft. mockup and an 8 ft. mockup of the Civic Center sign.

7.8 POINT LOMA TREATMENT FACILITY. (0620-75)

City Manager Brown introduced the item

MAYOR PRO TEM WINTER reported that at the recent Metro Commission meeting several of the cities had not received information on the Point Loma Treatment facility or have not taken a position on the issue; she requested that City Council continue its position that supports the options presented to the Metro Commission at their January 11, 2006 meeting: 1) Continue enhanced ocean monitoring program; 2) Continue technical studies on optimizing the secondary treatment alternatives for Point Loma; 3) Use the established State and Federal environmental review process under CEQA (EIR) and NEPA (EIS) as a method to guide the future decisions regarding modified permits (waivers) for Point Loma; and 4) Pursue Consent Decree.

MOTION BY MCLEAN, SECOND BY MCCOY, TO DIRECT MAYOR PRO TEM WINTER TO PRESENT CITY COUNCIL'S SUPPORT OF THE FOUR FOLLOWING OPTIONS AT THE FEBRUARY 2007 METRO COMMISSION MEETING: 1) CONTINUE ENHANCED OCEAN MONITORING PROGRAM; 2) CONTINUE TECHNICAL STUDIES ON OPTIMIZING THE SECONDARY TREATMENT ALTERNATIVES FOR POINT LOMA; 3) USE THE ESTABLISHED STATE AND FEDERAL ENVIRONMENTAL REVIEW PROCESS UNDER CEQA (EIR) AND NEPA (EIS) AS A METHOD TO GUIDE THE FUTURE DECISIONS REGARDING MODIFIED PERMITS (WAIVERS) FOR POINT LOMA; AND 4) PURSUE CONSENT DECREE. MOTION CARRIED UNANIMOUSLY.

REPORTS OF MAYOR AND COUNCILMEMBERS

None.

ADJOURNMENT

The meeting adjourned at 8:46 p.m.

James C. Janney, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk