

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
May 17, 2006
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CALL TO ORDER

MAYOR ROSE called the Regular Meeting to order at 6:03 p.m.

ROLL CALL

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

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

MAYOR ROSE led everyone in the Pledge of Allegiance.

AGENDA CHANGES

COUNCILMEMBER JANNEY announced he had a potential conflict of interest on Item No. 2.15 due to a business interest and would not be voting on the item.

MOTION BY ROSE, SECOND BY MCLEAN, TO CONTINUE ITEM NO. 2.8 TO JUNE 7, 2006 AND PULL ITEM NOS. 2.5 AND 2.9 FROM THE CONSENT CALENDAR FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL ANNOUNCEMENTS/REPORTS/REIMBURSEMENTS

COUNCILMEMBER WINTER spoke about traveling with her husband, father-in-law (a former Prisoner of War), and other POWs and their families to Hawaii to visit the U.S.S. Arizona Memorial at Pearl Harbor.

MAYOR ROSE spoke about the upcoming 50th Anniversary events and thanked Councilmember Winter for her advice and suggestions at the last committee meeting; she congratulated Councilmember Janney who is currently the Vice President of the South County Economic Development Council and will soon be President.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

ALBERT KNECHT spoke in opposition to the proposed development of condominiums at Palm Avenue and 9th Street and stated that he collected 800 signatures in opposition to the project.

STEVE FUTTERMAN asked City Council not to raise taxes in the City of Imperial Beach.

MAYOR ROSE responded that on the agenda there is an item to consider requests for qualifications for a consultant to assist the City in determining the feasibility of placing a tax measure on a future ballot; however, City Council cannot impose a tax on the citizenry; it is only the community that can raise taxes by means of the ballot process.

FILEMÓN JARA, teacher and tennis coach at Mar Vista High School, spoke about forming a partnership with the City to build tennis courts for the community and he read a letter of support from Nicolas Nicoloff (a resident of Imperial Beach since 1955).

MAYOR ROSE encouraged Mr. Jara to speak with Mayor Pro Tem McLean.

COUNCILMEMBER MCCOY noted that years ago there were tennis courts at the high school and it was the school district that chose to remove them. She noted that it's a difficult situation given that the City is facing a potential tax measure.

MAYOR PRO TEM MCLEAN noted that various governmental agencies are cutting budgets, including school districts.

PAT O'NEILL, tennis coach, spoke in support of building tennis courts and encouraged the City and school districts to contact the U.S. Tennis Association for funding.

TONY TRAMNEL, Captain of the Mar Vista tennis team, spoke in support of building tennis courts.

PRESENTATIONS/PROCLAMATIONS (1.1 - 1.2)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR ROSE announced Erika Derosier was not in attendance.

1.2 PRESENTATION OF PROCLAMATION IN HONOR OF PUBLIC WORKS WEEK, MAY 21 - MAY 27, 2006. (0410-30)

MAYOR ROSE presented a proclamation to Public Works Director Levien in honor of Public Works Week.

CONSENT CALENDAR (2.1 - 2.15)

MOTION BY ROSE, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4, 2.6 THRU 2.8, AND 2.10 THRU 2.14. MOTION CARRIED UNANIMOUSLY.

IN REGARD TO ITEM NO. 2.15, MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of April 19, 2006.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified Accounts Payable Numbers 61588 through 61665 for the period ending 04/27/06 and Payroll Register Numbers 36921 through 36968 for the period ending 04/27/06 in the amount of \$651,628.16.

2.3 RESOLUTION SETTING THE TIME AND PLACE FOR PUBLIC HEARING TO REVIEW THE SETTING OF THE SEWER CAPACITY FEE. (0390-55)

1. Received report; and
2. Adopted Resolution No. 2006-6324.

2.4 RESOLUTION AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – PUMP STATION NO. 1B, SEWER PUMPS - CIP W05-103. (0830-35)

1. Received report; and
2. Adopted Resolution No. 2006-6325.

2.6 RENEWAL OF GEOSPATIA PROFESSIONALS SERVICES CONTRACT FOR FY 2006/2007. (1110-05)

1. Received report; and
2. Adopted Resolution No. 2006-6326.

2.7 APPROVAL OF LETTER OF AUTHORIZATION FOR FY 2006/2007 HOUSEHOLD HAZARDOUS WASTE GRANT APPLICATIONS. (0465-10)

1. Received report; and
2. Adopted Resolution No. 2006-6323.

2.8 TIDELANDS MAINTENANCE CONTRACT WITH SAN DIEGO UNIFIED PORT DISTRICT: FY 2006/2007 – FY 2008/2009. (0150-70)

1. Received report;
2. Adopted the Resolution No. 2006-6328.

2.10 CSAC EXCESS INSURANCE AUTHORITY RE-ORGANIZATION. (0190-60)

Approved Resolution No. 2006-6322 approving the Joint Powers Agreement creating the CSAC Excess Insurance Authority as amended February 28, 2006.

2.11 IGAR FINAL MAP (TM 04-035) FOR 6 DETACHED HOUSES LOCATED AT 1352 ELM AVENUE, IN THE R-3000 (TWO-FAMILY RESIDENTIAL) ZONE. MF 671. (0600-20)

Approved Final Map 04-035.

- 2.12 RESOLUTION TO TERMINATE A CONTRACT AWARD FOR CERTAIN PUBLIC WORKS PROJECT – 4000 LB. FORKLIFT SERIES. (0470-20)**
1. Received report; and
2. Adopted Resolution No. 2006-6331.
- 2.13 RESOLUTION AUTHORIZING THE PURCHASE OF E-TEAM INCIDENT MANAGEMENT SOFTWARE. (0180-20 & 0210-05)**
Adopted Resolution No. 2006-6320.
- 2.14 RESOLUTION SETTING THE TIME AND PLACE FOR PUBLIC HEARING TO REVIEW THE SETTING OF THE SEWER SERVICE FEE. (0830-90)**
1. Received report; and
2. Adopted Resolution No. 2006-6330 directing staff to notice a public hearing time and place in the I.B. Eagle & Times newspaper as described in the Staff Report.
- 2.15 ADOPT RESOLUTION NO. 2006-6334, WHICH ADOPTS THE LEAGUE OF CALIFORNIA CITIES TELECOMMUNICATIONS POLICY AND AUTHORIZES THE MAYOR TO SIGN ANY LETTERS IN OPPOSITION OF ANY PROPOSED STATE AND FEDERAL TELECOMMUNICATIONS LEGISLATION THAT WOULD PREEMPT LOCAL FRANCHISING AND CREATE STATE OR FEDERAL FRANCHISES. (0460-40)**
Adopted resolution.

ORDINANCES - INTRODUCTION/FIRST READING (3)

None.

ORDINANCES - SECOND READING & ADOPTION (4.1)

- 4.1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH REGULATING SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT AND AMENDING THE IMPERIAL BEACH MUNICIPAL CODE. (0240-35)**

CITY MANAGER BROWN introduced the item.

VERONICA BAEZA, Executive Director of the San Diego-Tijuana Border Initiative, noted that her organization would be responsible for the artists costs and the County of San Diego would be responsible for the sign costs.

MAYOR ROSE called for the reading of Ordinance No. 2006-1044.

CITY CLERK HALD read the title of Ordinance No. 2006-1044, an Ordinance of the City Council of the City of Imperial Beach regulating smoking in public places and places of employment and amending the Imperial Beach Municipal Code.

MOTION BY ROSE, SECOND BY MCLEAN, TO DISPENSE SECOND READING AND ADOPT ORDINANCE NO. 2006-1044. MOTION CARRIED BY THE FOLLOWING VOTE:

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

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6)

None.

REPORTS (7.1 - 7.11)

**7.1 APPROVAL OF THE OTAY RIVER WATERSHED MANAGEMENT PLAN (WMP).
(0770-73)**

CITY MANAGER BROWN introduced the item.

CHERYL MONZON, Land Use/Environmental Planner with San Diego County, gave a PowerPoint presentation on the Approval of the Watershed Management Plan.

City Council discussion ensued regarding the arduous task and unremitting efforts of the City and other member agencies to develop the plan and cost allocation.

MOTION BY WINTER, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2006-6332, APPROVING THE OTAY RIVER WMP AND APPROVING THE JEPAC POLICY COMMITTEE TO SERVE AS THE INTERIM WATERSHED COUNCIL. MOTION CARRIED UNANIMOUSLY.

7.2 TIDELANDS ADVISORY COMMITTEE APPOINTMENTS TO FILL UNSCHEDULED VACANCY. (0330-15)

CITY MANAGER BROWN introduced the item.

BOB WADHAM requested City Council's support of his nomination.

MAYOR ROSE requested that rather than have a regular committee meeting scheduled every month, only call a meeting on an as needed basis and she nominated Carl Bernick to fill the unscheduled vacancy.

MOTION BY ROSE, SECOND BY WINTER, TO APPOINT CARL BERNICK TO THE TIDELANDS ADVISORY COMMITTEE TO FILL ONE (1) POSITION TO EXPIRE ON DECEMBER 31, 2006. MOTION CARRIED UNANIMOUSLY.

7.3 APPROVAL OF LETTER TO THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD REGARDING TENTATIVE ORDER 2006-0011 (DRAFT MUNICIPAL STORMWATER PERMIT). (0770-65)

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER SNYDER gave a PowerPoint presentation on Tentative Order 2006-0011- Re-issuance of the Municipal Stormwater Permit.

CITY ATTORNEY LOUGH stated the permit is going through an iterative process, meaning the requirements are continuously tightened until there are no pollutants in the water; he noted that he is chairing a committee of attorneys to determine the legality of the permit and to discuss who pays for it; they are working on a joint letter dealing with financial and legal issues, and they are looking at overall regulation; the committee is working on a response that will be on behalf of all the cities.

Discussion ensued regarding collaborative efforts of the jurisdictions; ensuring that public officials are aware of the significant problems; looking at a bill that would provide legislative relief; initiating discussions with Senator Ducheny's office; and getting state legislators and other representatives involved as soon as possible.

CITY MANAGER BROWN stated staff would prepare speaking points for legislators.

MAYOR ROSE spoke of the importance of a collective voice from the region.

MOTION BY ROSE, SECOND BY MCLEAN, TO APPROVE SUBMITTAL OF THE COVER LETTER AND COMMENTS AS ATTACHED TO THE STAFF REPORT. MOTION CARRIED UNANIMOUSLY.

7.4 RESOLUTION RESTRICTING THE USE OF GENERAL FUND (GF) RESERVE FOR SELECTED CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS. (0330-35)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item; he reported that there is \$685,500 that could be returned to the General Fund Undesignated Reserve.

ASSISTANT CITY MANAGER RITTER stated that staff would reevaluate the funds and bring back the information in the near future.

Discussion ensued regarding the technology fund; the possibility of seeking reimbursement for costs relating to the NOLF entrance; and a request by Council to obtain the amount of funding the Navy contributed towards improvement in Coronado.

CITY MANAGER BROWN stated that a detailed review of the budget would take place at the workshop.

MOTION BY ROSE, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2006-6329, ELIMINATING THE GENERAL FUND UNDESIGNATED RESERVE ALLOCATION TO THE PROJECTS AS LISTED IN ATTACHMENT 2 OF THE STAFF REPORT AND EXHIBIT A OF THE RESOLUTION, IN THE COLUMN LABELED "RETURN TO GF UNDESIGNATED RESERVES"; AND AUTHORIZE STAFF TO RETURN TO COUNCIL WITH SUBSTITUTE FUNDING RECOMMENDATIONS FOR SPECIFIC PROJECTS AS NECESSARY TO COMPLETE PRIORITY PROJECTS. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE called for a recess at 8:33 p.m. and she reconvened the meeting to Open Session at 8:53 p.m.

ROLL CALL

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

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

**7.5 PROCESS TO PLACE A TAX INCREASE MEASURE ON A FUTURE BALLOT.
(0430-20)**

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER RITTER reported on the item.

Discussion ensued regarding the types of ballot measures and the ballot measure process; concern was expressed regarding moving forward with a consultant at this time without a detailed picture of the City's budget situation; and there was a desire for a presentation on the ballot measure process.

ASSISTANT CITY MANAGER RITTER stated that a ballot measure is a long process and he supported a parallel track of reviewing the budget while pursuing the ballot measure process.

CITY MANAGER BROWN spoke about the issues that could arise with further delay in pursuing a ballot measure process.

MAYOR ROSE requested that staff come back with a more comprehensive overview of a tax measure so that the community members would understand the process.

COUNCILMEMBER JANNEY requested that when items such as taxes are brought forward that a forecast of the financial picture also be provided.

MOTION BY ROSE, SECOND BY MCLEAN, TO BRING THE ITEM BACK AFTER A BROAD OVERVIEW OF A TAX MEASURE IS PRESENTED.

BOB WADHAM requested a one-item workshop on the item and have community involvement as soon as possible.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY ROSE, SECOND BY MCLEAN, TO BRING THE ITEM BACK AFTER A BROAD OVERVIEW OF A TAX MEASURE IS PRESENTED. MOTION CARRIED UNANIMOUSLY.

7.6 GENERAL PLAN UPDATE/COMMERCIAL ZONING REVIEW. (0620-95)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

Discussion ensued regarding whether or not to utilize a developer with creation of the Master Plans; formulating Master Plans that are consistent with the City's vision plans; the importance of creating viable commercial space, parking, and ceiling height for the C-2 zone; and relocation of the Public Works yard.

Consensus of City Council to make the following a priority:

1. Review of Commercial Zoning, including a look at form-based code; retail use, parking regulations, how residential abuts commercial and how it abuts residential, parking in the C-2 zone and update of the old plan; what requires a conditional use permit; and definition of a market
2. Bayside Master Plan
3. Palm Avenue Master Plan

7.7 COMMUNITY GRANTS PROGRAM CHANGE TO GUIDELINES. (0330-15)

CITY MANAGER BROWN introduced the item.

MAYOR ROSE suggested that student activity organizations be added to the threshold criteria; she expressed concern about Community Grant funds used to support religion-related activities.

Council discussion ensued.

MOTION BY ROSE, SECOND BY MCLEAN, TO APPROVE THE CHANGES TO THE PROGRAM APPLICATION GUIDELINES FOR FY 2005/2006 AS PRESENTED IN THE STAFF REPORT, INCLUDING THE ADDITION OF STUDENT ACTIVITY ORGANIZATIONS, THE KEY DATES. MOTION CARRIED UNANIMOUSLY.

7.8 REGULATION OF SMOKE AND HEAD SHOPS. (0240-35)

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER JANNEY commented on the number of liquor stores in Imperial Beach and recommended staff look into the situation in the near future.

JERRY BICE spoke in support of regulating smoke shops.

BOB WADHAM expressed concern about some of the products sold at the head shop located at Palm Avenue and 9th Street.

VERONICA BAEZA, Executive Director of the San Diego-Tijuana Border Initiative, stated that their attorneys can do research on regulation of smoke and head shops, as well as on liquor stores; and she provided the information to staff.

MOTION BY MCCOY, SECOND BY ROSE, TO PURSUE INFORMATION ON AN ORDINANCE REGULATING SMOKE AND HEAD SHOPS. MOTION CARRIED UNANIMOUSLY.

7.9 ALLEY IMPROVEMENT COOPERATIVE AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH, THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND SOUTH BAY UNION SCHOOL DISTRICT. (0465-10)

CITY MANAGER BROWN introduced the item.

MOTION BY ROSE, SECOND BY MCLEAN, TO FUND THE ALLEY IMPROVEMENT COSTS ASSESSED TO THE SOUTH BAY UNION SCHOOL DISTRICT SHOULD ALLEY ASSESSMENT DISTRICT 72A NOT RECEIVE A MAJORITY PROTEST, TO ADOPT RESOLUTION NOS. R-06-102 AND 2006-6333, AND TO AFFIRM THE CITY MANAGER'S APPROVAL OF THE COOPERATIVE AGREEMENT. MOTION CARRIED UNANIMOUSLY.

7.10 PROGRESS REPORT REGARDING SEACOAST INN REDEVELOPMENT. (0660-43)

CITY MANAGER BROWN reported that he and staff met with hotel owner Ash Israni and project manager Dan Fissori on the development agreement; and he stated that discussions will continue.

7.11 SEWAGE ISSUE STRATEGY/SECONDARY TREATMENT STATUS. (0620-75)

CITY MANAGER BROWN had nothing to report.

CONSENT CALENDAR (2.5 AND 2.9)

2.5 RENEWAL OF PROFESSIONAL SERVICES AGREEMENT WITH BDS ENGINEERING, INC. FOR VARIOUS ENGINEERING AND ADMINISTRATIVE SERVICES. (0400-05)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN stated that other firms are also working with the City.

MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2006-6327. MOTION CARRIED UNANIMOUSLY.

2.9 RDA LOAN INTEREST RATE. (0330-85)

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER JANNEY expressed concern about staff's recommendation of 12% and suggested a lower amount of 8% or 9%.

MAYOR ROSE referred the item back to staff to bring back other interest rate options.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCCOY attended the SANDAG Board meeting where they discussed Increase Supply and Affordability of Housing, and she provided the information to City Manager Brown; at that meeting also was discussed were strategies for general plan updates.

MAYOR ROSE reported that the SAFE Board is looking at mobile call boxes; discussions are taking place with SANDAG about the 5-1-1 traffic information system and #399; there is concern that someone may drive into another county and may not know about the different numbers; she indicated that there will be more discussions on the issue.

The meeting adjourned at 10:46 p.m.

Diane Rose, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk