

**SOLANA BEACH CITY COUNCIL**  
**REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY**

JOINT **REGULAR** MEETING

**MINUTES**

**WEDNESDAY, MAY 14, 2008**  
**6:00 P.M.**

CITY COUNCIL CHAMBERS  
635 S. HIGHWAY 101,  
SOLANA BEACH, CALIFORNIA

The City Council acts as the City of Solana Beach Redevelopment Agency and the Public Financing  
Authority.

**CALL TO ORDER AND ROLL CALL:**

**Present:** Kellejian, Roberts, Nichols, Campbell, and Heebner.

**Absent:** None.

**Also Present:** David Ott, City Manager  
Johanna N. Canlas, City Attorney  
Angela Ivey, City Clerk  
Wende Protzman, Dir Admin Service / Deputy City Manager

Dennis Coleman, Finance Director  
Leticia Fallone, Deputy City Clerk  
Rich Whipple, Principal Planner  
Dan Goldberg, Interim Dir. Engineer/Public Works  
Mo Sammak, City Engineer/Dir. Public Works  
Steve Didier, Management Analyst

**FLAG SALUTE:**

Leslea Meyerhoff, consultant, led the flag salute.

**APPROVAL OF AGENDA:**

**MOTION:** Moved by Roberts and seconded by Heebner. **Motion carried**  
**unanimously.**

**PROCLAMATIONS:****1. Public Works Week**

Mayor Kellejian presented the proclamation to Mo Sammak, City Engineer/Dir. of Public Works, and Dan Goldberg, Principal Engineer.

**PRESENTATIONS:****1. Sheriff's Annual Report**

Captain Don Fowler, San Diego County Sheriff's Dept., presented a powerpoint, reviewing the annual report.

**2. San Diego County Fair**

Karen Mejewski and Kristin Tenner, media marketing interns, talked about what would be taking place this year at the fair.

**ORAL COMMUNICATIONS:**

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Vito Roti stated that he had discovered that the City could not keep Cedros at 25 mph, that he remembered in the past that he and neighbors were asked what speed they desired, that he was interested in getting the street down to 25 mph but understood that it could not be reduced due to it being a collector street, and that he had begun a petition in the area and would submit it to the City.

David Ott, City Manager, stated that they would talk with the speaker about the laws and whether speeds could be reviewed and the process for reviewing issues.

Andy Myer stated that he was also expressing his desire for a reduced speed on Cedros and that he would be interested in posting the 25 mph sign in his yard.

Tess Price said that she attended the Cinco de Mayo at La Colonia Park that was a beautiful event and a wonderful sense of community. She applauded the City and staff for providing this event.

**COMMUNITY ANNOUNCEMENTS:**

Council made community announcements.

**COMMENTARY:**

Council made their commentary.

**CONSENT CALENDAR: (Action Items) (Items 1-5)**

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

**1. Waive text reading of ordinances.**

Recommendation: Recommendation: That the City Council

- A. Approve waiving the text reading of ordinances on this agenda pursuant to Solana Beach Municipal Code Section 2.04.460.

**MOTION:** Moved by Roberts and seconded by Nichols. **Motion carried unanimously.**

**2. Minutes of City Council meeting**

Recommendation: Recommendation: That the City Council

- A. Approve the Minutes of the Special City Council meeting held January 17, 2008.

**MOTION:** Moved by Roberts and seconded by Nichols. **Motion carried unanimously.**

**3. List of Demands. (File 0300-30)**

Recommendation: Recommendation: That the City Council

A. Ratify the List of Demands dated March 15 - April 11, 2008.

**MOTION:** Moved by Roberts and seconded by Nichols. **Motion carried unanimously.**

**4. Solana Beach Employee's Association (SBEA) / Miscellaneous Unit Agency Shop Agreement. (File 0400-10)**

Recommendation: Recommendation: That the City Council

A. Adopt Resolution 2008-82 approving the Agency Shop agreement between the City of Solana Beach and SBEA / Miscellaneous Unit; and

B. Direct the Director of Finance to begin the appropriate payroll deductions consistent with the Agency Shop agreement.

**MOTION:** Moved by Roberts and seconded by Nichols. **Motion carried unanimously.**

**5. Major FY 2007/08 Capital Improvement Projects Status Report. (File 0800-80)**

Recommendation: Recommendation: That the City Council

A. Receive report from staff.

**MOTION:** Moved by Roberts and seconded by Nichols. **Motion carried unanimously.**

**PUBLIC HEARINGS: (Items 6-8)**

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designees for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light

on the Council Dais.

**6. Public Hearing for Ballot Tabulation on the Proposed Marsolan Underground Utility District. (File 1010-90)**

Recommendation: Recommendation: That the City Council

- A. Approve this report,
- B. Approve the final Assessment Engineer's Report, and
- C. Adopt Resolution 2008-073 declaring the results of the assessment ballot tabulation, confirming the assessment, ordering the construction of the improvements together with appurtenances, and approving the Engineer's Report.

Mayor Kellejian stated that it was the time and place for the final proceedings of the Marsolan Assessment District and asked the City Clerk to report on the noticing.

Angela Ivey, City Clerk, said that noticing of the public hearing and the distribution of the ballots has been completed in the form and manner required by law.

Mayor Kellejian asked the bond counsel to review a summary of proceedings of what takes place before and after the public hearing.

Kelly Salt, Best, Best & Kreiger, stated that she acted as special counsel for this assessment district. She said that approximately 45 days ago ballots were sent to the property owners of properties in the district, it included the option for them to share their opposition to the assessment district, that public comment would be taken during the public hearing, that at the end of the public hearing all ballots would be taken for tabulation and determined whether there was a majority protest, the weighting of properties determines the majority protest.

David Ott, City Manager, introduced the item reviewing the staff report and the process of the request for the formation of this assessment district.

Dan Goldberg, Principal Engineer, reviewed the boundaries of the district.

Chris Fisher, Wildan MuniFinancial, stated that they examined the improvements to be completed, examine the properties that are to receive the benefit, determine the level of the benefit, and develop a methodology that allows the cost to be spread among the district in a reasonable and equitable manner and

keeping with the 1913 act and proposition 218. He said they determined the benefits included safety, reliability of services, and aesthetics. He said an equivalent benefit unit method of assessment was used, that the total cost was \$542,000 for construction, bond is approx \$820,000, range of assessments are \$20,600 - \$22,800.

Council and Chris Fisher discussion ensued regarding costs, the reserve fund and contingency, certain funds that may be returned to property owners once all costs are paid, the rationale used for safety and reliability benefits, standard industry practices used in undergrounding districts and assessing benefits, statewide programs to assist those unable to afford the ability to pay within a district.

Mayor Kellejian opened the public hearing.

Toni Williams stated that she had lived on Marsolan for about 27 years, that she had no plans to move and planned to retire mortgage free, that she was aware of the benefits of the undergrounding, that the assessment would be financial burden for her in her retirement planning and that this was a luxury item, and that she was asking if the assessment could be a little more equitable since the neighbors across the street seem to benefit substantially more.

Council and consultants discussion ensued regarding whether a re-assessment could be considered, that a re-assessment would required a re-engineering to determine the equitable benefit which would required new notices since it would increase other properties and then required a new vote.

Council and consultants discussed whether a Council can provide input on an assessment if they thought a more appropriate assessment was 60/40, how customizations were appropriated to districts with bluffs and different types of view corridors considered by the engineer, and that it was suggested to have assessments done by an independent party.

Council and consultants discussion continued regarding the Council's vote given the already determined election, that the Council had discretion and that they determined whether to proceed with the district even though the participants had voted on their part, that the participants average annual bill would be \$2,000 depending on the final interest rate on the bonds.

Tom Golich said that he was in one of the original assessment districts and was very happy with their process and final product and that they were a "poster child" for a district. He said that his suggestions would include the residents getting involved in where the pedestals are placed and getting the time limit set for the contractors to complete the laterals. He said that his view enhancement was one of the best benefits and there were some with significantly less

payments with less benefits and did not hear the difference in this district.

Dan Chambers said that he was the neighborhood coordinator with Jewel Edson. He stated that a safety issue did kick off the initiation of the district with sagging wires and that he understood concerns about views and the sides of the streets. He said that they had several public meetings to voice everyone's concerns. He stated that no neighbors were involved in assessing the assessments but only left to the consultants to determine. He thanked the staff and consultants for their assistant in the process and education.

Council, staff and consultants discussed the EBU differences on past districts and how to compare them.

Mayor Kellejian announced that all ballots must be received by the close of the public hearing and asked if any owners still needed to still submit their ballots or wished to issue a replacement ballot.

There was not response from the public.

**MOTION:** Moved by Roberts and seconded by Heebner to close the public hearing **Motion carried unanimously.**

Mayor Kellejian announced that the public hearing is now closed. He said that the City Clerk would now tabulation the ballots.

Angela Ivey, City Clerk, stated that the Deputy City Clerk would be tabulate the ballots and therefore the meeting could proceed to other items until the results were ready to return to this item.

**7. Introduce (1st Reading) Ordinance 386 - Sewer Service Charge of \$534 per Equivalent Dwelling Unit (EDU) for Fiscal Year (FY) 2008-09. (File 1010-40)**

Recommendation: Recommendation: That the City Council

- A. Introduce Ordinance 386 amending Section 14.08.060 of Chapter 14.08 of the Solana Beach Municipal Code Relating to Annual Sewer Service Charge of \$534 per Equivalent Dwelling Unit (EDU).

David Ott, City Manager, introduce the item.

Dennis Coleman, Finance Dir., said that the City hired Kennedy Jenks to recommend rates for the City Sanitation District over multi-year period. He said

that the proceedings must follow Proposition 218, that 12,659 notices were sent and that 6,330 protests would be required to be received and that currently there were four received.

Johanna Canlas, City Attorney, asked the City Clerk to announce the protests received by the City.

Angela Ivey, City Clerk, stated that four written protests were received by the City Clerk's office.

**MOTION:** Moved by Roberts and seconded by Nichols to close the public hearing. **Motion carried unanimously.**

**MOTION:** Moved by Roberts and seconded by Nichols. **Motion carried unanimously.**

Mayor Kellejian recessed the meeting for a break at 7:38 p.m. and reconvened at 7:43 p.m.

#### **6. Public Hearing for Ballot Tabulation on the Proposed Marsolan Underground Utility District. (File 1010-90) CONTINUED**

Mayor Kellejian stated that the City Clerk notified the Council that the tabulation for the assessment ballots was completed and requested that she report the results of the tabulation of the assessment district.

Leticia Fallon, Deputy City Clerk, reported the tabulation results, she stated that there were 39 assessment ballots mailed to the property owners within the proposed boundary of the assessment district and 28 of those assessment ballots were received prior to the close of the public hearing, 16 assessment ballots representing \$347,703.95 of assessments were submitted in support of the levy of the proposed assessments within the assessment district, 12 assessment ballots representing \$254,258.51 of assessments were submitted in opposition of the levy of the proposed assessments within the assessment district. The percentage of the votes was 58% in favor and 42% in opposition, which were based on a dollar amount.

Kelly Salt, Consultant, stated that there was not a majority protest, that Council could decide to go forward with the resolution before the Council, make the various findings, and make the determination that the ballots received in favor exceeded those against the levy of the assessment, and that a majority protest did not exist. She stated that Council could chose to authorize the agreement with SDG&E and order the construction of the improvements within the district, approve the Engineers Report, confirm the assessments and levy, and authorize recordation of the assessments and collection as well as establish



the various bonds associated with the assessment district, and that it was a discretionary decision by the Council at this time.

Council and staff discussion ensued regarding the costs the City had expended on the assessment district, that there was a twenty thousand dollar deposit required from the neighborhood, that costs usually exceeded twenty thousand dollars, that the City covered any costs beyond the deposit by the neighborhood, and that in the past the costs were reimbursed to the City by the assessment district.

Kelly Salt, Consultant, stated that there was a thirty day cash collection period and that if Council adopted the resolution at this meeting the neighbors could pay off the assessment within thirty days at a discounted rate rather than paying the fees over time.

Council discussion ensued regarding what would occur if the Council did not approve the assessment district and whether the City would lose funds already expended for the assessment, the additional fees associated for residents who paid the levy following the thirty day cash collection period, the votes of past assessment districts, whether this was the closest vote the City had on an assessment district, that 58% of people voted in favor of the district, and whether there was a possibility of reviewing the process of assessment districts.

David Ott, City Manager, stated that it would be a lengthy process to go back and review the process of the assessment district, that the City would have to review the assessment with the assessment engineer, that public workshops would be needed, and that another ballot would be required.

Council, staff and consultant discussion continued regarding the assessment deferral program, that information of the deferral program should be provided to residents, and that costs of the assessment were discussed at neighborhood meetings.

Council discussed the closeness of the vote, that the only option for changes would be to start the entire process over from the beginning, that costs were discussed at group meetings and usually come in lower than originally estimated, that there are state laws for calculations of the assessment once the benefits are determined, that the initiation of the district did begin with safety issues for children due to wires falling in the area, that the utility companies would come out to tighten lines and continue maintenance so some still feel undergrounding is primarily a view issue, that some areas have attempted an undergrounding assessment and been unsuccessful for a variety of reasons and had repeated downed lines and fires.

Councilmember Campbell stated that he considered not supporting it due to

its digression because of the close vote.

**MOTION:** Moved by Heebner and seconded by Kellejian. **Motion carried 4/1** (Noes: Campbell.)

**8. Development Review and Structure Development Permits at 355 Pacific Avenue (Case No:17-05-37; Applicant: Don Totten). (File 0600-40)**

Recommendation: Recommendation: That the City Council

- A. Find the project categorically exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
- B. Adopt Resolution 2008-052 conditionally approving a Development Review Permit and Structure Development Permit to remodel an existing single-family residence on property at 355 Pacific Avenue.

David Ott, City Manager, introduced the item. He stated that the applicant had submitted a Development Review Permit and Structure Development Permit application to the City in November 2005.

Leslea Meyerhoff, Staff Consultant, presented a power point presentation. She stated that there was one application for view assessment, that the applicant and view assessment applicant worked together to redesign project, and that the applicant withdrew their application. Leslea Meyerhoff, Staff Consultant, reviewed the project information such as heights, setbacks, and the neighborhood compatibility. She stated that Development Review Permit Findings had to be met in order for Council to approve the project, that the project was in compliance with the City's setback requirements, that the project was within the floor area ratio range of homes in the area, and that the project met the City's General Plan and Zoning requirements.

Council discussion ensued with the Staff Consultant on the front and rear setbacks of the project, that the goal was to move the development away from the bluffs, that the provision of allowing the home to be within 25ft of the bluff edge was covered under Municipal Code section 17.20.030 (e), that the provision for allowing the front yard setback to be decreased to 10 ft. was covered under Municipal Code section 17.020.030 (d), and that the project setbacks were in compliance with the City's Municipal Code.

Council discussion ensued with the Staff Consultant on a portion of the garage

being removed from the property due to being in the right-of-way, that under the City's current code the four feet of encroachment into right-of-way did not have to be modified, that the project already met the minimum garage size, so if the garage was reduced the project would be below standards for parking requirements, whether there were provisions in the City's Land Use Plan (LUP) that would impact the setback requirements of the project, that the City's Municipal Code included LUP requirements, and whether there was a concern about allowing a 40 ft. setback regarding bluff stability.

Council discussion ensued with the City Manager and Staff Consultant on the setback regulations in the LUP, that exceptions for setback requirements could be made if the geotechnical report indicated the bluff was stable, that this property had a seawall which stabilized the bluff, whether the geotechnical report considered this, that the project had a lower bluff seawall and an upper bluff stabilization which had not been constructed yet, that the applicant submitted a geotechnical report by their reviewer, and that the City's third party reviewer verified the report submitted by the applicant.

Mayor Kellejian opened the public hearing.

Jessica Mills, stated that she lived across the street from the project, that she supported the project, and that she worked with the applicant on the project for view issues.

Albert Moron, BM Studio, Represented applicant. He stated that the project was submitted in 2005, that there were issues with the seawall and the bluff, that the applicant wanted to preserve the property and do what was needed for the property and the neighborhood, and that the applicant worked with the neighborhood and all affected parties on the project.

**MOTION:** Moved by Heebner and seconded by Roberts to close the public hearing. **Motion carried unanimously.**

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried unanimously.**

**STAFF REPORTS: (Item 9-19)**

Submit speaker slips to the City Clerk.

**9. Public Arts Advisory Commission Member Appointment. (File 0120-80)**

Recommendation: Recommendation: That the City Council

- A. Make one appointment by the Council-at-large to the Public Arts Advisory Commission with a term expiration date of January 2009.

David Ott, City Manager, introduced the item.

Deputy Mayor Roberts said that there were five great applications and encouraged them to stay active and attend the Commission.

**MOTION:** Moved by Heebner and seconded by Roberts to appoint Allen Moffson. **Motion carried 4/1** (Noes: Campbell.)

**10. Fiesta del Sol 2008 Event Appropriation of Funds. (File 0330-25)**

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-074 appropriating \$13,000 for the 2008 Fiesta del Sol event, and authorize the City Treasurer to adjust the budget accordingly.

David Ott, City Manager, introduced the item.

Councilmember Campbell asked if the Chamber had provided any recent accounting of profitability of last year's Fiesta and a budget for this year's Fiesta.

Wende Protzman, Deputy City Manager, said that David Carroll did provide accounting for last year.

Dave Carroll said that he did not have the financial report today for review, that the Fiesta del Sol supported the Chamber for the 12 months for operating purposes, that last year the bottom line net was about \$48,000, that this year's expenditures had gone up with a new footprint with the focus on safety and security, and that this next year they were involving the Belly Up so there was little question about entertainment.

Council and staff discussion ensued regarding the Chamber supplying a business plan which they did, that different footprint or site layout requiring more security to ensure that cars do not drive into the venue, that this additional \$3,000 than was originally budgeted is coming from TOT which is \$50,000 projected this year for this area of funding, whether Council will be able to review the proposed Fiesta footprint, and whether staff has been meeting on an ongoing basis with the Chamber on the Fiesta.

David Carroll said he had enjoyed walking and talking to business owners about

Fiesta Del Sol and he provided a map of the event to the Council.

Deputy Mayor Roberts said that he appreciated the Chamber's work and have listened to Council about the logos of the City displayed on the banners.

Councilmember Heebner said that she trusted that the ad hoc would work with the Chamber to ensure that the non profits are taken care of since there had been trouble in the past.

**MOTION:** Moved by Heebner and seconded by Kellejian. **Motion carried unanimously.**

**11. Award Construction Contract for the Eden Gardens Sewer Pump Station. (File 0400-10)**

Recommendation: Recommendation: That the City Council

A. Adopt Resolution 2008-077:

1. Approving a contract with Nolte Associates for construction management services for a not-to-exceed amount of \$328,645.
2. Approving a contract with Ninyo & Moore for geotechnical, special inspection and material testing services for a not-to-exceed amount of \$55,713.
3. Approving a contract with PBS&J for construction support services and direct costs for a not-to-exceed amount of \$185,690.
4. Approving to amend the existing contract with Chandra Collure to add a not-to-exceed amount of \$24,400 for the Eden Gardens Sewer Pump Station.
5. Authorizing the City Manager to execute the construction support service contracts on behalf of the City.
6. Appropriating \$424,000 from Undesignated Reserves 509-3200 into Budget Unit 509-9824-6510-6530, Project Number 9824.00-6661.
7. Authorizing the City Treasurer to amend the Fiscal Year 2007/2008 Budget accordingly.

David Ott, City Manager, introduced the item.

Dan Goldberg, Principal Engineer, reviewed the project and said that the main focus is construction management of the project. He stated that the gate planned was a rod iron gate.

Council discussed the rod iron gate options, landscaping, and funding allocations.

**MOTION:** Moved by Roberts and seconded by Kellejian. **Motion carried unanimously.**

**12. Exercising First Right of Refusal to Purchase 417 Pacific Avenue, Solana Beach (CUP 17-06-18). (File 0610-60)**

Recommendation: Recommendation: That the City Council

- A. Find the project exempt from the requirements of CEQA as the action does not qualify as a project under the CEQA Guidelines Section 15378; and
- B. Adopt Resolution 2008-075 which formalizes the City's decision to decline to exercise its First Right of Offer to purchase the residence at 417 Pacific Ave. under draft LUP Policy L.11.

David Ott, City Manager, introduced the item.

Johanna Canlas, City Attorney, reviewed the City's permitting process and the Local Use Plan process.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried unanimously.**

**13. Adoption of Fiscal Services Specialist II and a New Senior Code Compliance Position. (File 0510-40)**

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-076 amending the FY 07/08 Salary and Classification Plan to include the adoption of the Fiscal Services Specialist II in the Confidential Salary Schedule and the adoption of the Senior Code Compliance Officer classification in the SBEA

Miscellaneous Salary Schedule.

David Ott, City Manager, introduced the item.

Council and City Manager discussion ensued regarding the differences of changes to positions and requirements.

**MOTION:** Moved by Roberts and seconded by Nichols. **Motion carried unanimously.**

**14. General and Specialized Law Enforcement and Traffic Services with the County of San Diego. (File 0400-10)**

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-081 authorizing the Mayor to execute the Agreement for General Law and Traffic Enforcement Services between the City of Solana Beach and the County of San Diego for a five-year term beginning July 1, 2007 through June 30, 2012 commencing in the amount of \$2,792,929 with future cost increases capped at 5% for the next fiscal year and 5.5% for the three fiscal years afterwards.

David Ott, City Manager, introduced the item.

Council discussion included commending the City Manager in his negotiating the caps for the first time on costs, the percentage of the City's budget, and that some other cities are going bankrupt with these types of rising costs.

**MOTION:** Moved by Roberts and seconded by Heebner. **Motion carried unanimously.**

**15. Plaza Street Interim Improvements, Bid No. 2007-11, Change Order No. 1. (File 0400-10)**

Recommendation: Recommendation: That the City Council

A. Adopt Resolution 2008-079:

- 1. Approving Change Order No. 1 to the construction contract with Palomar Grading & Paving, Inc. in the amount of \$29,922.50 for the Plaza Street Improvement Project, Bid No. 2007-11.

2. Authorizing the City Manager to execute the change order on behalf of the city.
3. Transferring \$17,000 from the capital project account for the Highway 101 Streetscape and Traffic Calming project and appropriating the funds into the capital project account established for the Plaza Improvement Project.
4. Authorizing the City Treasurer to amend the Fiscal Year 2007-2008 Adopted Budget accordingly.

David Ott, City Manager, introduced the item.

Dan Goldberg, Principal Engineer, presented pictures of the damage that was discovered after removing some shrubs which required additional work.

Council and staff discussion ensued regarding 80-90% of the change order was related to flag pole and lighting, that choosing more elaborate flag poles would help make it easier to change flags and removing the flag cable from the low area exposed to the public area, that lights were a new addition, that the Plaza area will be at least 90% complete by the Fiesta, and that the memorial marker found will be relocated at the families request.

**MOTION:** Moved by Heebner and seconded by Nichols **Motion carried unanimously.**

**16. Adopt (2nd Reading) Ordinance 372 - Nonconforming Uses and Structures. (File 0610-10)**

Recommendation: Recommendation: That the City Council

- A. Adopt Ordinance 372 amending SBMC Chapter 17.16  
Nonconforming Uses and Structures.

Johanna Canlas, City Attorney, read the title of the Ordinance.

Dan Chambers said that he was confused about what this new ordinance was going to do, the latitude of grand-fathering, and that nothing was proposed for being able to expand.

**MOTION:** Moved by Heebner and seconded by Nichols. **Motion carried unanimously.**



**17. Introduce (1st Reading) Ordinance 378 Providing Guidelines for the Placement of Utility Facilities in the Public Rights-of-Way. (File 1000-10)**

Recommendation: Recommendation: That the City Council

- A. Introduce Ordinance 378 amending Chapter 13.20 and creating Section 11.20.295 of the SBMC to provide reasonable regulations regarding the installation and placement of surface mounted utility facilities in City streets and rights-of-way.
- B. Adopt Resolution 2008-29 to establish a new Council Policy to create guidelines for the placement of utility facilities in the public rights-of-way.

David Ott, City Manager, introduced the item.

Steve Didier, Management Analyst, presented a Powerpoint.

**MOTION:** Moved by Campbell and seconded by Heebner. **Motion carried unanimously.**

**18. Adopt (2nd reading) Ordinance 385 amending the No Smoking Ordinance. (File 0270-30)**

Recommendation: Recommendation: That the City Council

- A. Adopt (2nd Reading) Ordinance 385 amending Title 11, Chapter 11.12 Section 11.12.020 EE of the Solana Beach Municipal Code.

Johanna Canlas, City Attorney, read the title of the Ordinance.

**MOTION:** Moved by Kellejian and seconded by Roberts. **Motion carried unanimously.**

**19. Adopt (2nd Reading) Ordinance 384 revising the municipal code 4 Graffiti Ordinance. (File 0230-80)**

Recommendation: Recommendation: That the city council

A. Adopt (2nd reading) Ordinance 384 amending Title 11, Chapter 11.14 relating to Graffiti.

David Ott, City Manager, introduced the item.

Johanna Canlas, City Attorney, read the title of the Ordinance.

Council and staff discussed coming back with penalties for sale for minors, reviewed fine process, to provide fines in tiers, ideas about other cities putting up white wall for gang members to use, to work on the graffiti hotline message, and to consider having one committee to review ideas.

**MOTION:** Moved by Roberts and seconded by Heebner. **Motion carried unanimously.**

**WORKPLAN COMMENTS: (Adopted June 27, 2007)**

Material is located in front section of agenda binder.

**COMPENSATION & REIMBURSEMENT DISCLOSURE:**

GC: Article 2.3. Compensation: 53232.3. (a) ... Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

Council reported disclosures.

**COUNCIL COMMITTEE REPORTS:**

Please state the committee you are speaking to before making each report.

Regional Committees: (outside agencies)

Council reported on committee meetings.

1. **California Cities Contract Association (CCCA) - Roberts, Heebner (alternate).**
2. **City Selection Committee - Kellejian (meets twice a year).**
3. **County Service Area 17 - Campbell, Nichols (alternate).**
4. **Escondido Creek Watershed Authority - Nichols, Roberts (alternate).**

5. League of Ca. Cities' San Diego County Executive Committee and its' Subcommittees - Roberts, Kellejian (alternate).
6. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).
7. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Kellejian, Roberts (alternate).
8. North County Dispatch JPA - Nichols, Campbell (alternate).
9. North County Transit District - Roberts, Heebner (alternate).
10. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
11. SANDAG & its' subcommittees - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).
12. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
13. San Dieguito River Valley JPA - Roberts, Nichols (alternate).
14. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).
15. 22nd Agricultural District Association Community Relations Committee - Campbell, Roberts.

**Standing Committees: (All Primary Members) (Permanent Committees)**

1. Business Liaison Committee - Roberts, Campbell.
2. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
3. I-5 Construction Committee - Kellejian, Roberts.
4. Public Arts Committee - Roberts, Nichols.

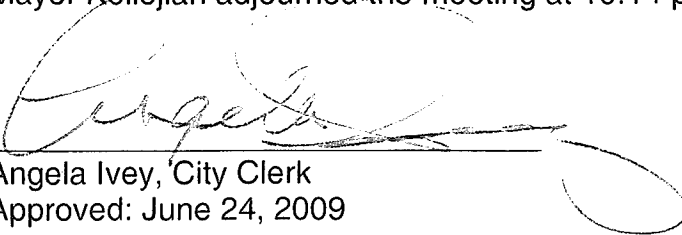
**5. School Relations Committee - Roberts, Campbell.**

**Ad Hoc Committees: (All Primary Members) (Temporary Committees)**

- 1. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires January 9, 2009.**
- 2. Development Review - Nichols, Heebner. Expires November 29, 2008.**
- 3. Environmental Sustainability - Roberts, Heebner. Expires January 9, 2009.**
- 4. Fletcher Cove - Campbell, Heebner. Expires November 28, 2008.**
- 5. La Colonia Park Needs Assessment - Nichols, Heebner. Expires June 13, 2008.**
- 6. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 12, 2009 or at the California Coastal Commission adoption.**
- 7. Solana Beach Mixed-Use Train Station Project Ad Hoc Committee - Nichols, Heebner.**
- 8. Views and Vegetation - Roberts, Nichols. Expires October 24, 2008.**

**ADJOURN:**

Mayor Kellejian adjourned the meeting at 10:14 p.m.



Angela Ivey, City Clerk  
Approved: June 24, 2009