

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

JOINT **REGULAR** MEETING

**MINUTES**

**WEDNESDAY, AUGUST 26, 2009  
6:00 P.M.**

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

TELECONFERENCE LOCATION (Councilmember Campbell)  
15 Grindel Ave., Dennis Sport, Massachusetts, 02369

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

**CALL TO ORDER AND ROLL CALL:**

Mayor Nichols called the meeting to order at 6:00 p.m.

- Present:** Nichols, Heebner, Kellejian, and Roberts.
- Absent:** Campbell.
- Also Present:** David Ott, City Manager  
Johanna Canlas, City Attorney  
Angela Ivey, City Clerk  
Dennis Coleman, Finance Director  
Wende Protzman, Dir. Admin. Serv/Deputy City Mgr  
Tina Christiansen, Community Dev. Dir.  
Mo Sammak, City Engineer/Public Works Dir.

Johanna Canlas, City Attorney, stated there was no reportable action from the closed session.

**FLAG SALUTE:**

Mayor Nichols led the flag salute.

**APPROVAL OF AGENDA:**

David Ott, City Manager, pulled Item A.8. from the agenda.

**MOTION:** Moved by Roberts and seconded by Heebner to approve with the exception of Item A.8. **Motion carried 4/0/1** ( Absent: Campbell.)

**PROCLAMATIONS:****PRESENTATIONS:**

(Ceremonial items that do not contain in-depth discussion and no action/direction.)

**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.

Tim Coughlin said that he was speaking regarding the past Contasti extension granted for 6 months, that Council had stipulated that he remove a fence, mow, and maintain the property until construction ended, and that the applicant ignored the stipulations, and that now the DRP had expired.

Council and Staff discussed that fact that the fence had been removed, that Staff had requested that weeds be removed, and that Staff was in the process of reviewing options for an enforcement action.

**COMMUNITY ANNOUNCEMENTS:**

Council made community announcements.

**COMMENTARY:****A. CONSENT CALENDAR: (Action Items)**

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.

**A.1. Waive the reading of Ordinances.**

Recommendation: That the City Council

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

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**A.2. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the Regular & Special City Council meetings held January 23, 2008, Regular Council meeting held November 12, 2008, and Special Council meeting held November 19, 2008.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**A.3. Register Of Demands. (File 0300-30)**

Recommendation: That the City Council

1. Ratify the list of demands for June 20, 2009 through July 31, 2009.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**A.4. Re-Establish the View Assessment Ad Hoc. (File 0410-48)**

Recommendation: That the City Council

1. Adopt Resolution 2009-092 re-establishing the View Assessment Ad Hoc Committee until August 25, 2010.

2. Appoint the existing two Council members (Nichols, Heebner) to serve on the Committee or appoint two new members.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**A.5. North County Dispatch Joint Powers Authority (JPA) Agreement. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2009-094 authorizing the City Manager to sign the second restated and amended agreement with the North County Dispatch JPA.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**A.6. Reciprocal Agreement with Franchise Tax Board. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2009-097 authorize the City Manager to execute an Agreement with the Franchise Tax Board to exchange taxpayer and business information to help the City find unregistered businesses.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**A.7. Memorandum of Understanding with San Eljio Joint Powers Authority. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2009-089 authorizing the City Manager to execute the Memorandum of Understanding between the San Eljio Powers Authority for Pump Station Operation and Maintenance Services.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**A.8. Regional Computer Aided Dispatch (CAD) Interoperability Project. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2009-091 authorizing the City Manager to sign the Memorandum of Understanding, allowing for minor changes for the San Diego Urban Area Regional CAD Interoperability Project.

This item was removed from the agenda.

**A.9. Professional Services Agreement with CleanStreet. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2009-087:
  - a. Authorizing the City Manager to execute Amendment No. 3 to the Professional Services Agreement with CleanStreet to extend the agreement for one (1) year at a cost of \$31,700 for street and parking lot sweeping services throughout the City.
  - b. Authorizing the City Manager to extend the agreement up to one additional year, at the City's option.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**A.10. Fire Station Exterior Painting Change Order No. 1. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2009-088:
  - a. Approving Change Order No. 1 to the construction contract with Southwest Coatings, Inc. in the amount of \$5,000 for the Fire Station Exterior Painting Project, Bid No. 2009-03.
  - b. Authorizing the City Manager to execute the change order on behalf of the City.
  - c. Appropriating \$5,000 from the Reserves for Public Facilities into the capital project account established for the Fire Station Exterior Painting Project.

- d. Authorizing the City Treasurer to amend the Fiscal Year 2009-2010 Adopted Budget accordingly.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**A.11. Amended Memorandum of Understanding (MOU) with the California State Association of Counties (CSAC) Excess Insurance Authority. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2008-095 approving an amended MOU with the CSAC-Excess Insurance Authority for the Excess Workers' Compensation Program and authorizing the Risk Manager to execute the MOU.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)**

**B. PUBLIC HEARINGS:**

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.

**B.1. Adjusting the Fee Schedule for Parking Violation Enforcement. (File 0390-30)**

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, receive

public testimony, close the public hearing.

2. Adopt Resolution 2009-096 approving the new fee schedule for Parking Violations.

David Ott, City Manager, introduced the item.

Mayor Nichols opened the public hearing.

**MOTION:** Moved by Nichols and seconded by Kellejian to the close the public hearing. **Motion carried 4/0/1** ( Absent: Campbell.)

**MOTION:** Moved by Heebner and seconded by Kellejian. **Motion carried 4/0/1** ( Absent: Campbell.)

**C. STAFF REPORTS:**

*Submit speaker slips to the City Clerk*

**C.1. Surfsong Home Owners Association Mitigation Fees. (Related to Case: 17-04-15 CUP) (File 0610-60)**

Recommendation: That the City Council

1. Receive Payment of additional mitigation fees/deposit in the amount of \$115,000 for the shoreline protective device constructed under the 2004 permit.

David Ott, City Manager, introduced the item and stated that the item was up for consideration to accept the additional fee enacted by the Coastal Commission. He stated that under the City's regulations one-third would be paid now and two-thirds over time until 2081.

**MOTION:** Moved by Heebner and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**C.2. Annual Solid Waste Rate Review. (File 1030-15)**

Recommendation: That the City Council

1. Receive the report.

David Ott, City Manager, introduced the item.

Councilmember Kellejian stated that he did not have an equity interest in the

company that he worked for, his employer did have a large contract with the trash haulers in question, that he was not legally required to recuse himself, he would choose to avoid any perception of impropriety and would recuse himself.

Mo Sammak, City Engineer, presented a powerpoint.

Councilmember and staff discussed asked RSWA (Regional Solid Waste Association) to agendize potential separate plastic bag collection at curbside, whether they could use C&G trucks to lower pollution which could be purchased in the future or retrofitted, to consider future food collection bins to reduce the amount of waste added to the landfill when San Diego County had appropriate accomodations, and that RSWA had done a good work on negotiating this year and that rates were frozen.

**MOTION:** Moved by Nichols and seconded by Heebner. **Motion carried 3/0/2** ( Absent: Campbell, Kellejian.)

**C.3. Adopt (2nd Reading) Ordinance 409 Massage Ordinance. (File 0390-45)**

Recommendation: That the City Council

1. Adopt Ordinance 409 amending Solana Beach Municipal Code section 4.04.010 and Chapter 4.28 relating to massage businesses.

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

**MOTION:** Moved by Roberts and seconded by Heebner. **Motion carried 4/0/1** ( Absent: Campbell.)

**C.4. Adopt (2nd Reading) Ordinance 405 Prohibiting Urinating or Defecating in Public. (File 0270-30)**

Recommendation: That the City Council

1. Adopt Ordinance 405 adding Chapter 6.10 to the Solana Beach Municipal Code prohibiting urinating or defecating in public.

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

**MOTION:** Moved by Kellejian and seconded by Roberts. **Motion carried 4/0/1** ( Absent: Campbell.)

**C.5. Letters of Support for AB 1506 and AB 925. (File 0480-70)**

Recommendation: That the City Council

1. Discuss the items and provide direction to Staff.

David Ott, City Manager, introduced the item and said that AB 1506 was up for consideration in a hearing tomorrow.

Councilmember Roberts said that he heard about it at the League and there was a lot of discussion and there was a request for support and he thought it was important to take a position.

Mayor Nichols said that an email he read stated that \$230,000 was issued to date and that IOUs were not able to be used as cash.

**MOTION:** Moved by Kellejian and seconded by Roberts to support AB 1506.  
**Motion carried 4/0/1** ( Absent: Campbell.)

David Ott, City Manager, said that AB925 would require all plastic containers sold to not contain tethered caps or contiguously affixed to the container.

Mayor Nichols stated that the intent had a good purpose, that he researched and found a few holes and could support with some changes to the letter, that bottle caps were made from different kinds of plastic than the bottle, a lot of facilities can not recycle the caps due to the machinery, that the bill was similar to a 70's bill with pop tops being thrown out, that this bill was to require a cap to drink through or a cap that was attached and would only add more plastic to the container but they would still have to detach the plastic cap if they can't recycle it, that the user will unattach the top and throw it away which misses the intention, that it would be better if the bill encouraged recycling centers to recycle the whole thing instead, and that a support to reduce the plastic by recycling of the material by working towards getting centers to accommodate all forms of plastic would be more ideal and would invite the discussion.

Councilmember Kellejian said that automobile had the same issue since not all of it could yet be recycled, that there were eight kinds of plastics on the automobile with different purposes, that they should all have a use if they want to get the redemption from the state, and that he was concerned about fiscal information that was missing about cost to the public.

Councilmember Heebner said that she agreed with what had been mentioned.

Mayor Nichols said that he viewed the Waste Management website and it said

that they had to remove the cap.

Danny King, Management Analyst, said that it was possible if the recycling facility had the appropriate machinery.

Council and Staff discussed writing a letter of support including a recommendation to the bill suggesting additional steps should be to seek the recycling and that the costs of environmental issues was important and how it may be passed onto the consumer.

David Ott, City Manager, said that he had direction to draft the letter and would share the final letter with Council.

**WORKPLAN COMMENTS:**

(Adopted June 24, 2009)

**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 COMMITTEE REPORTS:**

Council reported committee reports.

**Regional Committees: (outside agencies)**

- a. City Selection Committee - Roberts (meets twice a year).
- b. County Service Area 17 - Campbell, Nichols (alternate).
- c. Escondido Creek Watershed Authority - Nichols, Roberts (alternate).
- d. League of Ca. Cities' San Diego County Executive Committee - Roberts, Kellejian (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Kellejian, Roberts (alternate).
- g. North County Dispatch JPA - Nichols, Campbell (alternate).
- h. North County Transit District - Roberts, Heebner (alternate).
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts

- (alternate).
- l. San Dieguito River Valley JPA - Roberts, Nichols (alternate).
- m. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Campbell, Roberts.

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

- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 9, 2009.
- b. Development Review - Nichols, Heebner. Expires November 18, 2009.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 9, 2009.
- d. Fletcher Cove - Campbell, Heebner. Expires November 18, 2009.
- e. La Colonia Park Needs Assessment - Nichols, Heebner. Expires May 26, 2010.
- f. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 10, 2010 or at the California Coastal Commission adoption.
- g. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires 1-13-2010
- h. View Assessment - Nichols, Heebner. Expires August 26, 2009

**ADJOURN:**

Mayor Nichols adjourned the meeting at 7:00 p.m.

  
Angela Ivey, City Clerk  
Approved: January 13, 2010