SOLANA BEACH CITY COUNCIL REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT REGULAR MEETING

MINUTES

WEDNESDAY, OCTOBER 14, 2009 6:00 P.M.

ADJOURNED REGULAR

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

CALL TO ORDER AND ROLL CALL:

Present:

Nichols, Campbell, Heebner, Kellejian, and Roberts.

Absent:

None.

Also Present: David Ott, City Manager

Johanna Canlas, City Attorney Leticia Fallone, Deputy City Clerk

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 Closed Session.

FLAG SALUTE:

APPROVAL OF AGENDA:

<u>MOTION:</u> Moved by Heebner and seconded by Roberts. **Motion carried** unanimously.

PROCLAMATIONS:

PRESENTATIONS:

1. Red Ribbon Week - San Dieguito Alliance

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.

COMMUNITY ANNOUNCEMENTS:

Council reported community announcements.

COMMENTARY:

Council reported 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.

<u>MOTION:</u> Moved by Roberts and seconded by Heebner. **Motion carried** unanimously.

A.2. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of Council Meetings held January 28, 2009 (Regular & Closed), March 25, 2009 (Regular & Closed) and May 13, 2009 (Regular & Closed).

<u>MOTION:</u> Moved by Roberts and seconded by Heebner. **Motion carried** unanimously.

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

Recommendation: That the City Council

1. Ratify the list of demands for September 5 - 25, 2009.

<u>MOTION:</u> Moved by Roberts and seconded by Heebner. **Motion carried** unanimously.

A.4. Status Report on Major FY 2009/2010 Capital Improvement Projects. (File 0810-05)

Recommendation: That the City Council

1. Receive report from Staff.

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

A.5. City Hall Parking Lot Project Notice of Completion. (File 0400-10)

Recommendation: That the City Council

- 1. Adopt Resolution 2009-117:
 - a. Authorizing the City Council to accept as complete the City Hall Parking Lot Modification Project, Bid No. 2008-16, constructed by Palm Engineering Construction Company, Inc.
 - b. Authorizing the City Clerk to file a Notice of Completion.
 - c. Appropriating \$16,800 from the Reserves for Public Facilities (Budget Unit 001-3306) into the capital project account established for the City Hall Parking Lot Modification Project (Budget Unit 459-9446-6510-6530,

Project Number 9446-6661).

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

<u>MOTION:</u> Moved by Roberts and seconded by Heebner. **Motion carried** unanimously.

A.6. Regional Communications System Agreement Amendment. (File 0400-10)

Recommendation: That the City Council

- 1. Adopt Resolution 2009-102 authorizing the City Manager to execute the RCS agreement amendment.
- 2. Appropriate \$11,400 in the COPS Fund (219) to the adopted Fiscal Year 2009-2010 budget.

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

A.7. 2009 Asphalt and Concrete Repair Project Notice of Completion. (File 0400-10)

Recommendation: That the City Council

- 1. Adopt Resolution 2009-106:
 - a. Authorizing the City Council to accept as complete the 2009 Asphalt and Concrete Repair Project, Bid No. 2009-02, constructed by Frank and Son Paving, Inc.

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

A.8. Fire Station Exterior Painting Project Notice of Completion. (File 0400-10)

Recommendation: That the City Council

- 1. Adopt Resolution 2009-116:
 - a. Authorizing the City Manager to accept as complete the Fire Station Exterior Painting Project.

b. Authorizing the City Clerk to file a Notice of Completion.

<u>MOTION:</u> Moved by Roberts and seconded by Heebner. **Motion carried** unanimously.

A.9. Redflex Red Light Camera Agreement. (File 0400-10)

Recommendation: That the City Council

 Adopt Resolution 2009-119 authorizing the City Manager to Execute a Revised Contract between the City of Solana Beach and Redflex Traffic Systems, Inc. for Automated Red Light Photo Enforcement Cameras and appropriate \$80,100 in the FY09/10 budget.

<u>MOTION:</u> Moved by Roberts and seconded by Heebner. **Motion carried** unanimously.

A.10. San Diego North County Regional Firefighter and Firefighter/Paramedic Testing Program. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-076 authorizing the City Manager to sign the agreement regarding Workers Compensation Coverage for Participants in Firefighter Testing.

<u>MOTION:</u> Moved by Roberts and seconded by Heebner. **Motion carried** unanimously.

A.11. Regional CAD Interoperability Project. (File 0840-10)

Recommendation: That the City Council

 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.

<u>MOTION:</u> Moved by Roberts and seconded by Heebner. **Motion carried** unanimously.

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. Minor Subdivision (SUB), Development Review Permit (DRP), and Structure Development Permit (SDP) Request at 823 Vera Street, Applicants: Kettering and Davis, Case # 17-08-24. (File 0600-40)

Recommendation: That the City Council

1. Continue the project to the October 28, 2009 Council meeting.

David Ott, City Manager, stated that the applicant requested to pull the item from the agenda.

MOTION: Moved by Roberts and seconded by Campbell. Motion carried unanimously.

B.2. <u>Development Review Permit (DRP) and Structure Development Permit (SDP); 624 Barbara Avenue (Case # 17-08-28; Applicants: Dat Nguyen and Hien Nghiem. (File 0600-40)</u>

Recommendation: That the City Council

- 1. Report Council disclosures;
- 2. Conduct the Public hearing: Open the Public Hearing, Receive Public Testimony, Close the Public Hearing;
- 3. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA

Guidelines; and

4. Adopt Resolution 2009-086 conditionally approving an DRP and SDP for the project to demolish a single story residence and guest house and construct a new 3,450 square foot two-story residence with basement/garage and new 626 square foot guest house at 624 Barbara Avenue

David Ott, City Manager, introduced the item.

Rich Whipple, Principal Planner, presented a powerpoint.

Council reported their familiarity with the project.

Mayor Nichols opened the public hearing.

Matt Peterson, applicant's representative, stated that the project had gone to the View Assessment Committee in the past and that it had been re-designed several times. He handed out an agreement that was made between the applicant and Mr. Howden and requested that the conditions of the private agreement be incorporated into the City's resolution.

Bill Howden stated that the original project that went before the View Assessment Committee needed some revisions, that he and the applicant came to an agreement about some additional conditions that assisted in preserving his view, that he would be losing most of his lower story ocean view, that it was important for him to retain his second story view, that there was a condition to restrict vegetation on the project to no higher than their second story, and that the agreement should be incorporated into the City's conditions.

Council and Staff discussed whether Staff was provided with the additional language prior to the meeting and would recommend incorporating the language.

Johanna Canlas, City Attorney, stated that the additional language was a privately negotiated matter outside of the City's regulations regarding view, that vegetation was not addressed in the City's code, that the private agreement between the applicant and Mr. Howden did not need to be a part of the City's conditions, that their agreement could be enforced privately without the City's involvement, and that the City did not have enforcement procedures for vegtation issues.

Bill Howden stated that the City had routinely imposed vegetation deed restrictions on projects.

Council discussion ensued regarding the private agreement, whether to include it

in the conditions, and whether there would be liability for the City to enforce the agreement.

Johanna Canlas, City Attorney, stated that if the City incorporated the language from the private agreement as a condition of approval the City would have to enforce non-compliance issues. She said that the residents had remedies to resolve non-compliance issues since they already had a privately executed agreement.

David Ott, City Manager, stated that the City did not have an enforcement for vegetation issues in the code and that the City had no process to determine vegetation heights or who would pay for the removal.

Bill Howden stated that the Midori Court approval had conditions regarding vegetation and that after the condition of approval was made the City determined that there were no enforcement provisions in place.

Johanna Canlas, City Attorney, stated that the Midori Court conditions required them to have Covenants Conditions and Restrictions (CC&R's) that addressed vegetation which removed the City from dealing with vegetation issues.

Council discussion ensued regarding past vegetation restrictions that had been placed on projects, that the City could not enforce vegetation, and that the applicant and Mr. Howden could deal with this issue on a private level.

Council discussion ensued with Mr. Howden regarding the written agreement, whether the applicant had spoken with an attorney regarding the agreement, that his attorney thought it would be written into the record, that the agreement would be on the record even if it not included in the resolution, and that the resolution already included a condition regarding vegetation.

Johanna Canlas, City Attorney, stated that if the project were approved the resolution would be revised to delete the recommendation made by the View Assessment Commission (VAC).

Council and Staff discussion ensued regarding the addition of the private agreement language in the resolution, that the red-lined document contained proposed changes by the View Assessment Commission regarding the private party agreement, and whether to include language added that vegetation issues would be civily enforced to remove liability from the City.

Council, Staff and the applicant's representative discussed whether the the agreement should be part of the resolution, that the applicant was in agreement with the language, that the applicant would comply regardless of whether or not the language was added to the resolution, the VAC's limitation of not being able

to regulate vegetation issues, that the City had no enforcement provisions for vegetation, that the agreement could be part of a deed restriction placed on the home by the applicant, and that a view easement may be placed instead of the deed restriction which would only be enforceable by private parties.

Matt Peterson, applicant's representative, stated that the View Assessment toolkit and guidelines stated that the loss of view could be increased by opening another view and that the trimming or removal of vegetation or structures could provide a cost effective way to increase views.

Mayor Nichols stated that those guidelines were placed in the tool kit as a suggestion and not a remedy.

<u>MOTION:</u> Moved by Heebner and seconded by Roberts. **Motion carried** unanimously.

<u>MOTION:</u> Moved by Heebner and seconded by Roberts to approve with striking the language regarding vegetation and that permits would be issued contingent upon a recorded view easement on the property to be enforced civily by the private properties in a form approved by the City Attorney. **Motion carried unanimously.**

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. <u>Proposed Revenue Enhancement Action to Address Current Fiscal Emergency and Long-Term Sustainability. (File 0390-90)</u>

Recommendation: That the City Council

1. Receive the report and provide direction.

David Ott, City Manager, reviewed the history of the item and presented a powerpoint reviewing options for meeting expenditures and creating revenue.

Council and Staff discussed cost for administration of a business tax for the tiered proposal to be about \$30,000 depending on the number of tiers based on a quote received, that simply filing out the form should not demand that amount from some accountants, that there were approximately 1600 businesses of which the majority fall in the area that would produce the smaller amount of tax, that the purpose of taxing a home based business to administer the City's cost of neighbor's complaints or parked cars or people visiting, that home based do have less impact since the ordinance regulates them and therefore they have a reduced fee, that the City could not regulate the owners passing on the costs to

the renter since the City would be preempted by state law to regulate owners in their rents, that retail was included but getting a discount since they pay sales tax, how to justify all services versus businesses, that the City would aim to provide an equitable and not overly complex tax not requiring a lot of proving on their end, that the current business certificate fee is \$75, that it would be proposed that it would go away with the replacement of the next tax, that this proposal was provided based on meetings with the Business Liaison Ad Hoc that included many businesses.

Arlene Marks said that she had moved her business to Solana Beach, that her business had gone down, that she had spent many years in government and was currently a state employee who were taking furloughs that were equivalent to a 10% paycut, that the City proposed a challenge to businesses that were currently hurting and that they needed the City to drive business into the City, that the state had taken many measures, and she could not see on the website what the City had to done to reduce the employees benefits and salaries before pushing off the costs to the businesses, and urged to not move this to the ballot.

Council and Staff addressed the speakers comments stating that the City had cut a million dollars in the last year, that the City was under contract that limit the cycle under when certain issues can be addressed with employees, that they City had reduced staffing and now ran with less than 50 employees, not including the Fire department, and that the Council had been very conservative.

Patty Goldfarb stated that her business was struggling on Cedros, that the City and businesses are in a state of financial emergency, that while the merchants were being taxed and that the owners are not being asked to contribute, that she did not understand why the property tax was down if Solana Beach properties are holding their values, how the enforcement would be handled and paid for, that the tax could create an unintended consequence and fall onto the homeowners anyway, and that they would perhaps relocate to Del Mar or Encinitas.

David Ott, City Manager, responded to comments stating that Solana Beach properties median home price in 2007 was \$1.2 million and was currently \$730,000, that the City had a \$430,000 drop off of property tax from last year, and that Solana Beach was one of about 40 cities out of 471 cities in California that do not charge a business tax.

David Carroll, President of Solana Beach Chamber of Commerce, stated that the Chamber had a mandate to promote and support business and community involvement, that he thanked Council for their effort in working on this tax issue, and that he could not recommend as the President but urged to think of every business in mind.

Mayor Nichols stated that this business tax is not intended to be a silver bullet to handle all these problems and that there will continue to be other considerations to manage the ongoing issues.

David Ott, City Manager, said that the revenue from this tax would not cover even 50% of the deficit issues forecasted, that all economists state that this econimic change is long term, that people had and will continue to change their spending and buy differently, and that the models for business are changing.

Dean Roemmich said he lived in Solana Beach for 25 years, that he had never seen empty businesses like now, that the retail sector was hurting, and that it did not make sense to add tax burden to hurting businesses.

Christine Nottingham said she had a business on Cedros for seven years, that her business was by special order, that they were having a tough time and they were lucky to see 10 people a day, that she appreciated that fact that the City was cutting back as much as can, that taxing retail at this time was dire for them, that several businesses had closed and they were losing money, and that it taxed would like to see advertised to drive business to the business and that she had only seen ticket officers.

David Ott, City Manager, said that the City had initiated Shop Solana Beach First with the businesses support to enhance revenue, and that it would take two years to take affect.

Peter House (time donated by Mary Jane Boyd, James Harker) said that he was the President of Highway 101 Association and presented a powerpoint. He said that the business community was asked for what was a fair tax, that out of everyone he talked no one wanted a gross receipt tax and wanted the simplest tax possible, reviewed what he thought were similarities and differences between th proposed models included that they were regressive, variations in administration costs and that none were a measure of the services received by the City. He said that they proposed an alternative solutions including raising the current business certificate fee, protecting new and small or struggling businesses and charging more to those businesses earning more than \$2,500,000. He said that a tiered tax was a gross receipt tax, reviewed how he thought the regressivity of the tax of the tiered model, that the apportionment of gross income would move away from meeting the goal, that someone would have to answer questions to handle appointionment and contested questions, and that a system beyond the current accounting software would be needed, and that their proposal would provide the most return of taxes to the City with the least amount of administrative costs.

Council and Peter House discussed that the Highway 101 Group was

recommending something similar to the proposed tax without the tiered levels, that everyone paid between \$300-400, that if a buisness was not making it that it be lowered to a portion of it until they were making it again, and that it they made above \$2,500,000 they would pay a surcharge, what to do about those businesses that say that even the \$300-400 was going to do them in and that he was not sure how to address that issue, that many business owners have had to adjust tenants rents and leases of tenants and have proposed this based on the concern for those businesses but that he could not exactly answer how to address those businesses, whether it was fair to charge a business making \$200,000 gross than a business like a restaurant or grocer grossing \$2 million, that he thought the ability to pay it should not be based on gross income, that difficulty in bringing in equity without the detailed dynamics, that most other cities attempt to break businesses into categories and then charge them differently, that he said that no one in the group wanted gross receipts unless it was a big enough model to provide for the bigger earners that pay a larger amount, that it seemed like the main interest was to keep it simple rather than opposition to the tiers, that 70% of the City's businesses under the \$500,000 category, that most of the businesses would pay around \$200, and that businesses would have to keep their records regardless of whether it was for this or something else.

Council and City Attorney discussed that a constitutional requirement gives cities the authority to raise revenue through a business taxes and that the language states that the legislative body shall levy a tax so that the measure of tax fairly reflects that proportion of the tax activity actually carried on within the taxing jurisdiction. She said that regardless of the model chosen that appointment is a constitutional requirement and that City could not get away from the requirement.

Council and Peter House continued discussion regarding that the group did not get into discussions of rental properties but that they did include home based businesses, that he wrote the powerpoint so he stood behind it, that he obtained input from the Cedros group, Highway 101, merchants, owners, executives, and then rewrote it from their feedback. He said he sent it to them for review and made some additional changes. The continued discussion regarding what the surcharge was above the \$2,500,000 and \$5,000,000, that the flat tax would still require a margin of error factor figured in, that the proposal in Staff's presentation was the closest to what he had figured for the surcharge category, that there was a rule that says you can't double tax, that to prevent double taxing is apportionment, whether someone is going to pay for computers and softwares for a tax of \$375, that his own personal qualifications are that he had a career as a public finance economist with a specialty in local taxation, a Doctorate from Cornell, and that his thesis was on local taxes.

Council and City Attorney discussed what would be required in the way to dispute the required fee, that the consultant stated that most businesses will

pay rather than dispute it and that you are not required to dispute and provide proof that they did not do all their business in a City.

Council and Mr. House discussed that Mr. House had authored the proposal, that he did consult and obtain input, that he sounded open to some other types of tiering, that the surtax was a new idea and was not found anywhere in California, that there may be some apportionment in the higher tier, and whether a business had to report of not may not be required but it seems like businesses will do so.

Peter Zaan, Vice President of the Chamber of Commece, said that he had a law practice outside the City and lived in the City with client inside the City, that Peter House had done a lot of research, that the Chamber was not taking a position, that fairness and simplicity did not seem to show up in the multi-tiered models, that there were many small businesses in the City and that many were struggling, suggest that begin with an excemption and then scale up to \$300-400, that a recommendation may be look at the amout of gross receipts that fall below, to provide an exemption for businesses with lower gross receipts, and that it they were willing to declare their gross receipts amount they could then qualify to move to a lower scale.

Carl Turnbull said that he was missing the cost of collecting the funds which would depend on the system, what the cost of the business due to potential loss of business, whether a financial impact report is needed, that businesses were not contributing to IRAs any longer and had to re-negotiate their lease, that some businesses on Stevens and Cedros were having the hardest time, and that retail was having a big struggle, could they pay their tax monthly instead of lump sum, and what would the City be doing for the businesses.

Council and Mr. Turnbull discussed him talking to 50 businesses on Cedros and Stevens, that he had about 15 buildings needing help, that the businesses were not receptive to paying a tax but if they had to they preferred it to be simple, and to consider having retail sevices on one side and professional on the other.

David Herrington said that the City had done a good job of budgeting, that the issues presetnd were the fault of the spending by the state of California, that it was not fair that the City would be affected, that it was not always fair that Vons made 2% and a law firm made 50%, but that fairness did not always play into the issue, and that the tax could be kept simple.

Sean MacLeod stated that the City was not the enemy, that they were all Solana Beach and were all confronted with this issue and were trying to solve it together, that if anyone was trying to come up with revenue sourcing that no one would like to do it, that everyone was challenged with the same issues, that the challenge was how to make the two ends come together, that the City Manager, Council

and Staff had done a good job soliciting ideas, that the business community must contribute to this problem and administrative costs to a minimum, that the consideration should be for that which was most easy to comply, that the three tired model was an excellent one, and that among his 50 tenants they would rather not have to open books and would prefer a flat tax.

Jim King said he was a resident since 1930 and thank Council for what they do and said that their job was one the worst, that most property owners have had to reduce their rates to tenants to keep buildings occupied, that he did not have the answer, that it it was necessary to raise taxes perhaps everyone had to pay, and that maybe a raise of 1/8 or 1/4% sales tax would have to be considered.

Councilember Kellajian stated that the staffing was the same that it was 10-12 years ago and may be lower, that it was not the fault of the City but fell on the state government who had been stealing dollars for years and that they were working hard to get something on the ballot to prevent it, that the City was required to balance its budget every year but the state legislatures do not have to do the same, that he had lay off 25% of his workforce and had to make concessions to renters as well, thanked Peter House for working on the issue, that there was not enough final information to make a decision tonight but that he wanted to continue to talk about it and proceed in the future.

Council and Staff discussed that there were approximately 222 retail business, to try to impact smaller businesses the least, that simplicity was preferred, to consider simple but somewhat tiered, to consider exempting some retail for a year or so, that rentals units of five ormore should be included, consider exempting home-based businesses but keeping fees for them, and that a mail ballot may be a larger turnout.

Deputy Mayor Campbell said he appreciated thecomments, that it should be pursued including home-based businesses which do impact the City since the City had to deliver fire inspections, that residential of 3 or 5 or more should be included but to exempt qualified low income housing, that he preferred to go with the least cost election but if it was rational for a mail ballot he would support it, that he would support simplicity and fairness, that the City should not look to businesses to balance the budget but charge due to the impact on the City, to consider narrowing the tiers, to provide relief for those busiesses that were not making it in the end and how to deal with that by allowing them to reduce or eliminate the payment, to simplify the administration costs, and that to the point that it was fair and equitable would deterine how much it would contested and require audits.

Mayor Nichols said that he worked for a small business in town that had sized down from 13 people to 6 with a 10% pay cut, that the City and City Manager had done a good job to keep the City afloat, that he was hearing simpler but more

details to make it fairer, that he needed more research to understand it better, that he wanted to protect small business and was not sure a flat tax would do it, that it should be pursued further, supported exempting low income rental properties and including home-based businesses, and that he was not in favor of a mail ballot.

Councilmember Roberts said that it was a quality of life issue that citizens and businesses both want, that he understood the impact of home-based businesses, and that there should be no exemption for low income housing because they were owned by developers that made money so he would need more clarification.

Council discussed the cost differential between a electons in May and June, that he did not think tht they could solve fairness, that tiering did not work, that the issue should be pursued soon,

min \$75, only way to have surcharge is exemption, that it would require a 50% +1 vote at the election, and the final June dates for the election.

C.2. <u>Fire Department Management Services Cooperative Agreement.</u> (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-121 authorizing the City Manager to execute a Fire Department Management Services Cooperative Agreement with the Cities of Del Mar, Encinitas, and the Rancho Santa Fe Fire Protection District

David Ott, City Manager, presented a powerpoint. He reviewed the history of the process. He said that the shared services would provide enhanced management services to Solana Beach including providing a training chief and certain support services which could not always be accessed by a small city.

Council and City Manager discussed that benefits of a the Battalion Chief who could supervise Captains on a 24-hour rotational and the benefits of some operational oversight including inspections, enhanced services, cost containment and reductions, that there was a 90 day exit clause, and that Encinitas did not expect any raises next year so that figured into anticipating the costs for next budget.

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

C.4. Introduce (1st Reading) Ordinance 410 to revise Posted Speed

<u>Limits on City Streets and Approval of City Wide Speed Survey.</u> (File0860-45)

Recommendation: That the City Council

- 1. Adopt the Resolution 2009-115 approving the City wide Speed Survey Study prepared by Darnell and Associate dated Sept. 9th 2009, and
- 2. Introduce Ordinance 410 amending Title 10 Chapter 10.36 of the Solana Beach Municipal Code

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer / Dir. Public Works, presented a powerpoint.

Gary Martin said that establishing 30 mph instead of 25 was not consistent, that there should be a restudy, and asked if it were possible to look at specific places to change them.

Council and Staff discussed the Staff Report containing corrections in the blue folder that was posted, special conditions, that the City could always set a lower speed but it would not enforceable if it did not meet the criteria for setting the speed as set by state law, and whether it needed to be resurveyed.

Ed Krulikowski, principal traffic engineer, reviewed the speed study and stated that conditions had to be not readily apparent to motorists and that they did find some special conditions to make changes.

Council and Mr. Krulikowski discussed recent resurveys, differences in population from July to Oct, that the state had changed rules and regulations as of July 1st which had changed the qualfications, that the case of the train station the street was wider with no curves and signs were readily apparant therefore it did not qualify, that it still did not make sense even though the criteria said that it was ok, that while some conditions are readily apparent there is still speeding and some risk conditions so the next approach would be implement traffic calming measures, that once the speed did slow that future surveys may show different results. They continued discussion regarding that 85% of the speed on N. Cedros was 30 miles per hour, that there is consideration to return to the older standards and that maybe the League could poll cities to consider asking for this change, that the survey on N. Cedros was done on July 7th between 10:00 a.m. and 11:30 a.m., that surveys were not allowed to be done under congested conditions but under freeflow conditions, that there would be a posting and some grace period before ticketing with the new speeds, that there may be some

slowing once imrovements were finsihed on Los Banderos, that the City may want to bring some streets to local standards in order to obtain some federal funding listing them in the Federal Urban Aid map.

Council and Staff discussed whether to request another speed survey, that they could not manipulate conditions or choose special times to choose speeds, and that they could use other ways to slow down traffic.

MOTION: Moved by Roberts and seconded by Heebner to approve and ask Staff to review Stevens Ave. between Lomas Santa Fe and San Rodolfo and N. Cedros between Lomas Santa Fe and Cliff St. and to re-look at some streets again in the future. **Motion carried unanimously.**

C.3. <u>Year-End Budget Adjustments for Fiscal Year 2008-09. (File 0300-30)</u>

Recommendation: That the City Council

1. Adopt Resolution No. 2009-120 revising appropriations in the Fiscal Year 2008-098 Budget.

David Ott, City Manager, presented a powerpoint.

Council and Staff discussed when normally the mid-year budget was reviewed and whether it was feasible to begin it earlier and provide Council and sense of what was coming before the final report came in, and that Staff would begin providing quarterly updates.

MOTION: Moved by Campbell and seconded by Roberts. Motion carried unanimously.

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 updates.

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).
- I. 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 Nichols, Heebner. Expires January 13, 2010.
- h. View Assessment Nichols, Heebner. Expires August 25, 2010

ADJOURN:

Mayor Nichols adjourned the meeting at 10:30 p.m.

Angela Ivey, City Clerk

Approved: February 24, 2010