

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

6:00 P.M.
WEDNESDAY, MAY 26, 2010

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

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Leticia Fallone, Deputy 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.

Mayor Campbell opened the meeting 6:10 p.m.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS:

1. CSUSM (Cal State University San Marcos)

Mayor Campbell presented a proclamation to CSUSM.

Johanna Canlas, City Attorney, reported actions from closed session. She stated that Pursuant to Government Code section 54957.1(a)(6):

The City Council unanimously approved an agreement with the Solana Beach Employee Association-Miscellaneous Unit with the following terms:

- 3 year MOU beginning July 1, 2010-June 30, 2013
- Salary Freeze for fiscal year 2010-2011 with a reopener by either party in years 2 and/or 3 for potential salary adjustments (increases and/or decreases)
- Association members receive 1 additional floating holiday for July 1st
- Association members that use less than 40 hours (5 days) of sick leave annually may convert up to 40 hours (5 days) of sick leave to vacation leave.
- Retirement:
 - Association members agreed to pay their ENTIRE employee portion of the CalPERS retirement contribution of 8 % over the 3 year term of the MOU as follows:

Effective July 1st, 2010, employees pay an additional 2.242% (total 3.515%)

Effective July 1, 2011- Employees pay an additional 2.242% (total 5.757%)

Effective July 1, 2012- Employees pay an additional 2.243% (total 8%)

- Parties agreed to add a 2nd tier establishing a new pension formula of 2% @ 60 for employees hired on or after July 1, 2010 with the use of the employee's highest 3 year salary average.

Copies of the agreement are available at the City Clerk's Office upon request. Management and Unrepresented employees, in addition to the Miscellaneous Employees, will also receive 1 floating holiday. They will also pick up their full employee share of the CalPERS retirement contribution over 3 years and a 2nd tier with a new pension formula of 2% at 6 for employees hired on or after July 1, 2010.

With the City Council's unanimous decision at the last meeting to pick up its full employee share beginning July 1, 2010, at least 65% of the City's workforce have agreed to pay their full employee portion of the CalPERS retirement contribution over the next 3 years.

Mayor Campbell stated that the Council and the City Manager were extremely pleased to work out this arrangement with the Miscellaneous group and department heads, that they appreciate their cooperation and the financial situation that require the acknowledging the fact the employees need to begin to pay their share of the retirement, and that they appreciate everyone's efforts.

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.

Laura Frankel stated that she was speaking on behalf of Daryl Davis, President of TRC Gymnastics, and she read a letter written by him. The letter stated that he was concerned about a gun store potentially moving into his building, that he did not condone that type of business in the area, that it was a family area, that a gun store might attract unwanted visitors, that he had met the business owner who assured him that the business would be secure, and that he was still concerned for the overall welfare and safety of people in the area.

Lori Allen stated that she was concerned about the prospect of a gun shop as a neighboring tenant, and that the gun shop was not covered under the zoning for the area. She stated that she was concerned about the type of people that the shop might attract to the area, that there were known gangs in the area, that services for women and children were provided in the building, and that she was concerned that the proposed shop would affect business for the tenants in the building.

Council and City Manager discussed that the tenant had not yet moved from their current location in the City, that the new proposed location was off of Genevieve St., that the zoning for the area permitted a gun shop, that the primary focus of the business was the sale of antique guns, uniforms, helmets, tents, and other related items from World War II, that the owner had security in the building due to the value of the items, and that there were state regulations for this type of business.

Johanna Canlas, City Attorney, stated that the state regulated the licensing of fire arms under Government Code Section 53071 and that the City could not negate the state codes provided that the City's zoning allowed for it.

Council and Staff discussed that state law did not preclude the gun shop to operate in the area, that the shop was in the special commercial zone, that sporting goods and antique stores were allowed in the area, that this business was not a store front for retail, that signage was not allowed for the store due to the lease, and that Council requested a memo be provided on the matter for Council and the public.

COMMUNITY ANNOUNCEMENTS:

Council reported community announcements.

COMMENTARY:

A. CONSENT CALENDAR: (Action Items) (A.1. - A.4.)

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.

1. 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 Heebner. **Motion carried unanimously.**

A.2. Minutes of the City Council.

1. Approve the Minutes of the City Council meetings held February 10, 2010 and March 10, 2010.

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

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

1. Ratify the list of demands for April 17 - 30, 2010.

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

A.4. View Assessment Commission (VAC) - Extension of Application Period. (File 0120-50)

1. Receive report or provide alternative direction.

MOTION: 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: (B.1.)

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. Appeal of Greenhouse as a Prohibited Primary Use in the LR Zone, Applicant: Marvin Dellinger, Case No. 17-09-27. (File 0600-42)

Recommendation: That the City Council

1. Deny the Appeal for the proposed greenhouse structure as a primary structure and nursery as a primary use.

David Ott, City Manager, introduced the item.

Rich Whipple, Principal Planner, presented a powerpoint to review the project.

Council and Staff discussed the option of merging the lots as a solution and that the applicant was presented with the idea of a lot line consolidation.

Mayor Campbell opened the public hearing.

Council disclosed their familiarity with the project.

Council and Staff discussed what determined the maximum size of a greenhouse as an accessory structure and it was confirmed that the Solana Beach Municipal Code 17.20.040 defined the the maximum square footage for those units.

Ted Strauss said that he had a property adjacent to the property, that he sent a letter to Council regarding concerns about the greenhouse, and that he had concerns about sounds, light, and runoff.

Steve Feitelberg stated he had concerns regarding noise and the business of the greenhouse.

Jane Baker stated that she was concerned about the function of the greenhouse, the height or shape of the proposed building, that the property had not been cared for, and how it may lower property values.

Jeff Strauss stated that he was concerned about the maintenance of the greenhouse and that the property had not been kept well.

MOTION: Moved by Roberts and seconded by Heebner to close the public

hearing. **Motion carried unanimously.**

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

Council and Staff discussion ensued regarding that fact that opportunities were given to the applicant to consider other options, that the best opportunity would have been a lot line adjustment.

C. STAFF REPORTS: (C.1. - C.5.)

Submit speaker slips to the City Clerk

C.3. Adopt (2nd Reading) Ordinance 416 relating to Animal Control, Adopting and Incorporating by Reference the San Diego County Code of Regulatory Ordinances. (File 0200-10)

Recommendation: That the City Council

1. Adopt Ordinance 416 adding and amending certain sections of Chapter 8.04 of the SBMC, which sections and chapters of the Solana Beach Municipal relate to adopting and incorporating, by reference, certain provisions of the County Code.

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

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

C.4. Adopt (2nd Reading) Ordinance 417 relating to juvenile curfew. (File 0260-85)

Recommendation: That the City Council

1. Adopt Ordinance 417 amending Solana Beach Municipal Code Sections 7.16.020, 7.16.045, and 7.16.050 as it relates to juvenile curfew.

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

C.5. Adopt (2nd Reading) Ordinance 414 Relating to Recycling. (File 1030-50)

1. Adopt Ordinance 414 amending Solana Beach Municipal Code Sections 6.20.090 and 6.20.135 relating to recycling.

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

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

C.2. Eden Gardens Pump Station City Entry Sign. (File 0910-40)

Recommendation: That the City Council

1. Adopt Resolution 2010-054:
 - a. Approving the Eden Gardens Pump Station City Entry/Monument Sign.
 - b. Authorizing funding of the Entry Sign from the City's Reserve Public Art Account in the amount of \$19,980.

Anita Edman, Community Services, presented the item. She stated that the public review period ended May 17th, psa had been drafted and reviewed by city attorney and signed, before council requesting final approval of the entry sign. City Attorney stated that the #3 on now therefore be revised to authorize City Manager to sign the agreement.

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

WORKPLAN SPECIAL MEETING RESUMED

Mayor Campbell recessed the regular meeting at 7:00 p.m.
Mayor Campbell re-opened the Workplan Special Meeting at 7:00 p.m.

Council continued discussion on the City's Workplan. Council discussed social media, that the City was gathering information regarding other social media sites, that the City may have to consider it sometime soon, the issue of transparency of this record. Council discussed the green purchasing policy, whether is was already the City's policy, and whether it should be removed from the Workplan. Discussion continued regarding the topic of cigarette butts, the problem of enforcement or occasional enforcement, the expense of utilizing the Sheriff's office, and a request to Staff to provide a brief outline memo of how an enforcement day might look and who would be involved.

Council discussed fiscal sustainability, Highway 101 Streetscape Traffic Calming project's progress and high rating, the City Manager had met with NCTD (North County Transit District) regarding the parking issue, the distillery lot importance and watch for opportunity in the right marketplace, that the business tax was in process, the Shop Solana First programs, that the economy was not right time to pursue the fire benefit fee increase, and to keep the fire benefit fee on the radar to monitor for future revenue enhancements.

Mayor Campbell reconvened this Regular Meeting at 7:29 p.m. coming back from the Special Workplan Meeting.

Mayor Campbell recessed the meeting at 7:30 p.m. for a break and reconvened the meeting at 7:35 p.m.

C. STAFF REPORTS: (C.1. - C.5.)
Submit speaker slips to the City Clerk

C.1. Review of the Proposed Fiscal Year 2010-11 Budget. (File 0330-30)

Recommendation: That the City Council

1. Review the Proposed FY 2010-11 Budget and provide Staff with direction to formulate the budget for adoption on June 23, 2010

David Ott, City Manager, presented a powerpoint reviewing revised adjustments which included adding funds added to Transnet revenue, the increase of risk management to maintain reserves, increase of workers compensation to maintain reserves at \$500,000, the projected increase of law enforcement for the current fiscal year, reduced miscellaneous grant expenditures, increased RDA debt service to capital projects. He stated that sales tax had increased by \$124,000, the increase of security expenditure for La Colonia Park and Fletcher Cove, that public safety appears to be an increase at this time due to the cost of payments to Encinitas and Rancho Santa Fe due to the coop but the incoming revenue offsetting that cost will make this expenditure flat this next year. He reviewed personnel and staffing full time equivalents and stated that full time positions are at the lowest level in a decade but has not yet resulted in significant impacts to City services. He stated that recent announcements of negotiations with employee groups would have them paying more or all of their share of pension costs which would have a significant impact on the bottom line immediately as well as over time. He reviewed a five year forecast, long term concerns, and long term stability plan.

Council and Staff discussion ensued regarding funding requests of Council's interest in continuing security for the City's parks, additions and deletions to the current deficit resulting in \$471,000, support for using reserves at this time, that Staff and Council were moving in the right direction with the employee pension reforms, that the economy may turn around, that the City still maintains a healthy reserve compared to other cities, request that Staff continue to review more areas to tighten, and that the City could continue to work on sales tax and transient occupancy tax working with the Chamber of Commerce.

Council and Staff discussed the capital project fund, that 16 projects would be

carried over from last fiscal year and that the total five year projected spending plan was approximately \$15 million.

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 activity.

Regional Committees: (outside agencies, appointed by this Council)

- 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.

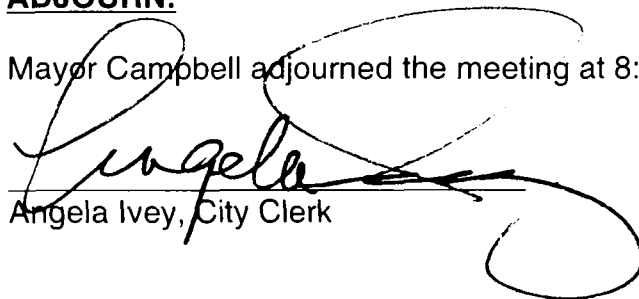
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 8, 2010.
- b. Development Review - Nichols, Heebner. Expires November 17, 2010.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 8, 2010.
- d. Fletcher Cove - Campbell, Heebner. Expires November 17, 2010.
- e. La Colonia Park - Nichols, Heebner. Expires May 11, 2011.
- 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 1-12-2011
- h. View Assessment - Nichols, Heebner. Expires August 25, 2010

ADJOURN:

Mayor Campbell adjourned the meeting at 8:45 p.m.



Angela Ivey, City Clerk

Approved: November 10, 2010