

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

6:00 P.M.
WEDNESDAY, JUNE 9, 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: Heebner, Kellejian, Roberts, and Nichols.
Absent: Campbell.
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.

Deputy Mayor Heebner called the meeting to order at 6:00 p.m. stating that all Councilmembers were present except for Mayor Campbell who would be absent.

Johanna Canlas, City Attorney, stated that their was no reportable action from the Closed Session.

FLAG SALUTE:

Don Fowler, Sherrif's Captain, led the flag salute.

APPROVAL OF AGENDA:

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

PROCLAMATIONS:

1. California State University San Marcos (CSUSM)
2. National Dump the Pump Day

Mayor Heebner read a proclamation for the National Dump the Pump, encouraging public transportation.

PRESENTATIONS:

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

1. Law Enforcement

Don Fowler, Sheriff Captain, provided an update on an attempted bank robbery in the City. He then presented a powerpoint on the Sheriff's 2009 year in review which reviewed law enforcement services that were provided in the City in 2009.

Council thanked the Sheriff's department for all their efforts to keep the community safe, and stated that a website called crimemapping.com was available that had information on crime local communities.

2. San Diego County Fair

Nicolle Bizell and Kelly Wilbur presented on the upcoming San Diego County Fair, stated that the theme was "Taste the Fun," highlighted some of the exhibits and reduced price admission days.

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.

Dan Chambers thanked everyone who voted at the June election. He stated that since Prop L did not pass Council should consider reaching out of the business community to encourage new business to the City since Solana Beach was one of three in the cities in the County that did not have a business tax.

COMMUNITY ANNOUNCEMENTS:

Council made community announcements.

COMMENTARY:

Council reported commentary.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.8.)

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

A.2. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for May 1 - 21, 2010.

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

A.3. Authorize the destruction of obsolete records. (File 0170-50)

Recommendation: That the City Council

1. Adopt Resolution 2010-061 authorizing the destruction of obsolete records.

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

A.4. Fiscal Year 2010-2011 Community Development Block Grant Funds - Affordable Housing. (File 0390-30)

Recommendation: That the City Council

1. Adopt Resolution 2010-065:
 - a. Authorizing the City Manager or other designee to prepare and submit a 2010-2011 Community Development Block Grant Application for Community Organization and Home Investment Partnerships (HOME) Funds for the affordable housing projects.
 - b. Finding that the funding request is exempt from the California Environmental Quality Act pursuant to Section 15301(c) of the 2010 State CEQA Guidelines.

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

A.5. Adoption of City Investment Policy. (File 0350-30)

Recommendation: That the City Council

1. Adopt Resolution 2010-062 approving the City's Investment Policy for FY 2010-11.

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

A.6. Supporting No Texting While Driving. (File 0480-75)

Recommendation: That the City Council

1. Support Resolution 2010-066, supporting the no texting while driving campaign.

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

A.7. 2010 Asphalt and Concrete Repair Project, Bid No. 2010-05. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2010-053:
 - a. Approving the list of streets scheduled for repairs as part of the 2010 Asphalt and Concrete Repair Project, Bid No. 2010-05.
 - b. Authorizing the City Engineer to advertise for construction bids for the 2010 Asphalt and Concrete Repair Project, Bid No. 2010-05.

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

A.8. San Dieguito River Valley JPA - June Meeting Appointment. (File 0150-62)

Recommendation: That the City Council

1. Appoint Deputy Mayor Heebner as a voting member for the June 18, 2010 meeting of the San Dieguito River Valley.

This item was pulled from the agenda.

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. Development Review Permit and Structure Development Permit Amendment at 545 Stevens, Solana Beach Self-Storage, Applicant: Propotech, George Hunt, Case 17-10-04. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and an administrative SDP. Therefore, Staff Recommends 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. Determine that the Project Amendment does not have any additional significant impact to the environment that were not adequately addressed, therefore not requiring revisions to the Initial Study (IS), Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) adopted and certified by the Solana Beach City Council pursuant to California Environmental Quality Act (CEQA) per §15162, §15163, and §15164 of the 2010 State CEQA Guidelines.
4. Adopt Resolution 2010-058 conditionally approving the request for an amendment to a Development Review Permit and administrative Structure Development Permit to redevelop an existing self-storage facility for the continued use with a larger storage capacity at 545 Stevens Avenue.

David Ott, City Manager, introduced the item stating that the project was previously approved and was now being presented as an amendment.

Richard Whipple, Principal Planner, presented a powerpoint reviewing the project.

Mo Sammak, City Engineer, addressed some issues regarding a road striping

plan and reverse angle parking.

Rich Whipple, Principal Planner, said that the applicant would be paying their share of the funds towards striping improvements.

Council and Staff discussed the provision where the applicant would be doing reimbursement, that the agreement would be reviewed to ensure all protections were in place, the SCOOP (Sand Compatibility Opportunistic Program) program, that it had been discharged in a legal manner, to consider revising and dictating how and when sand would be transported accordingly, that the mail box in the area was also near an NCTD bus stop, consider using Via de la Valle rather than Lomas Santa Fe for transport, and to use the road which has less signals as well as could carry the most weight.

Council disclosed their familiarity with the project.

Deputy Mayor Heebner opened the public hearing.

The applicant stated that they approached the project and the new entrance from a traffic standpoint, that he was asked in November 2008 to redesign, that the City's traffic engineers had worked the applicant's traffic engineers to create a great plan for Stevens Ave., that it was an opportunity to reduce the size of the project, that it gave the project more of an office look in the light industrial zone since it was in a major thoroughfare, and that he was happy with the result.

Council and Applicant discussed the increase in safety of the project as a result of the redesign and some landscaping plans.

Council discussed the differences of conditions from the prior project and new amendments, that it was the the intention to maintain the same conditions and plans concerning landscaping and trees from the prior project which included changing the tree types to include more coastal type and larger scale trees with specific use of Torrey Pines, when possible, to place trees lower on the site, the suggestion to use a minimum of 24 inch boxes for the trees that were listed, that the plans stated differently than the resolution, the suggestion to soften walls with vines, and that the applicant agreed to suggestions.

Council continued discussion regarding the emergency egress, how a fire would be addressed, how the entrances and exits would be used for emergencies, and to consider the use of a knox box for unlocking the gate in the case of a fire.

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

Councilmember Nichols stated that the focus should be to not lose any parking spaces at the shopping center, that the tree types should include Torrey Pines and Live Oaks, the use of 24 inch minimum size boxes but not larger than 36 inches, that all trees on the plan should be installed and not be replaced, to add vines on the walls to help screen the wall on Stevens Ave., to require the use of reclaimed water, to include the items included submitted in the blue folder, to re-work the language of the Knox box, and adding that if the sample was deemed compatible and the applicant agreed to participate in SCOOP that the applicant and the City would enter into an agreement outlining each party's responsibilities.

MOTION: Moved by Nichols and seconded by Kellejian approved with some modifications. **Motion carried 4/0/1** (Absent: Campbell)

C. STAFF REPORTS: (C.1. - C.4.)

Submit speaker slips to the City Clerk

C.2. Solana Beach Lighting District. (File 0497-20)

Recommendation: That the City Council

1. Adopt Resolution 2010-059 declaring intention to provide for an annual levy and collection of assessment in the Solana Beach Lighting District and setting a time and date for a public hearing and scheduling the public hearing for June 23, 2010.
2. Adopt Resolution 2010-060 approving the Engineer's Report for proceedings for the annual levy of assessments within the Solana Beach Lighting District.

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer, presented a powerpoint presentation.

Johanna Canlas, City Attorney, stated that there was a typographical error in the resolution that would be modified and corrected.

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

C.3. Solana Beach Coastal Rail Trail Maintenance District. (File 0495-20)

Recommendation: That the City Council

1. Adopt Resolution 2010-055, initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District.
2. Adopt Resolution 2010-056, approving the Engineer's "Report" for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
3. Adopt Resolution 2010-057, declaring intention to provide for the annual levy and collection of assessments in the Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for June 23, 2010.

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer, presented a powerpoint.

Council and Staff discussed that the two pedestrian bridges were not included in the Coastal Rail Trail (CRT) Maintenance District, that the general fund supported the maintenance of the bridges, that a vote would be required in order to add the bridges to maintenance district, that there were reserved funds for this, that the fee assessment for the CRT district did not cover the required costs for the area, that the general fund augmented some of the district, that the assessment could not be increased due to the low Consumer Price Index (CPI), and that all funds for the district had been exhausted for this fiscal year.

Johanna Canlas, City Attorney, stated that when the vote was taken for the maintenance the only increase that was accounted for was based on the CPI.

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

C.4. View Assessment Commission (VAC) Appointment. (File 0120-50)

Recommendation: That the City Council

1. Make one appointment to the vacant position on the View Assessment Commission with a term expiration date of January 2011.

David Ott, City Manager, introduced the item.

Councilmember Roberts nominated Georgia Wood.

MOTION: Moved by Roberts and seconded by Heebner to approve Councilmember Robert's nomination of Georgia Wood. **Motion carried 4/0/1** (Absent: Campbell)

Deputy Mayor Heebner recessed the meeting 7:15 p.m. and reconvened the meeting at 7:25 p.m.

C.1. Review Proposed Revisions and Introduce (1st Reading) Ordinance 420 - Election Code. (File 0430-10)

Recommendation: That the City Council

1. Review proposed changes and provide any additional direction for a final ordinance amending the Solana Beach Election Code.
2. Introduce Ordinance 420 amending Solana Beach Municipal Code 2.24 regarding Elections.

David Ott, City Manager, introduced the item. He stated that there was a mix of clean up items, issues to update that were conflicts with state code, and issues to consider for changes. He said that based on changes in the state election code that the City's election code was not up to date, that three versions were submitted for review for consideration from minor revisions, more substantive changes to bring the code up to date with state laws, and finally potential issues that may have legal considerations based on court cases.

Council agreed they had consensus on the minor revisions and the updates and reference to definitions as per state law (A. and B. sections of the report).

Council, Staff, and Consultant, James Harrison, Johansen & Purcell, discussed the term "City Committee" and how a County committee might qualify as a City Committee to begin reporting requirements at a local level, reviewed the term "Controlled Committee" based on its coordination, reviewed the term "Primarily Formed," and the difference between individual and person as per the FPPC, removed the specific definitions provided in the code and instead reference the Political Reform Act for the actual definitions, independent expenditures and who may make them excluding candidates, the \$100 limitation and who it was limited to being only individuals or also outside committees and businesses, and to consider reviewing who to limit until other issues were addressed later in the report.

Discussion continued regarding agreeing to eliminate the "joint funding" clause in

the current code, updating the post election rules for the aggregate limit, that an appointment of a candidate was the same as an elected position, as per the Election Code, to add the referene to appointed candidates, agreement to update and increase the contribution, expeditues, and anonymous reporting thresholds, specifying the time to return excess contributions at 30 days, adding the time required to obtain missing information of 60 calendar days, decided to maintain the current limit on City contactor contributions, updated the reference to the opening of a bank account to meet the state requirement, modifying the statement of who files a Form 410 at the \$200 local rule, deleting the statement not requiring campaign statements in certain cases due to the conflict with state code, updating petty cash amount to meet the state requirement, maintain the limit of spending surplus funds only within the City but within the City's interest in regards to related organizations, modified the language to a "program benefiting the City," deleted the reference to sponsored committees in relatin t specific FPPC required reporting, and agreed to delete the current requirement to add an additional Declaration Statement on each form.

Deputy Mayor Heebner recessed the meeting for a break at 9:23 p.m. and reconvened at 9:30 p.m.

Council, Staff, and Consultant continued discussion regarding the consultant's recommendation to consider an increase to the \$100 contribution limit or at least add a CPI (Consumer Price Index) increase, agreed to add a San Diego cummulative CPI increase rounding up to the nearest \$10, agreed to delete the ban on receiving contributions for the 12 months preceding an election, to maintain the current aggregate contribution limit, to modify the prohibition on expenditures when a candidate has not complied with the contribution limit, deleted provisions providing access to records, deleted reference to media exemptions, deleted contolling suppliers or goods or services, modified statute of limitation and added a proposed review by outside counsel, and deleted the automatic relinquishment of office for conviction of all violations.

Johanna Canlas, City Attorney, stated that Staff would bring back the ordinance with modifications discussed for re-introduction.

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 made Committee Reports.

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:



Angela Ivey, City Clerk

Approved: January 12, 2011