

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

JOINT **REGULAR** MEETING

**MINUTES**

**6:00 P.M.**  
**WEDNESDAY, SEPTEMBER 22, 2010**

CITY COUNCIL CHAMBERS  
635 S. HIGHWAY 101,  
SOLANA BEACH, CALIFORNIA  
AND  
TELECONFERENCE LOCATION (Councilmember Roberts)  
4300 Wilson Blvd., Suite 250, Arlington, Virginia

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  
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 called the meeting to order at 6:02 p.m.

David Ott, City Manager, announced that he would be retiring effective December 30th of this year. He stated that it had been a privilege to work with Council and with a great community.

Mayor Campbell stated that on behalf of the Council that they were all sad to see

David Ott to retire but that they all respected his decision and that they thanked him for all his efforts in the City for his 7 years as Fire Chief, Deputy City Manager, and City Manager. He said that he had done a great job, accomplished a lot of things, and thanked him on behalf of the entire Council.

Johanna Canlas, City Attorney, stated that during Closed Session that Council acted to name Mayor Campbell and Deputy Mayor Heebner to a subcommittee ad hoc to explore future plans for recruitment and transition plans and that a Closed Session was scheduled for Monday at 5:00 p.m. She said that a press release would be developed and released the next day.

**FLAG SALUTE:**

David Ott, City Manager, led the flag salute.

**APPROVAL OF AGENDA:**

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

**PROCLAMATIONS: None**

**PRESENTATIONS: None**

(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.

**COMMUNITY ANNOUNCEMENTS:**

Council reported community announcements.

**COMMENTARY:**

**COMMENTARY:**

Council reported commentary matters.

**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.**

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 Kellejian. **Motion carried unanimously.**

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

Recommendation: That the City Council

1. Approve the Minutes of City Council meetings held February 10, 2010 and July 14, 2010.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for August 14 - 27, 2010.

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

**A.4. Status Report on Major FY 2010/2011 Capital Improvement Projects. (File 0810-05)**

Recommendation: That the City Council

1. Receive report from Staff.

**MOTION:** Moved by Heebner and seconded by Kellejian. **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. - B.4.)**

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. Conditional Use Permit (CUP) for 100 Border Avenue, Applicant: Clearwire US LLC, Case # 17-10-10. (File 0610-60)**

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. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
4. If the City Council makes the requisite findings and approves the project, adopt Resolution 2010-135 conditionally approving a CUP for a new Wireless Communications Facility (WCF) at 100 Border Avenue.

David Ott, City Manager, introduced the item.

Corey Johnson, Assistant Planner, presented a powerpoint (on file with the report) reviewing the project and permit requirements.

Council and Staff discussed the report of frequency emissions, that ground level was not exposed, that occupancies of the building, and that the submittal did not exceed the limits.

Council disclosed their familiarity with the project.

Mayor Campbell opened the public hearing.

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

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

**B.2. Conditional Use Permit (CUP) for 1505 Lomas Santa Fe, Applicant: Clearwire US LLC, Case # 17-09-21. (File 0610-60)**

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. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
4. If the City Council makes the requisite findings and approves the project, adopt Resolution 2010-116 conditionally approving a CUP to install a new wireless communications facility on an existing 55 foot tall mono-broadleaf tree owned by AT&T Wireless at 1505 Lomas Santa Fe.

David Ott, City Manager, introduced the item.

Corey Johnson, Assistant Planner, presented a powerpoint reviewing the project.

Council disclosed familiarity with the project.

Mayor Campbell opened the public hearing.

Council, Staff, and Applicant, Deborah Deprady-Gardner, discussed socks and that they provided further camouflaging of the antenna, that AT&T owns the tree and that Clearwire was applying to co-locate and that they declined to add socks because it degraded their signal but that this was not AT&T's agreement just Clearwire's agreement, that this proposal was not possible to attain on a monopole, that most policies in the County now do not support a monopole that are not camouflaged, and that alternative sites were reviewed but that this site was the only one that would provide the accurate signal.

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

Council and Staff discussed that the vendor was responsible for paint and maintenance and that the City could contact the vendor regarding fading paint.

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

**B.3. Conditional Use Permit (CUP) for 990 Highland Drive, Applicant: Clearwire US LLC, Case # 17-09-20. (File 0610-60)**

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. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
4. If the City Council makes the requisite findings and approves the project, adopt Resolution 2010-136 conditionally approving a CUP to collocate a new wireless communication facility with an existing Sprint/Nextel site on an existing commercial structure at 990 Highland Drive, Solana Beach.

Corey Johnson, Assistant Planner, presented a powerpoint (on file with the report) reviewing the project.

Council disclosed their familiarity with the project.

Mayor Campbell opened the public hearing.

Council, Staff and Applicant, Debra Gardner, discussed replacing replacing remaining single antennas with a dual band antenna, that Clearwire was a broadband company and was owned 51% by Sprint-Nextel, and that the service capacity would remain the same.

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

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

**B.4. Fiscal Year 2011-2012 Community Development Block Grant Funds - Eden Gardens. (File 0400-10)**

Recommendation: That the City Council

1. Report City Council disclosures;
2. Conduct the Public hearing: Open the Public Hearing, Receive Public Testimony, Close the Public Hearing;
3. Adopt Resolution 2010-079:
  - a. Finding that the funding request and project implementation are exempt from the California Environmental Quality Act pursuant to the State CEQA Guidelines.
  - b. Requesting Fiscal Year 2011-2012 Community Development Block Grant Funds for the Eden Gardens Master Plan.
  - c. Finding that all of Fiscal Year 2011-2012 CDBG funds, presently estimated at a total of \$55,000, are designated to be used for the continued implementation of the Eden Gardens Master Plan design work and/or subsequent construction, which is anticipated to include curbs, gutters and sidewalks and additional drainage improvements specified in the Master Plan. The primary focus will be to use these funds to construct improvements on Castro and Gonzales Streets. Furthermore, the County is encouraged to advance future years CDBG funding to allow a more cost-effective and less community-impacting implementation.

David Ott, City Manager, introduced the item. He stated that an Eden Garden

Master Plan was established over 10 years ago and that the continued use of the Community Block Grant Funds would further the progress of the project.

Rich Whipple, Principal Planner, presented a powerpoint (on file with the report).

Council reported disclosures.

Mayor Campbell opened the public hearing.

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

Deputy Mayor Heebner stated that several residents had questions regarding the use of the Community Development Block Grant Funds. She stated that the funds could only be used for physical improvements in the Eden Gardens area, that several residents of the Eden Gardens community had expressed concerns that the design of the gutters and curbs were utilizing a large amount of space causing people to park on the sidewalks and reducing driving space on the street, and review of whether the street could be a one-way road or no-parking on one side of the street.

David Ott, City Manager, stated that Staff had been reviewing potential solutions for the side walks in the area and that the City would discuss potential solutions with the neighbors and the Public Safety Commission.

**MOTION:** Moved by Kellejian and seconded by Heebner to approve Staff Recommendation **Motion carried unanimously.**

**C. STAFF REPORTS: (C.1. - C.7.)**  
*Submit speaker slips to the City Clerk*

**C.1. Revisions of the Utility Undergrounding Policy - City Council Policy No. 13. (File 0410-90) Discussion**

Recommendation: That the City Council

1. Receive the report and provide direction on the identified issues.

David Ott, City Manager, introduced the item.

Danny King, Management Analyst, presented a powerpoint (on file with the report) regarding the recommended changes to Council Policy 13, Utility Undergrounding.



Council discussion ensued and reached consensus on Staff recommendations other than the increased deposit required from property owners.

Council and Staff discussed that the deposit rate was determined by reviewing the costs of previous districts, that a deposit would be required before the undergrounding began to ensure commitment from the property owners, that the general fund should not be used for funding any portion of undergrounding projects, that increasing the deposit or adding an additional rate tier should be considered, whether there should be a benchmark rate on a per home basis, and that Council wanted Staff to return with additional suggestions on increased rates.

## **C.2. Social Media Policy. (File 0160-68)**

Recommendation: That the City Council

1. Adopt Resolution 2010-137 approving the Social Media Policy authorizing the City Manager to implement and enforce the administrative policy.

David Ott, City Manager, introduced the item.

Danny King, Management Analyst, presented a powerpoint (on file with the report) regarding the background and current uses of social media.

Council and Staff discussion ensued regarding the purpose of using social media, how social media would be more beneficial than the use of email and other avenues of communication on certain types of issues, that the City could use Facebook to set up a web page particular to specific projects to encourage those not connected with local government to participate in the community, the potential Brown Act issues that could arise from the use of social media, and that the communication on social media sites would only be one-way, from the City.

Johanna Canlas, City Attorney, stated that the social media policy would allow the City to implement social media on a project specific basis, that social media may not be used in the near future but Council may not want to preclude the ability for Staff to use it in the future.

Discussion continued regarding the ability of social media to reach those who were not involved in local government, that it could create more involvement in the community, that the City's use of social media would occur slowly to not utilize extra Staff time, that Council wanted Staff to provide updates regarding Staff time spent on social media, and to continue to evaluate the use of social media.

David Ott, City Manager, stated that the City was sensitive and aware of Staff time, that this had been discussed for over a year, that the project would begin slowly, and that the City wanted it to be successful.

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

**C.3. Introduce (1st Reading) Ordinance 424 related to the use of the City Seal and other official City insignia. (File 0160-30)**

Recommendation: That the City Council

1. Introduce Ordinance 424 amending Solana Beach Municipal Code (SBMC) Section 1.08.010 and adding SBMC Sections 1.08.020 and 1.08.030 as they relate to the City Seal.

David Ott, City Manager, introduced the item explaining that the City had instances where the City's logo had been used without permission.

Johanna Canlas, City Attorney, explained that various departments had additional City seals, emblems and patches, that good will and reputations were at stake, and that it would be a violation of the Municipal Code to reproduce these symbols without permission of the City.

Deputy Mayor Heebner read the title of ordinance.

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

**C.4. Adopt (2nd Reading) Ordinance 422 pertaining to Taxicabs, Taxicab Operators, Taxicab Stands. (File 0840-05)**

Recommendation: That the City Council

1. Adopt Ordinance 422 amending Solana Beach Municipal Code Section 4.42.010, and adding Section 4.42.020 to Chapters 4.42, pertaining to Taxicab Operators, and adding Section 10.28.075 to Chapter 10.28, relating to Taxicab Stands.

Johanna Canlas, City Attorney, stated that at the last meeting this ordinance was introduced and that the revisions discussed had been incorporated, specifically the increase in the insurance requirement and the amendment to include idle as a prohibitive act. She read the title of the ordinance.

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

**C.5. Adopt (2nd Reading) Ordinance 421 relating to the approval of parcel maps. (File 0600-20)**

Recommendation: That the City Council

1. Adopt Ordinance 421 amending Solana Beach Municipal Code (SBMC) Sections 16.032.020 and 16.32.080, and adding SBMC Section 16.032.025 as they relate to the approval of parcel maps.

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

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

**C.6. TransNet 2010 Bond Issue. (File 0820-90)**

Recommendation: That the City Council

1. Adopt Resolution 2010-140 requesting SANDAG, acting as the San Diego County Regional Transportation Commission, to provide advanced funding through debt financing for the Highway 101 Streetscaping Capital Project in an amount not to exceed \$6,000,000.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Director, explained that SANDAG was initiated a bond offering program that included Build America Bonds that would provide for interest rates under 4% and a subsidy by the federal government of the interest rates of approximately 35%.

Council and Staff discussion ensued regarding the government's subsidy of debt service payment by way of providing the actual payment or tax credit to the bond holder or reimburse SANDAG, that Build America Bonds are not for individual investment but for institutional use, that they would be subsidizing the interest rate and not the principal, that if the City as paying 4% and the investor is getting 6% then the government would be making up the different as a tax credit to the investor, that the City would be on the hook for the full amount of the principal, that the source of repayment would be the SANDAG allocation of Transnet, that it would be depending on the increase of Transnet and that it was not guaranteed, that Transnet is at the low cycle and stabilized, that SANDAG's low

assumptions of growth over a 38 year period to provide for a conservative estimate, that the City had not currently approved a Phase 1 of the project so the actual funds needed was not yet determined, that the City Manager felt confident that \$5.5 million would be enough to accomplish this project, that the time constraints required to meet their timeline would be end of October, that if the City changed its mind that it could not return the funds, that it would be more prudent to lend general fund money to the Redevelopment Agenda (RDA) and let the RDA lend it back if they were involved in the future, that a conservative judgment would be that tax sales would increase bringing in business wanting to be in the area, that traffic calming was part of their focus, to set up a reserve account for a certain portion to prepare for the accelerated payments in 2039, that an amortization schedule would be helpful to review, that SANDAG was setting this up based on their cash flow so the City could probably not set up its own level premium payment, and that the benefit was that the cost of public works project are down approximately 30-32 % as well as interest rates being down.

**C.7. Fiscal Year 2010-11 Community Grant. (File 0330-25)**

Recommendation: That the City Council

1. Adopt Resolution 2010-139 approving and authorizing the Fiscal Year 2010-11 Community Grant Program for the allocated funds of \$22,500.

David Ott, City Manager, introduced the item.

Council discussion ensued regarding past actions by the Council the 1990s when cuts were made including broadcasting and the Community Grant program, that \$10,000 was required to be spent in this way and within the fiscal year which is given by EDCO and Coast Waste and this should be considered at the least, to consider to providing funding since this was a time that organizations needed assistance the most, that additional criteria could be set to provide more guidance in order to made determination this year, and that Deputy Mayor Heebner and Councilmember Nichols would work on some specified criteria for this year.

**WORKPLAN COMMENTS:**

(Adopted June 23, 2010)

**COMPENSATION & REIMBURSEMENT DISCLOSURE:**

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

of the local agency at the next regular meeting of the legislative body.

Council reported commentary.

### **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)**

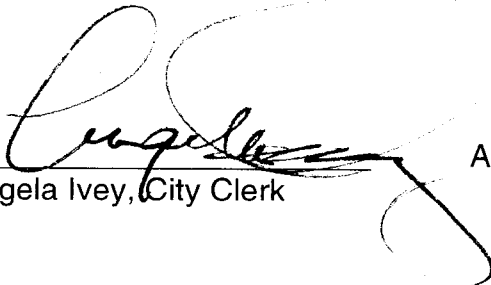
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 8, 2010.
- b. City's 25th Anniversary - Heebner, Kellejian. Expires July 13, 2011.
- c. Development Review - Nichols, Heebner. Expires November 17, 2010.
- d. Environmental Sustainability - Roberts, Heebner. Expires December 8, 2010.
- e. Fire Department Management Governance-Kellejian,Roberts. Expires July 13, 2011.
- f. Fletcher Cove - Campbell, Heebner. Expires November 17, 2010.
- g. General Plan - Campbell, Nichols. Expires July 13, 2011.
- h. La Colonia Park - Nichols, Heebner. Expires May 11, 2011.
- i. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 9, 2011 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires 1-12-2011
- k. View Assessment - Nichols, Heebner. Expires February 24, 2011

**ADJOURN:**

Mayor Campbell adjourned the meeting at 8:46 p.m.



Angela Ivey, City Clerk

Approved: January 26, 2011