

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

JOINT **REGULAR** MEETING

**MINUTES**

**6:00 P.M.**  
**WEDNESDAY, DECEMBER 8, 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, Nichols, and Campbell.

**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 6:06 p.m.

Johanna Canlas, City Attorney, reported no action from Closed Session.

**FLAG SALUTE:**

Deputy Mayor Heebner led the flag salute.

**APPROVAL OF AGENDA:**

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

**PRESENTATIONS:**

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

1. Retirement recognition

Mayor Campbell presented a proclamation to Hector Ezquerro for his retirement from the City.

Hector Ezquerro thanked everyone.

**C. STAFF REPORTS: (C.1.)**

*Submit speaker slips to the City Clerk*

**C.1. Council Reorganization: New Term Oaths for Council Appointees and Annual Mayor / Deputy Mayor Designations (File 0150-85)**

1. Pursuant to EC 10265, administer oaths to the newly appointed Councilmembers Thomas M. Campbell and Mike Nichols.

Angela Ivey, City Clerk, administered the oath of office to the newly appointed members, Thomas M. Campbell and Mike Nichols.

2. In accordance with Resolution 96-17, appoint the Mayor and Deputy Mayor for the term of December 8, 2010 to December 14, 2011.
  - a. Nominations for Mayor confirmed by a majority vote.

**MOTION:** Moved by Campbell and seconded by Kellejian to appoint Deputy Mayor Heebner as Mayor. **Motion carried unanimously.**

- b. Nominations for Deputy Mayor confirmed by a majority vote.

Mary Jane Boyd requested to adhere to the fairness stated in Resolution 96-17 which she said that each member should serve as Mayor and Deputy Mayor, that Kellejian has served 4 terms and Roberts served one term for only 6 months, that no precedence had been set because there was no election for Mayor, that Roberts would not have an opportunity to serve a full year term as Mayor of the City, and asked that the Council elect Roberts as Deputy Mayor this evening and

allow him to be Mayor following Heebner's term.

Councilmember Roberts stated that since the Council was now entirely appointed that perhaps next year a revisit to rotation could be done since the line up caused two Councilmembers to share.

**MOTION:** Moved by Heebner and seconded by Roberts to appoint Councilmember Kellejian as Deputy Mayor. **Motion carried unanimously.**

Acknowledging Outgoing Mayor:

David Ott, City Manager, stated that Tom was very skillful and that he had worked through some tough issues, that he had represented the public to the fullest, that he had a gruff exterior but that he was a great human being, and he presented gifts on behalf of the Staff and the City.

Mayor Heebner presented a gift to Councilmember Campbell from the Council for his service and thanked him as the public face to the community and region.

Councilmember Campbell thanked Council, his wife Anne, and the public for the support over the years.

Geri Retman said that she was Tom's biggest fan and that she was happy to have had him serve for another term.

### **PROCLAMATIONS:**

#### 1. "A Day Without a Bag"

Bridget Augusta thanked Council for efforts towards environmental programs, and asked that the City consider an ordinance to ban single-use plastic bags, that it would benefit the community and encourage the message, and she passed out a letter from Surfrider with a petition of signatures agreeing with this request.

Danny King, Management Analyst, stated that there was an outreach event for awareness for the harmful single use of plastic bags and to encourage the use of reusable bags.

Mayor Heebner recessed the meeting at 6:28 p.m. for a break and reconvened at 6:44 p.m.

### **COMMUNITY ANNOUNCEMENTS:**

Council announced community activities.

**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.

Walter Oliver stated that it was Councilmember Dave Robert's 50th birthday and requested that everyone in the chambers sing him happy birthday.

**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 Roberts and seconded by Kellejian. **Motion carried unanimously.**

**A.2. Re-establish Two Ad Hoc Committees: 1) Army Corps of Engineers and Regional Beach Nourishment Ad Hoc and 2) Environmental Sustainability Ad Hoc (File 0410-48)**

Recommendation: That the City Council

1. Adopt Resolution 2010-175 re-establishing the Army Corps of

Engineers and Regional Beach Nourishment Ad Hoc Committee until December 7, 2011; and

2. Adopt Resolution 2010-176 re-establishing the Environmental Sustainability Ad Hoc Committee until December 7, 2011; and
3. Re-appoint the two existing Councilmembers (Army Corps of Engineers and Regional Beach Nourishment Ad Hoc Committee: Campbell, Kellejian) (Environmental Sustainability Ad Hoc Committee: Heebner, Roberts).

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

**A.3. Fiscal Year (FY) 2009-10 Community Grant Recipient Financial Expenditure Report. (File 0300-25)**

Recommendation: That the City Council

1. Accept and file this report.

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

**A.4. Monthly Investment Reports. (File 0350-45)**

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Reports for the months of July, August, and September 2010.

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

**A.5. Notice of Completion for the Fletcher Cove Community Center ADA Improvements, Bid No. 2010-02. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-173:
  - a. Authorizing the City Council to accept as complete the Fletcher Cove Community Center ADA Improvement Project, Bid No. 2010-02, constructed by MJC Construction.

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

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

**A.6. Dataticket Agreement for Citation Processing Services. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-169 authorizing the City Manager to sign a Professional Services Agreement with Dataticket for one year with an option to extend the Agreement for four additional one year periods for an annual amount of \$16,500.

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

**A.7. Reclassification of Public Works Inspector to Assistant Civil Engineer in the Engineering Department. (File 0510-40)**

Recommendation: That the City Council

1. Adopt Resolution 2010-160 to reclassify the Public Works Inspector position to Assistant Engineer and to amend Salary Schedule 3 accordingly.

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

**A.8. Professional Services Agreement with Salient Networks for Communications Infrastructure Maintenance Services. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-165 authorizing the City Manager to sign a Professional Services Agreement with Salient Networks, not to exceed \$22,000.

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

**C. STAFF REPORTS: (C.2.- C.5.)**

*Submit speaker slips to the City Clerk*

**C.2. Fiscal Year 2010-11 Community Grant Program Awards. (File 0330-25)**

Recommendation: That the City Council

1. Select the FY 2010-11 Community Grant recipients and identify an award amount to each recipient.
2. Adopt Resolution 2010-174 authorizing the funding for the selected community grants recipients for financial assistance under the FY 2010-11 Community Grant Program.

David Ott, City Manager, introduced the item. He stated that 11 applications were received for funding assistance, and that \$22,500 was allocated for the grants.

Mayor Heebner stated that Edco and Waste Management had provided funding for the grants.

Council discussed their choices, reasons and objections for their choices, that eligibility requirements for funding were more restricted this year due to budget constraints, that there was confusion on the proposal submitted by Reality Changers, that funding to that group would only be used for the Solana Beach chapter which would serve about 30 families, that there was consensus to provide funding to Reality Changers, and consensus to allocate \$4,000 to Community Research Foundation, \$3,000 to Kids Korps, and \$3,000 to Reality Changers.

Council discussed allocating \$1,200 to the Girls on the Run program, there was Council consensus to support the funding and Councilmember Kellejian amended his motion to include \$1,200 to the Girls on the Run program.

**MOTION:** Moved by Kellejian and seconded by Roberts to allocate the following grant awards: Community Resource Ctr. (\$4,000), Kids Korps USA (\$3,000), Reality Changers (\$3,000), and Girls on the Run-San Diego (\$1,200) and amend the Resolution approving a total allocation of \$11,200. **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.2.)**

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 (DRP) and Structure Development Permit (SDP) for 524 Pacific Avenue, Applicants: Dan Wimsatt, Case # 17-10-14. (File 0600-40)**

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
3. If the Council makes the requisite findings and approves the project, adopt Resolution 2010-170 conditionally approving a DRP and an administrative SDP to demolish the existing residence and construct a new multi-level, single family residence including a partially subterranean garage and basement area at 524 Pacific Avenue.

David Ott, City Manager, introduced the item.

Corey Johnson, Assistant Planner, presented a powerpoint (on file) of the project, and stated that two view assessment applications were received and the applicant redesigned, and at the recent submittal no new view assessment applications were received and the original applications were withdrawn.

Council and Staff discussed clarification on where elevation was measured from and confirmed the height allowed.



Mayor Heebner opened the public hearing.

Council disclosed their familiarity with the project.

Bob Scott, RGS Planning Solutions, applicant representative, presented a powerpoint (on file) reviewing the project.

Council and Mr. Scott discussed confirming the use of a stone clad wall addressed in architectural drawings.

Councilmember Nichols stated he would like to see the Development Review Permit Ad Hoc review garages that are tucked under ground to minimize bulk and scale to also soften or relief the wall that still makes it look large on one side with landscaping or articulation and to consider more conversation in the future.

Mayor Heebner opened the public hearing.

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

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

## **B.2. Fee Schedule - Parking Violation Fine Increase. (File 0390-23)**

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt Resolution 2010-171 approving the new fee schedule for Parking Violation Enforcement.

David Ott, City Manager, introduced the item, and stated that cities were required to send additional funds to the treasurer and that the City recommends the adoption of the additional fee to account for the additional cost.

Mayor Heebner opened the public hearing.

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

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

unanimously.

**C. STAFF REPORTS: (C.2.- C.5.)**

*Submit speaker slips to the City Clerk*

**C.3. Development Review Permit / Structure Development Permit (DRP/SDP) Extension Request, Applicants: Tony and Angie Chen, Case No. 17-08-13. (File 0600-40)**

Recommendation: That the City Council

1. Approve the request for an extension to set an expiration date of December 10, 2011 for the approval of 17-08-13 DRP/SDP for the demolition of the existing residence onsite and the construction of a new 5,090 square foot (not including 400 square feet of garage area), two-story residence and a 400 square foot detached guest house at 920 Avocado Place.

David Ott, City Manager, introduced the item.

Greg Hueners, Associate Planner, presented a powerpoint (on file) reviewing the project.

Council and Staff discussed that applicants could apply for an extension from 6 months to 24 months, that they were applying for one year, what the reason was for the extension, and that within the amount of work they had to do a year was reasonable.

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

**C.4. Adopt (2nd Reading) Ordinance 426 - Pertaining to CalPERS Second Tier Retirement Benefits for all Employees. (File 0520-50)**

Recommendation: That the City Council

1. Adopt Ordinance 426 to amend the City's CalPERS contract.

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

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

**C.5. Adopt (2nd Reading) Ordinance 428, Amending Title 15 of the Solana Beach Municipal Code, Adopting the 2010 California Building and Fire Codes, Standards and Administrative Codes. (File 0800-90)**

Recommendation: That the City Council

1. Find that this action is exempt from CEQA pursuant to Section 15061(b)(3).
2. Find that pursuant to Health & Safety Code Section 17958.7 that all of the proposed local amendments to the state, fire and building codes are necessary due to local climactic, topographical and geological local conditions.
3. Adopt Ordinance 428 amending SBMC Title 15, "Buildings and Construction."

Johanna Canlas, City Attorney, introduced the item stating that a few modifications were made to Solana Beach's adoption of the Building/Fire Code portion of the California Building Standards Code to address questions, that Section 903.2.1 requiring sprinkler system residential care facilities licensed for seven or more persons, but not in facilities of six or fewer, and to exempt that valuation of maintenance work from being included in threshold evaluation that would trigger a sprinkler retrofit in existing buildings as discussed in examples by Councilmember Campbell in the prior meeting.

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

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

**C.6. 22nd District Agricultural Association Community Relations Committee Update on Discussions with the City of Del Mar Regarding AB 181 and the Sale of the Del Mar Fairgrounds. (File 0150-85) - added 12-3-10 6:15 p.m.**

Recommendation: That the City Council

1. Discuss the item and provide direction to 22nd District Agricultural Association Community Relations subcommittee as necessary.

David Ott, City Manager, introduced the item, and stated that the status of

discussion with the City of Del Mar was mentioned at the last meeting and that the City approved a resolution regarding concerns and goals.

Councilmember Campbell stated that various letters went out to legislatures including Kehoe voicing the City's concerns and rationale, that the City was concerned and involved because the City was substantially impacted by the Fairgrounds and that the City needed to be sure that the City's interests were protected. He continued stating that a bill was introduced by the Senator as the request of the City of Del Mar, that the City had phone conversations with the Senator yesterday and her Chief of Staff to discuss with her the concerns, that it was mentioned the disappointment in how the bill was written because it did not address the City's concerns, that the City had sent a letter to the City of Del Mar and requested a response to the proposal but that there was still not a response.

Council and Staff continued discussing the lack of receiving any response from the City of Del Mar in response to the City's proposal, that the City Manager had received one email from their City Manager referring generally to it with no specifics, and that a call was received today requesting a half hour meeting tomorrow due to their new Council and a new member of their Ad Hoc.

Councilmember Roberts stated that Senate Bill 1 was introduced, that the City was asked for a response from San Diego Taxpayers Association, that the City did not have the bill so it had to be obtained in order to review, that Kehoe stated that it could be amended, that it was communicated to her the City's interest in getting local stakeholders involved now, to make sure that everything was done in an open transparent fashion, to keep this item frequently agendized, that the City would continue to work with the City of Del Mar as well with San Diego, 22nd DAA, and the San Elijo Conservancy. He said that the 22nd DAA had stated that they were willing to remove the condo-hotel from their DEIR, that the City needed to meet with Del Mar's Ad Hoc asap and continue to meet with all stakeholders, and to emphasize the point that this was about regional ownership and local control. He continued that he understood that the bill stated that the sell would be to the City of Del Mar, that it was not that vague about ownership, that Kehoe said she was willing to look at amendments, and that the City heard from many throughout the region that no one jurisdiction should own this entity.

Council discussion continued regarding that the Council was willing to sit down with them again, that the City needed to develop a strategy, that the City needed to keep the region and the public informed, and that the end result was to protect Solana Beach and its interests, that the Del Mar Mayor had stated at a Council meeting that a letter had been sent to Solana Beach and that Solana Beach had not received the letter and to ask them about it.

Council discussion continued regarding issues from this property affect the

Solana Beach community in perpetuity, that there were issues with how it would be owned and controlled, how many seats different participants receive, that they were proposing a model that asks for a board of experts, that a JPA was a board of all all the stakeholders affected so that they were represented, that all the stakeholders were equally affected, that it was brought to Solana Beach's attention that the County had passed on participation and passed it onto Del Mar, and that Del Mar reached out to the County and the City of Del Mar but never reached out to Solana Beach for joint acquisition, and that Solana Beach was never consulted or reached regarding the matter.

Council discussed that Solana Beach's proposal suggested a JPA (Joint Powers Authority) which was similar to Solana Beach and Encinitas jointly operating a facility for sewer treatment, outfall and reclamation, that it provides for joint ownership and control with equal membership and a mission statement, that nothing happens to make change unless there was a majority vote, that a management board was hired to run the entity, since the board are not the experts, and the management is accountable, and that it is a separate entity, that the board directs the management Staff.

Council continued discussion that the San Dieguito River Valley was a similar model, that Solana Beach pays to be on the entity and have representation, that there was some discussion having a non-profit running it which would present some problems, that discussion on ownership and governance needed to be happening now, that there was a full page ad in local paper saying that the fairgrounds was not going to build the condohotel, that some groups are beginning to understand regional interests and control is about, that the Council had sent letters and made contacts, that the City was waiting for a response, that the bill was out, that talks would continue, and that Council would continue to have its discussions publically.

**C.7. Authorizing the City Manager to Retain Consulting Services Regarding the Sale of the Del Mar Fairgrounds - added 12-3-10 6:15 p.m.**

Recommendation: That the City Council

1. Adopt Resolution 2010-180 authorizing the City Manager to retain consulting services to advance the City's goals and intentions in Sacramento related to the sale of the Del Mar Fairgrounds, Racetrack, and Horsepark.

David Ott, City Manager, introduced the item. He stated that Council adopted a resolution in December that outlined the City's goals and proposals regarding the sale of the Fairgrounds, that there was legislation (Senate Bill 1) to sell the Fairgrounds to the City of Del Mar, that the City should hire a consultant to assist

in pursuing the City's goals and objectives, and that various consultants would be researched and information be brought back to Council.

Council discussed that this was the biggest issue for the City at this time, that other stakeholders had been retaining consultants and lobbyists, and that the City had to protect its interest.

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

**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 reimbursements.

**WORKPLAN COMMENTS:**

(Adopted June 23, 2010)

**COUNCIL COMMITTEE REPORTS:**

Council reported committee activities.

**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)**

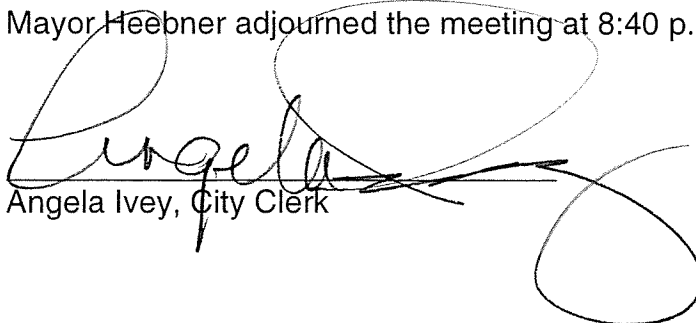
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

**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 18, 2011.
- 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 18, 2011.
- 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 Heebner adjourned the meeting at 8:40 p.m.



Angela Ivey, City Clerk

Approved: October 26, 2011