

CITY OF SOLANA BEACH
SOLANA BEACH CITY COUNCIL, REDEVELOPMENT AGENCY, AND PUBLIC FINANCING
AUTHORITY

MINUTES

JOINT REGULAR MEETING

Wednesday, January 12, 2011

06:00 P.M.

City Hall 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
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 Heebner called the meeting to order at 6:00 p.m.

FLAG SALUTE:

Mayor Heebner led the flag salute.

APPROVAL OF AGENDA:

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

Johanna Canlas, City Attorney, stated there was no reportable action.

PRESENTATIONS:

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

1. AT&T Presentation to North Coast Repertory

John Osborn, AT&T Director of Regional Affairs, presented a corporate contribution check in the amount of \$20,000 to the North Coast Reperatory Theater, David Ellenstein and Allen Moffson, and Julie Sarno accepted the check on behalf of the theater. Mr. Osborn stated that AT&T had made many donations to community organizations over the past year totaling \$750,000 and that they wanted to help the theater with their computers, internet connections and phones.

David Ellenstein stated that the theater made about 60% of its revenue and had to receive the other 40% in contibutions in order to keep the theater operating, that they had a few corporate sponsors, and thanked AT&T for their support.

Allen Moffson, stated that he fought to keep the theater in the City and that the funds would help keep the theater operating.

2. San Elijo Lagoon Restoration Project Status Update

Doug Gibson, San Elijo Conservancy, presented a powerpoint on the San Elijo Lagoon Restoration Project. He stated that he was on the sixteenth year of planning the project, he reviewed the boundaries of the Escondido Creek Watershed and stated that the project was focused on the restoration of title functioning wetlands and the interfacing with the river systems. He reviewed the purpose and need of the project which included removing historic sediment build up and planning for adaptive management of sea level rise, scientific monitoring which included reviewing water quality within the lagoon, the results of early monitoring which included reviewing the closure of the inlet, the salinity and temperature of the lagoon, and the operation of the inlet opening. He stated that the fish species had increased in the lagoon, reviewed the four alternative plans for the restoration project, that a preferred alternative had not been chosen, that the project was still in the preliminary planning stages, that there would be community stakeholder meetings, that construction was planned for 2014 - 2016, reviewed new additions to the project which included a detailed surfing study, rare pant surveys, and website developments for community outreach.

Council discussed the details of the surfing study with Mr. Gibson, that some of the community did not support the restoration project including the proposal to remove the dike, the community had concerns and need for public educationa and outreach, and he funding of the project which was from the Coastal Commission and not Caltrans.

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.

Eric Terrill stated that the development standards that were adopted in Ordinance 346 for the Special Commercial zone only pertained to the south side of Cedros Ave., that he thought that after the final reading of the ordinance a discussion would be re-visited regarding extending the development standards to the north side of Cedros, that there were height and set back differences for the south side and north side of Cedros, and that perhaps these issues could be re-visited.

Mayor Heebner stated that this topic was on the Council workplan and was also included in the General Plan update.

COMMUNITY ANNOUNCEMENTS:

Council announced community activity.

COMMENTARY:

Council made commentary.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.16)

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held June 9, June 23, July 12, and September 8, 2010.

MOTION: Moved by Roberts 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 November 6 - December 17, 2010.

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

A.4. Proposed 2011 City Council Meeting Cancellations and Rescheduling. (File 0410-05)

Recommendation: That the City Council

1. Adopt Resolution 2011-007 authorizing the cancellation and/or rescheduling of Council meetings for the 2011 calendar year.

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

A.5. Award 2010/11 Asphalt and Concrete Street Repair Project. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-005
 - a. Awarding the construction contract for the 2010/2011 Asphalt and Concrete Repair Project, Bid No. 2010-06, in the amount of \$168,772 to PAL General Engineering, Inc.
 - b. Approving an amount of \$30,000 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
 - e. Authorizing the Finance Director to transfer \$20,390 from General Fund to Budget Unit Project.

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

A.6. Reject Bids for the Fletcher Cove Community Center Renovations. (File 0370-38)

Recommendation: That the City Council

1. Adopt Resolution 2011-013:
 - a. Authorizing the City Council to reject all construction bids for the Fletcher Cove Community Center Renovation Project, Bid No. 2010-05.
 - b. Authorizing the City Engineer to immediately re-advertise the project for construction bids.

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

A.7. Castro Street Improvements Phase 3 and Appropriate Funding. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2010-002:
 - a. Awarding the construction contract to Team C Construction, in the amount of \$60,170 for the Castro Street Improvements Phase 3, Bid No. 2010-07.
 - b. Authorizing the City Manager to execute Change Order No. 1, in the amount of \$9,487 to extend the rolled curb and sidewalk an additional 92 lineal feet on the east side of Castro Street.
 - c. Approving an amount of \$6,965.70 for construction contingency.
 - d. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - e. Authorizing the City Manager to approve cumulate change orders up to the construction contingency amount.
 - f. Appropriating \$1,000 to the project account for estimated testing and inspection costs.
 - g. Appropriating \$76,622.70 from CDBG Undesignated Reserves into the Project Fund.
 - h. Authorizing the City Treasurer to amend the Fiscal Year 2010/2011 Budget accordingly.

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

A.8. 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 October and November 2010.

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

A.9. On-Call Storm Drain Engineering Services. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-004
 - a. Authorizing the City Manager to enter into an agreement with Construction Engineering and Testing Inc. for as needed storm drain engineering services for a term of one year with an option to renew the contract for three additional one year terms at an amount not to exceed \$30,000 annually.

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

A.10. Landscape Maintenance Agreement. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-006:
 - a. Approving an agreement with Blue Skies Landscape Maintenance to provide City-wide landscape maintenance for calendar year 2011, in the amount of \$159,846 and authorize the City Manager to execute said agreement, and;
 - b. Authorizing the City Manager to renew the agreement for four additional one year periods, at his discretion.

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

A.11. Lomas Santa Fe at I-5 Medians. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-003:
 - a.

Awarding the construction contract to Palm Engineering Construction Company, in the amount of \$35,980 for the Lomas Santa Fe at I-5 Interchange Medians, Bid No. 2010-08, and;

- b. Approving an amount of \$3,598 for construction contingency, and;
- c. Authorizing the City Manager to execute the construction contract on behalf of the City.

Councilmember Nichols recused himself due to a conflict of his employer's contractual relationships.

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

A.12. Interchange Mosaic Artwork. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-001 accepting the Lomas Santa Fe at I-5 Interchange mosaic artwork by Mary Lynn Dominguez as complete and authorizing final payment to the artist.

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

A.13. Status Report on Major Fiscal Year 2010/2011 Capital Improvement Projects. (File 0810-05)

Recommendation: That the City Council

1. Receive report from Staff.

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

A.14 California Department of Boating & Waterways for the USACE Solana Beach-Encinitas Shoreline Project Funding. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-08:
 - a. Authorizing the City Manager to enter into a contract with California Department of Boating and Waterways in the amount of \$153,500 for Fiscal Year (FY) 2010-2011.

- b. Utilizing these funds to reimburse the City of Encinitas for 50% of the direct costs associated with the preparation of technical studies necessary for completion of the USACE Project.
- c. Appropriating \$153,500 to Budget Unit for Department of Boating and Waterways - State Grants.
- d. Appropriating \$153,500 to Budget Unit for Project No. 9926-6661.
- e. Authorizing the City Treasurer to amend the FY 2010/11 Budget accordingly.

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

A.15. Employer Paid Member Contribution (EPMC) Rate under the New CalPERS Second Tier Retirement Formula. (File 0520-50)

Recommendation: That the City Council

- 1. Adopt Resolution 2011-011, approving the new EPMC rate of zero percent (0%) for Miscellaneous Employees hired on or after January 15, 2011 under the new CalPERS second tier retirement plan.
- 2. Adopt Resolution 2011-012 approving Miscellaneous Employees hired on or after January 15, 2011 to tax defer member paid contributions per provisions of section 414(h)(2) of the Internal Revenue Code.

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

A.16. Re-establish the North County Transit District (NCTD)/Train Station Site Ad Hoc Committee. (File 0410-48)

Recommendation: That the City Council

- 1. Adopt Resolution 2011-010 re-establishing the NCTD/Train Station Site Ad Hoc Committee.
- 2. Re-appoint the two existing Councilmembers (Heebner, Nichols)

MOTION: Moved by Roberts 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.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 624 Mar Vista Drive, Applicants: Tony and Jasna Frakes, Case # 17-10-12. (File 0600-40)

Recommendation: That the City Council 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 administratively issue a SDP.

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 City Council makes the requisite findings and approves the project, adopt Resolution 2011-009 conditionally approving a DRP and an administrative SDP to demolish the existing residence and detached garage to construct a new two-level, single-family residence and detached garage at 624 Mar Vista Drive.

David Ott, City Manager, introduced the item.

Corey Johnson, Assistant Planner, presented a powerpoint (on file) reviewing the project and the required findings.

Council disclosed their familiarity with the project.

Mayor Heebner opened the public hearing.

Ryan Gonzales said that he had concerns in a submitted letter to Council, that he was never contacted by the applicant, that he had no awareness of the project until the story poles went up and it appeared to be a verticle wall, that it was obvious that the house was lopsided and not sure it was certified, that their windows looked into his backyard, that he talked to them and that they said that they would consider making changes, that their proposed changes would not allow day light views and planes, that they said they would move an extended 8 ft. wall back but only if he agreed to waive all View Assessment rights and comments but he said he could not do that if he could not see the result.

Deputy Mayor Kellejian asked him if he filed a View Assessment.

Mr. Gonzales said that he did not file since his concern did not fall under the criteria since it was not in his primary view, that he did talk to them directly, that it was a civil matter, that he was told if his concerns were of bulk and scale that they would have to be addressed this evening.

Doug App said that the retaining wall on the side when the property was built has drainage issues, that it was not sealed and the water does not drain off and instead drained into his property, that he hoped this would be address in the new design with proper drainage design.

Ted Schultz, architect, applicant's representative, stated that in regards to the drainage that the conditions of approval and they were being worked on, that Mr. Gonzales and he met and spent time discussing project, turned in a record of conversations with Mr. Gonzales, that letters were received that this late date, that the letters mention bulk and mass but this project only creates 1000 square feet for a 2nd story, that they changed transit windows on south side decreased the angle down so that the view was not into his window, that Dr. Anwar and Mr. Gonzales' properties were both higher than this property, and that the Staff report was unbiased and supported the project.

Counciln and Mr. Schultz discussed what they did to alleviate Mr. Gonzales concerns including the wall and fence increasing their height to prevent one from looking over into this property, and that it was August 25th when Mr. Gonzales brought up the wall issue and discussion began on how to address it.

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

Councilmember Nichols said that he read letters and the testimony, the the wall was up and down and in the face of the south neighbor, that knowing that it rose questions and that it was not addressed well enough, that it was straight up 22 ft. along a house, that his issue was this fact alone, that modern design was a

theme but within a community context, that it is still important to have good community relations, that just a few feet would help, and that he would appreciate an effort on the designer to work with the neighbor to find common ground since it would be there a long time.

Councilmember Roberts stated that these cases were always tough, that Council looked at each one individually, that he drove by again and looked at it, that he had trouble making the compatibility finding, that the issue was how the structure fit into everything else, that it was frustrating that things pop up at the last minute, that Council was obligated to take everything into account, and that he could not disregard these letters.

Mayor Heeber stated that it was difficult to make the finding of bulk and scale which was used to determine compatibility, that it was not just the square footage since it could be allocated in many ways, and that it was the wall on the side that did not fit in.

Deputy Mayor Kellejian said that he appreciated the applicant working with the neighbors, that it was unfortunate that it did not come to a head than earlier than today, that it was not the best way of dealing with these issues, that he agreed with the wall issue, that the issue was the wall, and that process should be to proceed with doing a quick redesign.

MOTION: Moved by Roberts and seconded by Campbell to deny, without prejudice, relating to findings of land use and building structure. **Motion carried unanimously.**

Mayor Heebner recessed the meeting at 7:15 p.m. and reconvened the meeting at 7:22 p.m.

B.2. Development Review Permit (DRP) and Structure Development Permit (SDP) for 461 Mar View Lane, Applicants: Patrick and Karen Hermsen, Case # 17-10-11. (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 City Council makes the requisite findings and approves the project, adopt Resolution 2010-166 conditionally approving a DRP and an administrative SDP to construct a new two-level, single-

family residence on a vacant lot including a partially subterranean garage and basement at 461 Mar View Lane.

Mayor Heebner recused herself due to living within 500 ft. of the project.

David Ott, City Manager, introduced the item.

Tina Christiansen, Community Development Dir., presented a powerpoint (on file with this report) reviewing the project.

Council and Staff discussed the various elevations and heights of the project.

Deputy Mayor Kellejian opened public hearing.

Council reported their disclosures.

Max Wuthrich, Architect, B & W Architects, stated that he was the architect for the applicant and was available to answer any questions if needed.

MOTION: Moved by Roberts and seconded by Nichols to close the public hearing. **Motion carried 4/0/1** (Recuse: Heebner.)

Council and Staff discussed the private road that the project was on, that restrictions could be placed on the direction of the construction traffic even though the City did not maintain the road, that the City did not regulate the drainage on the road, that as part of the condition of approval a grading plan was submitted to the City, that run-off could not be diverted to anyone else, that the grading plan included that the downstream neighbors would not experience any additional run-offwater flow rate than they currently did today due to the project, that the City was unable to control the volume of water that the downstream neighbors would receive but that they would receive the same flow rates that they currently did, discussed the difference between flow rate and flow volume.

Councilmember Nichols requested to add two items to the motion, that a condition be placed on the property that the u-shaped area could never be converted to a covered patio and that the grading operations utilize public streets rather than the private driveway.

MOTION: Moved by Roberts and seconded by Nichols to approve with additional conditions including preventing the conversion of the U-shaped area into a covered patio and the primary use of the public street instead of the private street for construction transportation. **Motion carried 4/0/1** (Recuse: Heebner.)

B.3. Introduce (1st Reading) Ordinance 427 Amending Chapter 17.70 related to Affordable Housing and Adopt an Affordable Housing Impact Fee. (File 0650-90) - Continued from November 10, 2010.

ACTION: This item was continued to February 23, 2011.

C. STAFF REPORTS: (C.1. - C.6.)

Submit speaker slips to the City Clerk

C.1. Fiscal Year 2009-10 Fund Financial Statements. (File 0310-22)

Recommendation: That the City Council

1. Accept and file the Fiscal Year 2009-10 Fund Financial Statements.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Director, and Ken Pun, Caporicci and Larson, presented a powerpoint (on file) reviewing their methodology and experience.

David Ott, City Manager, stated that slide 16 should be corrected to state that Fire is 2% @ 50, used to be 3% @ 50.

Gary Caporicci \$487 million of right-of-way recorded as a capital asset for City of Solana Beach, that it was a misinterpretation of GASB back in 2004 and 2005, that this valuation was overstated in the financial statements, that it did not affect operations. He said that back in 1999 one firm interpreted one word to mean easement and ran with it and had all its clients record all of their right-of-way on roads. He said that at that time his firm talked to the state about it over two years and 6 meetings and they finally agreed to disagree with this one firm that interpreted it this way, they contacted GASB directly asking for an interpretation and their comment was that it was a California problem and stated that no other firm in the country was interpreting or recording it that way, so they said that they knew that the only issue would arise when a city would rotate from that one firm that recorded right-of-ways as assets, therefore, they recommend removing this asset from the books.

Council, Staff and Mr. Pun discussed the issue of this past recording and removing this record from the assets, that the City did not own the ground under the streets and only had the right to use them, that it was a problem unique to California with this one firm Meyer Hoffman, previously Conrad, that a street given by the state is owned by the City and would be recorded as an asset, and that roads given to the City would be assets to the City.

C.2. Highway 101 West Side Improvement Project Design Contract. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-014 authorizing the City Manager to execute a professional services agreement with Nasland Engineering for final design of the Highway 101 West Side Improvement Project in an amount not to exceed \$455,008.

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer/Public Works Director, presented a powerpoint (on file with this report). He reviewed the background of the project, the design of the West Side Improvement Project, showed drawings of the design, scope of Nasland Design services which included a field survey, refinement of concept plans, geotechnical investigation, construction documents, and construction administration, and reviewed the negotiated changes on the agreement with Nasland.

Council and Staff discussed the removal of the trees from the medians however trees would be preserved and replanted to sidewalk and other areas, that the plans would be refined and plans would return to Council, and that currently there was not an electrical engineer designated for the project.

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

C.3. Introduce (1st Reading) Ordinance 412 Related to Film Permits. (File 0910-50)

Recommendation: That the City Council

1. Introduce Ordinance 412 adding Solana Beach Municipal Code Chapter 11.10 as it relates to film permits.

David Ott, City Manager, introduced the item. He stated that there had been film companies wanting to film in the City, that not all companies notified the City of their work, that they required certain materials for their projects that impacted the City, that they should be monitored, and that the City had no provisions for filming within the City.

Council and Staff discussed that notification should be provided to affected residents prior to approving the film permit and whether the ordinance was drafted based off another City.

Johanna Canlas, City Attorney, stated that the ordinance was not taken from another City due to other City regulations not fitting within this City, that it was drafted to mirror the provisions of the current special events permit regulations, that the same or less administrative work was desired as the special events permit in order to justify the cost.

Council, City Attorney and the City Manager continued to discuss the exemptions to the film permit such as media and law enforcement issues, that students would be required to apply but no fee would apply for students or for those filming for charitable purposes, that code enforcement would provide citations for those without a film permit, and that the film permit process will allow the City to review the purpose for filming and review the potential impacts on the City.

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

Mayor Heebner recessed the meeting at 8:54 p.m. and reconvened the meeting at 8:58 p.m.

C.4. Memorandum of Understanding Between the North County Transit District the City of Solana Beach, and the City of Solana Beach Redevelopment Agency. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-16 and Resolution RDA-043 authorizing the City Manager to execute the Memorandum of Understanding between the City of Solana Beach, Solana Beach Redevelopment Agency and North County Transit District for the development of the Solana Beach Transit Center.
2. The City Council appoints the City Manager as lead negotiator for the City.

David Ott, City Manager, introduced the item. He stated that there was a transition of senior management at North County Transit District, that there was a history of attempting to working together, that they recently met to review the history of their working together, the property lot and difficulty in development and parking issues and history of what issues the City had and needs that had not been met. He said that they discussed that it was difficult to find a viable project based on the property location and layout and the tendency to make it bigger, that it is important to find what served both entities, that concept for some time of the MOU, and that before the next meeting they came to a new revised agreement that addressed some concerns.

Mayor Heebner said that this was a new NCTD and and it was more pleasant working with them, that this MOU was very good and a clearer outline of the cooperation and how we would both work together.

Councilmember Campbell said that it was an amazing turnaround from several years ago, that the mindset in the past was that they did not care Solana Beach wanted, and that he supported it.

Councilmember Roberts said that they finally took the City's concerns seriously, that there was a 60 day out clause, and that it was coming to the NCTD Board for review.

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

C.5. Bi-Annual Review of Council Boards, Committees, & Commissions. (File 0410-05)

Recommendation: That the City Council

1. Appoint the City Selection Committee 2011 annual term.
2. Appoint positions for all Regional Committees for new two-year terms. In the event of changes to any of the Boards, Committees, or Commissions below, separate votes for each will be required to ensure that the motion maker is not the same person that is nominated, due to the fact that these groups receive stipends. * North County Dispatch JPA * North Transit District * Regional Solid Waste Association * SANDAG * San Elijo JPA
3. Appoint positions for Council Standing Committees for new two-year terms.
4. Review positions for any changes desired to the Council Ad Hoc Committees.

David Ott, City Manager, introduced the item.

NCTD (North County Transit District): Being a stipend committee, this vote required motion, second and votes by non-appointed members. Since there were three people being appointed, a straw vote was conducted by the City Clerk of the non-voters, Roberts name was drawn to vote, in order to provide a quorum.

MOTION: Moved by Campbell and seconded by Kellejian to appoint to North County Transit District as Primary-Roberts, 1st Alternate-Nichols, 2nd Alternate-Heebner. **Motion carried 3/0/2** (Recuse: Heebner,) Roberts.)

MOTION: Moved by Roberts and seconded by Kellejian to appoint to North County Dispatch as Primary Nichols, Alternate-Campbell. **Motion carried 3/0/2** (Recuse: Campbell,) Nichols.)

MOTION: Moved by Roberts and seconded by Heebner to appoint to Regional Solid Waste Association as Primary-Nichols, Alternate-Kellejian. **Motion carried 3/0/2** (Recuse: Kellejian,) Nichols.)

SANDAG: Being a stipend committee, this vote required motion, second and votes by non-appointed members. Since there were three people being appointed, a straw vote was conducted by the City Clerk of the non-voters, Roberts name was drawn to vote, in order to provide a quorum.

MOTION: Moved by Campbell and seconded by Kellejian to appoint to Sandag as Primary-Heebner, 1st Alternate-Nichols, 2nd Alternate-Roberts **Motion carried 3/0/2** (Recuse: Heebner,) Nichols.)

MOTION: Moved by Heebner and seconded by Nichols to appoint to San Elijo JPA (Joint Powers Authority) as Primary-Campbell, Alternate-Roberts. **Motion carried 3/0/2** (Recuse: Campbell,) Roberts.)

MOTION: Moved by Roberts and seconded by Campbell to approve the following appointments:

City Selection Committee: Roberts

CSA17: Primary-Nichols, Alternate-Campbell

Escondido Creek Watershed: Primary-Nichols, Alternative-Roberts

League Ca. Cities-Exec. Committee SD County Division: Primary-Roberts, Alternate-Kellejian

League Ca. Cities-Legislative Committee: Primary-Roberts, Alternate-Kellejian

League Ca. Cities-Coastal Cities Issue Group: Primary-Kellejian, Alternate-Roberts

SANDAG-Shoreline Preservation Group: Primary-Kellejian, Alternate-Roberts

San Dieguito River Valley JPA: Primary-Roberts, Alternate-Nichols

22nd Agricultural Assoc Community Relations: Heebner, Roberts
Motion carried unanimously.

ACTION: City Council Standing Committees: School Relations Nichols will replace Campbell. All other current Standing Committee positions will be re-appointed. Ad Hoc Committees: All current appointments will remain the same.

C.6. 22nd District Agricultural Association Community Relations Committee Update on Discussions with the City of Del Mar Regarding the Sale of the Del Mar Fairgrounds. (File 0150-85)

Recommendation: That the City Council

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

David Ott, City Manager, introduced the item.

Councilmember Roberts reviewed the last meeting regarding the sale with the City of Del Mar and that the 22nd Agriculture District Association and that they were open to talking to Solana Beach about its reimbursement for its impacts.

Mayor Heebner said that she went to the Fair Board meeting and that an item on the agenda was Solana Beach's letter, that she brought up Tim's comment regarding his interest in regional control, that a Del Mar community member was upset with it, that we later met further regarding regional control and their issues with the amount of bureaucracy for DAAs, that they thought all 18 cities should be involved, that it did not seem they wanted the state to sell it, that they were open to Solana Beach, and that they and Del Mar did not get along due to their history. She stated that they met with Supervisor Pam Slater-Price and she was still committed to Del Mar in the beginning and she brought up San Diego not paying dues to the San Dieguito River Valley, that she did not think that Del Mar voters would support the 3 person position, that she seemed open to considering it at the end and that maybe the JPA seemed more fair.

Council and Staff reported that it would be advantageous to have Supervisor Slater's support since she represented Solana Beach as well, that Bill Horn had come out opposed to Del Mar having sole ownership, that Billbrays office called and expressed some support, and that some momentum or cascading support could be built.

Council and Staff continued the report that Sanders would want a place at the table, that good dialogue with Kehoe but that she said the new Governor is uncertain and that it was not the time to amend SB1 at this time, that she wanted Solana Beach to continue to work with Del Mar regarding governance and ownership, that we needed to provide her some information.

Council reported that it was rumored that deals were being cut, that reports were made that all discussions and work was being done in public, that the Conservancy gave a letter of support, that a presentation was made regarding the appraisal not being correct and that it was a preliminary, that 22d was upset with Del Mar because there was no public bid, that they supported true regional control, that Mayor Heeber presented and said that Solana Beach was interested in protecting perpetuity of the property, and that she mentioned that Billbray supported Solana Beach in public.

Council and Staff continued to report that there were articles about Del Mar stealing the Fairgrounds, that Ann Mote was going to be asked to remove the condo-hotel in February in the EIR due to financial reasons, that some say that the San Diego taxpayers own the land and not the state so it may go through the court system, that it was requested that the sign be removed regarding the project, that Del Mar and Solana Beach City Managers spoke and thought that maybe they should meet prior to the Ad Hoc, that discussions with Kehoe regarding why Del Mar did not like a JPA was because a JPA could not issue

revenue bonds, that the San Elijo JPA issues revenue bonds so it would be reviewed since it did not seem to be an issue, that a special district would mean that the property would still be owned by the state like the 22nd Ag District, that the concern about risk was contradictory since Del Mar said that there would be no risk to their City, and that a JPA was brought up back in October and they said it was never brought up until recently.

Council agreed to continue the momentum, meetings, discussions, and education.

Council and Staff discussed the consultant agreement and stated that it was progressing.

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 compensation.

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 - Heebner, Roberts.

Standing Committees: (All Primary Members) (Permanent Committees)

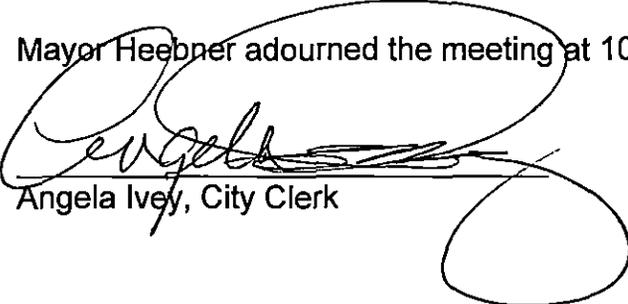
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 7, 2011.
- b. City's 25th Anniversary - Heebner, Kellejian. Expires July 13, 2011.
- c. Development Review - Nichols, Heebner. Expires November 16, 2011.
- d. Environmental Sustainability - Roberts, Heebner. Expires December 7, 2011.
- e. Fire Department Management Governance-Kellejian,Roberts. Expires July 13, 2011.
- f. Fletcher Cove - Campbell, Heebner. Expires November 16, 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 January 12, 2011
- k. View Assessment - Nichols, Heebner. Expires February 24, 2011

ADJOURN:

Mayor Heebner adjourned the meeting at 10:25 p.m.



Angela Ivey, City Clerk

Approved: October 26, 2011