

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

JOINT **REGULAR** MEETING

MINUTES

**6:00 P.M.
WEDNESDAY, FEBRUARY 23, 2011**

CITY COUNCIL CHAMBERS 635 S. HIGHWAY 101, SOLANA BEACH, CALIFORNIA
AND

TELECONFERENCE LOCATIONS

Hyatt Regency, 1209 L Street, Sacramento, CA 95814 (Kellejian)
Hilton Orlando, Room #1712, 6001 Destination Parkway, Orlando, Florida 32819 (Roberts)

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
Leticia Fallone, Deputy City Clerk
Angela Ivey, City Clerk
Dennis Coleman, Finance Director
Wende Protzman, Dir. Admin. Serv./Deputy City Mgr
Tina Christiansen, Community Dev. Dir.
Mo Sammak, City Engineer/Public Works Dir.

Mayor Heebner called the meeting to order at 6:10 p.m.

FLAG SALUTE:

Roger Boyd led the flag salute.

CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, stated that there was no reportable action.

APPROVAL OF AGENDA:

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

PRESENTATIONS:

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

1. Friends of the Solana Beach Library

Anne Welton, President of Friends of the Library, presented a powerpoint (on file) reviewing an update of their activities and accomplishments.

PROCLAMATION:

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

Mayor Heebner presented a proclamation to John Fisch for the Solana Beach-Del Mar Rotary Club.

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 announced community announcements.

COMMENTARY:

Council reported commentary.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.5.)

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 Campbell and seconded by Nichols. **Motion carried unanimously.**

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

Recommendation: That the City Council

1. Ratify the list of demands for January 15 - 28, 2011.

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

A.3. Re-establish the View Assessment Ad Hoc Committee. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2011-029 re-establishing the View Assessment Ad Hoc Committee until August 22, 2011.
2. Re-appoint the two existing Councilmembers (Heebner, Nichols)

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

A.4. Temporary Staff Funding To Fill Current Position. (File 0500-05)

Recommendation: That the City Council

1. Adopt Resolution 2011-027 ratifying expenditures to Office Team, Inc. for temporary staffing coverage in the amount of \$27,600.

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

A.5. Harvey-Meyerhoff Consulting Group Professional Services Agreement Amendment for Shoreline Management Program and Local Coastal Program Services. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-032
 - a. Authorizing the City Manager to execute Amendment No. 1 to the Agreement with the Harvey-Meyerhoff Consulting Group.
 - b. Authorize the expenditure of \$30,000 for the LCP project in the FY2010/2011 Budget.

MOTION: Moved by Campbell and seconded by Nichols. **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. 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 January 12, 2010.

This item is scheduled to be continued to a future which will be announced at this meeting.

Continuance was made to the March 9, 2011 meeting, however, the March 9th Council meeting was cancelled and rescheduled to March 10th, so this item was continued to March 10, 2011.

B.2. Introduction (1st Reading) of Ordinance 430-Related to Water Efficient Landscape and establish related fees. (File 0610-80)

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 CEQA under guidelines 15308.
3. Make a finding that the proposed amendments to SBMC (Solana Beach Municipal Code) 17.56 are consistent with the general plan and would not be detrimental to the public interest, health and safety, convenience, or welfare of the City as required under 17.76.070.
4. Make a finding that the proposed amendments to SBMC are equivalent to the State's requirements for the Model Water Efficient Landscape Ordinance.
5. Introduce Ordinance 430 amending SBMC section 17.56 by repealing the existing Landscaping Regulations and adopting the Landscaping Regulations in Ordinance 430.
6. Adopt Resolution 2011-031 establishing a Landscape Plan Review/ Inspection Fee.

David Ott, City Manager, introduced the item.

Corey Johnson, Assistant Planner, presented a powerpoint (on file) reviewing the proposed Ordinance and Resolution.

Mayor Heebner opened the public hearing.

MOTION: Moved by Campbell and seconded by Nichols to close the public

hearing. **Motion carried unanimously.**

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

C. STAFF REPORTS: (C.1. - C.6.)
Submit speaker slips to the City Clerk

C.1. SANDAG Memorandum of Understanding Amendment 1. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-030 authorizing the City Manager to execute the attached Amendment 1 of the MOU, or one that is substantially similar, as approved by the City Attorney, indicating continuing financial support in the second Regional Beach Sand Project and approve the expenditure of \$20,594 from the City's TOT Sand Replenishment Fund and directing Staff to request the allocation of \$150,931 in SANDAG Coastal Commission mitigation funds on behalf of the City for the Phase 3, Alternative 1 portion of the SANDAG RBSP #2 Project.
2. Direct Staff to continue to work collaboratively with the SANDAG Shoreline Preservation Working Group staff members to implement the second Regional Beach Sand Project in 2012.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, Consultant, presented a powerpoint (on file with the record) reviewing the history of the agreement for the Regional Beach Sand Project. She stated that the strategy of the project was intended to implement long-term beach nourishment and sand retention region-wide, that the state and participating City's would share in the project cost, reviewed the cost sharing methodology for the funding, that the project would cost \$23 million, reviewed the three alternative choices for the project, that the state had not committed to funding for alternative two, and that participation in the project would support a key objective of sand replenishment for the City.

Council and City Manager discussed that the City had enough funds for alternative one of the project, that once the City obtained final costs from SANDAG for alternative two it could be determined whether segments could be implemented for funding purposes, and that the funding for the sand replenishment portion of the project would be taken from the City's SANDAG

account.

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

C.5. City of Solana Beach Vision for Environmental Sustainability. (File 0230-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-038 accepting the "Vision for Environmental Sustainability" document.

David Ott, City Manager, introduced the item. He stated that the Clean and Green Committee had developed a Vision for Environmental Sustainability document which was to assist in guiding decisions on future environmental issues, that the document focused on the topics of zero waste, zero emissions, water wise, code regulations, best practices, community participation and education, and benchmarking and governing.

Danny King, Management Analyst, presented a powerpoint (on file with the report).

Steven Goetsch stated that he was speaking in support of the item, that it embodied what the Clean and Green Committee had been working on for three years, and thanked Council for considering the item.

Council discussed whether the headings used in the document such as "zero waste" and "zero emissions" were appropriate, that the descriptions for each heading provided clarity that they were goals that the City was working towards, and that the mission statement stated that they were simply goals at this time.

Peter Zahn stated that he was Chairman of the US Green Chamber of Commerce, that he commended the Council on their commitment to sustainability, that the Green Chamber was formed in Solana Beach, that the City could serve as a model to other cities, and that the business community should also be urged to participate in the environmental vision.

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

C.2. General Plan Update Ad Hoc Committee Report. (File 0410-48)

Recommendation: That the City Council

1. Proceed with the General Plan Update Workplan described in the report.

David Ott, City Manager, introduced the item and stated that there were certain state mandates, new changes in state law affecting all cities, and the general changes of the City that would go into a General Plan update, as well as involving the community.

Tina Christiansen, Community Development Director, presented a powerpoint (on file) and said that it was a long term process in shaping the community meant to address new state mandates, surrounding projects, and lands that affect the City.

Council and Staff discussed the reasons an in-house approach was recommended instead of a 3rd party consultant which included the interest in including the community, the often cookie-cutter outcome when one consultant oversees the process, that there would be savings in hiring a project coordinator, and that it was thought that the outcome would be more successful and effective. Discussion ensued regarding the plan to coordinate public workshops spring/summer, proceed with the RFP (Request for Proposal) process for specific consultants and return with recommendations. Discussion continued regarding water sustainability, past discussions of preparing a letter to the County Supervisors regarding the policy of re-pottable water usage.

Consensus was reached among Council to proceed.

Mayor Heebner recessed the meeting at 7:35 p.m. for a break and reconvened at 7:40 p.m.

C.3. Fletcher Cove Community Center Renovations - Construction Materials Options. (File 0730-00)

Recommendation: That the City Council

1. Adopt Resolution 2011-033:
 - a. Selecting alternative (optional) bid items from the following list:
 - i. Standard seam metal roofing instead of asphalt shingle roofing (increase to contract is \$12,500);
 - ii. Accordion doors on the south side instead of French doors (increase to contract is \$14,050);
 - iii. Plywood sheathing below ceiling rafters instead of drywall sheathing (increase to contract is \$700);

- iv. Colored concrete for site hardscape (increase to contract is \$4,500);
- v. Roof mounted photovoltaic panels (increase to contract is \$22,000).

David Ott, City Manager, introduced the item and stated that funds raised by City, community, and additional Redevelopment funds and that this was a review of options on how to spend the funds.

Dan Goldberg, Principal Civil Engineer, presented a powerpoint (on file).

Council and Staff discussion ensued regarding some preferences, that the building was locked up over half of the time, that the site on the outside will always be seen,

Peter House stated that he did not want to state what they preferred but that he and his wife would donate the funds so that it could be fully funded.

Mayor Heebner clarified with Mr. House that he was picking up the difference so that all preferences could be funded.

David Ott, City Manager, clarified that \$23,000 would purchase all the preferences discussed.

No vote was taken on the Resolution since it required the choosing of specific items due to lack of funding. Since a donation was made for the remaining funds needed to fulfill the initial proposed items.

C.4. California Redevelopment Agencies. (File 0480-70)

Recommendation: That the City Council

1. Approving sending a letter of opposition regarding the elimination of California Redevelopment Agencies to the Governor and local Senator and Assembly member.

David Ott, City Manager, introduced the item. He stated that Council directed Staff to write a letter of opposition to the state regarding eliminating California Redevelopment Agencies and that the letter was drafted and Council's approval was required to send it.

Johanna Canlas, City Attorney, stated that if the proposal went through without changes it would give individuals power to challenge actions made by the City Council within the last three years and that new life would be given to issues that

already had expired statues of limitations.

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

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 and City Council Authorization to Retain Keyser Marston Associates to Conduct a Financial Feasibility Analysis and a Third Party Appraisal. (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.
2. Approve Resolution 2011-039 authorizing the City Manager to enter into an agreement for Real Estate Consulting Services with KMA for the purposes of conducting a Financial Feasibility Analysis a Third Party Valuation Appraisal Review in regards to the proposed sale of the Del Mar Fairgrounds for an amount not to exceed \$35,000.

David Ott, City Manager, introduced the item reviewing recent meetings discussing this item.

Mayor Heebner stated that they had met with Garrick, who was not in favor of SB1 (Senate Bill 1) but agreed with regional control. She stated that they the Urban League Institute Panel meeting was well attended where they discussed their goals which included 1. to ensure continuing traditional activities of the fairgrounds including horse racing, the county fair, and other agriculture activities 2. to protect the wetlands and prevent over-development 4. ensure that there would not be the possibility of 3 votes of one Council overriding any actions 4. review the public trust indenture proposal, and that if it was not acceptable, that the cities work together to find a vehicle to address the goal. She said that the City of Del Mar agreed with them.

A video of the City of Del Mar Council meeting February 22, 2011 was watched where the following discussion took place:

Councilmember Hilliard recused himself from the discussion.

Councilmember Mark Filanc said that Del Mar continued to meet with regional leaders, that they had a well attended panel at the Urban Institute and were well received, that they continue to discuss the indenture trust model as a governance model, that they continued discussion with Senator Kehoe who had embraced the idea of the indenture trust, that she would want more ammunition to go forward including a business plan, Memorandum of Understanding (MOU), the trust, and governance plan, and that they intended to set up a public workshop to discuss and obtain further input on March 9, 2011.

Mayor Donald Mosier said that they had a productive discussion with the City of Solana Beach and stated that they agreed to the overall goals included maintaining the property as a public property, protect the sensitive wetlands, ensure the continuation of the current race track and community events, that they had favorably viewed the public trust model even though it was still under review by their City Attorney, and that their one concern was expressed that a 3 person majority could change the goals at any time, that he thought that the public trust came closer to meeting that goal than other models discussed. He continued stating that the City of Solana Beach requested a written response regarding their proposal sent to Del Mar in November, and that he was seeking Council guidance to proceed and respond to the agreed goals and not mention those items that they both may not agree on.

Councilmember Mark Filanc said that he did not think there was any disagreement on anything, that they were in support of the project, and that Del Mar was asked to send a letter to restate those 4 agreed goals. Discussion continued regarding his understanding that the Governor had not said yes or no and but that he would take the proposal into consideration, that Senator Kehoe had stated that there had not been a decision made. He stated that the next step was to get SB1 into committee for the discussion with the state whether the City continued to transact the proposal or not, that they needed to provide Senator Kehoe the tools necessary to go to committee to get the bill passed, that they needed to provide her with the governance model, the financial model, and the business plan. He said that this needed to happen in the next 30-45 days, not necessarily to transact the deal, but to just pass SB1.

Council discussion continued regarding the interest in getting public input through workshops, that public noticing had been done for each meeting of what was occurring, and that the goal to obtain a MOU accomplished in next 2 weeks to share with the public that included showing the financial impact.

Peter Kaye began speaking about two items. He continued regarding this item, stating that the Governor's idea regarding selling state buildings and the whole principal of selling something that could demand more in the future, that he feared that Del Mar would become a pawn in state politics, that there still was no business plan, that they were still conducting their business behind closed

doors including today, that Council's statement that they could not discuss certain issues because of the Brown Act, that he was in the legislature when the Brown Act was passed and it only protected certain litigation and personnel matters. He said that the purpose was to make government more transparent.

Speaker, no name, said that Council was giving the impression that they had spoken with the Governor and that he had said that he was going to wait and see, that if someone had spoken with the Governor that you should disclose who spoke with him and exactly what he had said, that this was taking a lot of lot of time and energy of the City.

End of video.

Council and Staff discussion ensued regarding that they gave the impression that Solana Beach was behind this public trust which was not true, that a letter should be sent regarding their concern regarding the public trust and that this Council still supported its original model proposal, that Solana Beach had been very clear about their openness to review the trust but that they were not in a support position of the trust at this time, that Solana Beach's recommended structure was still its preference, that Solana Beach had been clear that they were no supportive of a 3 person vote ability of a Council, not a governing board, that they had asking Del Mar to share what they did not support about a JPA (Joint Powers Authority), and that Del Mar had not provided any response to our request.

Council and Staff continued discussion regarding the understanding was that Senator Kehoe had not embraced anything and was waiting for the two cities to resolve their issues and the tailor the proposal, that they did not include Solana Beach's goal of exploring other options for governance, that they gave the impression that Solana Beach had a favorable view of the public trust model which was not true, and that Solana Beach had not provided support of the project but instead support of common goals between the cities.

Council continued discussion that the San Diego Taxpayers Association would review the proposal for 30 days and it did appear that they would be supportive, that it was fair to say that the City was hearing from a regional leader that they do not want any one city to own it and supported a regional solution, that Garrick seemed steadfast about Del Mar not owning the racetrack, that Solana Beach consider changing it March 9th meeting to March 10th since Del Mar had now called a special meeting on March 9th at the same time as Solana Beach's regular meeting, and that Del Mar was dragging their feet.

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

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.

Councilmember Roberts reported that he was reimbursed for mileage and parking for attending meetings downtown.

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.

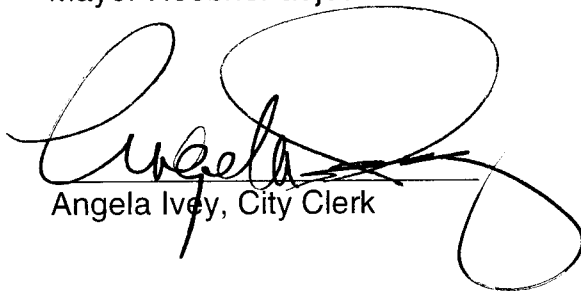
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.
- f. Parks and Recreation Committee - Heebner, Nichols

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 8, 2012 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 11, 2012
- k. View Assessment - Nichols, Heebner. Expires February 24, 2011

ADJOURN:

Mayor Heebner adjourned the meeting at 8:39 p.m.



Angela Ivey, City Clerk

Approved: May 25, 2011