

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

JOINT **REGULAR** MEETING

MINUTES

**6:00 P.M.
WEDNESDAY, JUNE 8, 2011**

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:

Mayor Heebner called the meeting to order at 6:05 p.m.

Present: Heebner, Kellejian, Roberts, Nichols, and Campbell.

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Wende Protzman, Dir. Admin. Serv./Deputy City Mgr
Tina Christiansen, Community Dev. Dir.
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager

CLOSED SESSION REPORT: (when applicable)

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

FLAG SALUTE:

Mayor Heebner led the flag salute.

APPROVAL OF AGENDA:

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

PROCLAMATIONS/CERTIFICATES/RECOGNITION:

PRESENTATIONS:

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

1. Sheriff Coastal Enforcement Team

Sheri Sarro, Captain, introduced the new Encinitas Coastal Enforcement Team (CET), who would be working over the summer and is made up of 8 deputies. She said the team would utilize patrol, COPS, traffic, crime prevention personnel, and crime analysis personnel and it would be staffed 7 days a week. She stated that they would be using intelligent/information policing which includes talking to the community about crime patterns, analysis of data from past crime data, enforce laws, having a high visual presence, work with citizens and business owners regarding concerns with tourism, beach attendance and over-flow from county fair. She said that there would not be overtime and that the effort was a reallocation of resources with a different type of policing.

Council and Captain Sarro discussed the affect on current manpower and that it would be a reallocation providing an increase in presence and problem solving and working with the community, that they would have flexibility unlike other law enforcement coverage to handle issues at that time, outreach including contacting HOAs (Homeowner's Associations) to make them aware of issues and what to watch. Discussion continued regarding a press release, talking to all Councils, and any community associations that would be beneficial, to include a mailout of the press release to the HOAs, that business owners had been very supportive so far, and that it would include education regarding no smoking in prohibited areas.

2. World No Tobacco Day

Judy Gonzales, San Dieguito Youth Group, said that on behalf of San Dieguito Alliance she wanted to announce World No Tobacco Day on May 31st and reviewed some statistics.

Judy Strang presented a Certificate of Appreciation to the Council in honor of World No Tobacco and its efforts.

Council discussion ensued regarding the policy on the Del Mar Fairgrounds, that

San Dieguito Alliance had worked several years with the Fairgrounds to create a smoke-free environment at the fair but it was a slow process, that the Fairgrounds consider themselves smoke-free but they had 8 designated smoke areas, which are now down to 4-5, that Disneyland only has 3 designated smoke areas, and to have Staff ask the 22nd District Agricultural Association is they would improve this policy.

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.

Frida Silveira, Chamber of Commerce, said that she was selected to Chair for the Fiesta del Sol this year, thanked everyone, that the recent parade was great, and that she ensured that "last call" was enforced.

Council and Staff responded stating that there were many positive comments regarding the event, that it was the cleanest ever afterwards, that a debrief would take place, that there were some ideas shared by the Business Liaison group including future parades if it was done again.

Steve Ostrow acknowledged Staff of the City, that there had been numerous concerns in the past and in last few years they have been continually addressed, and that the feedback from the community was positive.

David Carroll said that they received support from the Sheriff's department, that incidents were at a minimum, that the security vendor did their job, that the Del Sol Lions helped in every area, and that the Boy Scouts were amazing as well as the Marine Corps volunteers.

Carol Childs, President of the Civic and Historical Society, said that they congratulate the City this month leading up to the 25th anniversary, that a reception would take place on June 9th to see historical photos of Solana Beach including a narrated video. She said that she wanted to present the City a collection of photos for the City archives along with 2 videos, and she suggested that everyone read the minutes of the first meeting that were posted on the wall.

COMMUNITY ANNOUNCEMENTS:

Council reported community announcements.

COMMENTARY:

A. CONSENT CALENDAR: (Action Items) (A.1.- A.6.)

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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for May 7 - 13, 2011.

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

A.4. Community Development Department Agreements. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-071 authorizing the City Manager to execute a professional services agreement with Harvey Meyerhoff Consulting Group not exceed \$153,600.
2. Adopt Resolution 2011-072 authorizing the City Manager to

execute a professional services agreement with Summit Environmental Group not to exceed \$72,000.

3. Adopt Resolution 2011-073 authorizing the City Manager to execute Amendment No. 1 to the professional services agreement with GeoPacifica, Inc. not to exceed \$25,000.
4. Adopt Resolution 2011-074 authorizing the City Manager to execute Amendment No. 2 to the professional services agreement with Marlowe & Company not to exceed \$57,000.
5. Adopt Resolution 2011-075 authorizing the City Manager to execute a professional services agreement with Kramer Firm, Inc. not to exceed \$25,000.
6. Adopt Resolution 2011-076 authorizing the City Manager to execute a professional services agreement with EsGil Corporation for 75% of the jurisdiction's plan check fee.
7. Adopt Resolution 2011-077 authorizing the City Manager to execute a professional services agreement with Coastal Frontiers, Inc. not to exceed \$10,400.

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

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

Recommendation: That the City Council

1. Adopt Resolution 2011-081 approving the City's Investment Policy for FY 2011-12.

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

A.6. Resolution of Denial of a Development Review Permit (DRP) and Structure Development Permit (SDP) for 305 Clark Street, Case # 17-10-21, Applicant: Mathew Nikolaus. (File 0600-40)

Recommendation: That the City Council

1. Adopt Resolution 2011-079 denying the request for an application

for a Development Review Permit and an Administrative Structure Development Permit for the proposed project at 305 Clark Street.

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

A.3. Declaration of Public Nuisance for Santa Fe Hills Slopes. (File 0450-30)

Recommendation: That the City Council

1. Adopt Resolution 2011-083 declaring a public hearing will be heard on June 22, 2011 under SBMC Section 6.04.040 to determine if a public nuisance exists on the property.

This item was removed from the Consent Calendar by a member of the public.

David Ott, City Manager, introduced the item stating that it was a result of a constant flow of water that originated from property in the Santa Fe Hills which is maintained by the Homeowner's Association (HOA). He stated that a public hearing to hear the matter would be set for July 13, 2011.

Mo Sammak, Director of Public Works/Engineering, presented a powerpoint, to show a few pictures (on file) to show why his item is being referred as a public nuisance. He said that it was water originating from the slope on Santa Florencia east of Santa Rosita, that the investigation had shown that this is where the water originates from, that an investigation concluded that the water was coming from this area and this was the primary reason it was being declared a public nuisance, that the City replaced gutters at its own cost in the past to divert the waer from the intersection by installing a small drain system to move water underground to the other corner, this area fix did not solve the originating issue, the lush slope shows that it had been receiving a lot of water, that one picture showed the water coming down the slope and over the curb into the gutter, that he had approached the HOA and suggested aternative solutions but that there had not been any cooperation, and that this is why the property needed to be declared a public nuisance.

Council and Staff discussed that the proof of calls and emails could be submitted to the record at the hearing.

Vincent Sincek, Epsten Grinnell & Howell, representing Santa Fe Hills Homeowner's Association, said that the materials presented were untrue, that emails and phone calls were unanswered, that they were not informed of this meeting today, that the source of the ground water was mere speculation, that

there had been a proposal to work with the City, that the staff report did not identify who had the duty to maintain the slopes, and requested to either provide direction to Staff to meet or deny the resolution.

Council and Mr. Sincek discussed that the fact that the resolution was to set the public hearing and not to take action this evening, that they should provide copies of proof that calls and emails were sent and unanswered, that the water flowing was destroying a public street, whether Staff could meet with them prior to the hearing, whether the water could be coming from beneath the street rather than the slope, and that all information could be submitted during the public hearing.

Bonnie Zito, Boardmember Santa Fe Hills HOA, said that it was important to them, that they sent emails and letters asking questions but have not had any response, that there was no engineer's report, and asked if they could meet directly with the City before the hearing was calendared.

Council and Staff discussed the pending law suit and how it independent of this issue, that this was an administrative process and not a court process, that the City's records indicated the opposite of their allegations of no responses to emails or calls and would be submitted to the hearing record, that the issue has been going on a long time without resolution, that the goal was to work with them and eliminate the problem.

Mark Bannach, President of Santa Fe Hills Homeowner's Association, said that that they had met with Mo Sammak on September 20, 2010 which included their engineers that the HOA had hired, that it was unfortunate to find out about the meeting on the website and not directly from the City, that the pending law suit was a delicate matter, that the HOA does not own the slopes but they were owned by each homeowner, and that they could invite those homeowner's in to work on the issue.

Council and Staff discussion ensued regarding that the intent of this item was to establish a public hearing on the matte, that notification would happen if Council approved the hearing, and that it was no appropriate to do so before having a resolution directing it.

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

C. **STAFF REPORTS: (C.1. - C.3.)**
Submit speaker slips to the City Clerk

C.1. Fiscal Year 2011-12 Appropriations Limit. (File 0330-20)

Recommendation: That the City Council

1. Adopt Resolution 2011-078, establishing the FY 2011-12 Appropriations Limit in accordance with Article XIII B of the California Constitution and Government Code Section 7910 and choosing the County of San Diego's change in population growth to calculate the Appropriations Limit.

David Ott, City Manager, introduced the item.

Marie Berkuti, Finance Manager, presented a powerpoint reviewing Gann appropriations limit, reviewed proceeds, growth factors, and the Gann limit calculation.

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

C.2. California Public Employees Retirement System (CalPERS) employee contributions and tax defer member paid contributions. (File 0530-20)

Recommendation: That the City Council

1. Adopt Resolution 2011-061 approving members of the SBEA-Miscellaneous Unit and all unrepresented employees to pick up an additional 2.242% for a total of 5.757% of the 8% PERS employee contribution effective the first full pay period in July 2011.
2. Adopt Resolution 2011-062 approving members of the SBEA-Miscellaneous Unit and all unrepresented employees to tax defer member paid contributions per provisions of section 414(h)(2) of the Internal Revenue Code.

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

C.3. Release of RFP for a Qualified Energy Services Company to Analyze, Design, Construct and Finance Energy Efficiency, Conservation and Generation Projects at City Facilities. (File 0400-10)

Recommendation: That the City Council

1. Receive the report

David Ott, City Manager, introduced the item.

Mo Sammak, Public Workds Dir., presented a powerpoint (on file).

Council and Staff discussion ensued regarding the past audit by Sandag was done for City Hall but not or other City facilities, that the result would be to work with one main company with subcontractors to recommend solutions including state funding and a guarantee of savings, and that there would be some consideration to solicit their suggestions regarding solar water, water reduction facilities, kenetic and solar energy.

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 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 10, 2012.
- 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 August 22, 2011

ADJOURN:

Mayor Heebner adjourned the meeting at 8:00 p.m.



Angela Ivey, City Clerk

Approved: September 28, 2011