

CITY OF SOLANA BEACH
SOLANA BEACH CITY COUNCIL, REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY, &
HOUSING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

6:00 P.M.

Wednesday, October 26, 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 6:00 p.m.

Present: Heebner, Kellejian, Roberts, and Nichols.

Absent: Campbell.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Wende Protzman, Dir. Admin. Serv/Deputy City Mgr
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Dan King, Sr. Management Analyst

CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, stated there was no reportable action regarding the first three agenda items. Mayor Heebner reported on Item 4 and stated that the City Council had hired City Manager David Ott back as an employee with a 4/0/1 vote (Nichols recused due to conflict of interest regarding his former employer and any work they did with the City).

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS/CERTIFICATES:

1. Red Ribbon Week

Mayor presented proclamations.

PRESENTATIONS:

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

None at the posting of this agenda

Patti Hamic-Christiansen, Keys to Housing Initiative, presented a powerpoint reviewing the program including addressing homeless issues, solutions, leadership, the need for policies, the need for coordination, the need for affordable housing and the economic security and stability of families, the tool kit to use for the City to organize its contributions, and the website for comparisons of how local communities are doing.

Lauren Price, Community Resource Center, said that they were running a major food drive focusing on the North, that there was a shortage, and that they were planning for the holidays.

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.

Diane Machizuki, League of Women Voters North County/San Diego, presented a report "Practice of Sustainable Practices" including the League's biennial survey of several local cities, that the results were noteworthy, the City's efforts had been exemplary, citizens expected local government to follow a sustainable path whenever possible, and that there was a local survey online for review.

COMMUNITY ANNOUNCEMENTS:

Council reported community announcements.

COMMENTARY:

Council reported 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 Kellejian and seconded by Roberts. **Motion carried 4/0/1** (Absent: Campbell)

A.2. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held January 12, 2011; December 8 & 16, September 27 and January 13, 2010; October 28, July 8 and February 25, 2009; and June 25, 2008.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for September 17 - 30, 3011.

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

A.4. Fire Hydrant Inspection and Maintenance Agreement with the Santa Fe Irrigation District. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-150 authorizing the City Manager to sign an agreement with Santa Fe Irrigation District for fire hydrant inspection and maintenance.

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

A.5. Report on Changes made to the General Fund Adopted Budget for Fiscal Year 2011-2012. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2011-2012 General Fund Adopted Budget.

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

A.6. Status Report on Major Fiscal Year 2011/2012 Capital Improvement Projects. (File 0840-10)

Recommendation: That the City Council

1. Receive Report from Staff.

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

A.7. Year-End Budget Adjustments for Fiscal Year 2010-11. (File 0330-30)

Recommendation: That the City Council

1. Adopt Resolution 2011-155 revising appropriations in the Fiscal Year 2010-11 Budget.
2. Adopt Resolution RDA 053 revising appropriations in the Fiscal Year 2010-11 Budget.

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

A.8. Westside Highway 101 Improvements - Nasland Engineering Agreement Amendment. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-153:
 - a. Approving Amendment No. 1 to the Professional Services Agreement with Nasland Engineering for the Highway 101 West Side Improvement Project to include the design, preparation of construction documents and construction support for the replacement of the existing Santa Fe Irrigation District water main on Highway 101 from Lomas Santa Fe Drive to Cliff Street.
 - b. Authorizing the City Manager to execute the amendment on behalf of the City.

- c. Appropriating \$30,945 into the Reimbursement Agreement revenue account and into the Capital Improvement Project expenditure account for this project in the Miscellaneous Capital Projects fund.
- d. Authorizing the City Treasurer to amend the Fiscal Year 2011-2012 Adopted Budget accordingly.

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

C. STAFF REPORTS: (C.1. - C.3.)

Submit speaker slips to the City Clerk

C.2. Association of Bay Area Governments (ABAG) Issued Bonds Refunding Proposal. (File 0340-00)

Recommendation: That the City Council

- 1. Adopt Resolution 2011-154 authorizing the execution and delivery of a lease agreement and site lease and authorizing and directing certain actions in connection therewith.

David Ott, City Manager, introduced the item and stated that the City was going to attempt to refinance bonds at a lower interest rate.

Ken Deiker, Del Rio Advisors, presented powerpoint (on file) reviewing the bonding lease to refinance the original bonds for the remodel of City Hall and the Fire Station, that the bonds were re-callable this December, the savings being offered, that the rate was locked at 3.40%, that the average annual savings would be almost \$25,000, and that the lease term would be shortened by one year.

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

C.1. Plastic Bag Ban Discussion. (File 0230-55)

Recommendation: That the City Council

- 1. Provide direction on whether to proceed in crafting a plastic bag ban ordinance for the City and whether to proceed with a negative declaration.

David Ott, City Manager, introduced the item

Danny King, Management Analyst, presented a powerpoint (on file) which reviewed statistics, environmental issues, financial cost to the City, vendors, and customers, paper vs. plastic bags, the current California legislation, various types of plastic bags, and other cities' implementation of a plastic bag ban/reduction.

Johanna Canlas, City Attorney, reviewed the legal aspects of different cities, including

the Los Angeles County lawsuit because of the .10 fee they adopted, since some of the fee goes to the City. She said that Santa Monteca did their own Environmental Impact Report, conducted a study on cost to businesses, and decided .10 was a reasonable amount for a pass through fee.

Julia Chunn-Heer, Surfrider, stated that plastic does not biodegrade in the ocean, that over 1 million sea birds and 100,000 marine animals die every year as a direct result of plastics, that the ordinance should include a 10 cent fee on paper bags, that food providers and the farmers market be included, to require 100% recyclable bags be sold, and that all types of bags be subject including biodegradable ones.

Council and speaker discussed that fact that she could provide some research and cost analysis regarding alternative resources and recommendations for the purpose of food, that plastic bags made out of corn products and other biodegradable bags did not photo degrade very well and still contained petroleum based products, to encourage people to bring reusable containers, and that produce issues still needed some alternative solutions.

Margaret Schlesinger stated that Solana Beach was among the forefront cities to ban smoking, that a ban on plastic bags was similar, the ocean needed to be protected, and that Solana Beach needed to set an example for a life lived without plastic bags.

Lane Sharman, Clean and Green Committee, stated that the concern about the legal exposure and financial ramifications were defensible, that the impacts from an EIR were non-existent, and that there was still a lot to be done, but that it was important to continue to move forward.

Jack Hegenauer, Clean and Green Committee, presented a powerpoint (on file) that showed a picture of plastic bag in a Solana Beach park, stated facts regarding plastic bag usage and the low recycling statistics, that they were a blight, and encouraged Council to continue to move forward with a ban.

Alicia Grassco, San Diego Coastkeeper, stated that their group focused on the Clean Water Act, that they had performed clean-ups with Surfrider, that they found 74,000 bags during collections from California beaches and waterways, that recycling bags was inefficient, the narrow focus only applied to cities under 40,000 residents, that Solana Beach had a unique opportunity to take advantage of it without an expensive EIR or threat of a law suit, to not consider doing a tiered model for a short time, that groceries, pharmacies, and retail should be included but that the restaurant community tended to create a lot of backlash, that 40% recyclable should be the minimum for paper bags, and that a 10 cent fee seemed reasonable.

Bridget Augusta stated that paper bags could be used for produce, that restaurants did not need to be concentrated on at this time, that farmer's markets should move away from plastic bags, favored the tiered idea, consider a bag giveaway during the educational period, that Solana Beach should consider putting up more dog waste disposals around town since it seemed to be a concern for some people.

Peter Zahn, US Green Chamber of Commerce, stated that the Green Chamber was born in Solana Beach, urged the Council to adopt a strict ban, and that the aesthetic

side should not be ignored.

Judy Hegenauer stated that there were five great garbage patches, that both merchants and citizens needed to encourage each other to make the change happen, that she would like to have pride in Solana Beach being the first to ban single use plastic bags, recommended education for merchants and citizens, that Clean and Green would come up with a list of incentives and a curriculum for community education, and that the ideal time line would be as soon as possible.

Vicki Cypherd stated that she had three reusable produce bags, and suggested that a reusable bag decorating contests would be added to the annual banners program.

Debbie Sandler stated that getting rid of the bags at once is the easiest way to implement the ban and that produce bags could be reused.

Chris Reed spoke about "Love Reusable Bags" whose business model was to sell reusable bags at schools and return some of the profit to the schools, that they were thrilled Solana Beach was considering a ban, and that they would be willing to help in the effort.

Steve Ostrow stated that immediate implementation would be best, that people would adapt, and requested the transition period be minimal, if not immediate.

Connie Kortman stated that she was very involved in the community and was offering to help in any way necessary, that her friend who owned Baggu which made rip stock bags who had donated 200 bags to the City, and that she was all for immediate implementation.

Council discussion ensued regarding the 19 blue folder items, 18 in favor and 1 in opposition, that a shorter time period rather than longer was ideal, to consider a three month implementation, that small businesses might have a longer tier than larger stores to give them a chance to get rid of inventory, and to ask companies how much inventory they had in stock would be a good method to narrow down an implementation time period. Discussion continued regarding possible exceptions for restaurants and reasons they may or may not be included in the ban, to do more research on the subject including some information on wax paper bags, and whether plastic newspaper bags would be included in the ban.

Johanna Canlas, City Attorney, stated that newspaper bags were not currently included, that they were beyond the scope of what was currently being done in other cities and therefore there might present legal issues to consider later, but that it could be looked into.

Council and Staff discussion continued regarding the Fiesta Del Sol even and the opportunity to educate people and hand out reusable bags, that the City needed to set the example because allowing plastic bags in City sponsored events set a bad example, that the 100% recyclable 40% minimum post recycle content mentioned previously sounded good, and whether were better options.

Council and Staff continued discussion regarding how the cost of paper bags were

passed on to customers, that any fee would not be regulated by Prop 26 if none of the returned to the City, that all funds should return to stores, that ten cents seemed to be a reasonable charge for the cost of bags, and how the cost could include incentives for customers to bring in their own bags.

Council and Staff discussed implementing other cities' ordinances instead of spending a lot of time and money on a separate study, a potential exemption at this time for produce bags due to health and safety issues, the cost of giving away free bags, that the City received environmental enhancement checks from Regional Solid Waste Association (RSWA), who paid for educational programs for kids to decorate bags, that more information was needed in regards to thickness of bags and possible regulations, that there needed to be some enforcement provisions, and that the City did not have the Staff or the ability to keep statistics in regards to effectiveness.

Council and Staff continued discussion regarding plastic bags presenting a danger to children, to learn more about the legal aspects, that there was no real recycling of plastic bags, the support for the ban, and to try to get other cities to join Solana Beach in the ban.

C.3. 22nd District Agricultural Association Community Relations Committee Update on Discussions with the City of Del Mar Regarding the Sale of the Del Mar. (File 0150-85)

Recommendation: That the City Council

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

David Ott, City Manager, Mayor Heebner, and Councilmember Roberts stated they had nothing to report.

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 - Nichols, Campbell (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, Nichols (1st alternate), Heebner (2nd alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Roberts (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
- l. San Dieguito River Valley JPA - Heebner, 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)

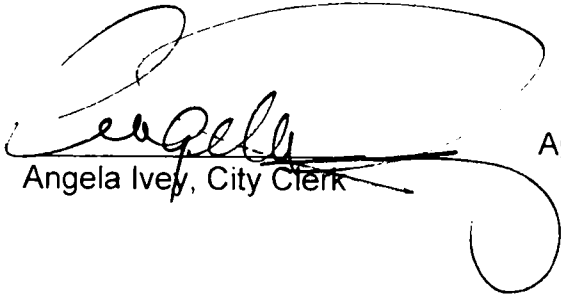
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Parks and Recreation Committee - Heebner, Nichols
- e. Public Arts Committee - Roberts, Nichols.
- f. School Relations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

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 7, 2011.
- b. Development Review - Nichols, Heebner. Expires November 16, 2011.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 7, 2011.
- d. Fire Department Management Governance-Kellejian,Roberts. Expires July 12, 2012.
- e. Fiscal Sustainability - Campbell, Roberts. Expires June 28, 2012.
- f. Fletcher Cove - Campbell, Heebner. Expires November 16, 2011.
- g. General Plan - Campbell, Nichols. Expires July 12, 2012.
- 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 February 23, 2012

ADJOURN:

Mayor Heebner adjourned the meeting at 8:05 p.m.

A large, stylized handwritten signature in black ink, appearing to read 'Angela Ivey'. The signature is written over a horizontal line and extends significantly to the right, ending in a large, decorative flourish.

Angela Ivey, City Clerk

Approved: February 22, 2012