

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

JOINT **REGULAR** MEETING

**MINUTES**

**6:00 P.M.**  
**WEDNESDAY, DECEMBER 14, 2011**

CITY COUNCIL CHAMBERS 635 S. HIGHWAY 101, SOLANA BEACH,  
CALIFORNIA AND  
TELECONFERENCE LOCATION (Nichols) - added 12-9-11  
2365 Ka'anapali Parkway, Lahaina, Maui, Hawaii 96761

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  
Lisa Foster, City Attorney  
Leticia Fallone, Deputy City Clerk  
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

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

**CLOSED SESSION REPORT: (when applicable)**

Lisa Foster, Deputy City Attorney, stated there was no reportable action.

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

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

**PROCLAMATIONS/CERTIFICATES:**

1. "Day without a bag"

**COMMUNITY ANNOUNCEMENTS:**

Council reported community announcements.

**COMMENTARY:**

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

**C.1. Annual Council Reorganization: Mayor / Deputy Mayor Designations. (File 0410-05)**

Recommendation: That the City Council

1. In accordance with Resolution 96-17, appoint the Mayor and Deputy Mayor for the term of December 14, 2011 to December 12, 2012.
  - a. Nominations for Mayor confirmed by a majority vote.

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

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

**MOTION:** Moved by Campbell and seconded by Heebner to appoint David W. Roberts a Deputy Mayor. **Motion carried unanimously.**

Mayor Kellejian presented a gift from the Council to outgoing Mayor Heebner.

Outgoing Mayor Heebner responded stating that it was an eventful year, that it was the 25th anniversary of the City, that the new community center and ribbon cutting was a great display of the community, among many other accomplishment, and that the Council worked as a team but that it was an honor

to represent the City as Mayor.

David Ott, City Manager, presented gifts from the City and Staff to outgoing Mayor Heebner. He stated that the public did not always know the commitment of the Council, that they contribute out of their love for the community, that in addition to the local area, Council also served on regional and county committees and that Solana Beach's voice was heard, and that she represented the Council and the City with dignity and professionalism.

Mayor Kellejian said that he and Ms. Heebner had forged a relationship for the future and thanked Council for appointing him Mayor. He said that he had come a long way to understand the Council more and that the Council understood him better too. He continued that he would not be here if it were not for his family, that he would like to initiate something for the business community, that the Council had stated in the Workplan that car free vacation, that his company would like to take a Solana Beach clean business program and promote environmentally friendly practices.

Geri Retman thanked outgoing Mayor Heebner for her term, that she had approached Heebner to run for Council and initially she said no, and now look at what she had accomplished.

Sean MacLeod thanked outgoing Mayor Heebner for her service.

Mayor Kellejian recessed the meeting at 6:25 p.m. and reconvened at 6:45 p.m.

**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.

Ruby Edman said that she spoke on behalf of the Civic and Historic Society and announced the Valentine Venture event on February 13 that honored the City's government pioneers.

Roger Boyd asked people to go to [www.showyourlovesd.org](http://www.showyourlovesd.org) to fill out a survey among fellow San Diegans to address issues and matters regarding the region.

**COMMUNITY ANNOUNCEMENTS:**

Council continued community announcements.

**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 Campbell and seconded by Roberts. **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 22 and August 5, 2011.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for October 29 - November 18, 2011.

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

**A.4. Report on Changes made to the General Fund Adopted Budget**

**for Fiscal Year 2011-12. (File 0400-10)**

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

**A.5. Quarterly Investment Report. (File 0350-44)**

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Report for the quarter ended September 30, 2011.

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

**A.6. Copier Replacement Review. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2011-171 authorizing the City Manager to enter into a contract with Xerox Corporation for a 60-month term.

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

**A.7. Supplemental Law Enforcement State Funding (SLESF) Grant also known as the COPS Grant Fiscal Year 2011/2012. (File 0390-34)**

Recommendation: That the City Council

1. Adopt Resolution 2011-169 approving the proposed expenditure plan for the SLESF (COPS) grant funds for Fiscal Year 2011/2012.

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

**A.8. Design of High Priority Sewer Repairs Contract. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2011-172:
  - a. Approving a Professional Services Agreement with RBF Consulting, in the amount of \$30,000, for engineering services related to the design of selected sewer repairs and replacements on various streets throughout the City.
  - b. Authorizing the City Manager to execute the agreement on behalf of the City.

**MOTION:** Moved by Campbell and seconded by Roberts. **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.)**

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) for 675 South Sierra Avenue, Applicant: Seascape 1 Homeowners Association, Case # 17-09-28. (File 0600-40)**

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.

Therefore, Staff recommends that the 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 15303 of the State CEQA Guidelines; and
3. If the Council makes the requisite findings and approves the Project, adopt Resolution 2011-142 conditionally approving a DRP for in-kind relocation of an existing bluff-top sidewalk away from the bluff edge with related drainage improvements, construction of a short retaining wall, and installation of LUP compliant landscaping; in-kind repair and replacement of existing beach access stairs; and installation of new windows at 675 South Sierra Avenue.

David Ott, City Manager, introduced the item.

Patricia Bluman, Staff Consultant, presented a powerpoint (on file) reviewing the project.

Council and Staff discussed that the HOA (Home Owners Association) was responsible for obtaining the permits for any changes, that individual owners could be represented by the board for permitting, whether the City should require removal of all irrigation or just the improvement area, and that fees were for actual costs.

Council and Staff discussion continued regarding whether the sidewalks met ADA requirements and that they would be reviewed at the final permitting, that some of the grading and landscape plans were conflicting, and that these plans were preliminary and that any discrepancies would be noticed at the final submittal.

Council disclosed their familiarity with the project.

Mayor Kellejian opened the public hearing.

Robert Cuzon, Applicant, President of HOA, and Eric Schneider, Board Member, stated that Staff presentation was accurate, that they had been working on it for 2 years, that they included the windows at Tina Christiansen's (Community Development Dir.) request even though the homeowners did it on their own.

Council and speakers discussed the fact that the homeowners did not originally seek a permit for the windows and they were done prior, that they were

discovered when siding came off of the areas and exposed the window frames, that the current Board was not aware of it, that they understood that it should not have been done and the individual homeowners were not aware of the process, and this was the reason they did not seek permits, that no planting was being done on the face of the bluff, the gate having been moved eastward on the stairs and that there did not appear to be any liabilities, that the staircase was private property, whether any change to the stairs and the status of public v. private, and that this had been reviewed by Coastal.

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

Council discussion ensued regarding the discovered un-permitted work, that the City is compensated for the additional staff time spent with an administrative fine, that the lack of landscaping on the bluff was in the home owners best interest since irrigation could contribute to bluff failures, and to consider sending out an educational piece to individuals and HOAs on S. Sierra and Pacific due to many unpermitted issues.

Council confirmed consensus to impose a 100 ft. irrigation removal.

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

C. **STAFF REPORTS: (C.2. - C.5.)**  
*Submit speaker slips to the City Clerk*

**C.2. Community Grant Program Awards Fiscal Year 2011-12. (File 0330-25)**

Recommendation: That the City Council

1. Select the Fiscal Year (FY) 2011-12 Community Grant Program recipients and identify an award amount to each recipient.
2. Adopt Resolution 2011-170 authorizing the funding for the selected community grants recipients for financial assistance under the FY 2011-12 Community Grant Program.

David Ott, City Manager, introduced the item, stated that there were twelve applicants, that many had spoken with the Council to state what they would do with the funding, that the Santa Fe Christian School had reached out to the City regarding working with the applicants and helping fund certain programs, and that there have been meetings between the groups and school regarding this



matter.

Danny King, Sr. Management Analyst, displayed the list of grant requests and the council's allocation suggestions.

Councilmember Campbell made a correction on his column stating that Kids Korps was meant to be allocated to the Community Center.

Councilmember Roberts stated that the funding from Santa Fe Christian School had affected his decision, that he talked to Mayor and the City Manager regarding the public arts fund balance which he suggested could be used for the North Coast Repertory Theater, that it would leave money for some of the other programs.

David Ott, City Manager, stated that Santa Fe Christian school had committed \$15,000 in cash as well as additional resources, that they had looked at the applications, that they specifically mentioned bussing to the Kids Korps, and the auditorium for Clean and Green, and that they wanted to meet with the other five groups with a mission associated with Eden Gardens (Kids Korps, St. Leo and St. James, Mano a Mano, Boys and Girls Club, and La Colonia Eden Garden) to discuss how to allocate their money.

Council discussed waiting to make final decisions until after the Santa Fe Christian School had allocated its funding so that Council can be more informed when allocating their funds, and stated that they are willing to wait for all but Community Resource Center who needed \$5,000 for their holiday basket efforts which will serve 320 families in Solana Beach.

Councilmember Roberts stated that he felt comfortable going forward based on the commitment from Santa Fe Christian School.

Councilmember Campbell stated that he had no doubt about their commitment, but that knowing where their money was going would affect where he allocated his funds.

David Ott, City Manager, stated that Staff was facilitating these meetings between the Santa Fe Christian School and the different groups, and that he would make sure their timeline was discussed in an upcoming meeting.

Motion to grant Community Resource Center \$5,000 and to make the rest of the allocations at the next meeting.

**MOTION:** Moved by Heebner and seconded by Campbell to allocate \$5,000 to

Community Resource Center and review the remaining allocation at the next meeting. **Motion carried unanimously.**

**C.3. Potential Modifications to the City's Neighborhood Traffic Management Program Related to Assessment District Formation. (File 0330-60)**

Recommendation: That the City Council

1. Receive the Staff Report and discuss the issues presented by Staff. If Council desires to move forward with modifying the Neighborhood Traffic Management Program to include a detailed assessment district formation process, Staff will come back at a later City Council meeting for approval.

David Ott, City Manager, introduced the item.

Dan King, Sr. Management Analyst, presented a powerpoint (on file).

Council and Staff discussed the idea that there was not a mechanism to provide for neighborhoods, that this would provide the neighborhood the ability to fund some traffic calming measures that were warranted, that it would provide for some groups but not for those that could not afford it, whether there was an equitable option for those who needed assistance or an option to finance the effort over time, and that the neighborhood would need to petition for interest.

**C.4. Landscape Ordinance Discussion. (File 0610-10)**

Recommendation: That the City Council

1. Provide direction to Staff regarding Solana Beach Municipal Code 17.56.040.

David Ott, City Manager, introduced the item.

Wende Protzman, Community Development Dir., presented a powerpoint (on file).

Council and Staff discussed that it should apply for both examples presented in the presentation except for the case of natural disasters, that fifty-one percent was currently the measurement for remodels, defining fifty-one percent was part of the issue but that there were two options to define it, that one option was a percentage of the square footage, that only certain types of remodeling would count toward the fifty-one percent, and then there were definitions of what exactly

triggered it, such as outside walls, etc.

Council and Staff discussion continued stating that someone could remodel their house and not add any square feet, the City should be proactive with water conservation, there were other triggers that applied, noted that the ordinance did not prohibit irrigation but guided people how to design irrigation, that any type of plants were allowed as long as the type of irrigation was regulated, that people were encouraged to use professionals but not required to do so, that there were no examples yet from other Cities in the area, and the suggestion that the percentage of drought tolerant area should be equal to the percentage of added square footage.

Council and Staff discussed that the City Manager should come back at a later meeting with options for further discussion or a workshop, that a full overhaul of irrigation system was not required for compliance, and that it was not very hard to meet the guidelines.

**C.5. 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 Ad Hoc Committee as necessary.

Council and Staff discussed that there was a lot of consensus building, that the elected state representatives were looking forward to a united solution, that the Governor's appointment office had contacted the Mayor and wanted input on the Board selection, that a community member's name was provided, that the governor eliminated the funding for the fairgrounds from the budget, that there was the possibility to switch the fairgrounds to a non-profit organization, there were potential concerns about how it would affect the governance since non-profits could be governed differently than a public entity, transparency needed to be addressed especially regarding the impact and interaction with the community, that this property was unique compared to other fairgrounds, and that the General Manager stated that they no longer would be under the general service administration.

Councilmember Nichols left the meeting at 9:00 p.m.

**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, 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.

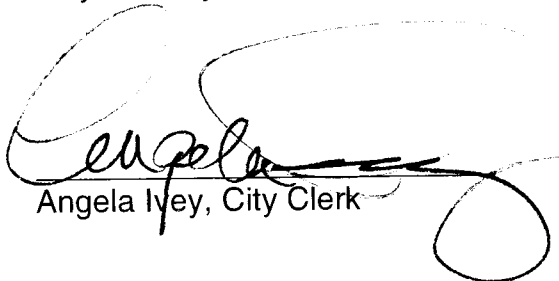
**Ad Hoc Committees: (All Primary Members) (Temporary Committees)**

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 6, 2012.
- b. Development Review - Nichols, Heebner. Expires November 15, 2012.

- c. Environmental Sustainability - Roberts, Heebner. Expires December 6, 2012.
- 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 May 9, 2012.
- 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 Kellajian adjourned the meeting at 9:30 p.m.



Angela Ivey, City Clerk

Approved: March 28, 2012