

**CITY OF SOLANA BEACH**  
SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,  
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY

JOINT **REGULAR** MEETING

**MINUTES**

**6:00 P.M.**

**Wednesday, March 14, 2012**

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

**CALL TO ORDER AND ROLL CALL:**

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

**Absent:** None.

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

Mayor Kellejian called the meeting to order at 6:04 p.m.

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

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

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

**PROCLAMATIONS/CERTIFICATES:**

None at the posting of this agenda

Gerri Retman Opper was presented with a Certificate of Appreciation for serving on the Parks and Recreation Commission and had been recognized by the California Parks and Recreation Society District 12 as Volunteer of the Year.

**PRESENTATIONS:**

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

1. Asian Citrus Psyllid

Asian Citrus Psyllid - Mark Olsen presented a powerpoint (on file) and stated that the Citrus Pest and Disease Prevention Program that combats the spread of invasive species, funded by citrus farmers, this asian citrus psyllid has made its way to united states, disease similar to citrus greening disease, but deadline to citrus trees, Florida is hurting now, Texas just discovered, cal only has the pest so far, the disease soon follows, must loss in jobs and economy, already in LA basin, treating outskirts including san diego, want to inform the public and get word out and check trees for this bug, in order to get treatment,

2. Earth Day

Mary Lynne McLean, Clean and Green Committee, said that there would be an event on Saturday March 31st at Fletcher Cove Community Ctr. to honor Earth Day by turning out lights to join the world in saving energy across the planet, and presented a video on u-tube (shown on video).

**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.

Lisa Hernandez-Wexler said that her daughter Rubie Wexler was a 10-year old community leader of high achievement and recognition, that she was chosen as 1 out of 28 delegates to go on a summer program abroad by People to People Student Ambassadors, that she was selling items to raise money for

her program, that she wanted the City to recognize what Rubie had accomplished so that she could possibly get financial backup, and that they planned to submit a written request to the City to get the item on the next agenda.

Rubie Wexler said that she wanted to set the stage for all young people to do what they put their mind to doing, that with the help of her City and community that her opportunity abroad would be a success, and she promised to report back to the City when she returned.

Councilmember Heebner said that it was a great presentation, that she could imagine what a wonderful opportunity it was for Rubie, that the handout said that a \$150 donation made a sponsor, and asked if Council would donate together to become a sponsor.

Roman Skripkus said that he had two topics and expected to have 3 minutes for each of them.

Johanna Canlas, City Attorney, said that SBMC 2.0.4.190 stated that a speaker of oral communication had a total of 3 minutes for comments, and that only Council could vote to extend extra time.

Roman Skripkus said that there was a problem with the enforcement of construction restrictions due to limited City hours, that there was no one to enforce the code when the City was closed. He stated that the City's 16 foot limit on construction in the Structural Development Permit view assessment process flowchart was not justified because it avoided having to contact your neighbor, that it had the potential to disrupt people's views without notice.

David Ott, City Manager, responded that the City did not have the Staff resources on Sunday to address construction restrictions, that Staff visited this site and code enforcement talked to the contractor, and that neighbors should call the Sheriff who could enforce the municipal code if there was a disturbance during closed City hours. He continued his response regarding the 16 foot limit, that the code did not provide for a right to views, that the City tried to work within those confines and that it struck a delicate balance within the community.

Manny Alguilar stated that he supported Rubie Wexler, that she would be a great ambassador for the youth of the City and wanted the Council to bring a campaign for community support.

#### **COMMUNITY ANNOUNCEMENTS:**

#### **COMMENTARY:**

**A. CONSENT CALENDAR: (Action Items) (A.1 - A.7)**

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

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

Recommendation: That the City Council

1. Ratify the list of demands for January 28, 2012 through February 17, 2012.

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

**A.3. General Fund Adopted Budget for Fiscal Year 2011-12 Changes. (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 Nichols and seconded by Roberts. **Motion carried unanimously.**

**A.4. Marine View Avenue Improvements Notice of Completion. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2012-032:
  - a. Authorizing the City Manager to execute a final change order with PAL General Engineering for a cumulative amount of \$52,026.
  - b. Authorizing the City Council to accept as complete the Marine View Avenue Improvements, Bid No. 2011-02, performed by PAL General Engineering.
  - c. Authorizing the City Clerk to file a Notice of Completion.

**MOTION:** Moved by Nichols 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 December 31, 2011.

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

**A.6. Repair of Fire Department Apparatus. (File 0240-25)**

Recommendation: That the City Council

1. Adopt Resolution 2012-034
  - a. Approving and allocating additional funds for payment for repairs of Fire Department apparatus and authorizing the City Manager to execute an amendment to the agreement with NCEVS as needed.
  - b. Approve the appropriation of \$13,900 to budget item 001-6000-6120-6428 from General Fund Undesignated Reserves for the repair of Fire Department apparatus.

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

**A.7. Authorize Purchase of Trailer Mounted Pump. (File 0370-26)**

Recommendation: That the City Council

1. Adopt Resolution 2012-037
  - a. Authorizing the purchase of a 6" trailer mounted trash pump from Godwin Pumps in the amount of \$25,576.
  - b. Appropriating \$25,576 from Unrestricted Reserves (509-3200) to Equipment (509-0000-7700-6640) in the Sanitation Fund and authorize the City Treasurer to amend the FY 11/12 budget accordingly.

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

**A.8. Minutes of the City Council. - added 3-11-12 5:45 p.m.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held November 9, 2011.

**MOTION:** Moved by Nichols 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: NONE**

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.

**C. STAFF REPORTS: (C.1 - C.4)**

*Submit speaker slips to the City Clerk*

**C.1. Highland Drive/Lomas Santa Fe Traffic Calming Project. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2012-036:
  - a. Approving the traffic calming measures proposed on Highland Drive from Sun Valley Road to Via la Senda and authorizing Staff to complete the final construction documents for the project.
  - b. Authorizing the City Engineer to advertise the project for construction bids.

David Ott, City Manager, introduced the item.

Mo Sammak, Public Works Director/City Engineer, presented a powerpoint (on file) reviewing the project.

Council and Staff discussed continuous bike lanes sharing parking in certain areas, stripping on uphill area giving proper direction on which lane traffic should be in, and that paint used on Las Banderas had not seemed to wear well, funding was coming from the stimulus funds and not directly from City funds, that quality on wear was relative to the cost, and that on certain areas where parking was not needed on the street that it should be a bicycle lane instead.

Mary Jane Boyd said that she lived on the east side, that there was a great need to improve the intersection and street to make it safe for walkers and bikers and that she favored single lanes as a long term traffic calming effort.

Douglas Alder said that he was glad to see improvement for cyclists, that he heard from parents about concerns that the streets were not safe for children, that the bike lanes near parked cars caused issues with opening doors on the cyclists, to consider sharrows to display to drivers that bikes are also using the same road to keep the bikes clear of opening car doors, and consider install bicycle counters to provide more data.

Council and Staff discussed concerns about the proposals without statistical data to verify that it would work without long term plans, that the area was a dangerous situation, there had been no traffic enforcement for over 30 days since the City did not have a motorcycle officer and the Sheriff department did not replace it yet, that the City would not receive a refund without coverage until after 30 days, that an opportunity may have been missed to write tickets, that

signs were posted at the two highest priority areas, that enforcement was required in considering a long term solution, that many tickets were written for a few days after the community meeting.

Council and Staff continued discussion regarding the focus on the long term vision, to aim to make all bike lanes continuous, look at stripping at north side of Lomas Santa Fe, that using good quality paint would prevent repainting, to consider having the Sheriff explain how decisions were made, that citizen complaints resulted in focus on where resources were placed, that the problems on Highland were not the same as those on Lomas Santa Fe, to obtain an explanation of the lack of a motorcycle patrol, and that the ongoing focus was in the Workplan.

**MOTION:** Moved by Nichols and seconded by Campbell approved with additional direction. **Motion carried unanimously.**

**C.2. Updated Regulations and Conditions for Expanded Community Use of the Fletcher Cove Community Center. (File 0730-80)**

Recommendation: That the City Council

1. Receive this report and discuss recommendations.
2. Direct Staff to develop a Council Policy related to rental of City facilities

David Ott, City Manager, introduced the item.

Danny King, Sr. Management Analyst, presented a powerpoint (on file) reviewing the potential expanded use for Council discussion and direction.

Melissa Beach, California Department of Alcohol and Beverage Control, reviewed general regulations regarding alcohol use at Fletcher Cove, that a permit was not required if sale of beverages was not open to the public, the different ways to obtain a permit when needed, and the requirements as far as those serving alcohol.

Danny King, Sr. Management Analyst, continued the powerpoint presentation.

Mary Jane Boyd, Solana Beach Civic and Historical Society, (time donated by Trudy Synodis, Amanda Schmidt) stated that they were a major stake holder in the Fletcher Cove Community Center, that they were a major force in raising funds for the renovations, they recommended several revisions to the proposed use policies, and that the Center should be a gathering place for the community.



She stated that the Society recommended that there be no more than one event per day, that the center should be vacated and cleaned one hour after the party ending time with equipment pick up the next day if needed, that parking should be allowed in the surrounding neighborhoods since streets were public, that all music should comply with the noise ordinance already in existence, that all east facing windows and front door should be closed when music was playing, that no alcohol should be sold without required permits as opposed to banning the sale altogether, and that drinking alcohol should be limited to the inside of building, the open area west of the building, and the patio area south of the building.

Council and Staff clarified that in order to allow alcohol outside, that ABC required a fence to block off the area, and that the City could not be less stringent.

Celine Olson stated that she was a pioneer of Solana Beach, that the Fletcher Cove Community Center had been a gathering place over the years supported principally by the Women's Civic Club and the Civic and Historical Society, that some of the cost figures in the report were startling, that if the alcohol was not being sold it might be allowed outside without a fence, and that the surrounding neighbors moved in when the Community Center was already there so they should be treated like everyone else who had a party in that neighborhood.

Eric Lodge stated that he agreed with the points made by Mary Jane Boyd, that the Center became an eye sore and that the changes enhanced the community, that discouraging parking in residential areas was fair, but that prohibiting it should not be allowed as it was still public parking, that the restrictions on consecutive events made it impossible to have an event on Friday and Saturday which did not seem right, and that there should be time provided the next morning for the removal of equipment.

Vicki Cypherd stated that she lived close to the Community Center, that she did not want events to be allowed every weekend, that it would be very impactful on the neighbors, whether a portion of the area would be blocked off from public wanting to go up and enjoy the views, that alcohol made people uninhibited which would increase the noise, and wondered how the City could get away with allowing alcohol with at Fletcher Cove and not at La Colonia Park.

Geri Retman stated that she used to live near the Community Center and that they were impacted from the parties, that they heard the same music every single weekend, that there would be loud noises from people returning to their cars at night and people urinating in the gutters and on their yards, that she did not think it was fair to serve alcohol at Fletcher Cove and not at La Colonia, that she was concerned about public access directly west of the building, that the neighborhoods already had limited parking and overflow would greatly effect the people living there, and urged Council to seriously look how these issues would

impact people in the neighborhood.

Bruce Berend stated that he lived in the residential neighborhood, that college kids had parties at least two nights a week, that he did not understand why the neighbors around the Community Center had different standards than other members of the community, that they knew about the Community Center when they bought their houses, the place was in such disrepair the last decade that no one wanted to have a party there, the parties and regulations in the 90's should be an appropriate reference point, that the trial period should be ordinary use if there were problems there would be added restrictions.

Peter House (time donated by Carol Childs) stated that there were a lot of people who wanted to use the Community Center, that he put together a group including neighbors to see if a middle ground could be reached, that he mailed out the draft of the trial period regulations to the people he had spoken to before, and that most of them were content with the rules the Council had proposed.

Council and Staff discussed equipment such as chairs, tables, refrigerator, and podium which could be used if requested, that the projector was attached to the ceiling, that the \$200 to \$250 rental fee was the mid range, that the fee was not a direct analysis and just a range for consideration, that the fees would go into the asset replacement fund for the facility, that the role of the security guard would be to count the number of guests coming in and observe what parking areas they were coming from, that coming back in the morning for equipment would have to be done before any classes or events the following day.

Discussion continued regarding the parking on the street, that renters would have to comply with the City sound ordinance, that the sale of alcohol should be allowed with the appropriate permits, that what was allowed at Fletcher Cove should be allowed at La Colonia, that neighbors should be notified the next time this item was discussed, that no one should be allowed to cone off the parking spaces out front, that some of the fee should go to landscaping maintenance, that there needed to be more clarity as far as if classes and meetings were considered an event, that there were different fees for meetings and classes, that two events per weekend should be the maximum allowed, that penalties should be defined, that the Sheriff was available at all times if there was a complaint, trash needed to be hauled away and dealt with off sight, that the rental application should include a map of the site with areas of use pointed out, that the application should ask about the age of attendees, that there should be a process for input during the trial period, and that the south doors should be closed as well while music was played.

Discussion continued that the rental rates were too low, that there should be a separate damage deposit and a compliance deposit, and that the public needed to have access to the viewpoints even if there was an event at the location.

Council and Staff discussed the enforcement of the sound issues, the potential usage fee for the facility, and concluded that Staff would return with the requested changes and more suggestions.

**C.3. California Safe Routes to School Grant Application. (File 0390-30)**

Recommendation: That the City Council

1. Adopt Resolution 2012-033:

- a. Authorizing the City Engineer to submit an application to the California Department of Transportation (Caltrans) for the Cycle 10 State-legislated Safe Routes to School (SR2S) Program. The proposed project would restripe Stevens Avenue between San Rodolfo Drive and Valley Avenue from two lanes in each direction to one lane in each direction, a center turn lane and bike lanes in each direction, as well as improve pedestrian sidewalks.
- b. Authorizing the City Manager to accept a grant award up to the amount of this application for \$120,000, and that the City Manager, acting for the City of Solana Beach, is hereby authorized and empowered to execute in the name of the City of Solana Beach, all necessary contracts and agreements, and amendments hereto, to implement and carry out the purposes specified in the application.

David Ott, City Manager, introduced the item.

Mo Sammak, Public Works Director, presented a poweppoint (on file).

Douglas Alder said that he supported the grant application, that there was strong City support, and asked for bike racks to be placed out front.

Roger Boyd stated that he lived in Solana Beach, that he favored the recommendation, that it would be a win/win project and would clean up a blighted area of the City, and that reverse angled parking was the safest way to park.

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

**C.4. 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, recommended that the item be removed from the agenda and future agendas since the City of Del Mar had renounced their position and that it could be brought back if there were new developments.

**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 (meets twice a year) - Roberts, Kellejian (alternate).
- 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 7, 2013 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 10, 2013
- k. View Assessment - Nichols, Heebner. Expires October 21, 2012

**ADJOURN:**

Mayor Kellejian adjourned the meeting at 9:40 p.m.



Angela Ivey, City Clerk

Approved: May 23, 2012