

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

MINUTES

JOINT REGULAR MEETING
Wednesday, December 12, 2012
6:00 P.M.

City Hall Council Chambers, 635 S. Highway 101, Solana Beach, California

CALL TO ORDER AND ROLL CALL:

Present: Nichols, Campbell, Heebner, Zito, and Zahn.

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

Councilmember Nichols called the meeting to order at 7:10 p.m.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

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

C.1. City Council Reorganization: Installment of Elected Officers & Annual Mayor / Deputy Mayor Designations. (File 0430-20)

Recommendation: That the City Council

- 1. Installment of Elected Officers
 - a. City Clerk administers Oath of Office to Councilmember Elect Lesa

Heebner, Councilmember Elect David Zito, and Councilmember Elect Peter Zahn.

- b. City Clerk presentation of official Election Certificates to Councilmember Elect Lesa Heebner, Councilmember Elect David Zito, and Councilmember Elect Peter Zahn.

2. Nominations and Appointment of Annual Mayor and Deputy Mayor

- a. In accordance with Resolution 1996-017, nominate and appoint the 2013 Mayor and Deputy Mayor for the term of December 12, 2012 to December 11, 2013.
 - i. Nominations for Mayor will be accepted, call for the motion to close nominations, and call for the vote.

MOTION: Moved by Campbell and seconded by Zito to appoint Councilmember Nichols as Mayor. **Motion carried unanimously.**

- ii. The newly appointed Mayor calls for nominations for Deputy Mayor, calls for a motion to close nominations, and calls for the vote.

MOTION: Moved by Nichols and seconded by Heebner to appoint Councilmember Campbell as Deputy Mayor. **Motion carried unanimously.**

PROCLAMATIONS/CERTIFICATES:

Mayor Nichols presented a proclamation to Pam Slater Price for her years of service as County Supervisor.

1. Pam Slater-Price, San Diego County Supervisor

PRESENTATIONS:

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

1. Highway 101 Project Westside Improvement Project Update

Mo Sammak, Engineering/Public Works Dir., presented a powerpoint (on file).

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.

Lane Sharman stated that it was an emotional evening, thanked Staff, the new Councilmembers and those members continuing on. He said that he advocated for clean energy, that there was a law called communicative choice, that it would come before Council, that he wanted a confidential agreement signed between the City and SDGE, and submit letters of reference.

COUNCIL COMMUNITY ANNOUNCEMENTS:

COUNCIL 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. Register of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the above register of demands for November 10-23, 2012.

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

A.2. General Fund Adopted Budget for Fiscal Year 2012-13 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2012-2013 General Fund Adopted Budget.

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

A.3. Contract Staff Funding Adjustment Requests and Approval of Professional Services Contract. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution No. 2012-171:
 - a. Ratifying expenditures to Apple One Staffing Agency for temporary

staffing coverage for the City Clerk's office in the amount of \$28,000.

- b. Authorizing the City Manager to execute a Professional Services Agreement with Leticia Fallone in the amount of \$20,000 to provide support services in the City Clerk's office.
- c. Authorizing the appropriation of \$31,300 into the Motor Vehicle in Lieu revenue account in the General Fund.
- d. Authorizing the appropriation of \$6,000 to the Temporary/Non-Salary and \$20,000 to the Professional Services expenditure accounts into the City Clerk's General Fund budget.
- e. Authorizing the appropriation of \$37,000 in salary and benefits into the Finance Department's General Fund budget.
- f. Authorizing the transfer of \$37,000 from the Asset Replacement Fund - Finance into the General Fund.
- g. Authorizing the City Treasurer to amend the Fiscal Year 2012/2013 Adopted Budget accordingly.

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

A.4. Status Report on Major FY 2012-13 Capital Improvement Projects. (File 0810-05)

Recommendation: That the City Council

1. Receive Report from Staff.

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

A.5. Local Assistance Funding from California Department of Boating & Waterways for the USACE Solana Beach-Encinitas Shoreline Project. (File 0390-34)

Recommendation: That the City Council

1. Adopt Resolution 2012-179 to:
 - a. Authorize the City Manager to enter into an amended contract with California Department of Boating and Waterways in the amount of \$94,000 for Fiscal Year 2012-2013.
 - b. Utilize these funds to reimburse the City of Encinitas for 50% of the direct costs associated with the preparation of technical studies necessary for completion of the USACE Project.
 - c. Appropriate \$94,000 to Budget Unit, Department of Boating and Waterways - State Grants.

- d. Appropriate \$94,000 to Budget Unit, Project No. 9926-6661.
- e. Authorize the City Treasurer to amend the FY 2012/13 Budget accordingly.

MOTION: Moved by Heebner and seconded by Zahn. **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. Development Review (DRP) and Structure Development (SDP) Permits at 134 S. Granados Ave, Applicant: Valba LLC, Case # 17-12-04. (File 0600-40)

Recommendation: 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 City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and 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 City Council makes the requisite findings and approves the project, adopt Resolution 2012-175 conditionally approving a DRP and an administrative SDP to allow for the construction of a 3,926.9 square foot residence and a 143.4 square foot detached accessory structure on a vacant lot at 134 S. Granados Avenue.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a powerpoint (on file) reviewing the project.

Mayor Nichols opened the public hearing.

Applicant Presentation:

Erica Haines, applicant, said that she was the owner of the Valba residence and was excited to have found the property and become part of the community.

Jean-Louis Coquereau, applicant's architect, presented a powerpoint (on file) and talked about the areas cross zoning, changes that were made to the plans due to neighbors concerns, and pointed out where the applicant proposed more landscaping. He answered questions about the proposed back wall, which was a height of 6 - 8 feet, due to the slope of the property, the type of material had not been decided, and the wall would be covered with vegetation in order to mitigate noise from Lomas Santa Fe.

Scott Hermes stated that he was an adjacent neighbor, that the architect had listened to his concerns and that he could support the project, and noted they still needed to work with the privacy issue and landscaping between the two courtyards.

Brad Jacobs stated that he lived on the east side of the proposed project, that he supported the proposal for 134 Granados Avenue but had concerns for the property at 133 Granados Ave.

Gary Martin complimented Mr. Coquereau for listening to the neighbors' concerns, said that he supported the project but would like to have more articulation of the north side of the property.

Gerry Retman stated that she supported the proposed changes but would like some articulation to the wall.

Applicant Rebuttal:

Jean-Louis Coquereau spoke about the retaining wall, committed to meet with Mr. Hermes and resolve any issues he had with the retaining wall, and said they had different options that they could do to provide articulation of the north side of the property.

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

Council disclosed their familiarity with the project area.

Council and Staff discussion ensued regarding concerns with the articulation on the north side retaining wall.

MOTION: Moved by Heebner and seconded by Campbell to reopen the public hearing.
Motion carried unanimously.

MOTION: Moved by Heebner and seconded by Zito to keep the public hearing open and set a continued date for January 9, 2013. **Motion carried unanimously.**

Johanna Canlas, City Attorney, noted that the public hearing is still open so the Council can't discuss additional items until the January meeting.

Mayor Nichols recessed the meeting at 8:40 p.m. for a break and reconvened at 8:50 p.m.

B.2. Conditional Use Permit (CUP) for a Modification to a Wireless Communications Facility at 105 N. Cedros Applicants: T Mobile USA, Case # 17-12-25 (File 0610-60)

Recommendation: Because the Act mandates that the project be approved, Staff recommends 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 the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. That the City Council adopt Resolution 2012-170 conditionally approving a CUP to modify an existing Wireless Communications Facility located within the existing tower of the Solana Beach Train Station as mandated by the Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a powerpoint (on file).

Council and Staff discussed the restrictions of having input on wireless applications, that the City could allow administrative approval or incorporate certain changes to allow some discretion to certain terms, that it had not been tested in the courts yet, since it fairly new, so there was no case law.

MOTION: Moved by Campbell and seconded by Zahn to close the public hearing.
Motion carried unanimously.

Council disclosed their familiarity with the project.

MOTION: Moved by Campbell and seconded by Nichols approve the project and direct

the City Attorney to write a memo to Council regarding the points of consideration for modifying the City's code on these projects. **Motion carried unanimously.**

C. STAFF REPORTS: (C.2. - C.4.)

Submit speaker slips to the City Clerk

C.2. Community Grant Program Awards Fiscal Year 2012-13. (File 0330-25)

Recommendation: That the City Council

1. Select the Fiscal Year 2012-13 Community Grant Program recipients and identify an award amount to each recipient.
2. Adopt Resolution 2012-180 authorizing the funding for the selected community grants recipients for financial assistance under the FY 2012-13 Community Grant Program.

Dan King, Assistant to City Manager, presented an matrix of Council's suggested allotments of funds.

Council discussed the list of requestors and needs within certain groups.

MOTION: Moved by Zito and seconded by Zahn to approve the following allocations: Boys & Girls Club of San Dieguito (\$3,380), Community Resources Ctr. (\$5,000), Earl Warren School Parent Teacher Student Assoc (PTSA) (\$1,120), Kids Korps USA (\$1,000), St. James & St. Leo's Medical/Dental (\$2,000), and The Center for Academic & Social Advancement (\$2,500). **Motion carried unanimously.**

C.3. General Fund Update for Fiscal Year 2011-12. (File 0330-30)

Recommendation: That the City Council

1. Accept report.

David Ott, City Manager, introduced the item.

Marie Berkuti, Finance Manager, presented a powerpoint (on file).

C.4. Consideration of Adoption of Fair Political Practices Commission (FPPC) Form 806 Agency Report of Public Official Appointments. (File 0440-40)

Recommendation: That the City Council

1. If desired, adopt Resolution 2012-181, to approve Fair Political Practices

Commission Form 806 for posting on the City's web site with the mandated information regarding appointments of Council Members to outside committees, boards, and associations for which compensation is paid.

2. Authorize the City Clerk to update the document as necessary and post it on the City's website as mandated by the FPPC regulation.

David Ott, City Manager, introduced the item.

Johanna Canlas, City Attorney, said that it was not mandatory, but if Council chose to proceed the Form 806 would be posted before the next appointments were made.

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

COUNCIL COMMITTEE REPORTS:

Council reported community activity and reports.

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.

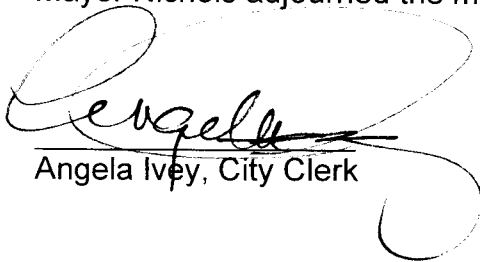
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Parks and Recreation Committee - Heebner, Nichols
- e. Public Arts Committee - Roberts, Nichols.
- f. School Relations Committee - Roberts, Nichols.

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 October 23, 2013.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 6, 2012.
- d. Fire Department Management Governance-Kellejian, Roberts.Expires July 10, 2013.
- e. Fiscal Sustainability - Campbell, Roberts. Expires June 12, 2013.
- f. General Plan - Campbell, Nichols. Expires July 10, 2013.
- g. La Colonia Park - Nichols, Heebner. Expires June 12, 2013.
- h. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 7, 2013 or at the California Coastal Commission adoption.
- i. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 10, 2013
- j. View Assessment - Nichols, Heebner. Expires June 10, 2013

ADJOURN:

Mayor Nichols adjourned the meeting at 9:34 p.m.



Angela Ivey, City Clerk

Approved: January 9, 2013