

**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 11, 2013**  
**06:00 P.M.**

Minutes contain a summary of the discussions and actions taken by the City Council during a meeting. City Council meetings are video recorded and archived as a permanent record. The video recordings capture the complete proceedings of the meeting and are available for viewing on the City's website.

**CALL TO ORDER AND ROLL CALL:**

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

**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, Community Development Dir.  
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 that there was not reportable action.

**FLAG SALUTE:****APPROVAL OF AGENDA:**

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

**COUNCIL REORGANIZATION****C. STAFF REPORTS: (C.1.)**

*Submit speaker slips to the City Clerk*

**C.1. Annual Council Reorganization: Mayor / Deputy Mayor Designations. (File 0430-20)**

Recommendation: That the City Council

1. Appoint the 2014 Mayor and Deputy Mayor for the term of December 11, 2013 to December 10, 2014.
  - a. Nominations are called for Mayor. Close nominations. Call for the vote.
  - b. Nominations are called for Deputy Mayor. Close nominations. Call for the vote.

Mayor Nichols nominated Deputy Mayor Campbell for Mayor.

**MOTION:** Moved by Nichols and seconded by Heebner to appoint Thomas M. Campbell as Mayor (Term December 11, 2013 - December 10, 2014) **Motion carried unanimously.**

Mayor Campbell nominated Councilmember Heebner as Deputy Mayor.

**MOTION:** Moved by Campbell and seconded by Nichols to appoint Lesa Heebner as Deputy Mayor (Term December 11, 2013 - December 10, 2014) **Motion carried unanimously.**

**C. PRESENTATION:**

1. Outgoing Mayor Remarks

Councilmember Nichols addressed the Council and the public regarding his term as Mayor.

Mayor Campbell made remarks on behalf of Council in thanks of his service.

Public Comments

Supervisor Dave Roberts presented a proclamation to Mike Nichols for his service as Mayor, declaring this day as Mike Nichols Day. Remarks were made by Marilee McLean, Torgen Johnson, Jim Jaffe, Heather Nichols, Gerri Retman, and Ira Oppen.

David Ott, City Manager, remarked on Councilmember Nichols service as Mayor and presented a gift of thanks on behalf of the City.

**BREAK: A brief recess will be taken at this time.**

Mayor Campbell recessed the meeting for a break at 5:25 p.m. and reconvened at 5:35 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.

Jim Edson stated that he lived on Marsolan and that his neighborhood had been experiencing rising issues due to some events held at the Del Mar Fairgrounds from attendees who parked on west Solana Circle which included drunk, loud behavior and shouting threats to neighbors, making residents feel unsafe, and asked that Council work with residents to consider some solutions before the 2014 County Fair and Race seasons.

Council and City Manager discussed other reports received, meetings that the City Manager had scheduled, and providing Council input from his findings and possible solutions.

Torgen Johnson stated that the City of San Clemente, in response to the shut down at San Onofre, would be voting on a Council resolution to demand that the Nuclear Regulatory Commission create a Generic Environmental Impact Statement (GEIS) to the issue of storing 1,628 metric tons of extremely dangerous high burn-up nuclear fuel on the coastline for up to 300 years and would be asking cities for support, and he requested that Council consider participating.

#### **COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

##### **A. CONSENT CALENDAR: (Action Items) (A.1. - A.10.)**

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. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held October 7, October 16, October 23, and November 6, 2013.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for October 19, 2013 through November 29, 2013.

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

**A.3. General Fund Adopted Budget for Fiscal Year 2013-14 Changes. (File 0330-30)**

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2013-2014 General Fund Adopted Budget.

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

**A.4. Re-establish Two Council Ad Hoc Committees: 1) Army Corps of Engineers and Regional Beach Nourishment Ad Hoc and 2) Environmental Sustainability Ad Hoc. (File 0410-48)**

Recommendation: That the City Council

1. Adopt Resolution 2013-023 re-establishing the Army Corps of Engineers and Regional Beach Nourishment Ad Hoc Committee until December 10, 2014; and
2. Adopt Resolution 2013-034 re-establishing the Environmental Sustainability Ad Hoc Committee until December 10, 2014; and
3. Re-appoint the two existing Councilmembers (Army Corps of Engineers and Regional Beach Nourishment Ad Hoc Committee: Nichols, Campbell) (Environmental Sustainability Ad Hoc Committee: Heebner, Zahn).

**MOTION:** Moved by Heebner and seconded by Zito ACOE (Nichols, Campbell) Envir Sustain. (Heebner, Zahn) **Motion carried unanimously.**

**A.5.**

**Fire Apparatus Maintenance Agreement. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2013-144 awarding the maintenance and repair agreement to South Coast EVS in an amount not to exceed \$45,000.

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

**A.6. California Coastal Commission Local Coastal Planning Grant. (File 0390-34)**

Recommendation: That the City Council

1. Approve Resolution 2013-135 formally acknowledging the submittal of an application for a California Coastal Commission Local Coastal Planning Grant and forward to the California Coastal Commission for consideration.
2. Authorize the City Manager to execute in the name of the City of Solana Beach, all necessary applications, contracts and agreements and amendments to implement and carry out the grant application package and any project approved through approval of the grant application.

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

**A.7. City Facility Maintenance and Repair Agreement Amendment. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2013-146 authorizing the City Manager to execute an amendment to the Professional Services Agreement with Lalley Construction for FY 2013-14 to increase the agreement by an additional \$15,000 for a total of \$29,000.

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

**A.8. Paramedic-level Ambulance Services Lease Agreement with American Medical Response Ambulance Service, Inc. (AMR). (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2013-148 authorizing the City Manager to enter into an agreement with American Medical Response Ambulance Service, Inc. to lease space at the Solana Beach Fire Station subject to successful negotiations with AMR and final review and approval of the agreement by legal counsel.

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

**A.9. Land Use Plan Consulting Services Agreement. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2013-147 authorizing the City Manager to execute the First Amendment to the Professional Services Agreement for consulting services between the City of Solana Beach and McCabe & Company related to the Land Use Plan Amendment.

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

**A.10. Community Grant Recipient Financial Expenditure Report Fiscal Year 2012-13. (File 0330-25)**

Recommendation: That the City Council

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

**C. STAFF REPORTS: (C.2.)**

*Submit speaker slips to the City Clerk*

**C.2. Comprehensive Annual Financial Report (CAFR) Fiscal Year 2012-13. (File 0310-22)**

Recommendation: That the City Council

1. Accept and file the City of Solana Beach Comprehensive Annual Financial Report (CAFR) for the fiscal year July 1, 2012 - June 30, 2013.
2. Accept and file the Statement of Auditing Standards (SAS) Management Letter.
- 3.

Accept and file the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets letter.

4. Accept and file the Independent Accountants' Letter disclosing on their responsibilities under U. S. Generally Accepted Accounting Standards SAS No. 114.

David Ott, City Manager, introduced the item.

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

Brian Gruber, Auditor, presented a PowerPoint (on file).

**MOTION:** Moved by Heebner and seconded by Zito. **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) and Structure Development Permit (SDP) for 235 North Rios Ave, Applicant: Nanula, Case # 17-13-17. (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 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 2013-145 conditionally approving a DRP and an administrative SDP to construct a 3,849 square foot two-story residence with a 34 square foot covered entry and detached, 700 square foot, three-car garage at 235 North Rios Avenue, Solana Beach.

David Ott, City Manager, introduced the item.

Patricia Bluman, Principal Planner, presented a PowerPoint (on file).

Mayor Campbell opened the public hearing. Council disclosed their familiarity with the project.

Applicant

Bart Smith, DNZ Architects, said that they had presented a design of one house on a lot previously approved for two.

Council and the architect discussed the reason for the design, which included architectural views at the corners, and that they achieved it with a reverse plan of the project.

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

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

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

*Submit speaker slips to the City Clerk*

**C.3. Community Grant Program Awards Fiscal Year 2013-14. (File 0330-25)**

Recommendation: That the City Council

1. Select the FY 2013-14 Community Grant Program recipients and identify an award amount to each recipient.
2. Adopt Resolution 2013-093 authorizing the funding for the selected community grants recipients for financial assistance under the FY 2013-14 Community Grant Program.



Dan King, Sr. Management Analyst, presented a powerpoint (on file) of a spreadsheet of applicants and updated as consensus was reached on allocations.

**MOTION:** Moved by Zito and seconded by Nichols to make the following allocations: BikeWalkSolana \$800, Boys and Girls Club of San Dieguito \$2,200, Casa De Amistad \$1,000, Community Resource Center \$5,000, Del Sol Lions \$1,500, Kids Korps USA \$1,500, La Colonia de Eden Gardens, Inc. \$1,000, St. James and St. Leo Medical and Dental Program \$2,000 **Motion carried unanimously.**

**C.4. Adopt (2nd Reading) Ordinance 444 - 2013 California Building and Fire Codes, Standards and Administrative Codes. (File 0800-90)**

Recommendation: That the City Council

1. Find that this action is exempt from CEQA pursuant to Section 15061(b)(3).
2. Find that pursuant to Health & Safety Code Section 17958.7 that all of the proposed local amendments to the state, fire and building codes are necessary due to local climactic, topographical and geological local conditions.
3. Adopt Ordinance 444 amending SBMC Title 15, "Buildings and Construction."

Johanna Canlas, City Attorney, read the title of the ordinance.

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

**COUNCIL COMMITTEE REPORTS:**

Council reported community activity.

**Regional Committees: (outside agencies, appointed by this Council)**

- a. City Selection Committee (meets twice a year) - Nichols, Heebner (alternate).
- b. County Service Area 17 - Zahn, Campbell (alternate).
- c. Escondido Creek Watershed Authority - Zito.
- d. League of Ca. Cities' San Diego County Executive Committee - Nichols, Heebner (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Nichols, Heebner (alternate).

- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Nichols, Heebner (alternate).
- g. North County Dispatch JPA - Zahn, Nichols (alternate).
- h. North County Transit District - Nichols, Heebner (1st alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Zahn (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Zito (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Nichols, Heebner (alternate).
- l. San Dieguito River Valley JPA - Heebner, Nichols (alternate).
- m. San Elijo JPA - Campbell, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Heebner, Campbell.

**Standing Committees: (All Primary Members) (Permanent Committees)**

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

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Nichols, Zito. Expires December 5, 2013.
- b. Development Review - Nichols, Heebner. Expires October 22, 2014.
- c. Environmental Sustainability - Heebner, Zahn. Expires December 5, 2013.
- d. Fire Department Management Governance - Zito, Zahn. Expires July 09, 2014.
- e. Fiscal Sustainability - Campbell, Zito. Expires June 11, 2014.
- f. Gateway Property - Campbell, Heebner. Expires April 9, 2014.
- g. General Plan - Nichols, Zito. Expires July 09, 2014.
- h. La Colonia Park - Nichols, Heebner. Expires June 11, 2014.
- i. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 22, 2014 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 8, 2014.
- k. View Assessment - Heebner, Zito. Expires June 11, 2014.

**ADJOURN:**

Mayor Campbell adjourned the meeting at 8:12 p.m.

  
Angela Ivey, City Clerk

Approved: January 22, 2014