

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

## **MINUTES**

JOINT **REGULAR** MEETING  
**Wednesday, May 14, 2014**  
**06:00 P.M.**

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

**Present:** Zahn, Heebner, Nichols, Campbell, and Zito.  
**Absent:** None.  
**Also Present:** David Ott, City Manager  
Johanna Canlas, City Attorney  
Angela Ivey, City Clerk  
Wende Protzman, Community Development Dir.  
Mo Sammak, Engin/Public Works Dir.  
Marie Berkuti, Finance Manager  
Dan King, Sr. Management Analyst

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

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

David Ott, City Manager, reported that he would retire November 28, 2014, that he had enjoyed serving City Council, employees, and the community, he would make the transition as seamless as possible, and thanked Council for the opportunity to serve over the last 8 years at City Manager. He stated that there was not reportable action regarding any other agenda items.

Mayor Campbell thanked Mr. Ott.

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

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

## **PROCLAMATIONS/CERTIFICATES:**

1. Bike to Work Month
2. National Public Works Week

## **PRESENTATIONS:**

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

1. Del Mar Shores Staircase

Mo Sammak, Engineering/Public Works Director, 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.

Doug Sutton stated that he was not pleased with the City's fire prevention, asked to prioritize fire prevention measures, perform street to street checks to ensure property owners are doing all required and possible to make the City safer during his dry period, that he had asked many times for palm trees to be trimmed of 20 years overgrowth since they were tender for the smallest cinder, and that the current fires are a warning.

David Ott, City Manager, said that the current fire situation was not threatening Solana Beach at this time, that the weather was supposed to begin changing, and that the current conditions were highly unusual because of the wind.

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

### **A. CONSENT CALENDAR: (Action Items) (A.1. - A.11.)**

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 March 5, 12, and 26, 2014.

This item was pulled to return to a future agenda.

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

Recommendation: That the City Council

1. Ratify the list of demands for April 5 - 18, 2014.

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

### **A.4. Quarterly Investment Report. (File 0350-44)**

Recommendation: That the City Council

1. Accept and file the Cash and Investment Report for the quarter ended March 31, 2014.

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

### **A.5. Street Lighting District Annual Assessment. (File 0495-20)**

Recommendation: That the City Council

1. Adopt Resolution 2014-044 approving the Engineer's Report for proceedings for the annual levy of assessments within a special maintenance district.
- 2.

Adopt Resolution 2014-045 declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing; and scheduling the public hearing for June 11, 2014.

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

**A.6. Coastal Rail Trail Maintenance District Annual Assessment. (File 0495-20)**

Recommendation: That the City Council

1. Adopt Resolution 2014-041, initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District.
2. Adopt Resolution 2014-042, approving the Engineer's Report for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
3. Adopt Resolution 2014-043, declaring intention to provide for the annual levy and collection of assessments in Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for June 11, 2014.

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

**A.7. Del Mar Shores Beach Stairway Conservancy Grant. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2014-034:
  - a. Approving the award of grant funding from the Coastal Conservancy for the project.
  - b. Acknowledging that the City has sufficient funds to complete the project and to operate and maintain the Del Mar Shores Beach Access Stairway for a reasonable period, not less than the useful life of the stairway.
  - c. Agreeing to provide any funds beyond the Coastal Conservancy grant funds necessary to complete the project.
  - d. Agreeing to be bound by all terms and conditions of the grant agreement and any other agreement or instrument as may be required by the Coastal Conservancy and as may be necessary to fulfill the terms of the grant agreement and to complete the project.
  - e.

Authorizing the City Manager to act as a representative of the City, to execute on behalf of the City all agreements and instruments necessary to complete the project and to comply with the Coastal Conservancy's grant requirements, including, without limitation, the grant agreement.

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

**A.8. Fire Apparatus Maintenance Agreement. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2014-049 authorizing the expenditure in the amount of \$15,525 to Miramar Truck Center for repairs on the Fire Apparatus.

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

**A.9. 2014 Street Maintenance and Repairs Project Bid. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2014-046:
  - a. Approving the list of streets scheduled for maintenance and repairs as part of the 2014 Street Maintenance and Repairs Project.
  - b. Authorizing the City Engineer to advertise for construction bids for the 2014 Street Maintenance and Repairs Project.

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

**A.10. Sewer Service Annual Charge for Fiscal Year 2014-15. (File 1040-70)**

Recommendation: That the City Council

1. Set a public hearing date for June 11, 2014, pursuant to Proposition 218, to consider an increase in the annual sewer charge of 2.5% to \$603.06 per EDU.

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

**A.11. San Dieguito River Valley Joint Powers Authority (JPA) Agreement. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2014-055 approving and authorizing the City Manager to execute the extension agreement with the San Dieguito River Valley JPA.

**MOTION:** Moved by Heebner and seconded by Nichols. **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.4.)**

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. 305 S. Highway 101 Conditional Use Permit (CUP) of a New Wireless Communications Facility, Applicant: AT&T Mobility, Case No: 17-13-30. (File 0610-60)**

Recommendation: 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. Adopt Resolution 2014-019 conditionally approving a CUP for a new WCF and associated equipment located on the roof of an existing commercial structure at 305 S. Highway 101, Solana Beach.

The applicant requested to continue the item. The public hearing was continued to July 9, 2014.

**B.2. 735 Valley Avenue Development Review Permit (DRP), Structural Development Permit (SDP), and Minor Subdivision (SUB),**

**Applicant: Sea Breeze Properties, LLC, Case No: 17-13-16. (File 0600-40)**

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 15332 of the State CEQA Guidelines.
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2014-038 conditionally approving a SUB, DRP and SDP for the project for a Multi-Family Development containing two detached, single family dwelling units and two attached single family dwelling units each consisting of two story structures with attached two car garages on the property at 735 Valley Avenue, Solana Beach.

David Ott, City Manager, introduced the item.

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

Mayor Campbell opened the public hearing. Council reported disclosures regarding their familiarity with the project and applicant.

Applicant:

Joshua Lichtman, Rocio Gertler, and Scott Maas, presented a Powerpoint (on file) and thanked Staff for the hard work on the project.

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

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

Mayor Campbell recessed the meeting at 7:00 p.m. for a break and reconvened at 7:10 p.m.

**B.3. 331 S. Granados Avenue Development Review Permit (DRP) and Structural Development Permit (SDP), Applicant: Cohen/Biven, Case No: 17-13-19. (File 0600-40)**

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 City Council makes the requisite findings and approves the project, adopt Resolution 2014-018 conditionally approving a DRP and an administrative SDP for a 795 square foot addition located at 331 S. Granados Avenue.

David Ott, City Manager, introduced the item.

Christina Rio, Assistant Planner, presented a Powerpoint (on file).

Applicant: Bart Smith, architect, said he did not have a presentation and was available for questions.

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

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

**B.4. 521 S. Rios Avenue Development Review Permit (DRP) and Structural Development Permit (SDP), Applicant: Dye Equities, Case No: 17-13-29. (File 0600-40)**

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 2014-047 conditionally approving a DRP and an administrative SDP to allow for the construction of a new multi-level, 4,624 square foot, single-family residence with a partially subterranean lower level and attached 646 square foot garage at 521 South Rios Avenue.

David Ott, City Manager, introduced the item.

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

Brian Church, architect, stated that the parking area was for fire truck access, and a wheel stop was placed there because a retaining wall could not be higher than 3.5 feet.

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

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



Council and Staff clarified that this project followed the Municipal Code and that the neighbors were noticed of a view assessment process.

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

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

*Submit speaker slips to the City Clerk*

**C.1. Hot Car Warning Signs. (File 0200-00)**

Recommendation: That the City Council

1. Receive report and provide direction to Staff

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

Jack Hegenauer presented a Powerpoint (on file) reviewing how plastic bag signs were smaller than signs proposed for the pets/kids in hot cars.

Council discussion ensued regarding the need for more signage on plastic bags, that commercial properties could use whatever signage they wanted, how to support or encourage the proposed signage, to focus on a certain ratio of signs v. parking spaces in a lot, work on a smaller version of the sign, and that addressing plastic bag signage was veering off of the subject.

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

**C.2. La Colonia Veteran's Honor Courtyard. (File 0160-18)**

Recommendation: That the City Council

1. Adopt Resolution 2014-053 authorizing the City to provide \$80,000 from the remaining bond proceeds from the former Solana Beach Redevelopment Agency, that were designated to be used in the park area, towards construction costs of the La Colonia Veteran's Honor Courtyard. These funds are currently in the Public Improvement Grant fund.

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

Council and Staff discussed how funds would be handled, returned, the last estimated project cost between \$160-200,000, and fundraising being maintained by a non-profit.

Allen Moffson stated that commercializing should not be allowed by allowing

businesses or entities but limited to the person's family and friends and allow them to list the donator's name in the lower right hand corner and that he had bought one and put in the lower right hand corner "donated by the Moffson family."

Randall Treadway, Commander of Foreign Wars Post 5431 Solana Beach, said that he had been raising funds for about a year, thanked Council for their continued support of veterans.

Council and speaker discussed his preference that a family member only be allowed to purchase a tile for a veteran and should be allowed to put their name on it for the sacrifice they made as well.

### **C.3. Citizens United Constitutional Amendment. (File 0480-60)**

Recommendation: That the City Council

1. Accept report and provide direction as needed.
2. Should the Council desire to adopt a resolution to show support for overturning Citizens United, consider approving Resolution 2014-052 as prepared by Staff, with modifications as necessary.

David Ott, City Manager, introduced the item. Danny King, Senior Management Analyst, presented a PowerPoint presentation (on file).

John Smith (time donated by Ary Shanif) stated that he worked with Common Cause which was a National Organization that worked on behalf of the American Voter, a non-partisan, non-profit organization. He stated that they were coming the City Council because City Council's and state governments were under the thumb of Citizen's United, that the group took spending limits off of all corporate, union, Political Action Committees and individual donors for any election anywhere in the country, and that each one of city's elections was subject to Citizen's United. He stated that local ordinances regarding campaign finance could be superseded by Citizen's United, that a corporation, union, Political Action Committee, or individual could spend any amount of money on elections, and that there had been a number of elections where this had already occurred such as at the City of Fullerton and City of San Diego in 2012. He stated that everyone was subject to large amounts of money that could not be defended against, that Common Cause was asking that the city join with over 500 other cities to pass a resolution requesting Congress to do something about this issue, that Congress had options which included addressing the idea of a constitutional amendment, and requested for the resolution to be adopted to assist in the creation of a wave of support across the country.

Margaret Schlesinger stated that she had been authorized by the League of Women Voters of North San Diego County to speak on their behalf, that they requested for Council to approve the resolution to support the overturn Citizen's United, and that the League of Women Voters was committed to reforming the nation's campaign finance system to ensure the public's right to know, to combat corruption, and undue influence, and to enable candidates to compete equitably for public office.

She stated that the League would continue this fight in congress, with legislature, and City Councils. She urged Council to join the others who had already signed resolutions against Citizen's United and to commit to restore the peoples power to govern their own elections.

Renita Greenberg (time donated by Pam Page) stated that former Justice John Paul Stevens proposed in a new book that Citizen's United be undone while imposing reasonable limits that candidates or their supporters could spend, that money was not speech Stevens wrote, and that the City passing the resolution would contribute to the growing support of regulating campaign spending.

Council discussed with the speaker information that she had sent Council on what jurisdictions in the county had passed resolutions in support of this issue, including several neighboring cities, and regarding that the city of Coronado had not voted on the process.

Council discussed being supportive of adopting the resolution, and that there had been a prior City election where six figures had been spent.

Councilmember Zahn made a motion with modifications to the current resolution, adding a Whereas clause similar to the City of Encinitas Resolution referencing the City of Solana Beach having a history of demonstrating support for an orderly political forum in which individuals may express themselves effectively to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections and to prohibit contributions by organizations in order to develop a broader base of political efficacy in the community," and under Resolved section the statement deleted, "that the foregoing recitations are true and correct, " added that the "city joins other cities in calling on the United States Congress..." added from the Encinitas Resolution "(b) amend the Constitution to provide that corporations are not entitled to the protections or "rights" of natural persons specifically so that the expenditure of corporate money to influence the ... process is no longer a form of Constitutionally protected speech." that other cities had also used the same language.

Council and City Attorney discussion ensued regarding the proposed language changes, that there were no issues in the first part of the resolution, and that the resolution included corporations, associations, and labor unions.

Council discussion with City Attorney regarding standard the language, "that the above recitations are true and correct," that Staff had included language in the resolution from other cities, and that the Now Therefore, was the legal part of the Resolution, and the Whereas's were just informational.

Council discussion continued regarding labor unions, that associations should be added back to the Now Therefore, whether LLC and LLPs should also be mentioned but were covered under the definition of Corporations.

**MOTION:** Moved by Zahn and seconded by Heebner to approve with modifications. **Motion carried unanimously.**

**C.4. California AB (Assembly Bill) 2145 related to Community Choice Aggregation (CCA). (File 0480-70)**

Recommendation: That the City Council

1. Receive report and discuss whether to take action.

David Ott, City Manager, introduced the item.

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

Lane Sharman presented a PowerPoint (on file) and advocated the choice of the procurement of energy, competition, and innovation. He stated that AB 2145 would eliminate CCA formation and urged to preserve community choice aggregation.

Ty Tosdal said that he spoke on behalf of Friends of San Diego Clean Energy who advocated for CCA programs and other alternatives, and he asked City Council to take action against Bill 1245, that it was a unnecessary cost, that participation was at 67% in Marin County, and that it deprived local governments from shaping the programs and authorize the PUC (Public Utilities Commission) to shape the programs,

Councilmembers discussed the Bill's handicapping the formation of CCAs, acted as an impediment, that only two districts were formed in the state since 2002, that the Bill would further stifle potential choices, and that Council had received 8 correspondence, on the record.

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

**WORKPLAN COMMENTS:**

Adopted June 26, 2013

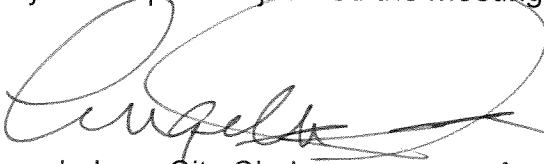
**COMPENSATION & REIMBURSEMENT DISCLOSURE:**

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:**

**ADJOURN:**

Mayor Campbell adjourned the meeting at 8:54 p.m.



Angela Ivey, City Clerk

Approved: July 16, 2014