

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

MINUTES

JOINT REGULAR MEETING
Wednesday, February 13, 2013
6:00 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:** Campbell, Heebner, Zito, and Zahn.
- Absent:** Nichols.
- 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

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

CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, stated there was no reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

MOTION: Moved by Heebner and seconded by Zito. **Motion carried 4/0/1** (Absent: Nichols)

PROCLAMATIONS/CERTIFICATES:

1. Global Marathon Swimmer Awards
2. San Diego Saves

Deputy Mayor Campbell presented proclamations.

PRESENTATIONS:

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

1. Energy Conservation Project

Trish Wilheight, Chevron Energy Solutions, reviewed the completion of upgrades to the City's facilities with energy efficient lights, indoor and outdoor lighting upgrades, the City's street lights retrofit, and that Solana Beach was the first City San Diego County to upgrade to LED providing 85% of savings and an expected \$40,000 after completion.

David Ott, City Manager, thanked Chevron and Trish for working with the City.

2. Highway 101 Project Westside Improvement Project Update

Mo Sammak, Director of Engineering/Public Works, 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.

Michael Hetz stated that there arrest in New York during a protest to address climate issues, that the arrest was the first civil obedience charge to the Sierra Club in its history, that he asked lawmakers to help stop the Keystone Pipeline, and asked Council pass a resolution opposing it.

Councilmember Zahn requested that the item be agendized in a future meeting.

COUNCIL COMMUNITY ANNOUNCEMENTS:

Councilmember Zito stated that there would be an opportunity to provide oral communication regarding the Land Use Element and strongly encouraged citizens to attend and share their opinions.

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held January 23, 2013.

MOTION: Moved by Zahn and seconded by Heebner. **Motion carried 4/0/1** (Absent: Nichols)

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

Recommendation: That the City Council

1. Ratify the list of demands for December 29, 2012 - January 18, 2013.

MOTION: Moved by Zahn and seconded by Heebner. **Motion carried 4/0/1** (Absent: Nichols)

A.3. 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 Zahn and seconded by Heebner. **Motion carried 4/0/1** (Absent: Nichols)

A.4. Castro Street Improvements - Phase 4. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2013-009:
 - a. Approving the final Project cost of \$101,750
 - b. Authorizing the City Council to accept as complete the Castro Street Improvements Phase 4, Bid No. 2012-06, performed by PAL

General Engineering.

- c. Authorizing the City Clerk to file a Notice of Completion.

MOTION: Moved by Zahn and seconded by Heebner. **Motion carried 4/0/1** (Absent: Nichols)

A.6. Recognized Obligation Payment Schedule (ROPS) and Successor Agency Administrative Budget for the period July 1, 2013 to December 31, 2013. (File 0115-30)

Recommendation: That the City Council

1. Receive the Successor Agency's enforceable obligations payment information and administrative budget for the period July 1, 2013 to December 31, 2013

MOTION: Moved by Zahn and seconded by Heebner. **Motion carried 4/0/1** (Absent: Nichols)

A.5. Comprehensive Active Transportation Strategies Grant Matching Funds. (File 0390-24)

Recommendation: That the City Council

1. Adopt Resolution 2013-012:
 - a. Approving the use of \$7,500 of the City's TransNet funds as a matching component to the \$136,000 that was awarded by SANDAG as part of the Comprehensive Active Transportation Strategies Plan Grant Program.
 - b. Appropriating \$7,500 into the Comprehensive Active Transportation Strategies Plan Grant Program project account in the TransNet fund.
 - c. Appropriating \$136,000 that will be received from SANDAG into the Comprehensive Active Transportation Strategies Plan Grant Program project account in the Miscellaneous Grants fund and authorizing the City Treasurer to amend the Fiscal Year 2012-2013 Adopted Budget accordingly.
 - d. Authorizing the City Manager to execute the grant documents.

This item was pulled from the agenda and not heard.

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. Housing Element Adoption. (File 0630-10)

Recommendation: That the City Council

1. Adopt Resolution 2013-011 adopting the Housing Element and Negative Declaration and submitting the document to the California Department of Housing and Community Development for certification.

David Ott, City Manager, introduced the item. He stated that all municipalities were required to adopt a Housing Element, that the city's Housing Element met all statutory requirements, that once Council adopted the document, it would be sent to the California Department of Housing and Community Development (HCD) for final certification.

Camille Parssons presented a powerpoint (on file), reviewing the background of the Housing Element document, the comments received from HCD, and the city's response to the comments. She stated that the City had received comments from organizations such as the Affordable Housing Advocates, and the San Diego Housing Federation, and that on Dec 20, 2012 the HCD stated that the City's Housing Element complied with all statutory requirements.

Deputy Mayor Campbell opened the public hearing.

Council and Staff discussed the language regarding policy 19, that a Request for Proposal (RFP) was needed for both the S. Sierra and Distillery Parking Lots Distillery lots, that the city wanted to encourage affordable housing as a mixed-use, that the Housing Element allowed for flexible types of affordable housing, that the City would not be restricted to having only 100% affordable housing, mixed-use office/retail could be done, and that zoning requirements would have to be met.

Johanna Canlas, City Attorney, stated that the Council had received a supplemental item from Affordable Housing Advocates's Attorney Catherine Rodman regarding certain legal deficiencies in the City's state approved Housing Element. She stated that the City always had a certified housing element, that the state certifying agency found it

to be in conformance with all statutory requirements, and that she wanted to clarify several issues raised in Ms. Rodman's letter including that, a. "at no point was the City found to be in violation of the housing element, and 2. "that ABX126 and AB1484 terminated redevelopment so the city did not have any redevelopment obligations. She stated that Catherine Rodman through the Affordable Housing Coalition of San Diego had filed suit against the Department of Finance (DOF), the State, and the County Auditors Office as a class action law suit for all successor agencies and taxing agencies, that the City was named in the suit, and that there were no redevelopment requirements until determined by the court.

Council and the City Attorney discussed a statement in the letter submitted by Ms. Rodman regarding the loss of 26 affordable housing units due to the closing of the Avocado Trailer Park, that this statement had no merit since those units were never counted as affordable housing inventory in the city.

MOTION: Moved by Heebner and seconded by Zito to close the public hearing. **Motion carried 4/0/1** (Absent: Nichols)

MOTION: Moved by Heebner and seconded by Zahn. **Motion carried 4/0/1** (Absent: Nichols)

C. STAFF REPORTS: (C.1. - C.5.)

Submit speaker slips to the City Clerk

C.1. Mid Year Budget Adjustments for Fiscal Year 2012-13. (File 0330-30)

Recommendation: That the City Council

1. Adopt Resolution 2013-013 revising appropriations in the Fiscal Year 2012-13 Budget.

David Ott, City Manager, introduced the item.

Marie Marron Berkuti, Finance Manager, presented a powerpoint (on file) reviewing revenues, expenditures, and other adjustments.

Deputy Mayor Campbell stated that it was a clear and concise report.

Councilmember Zito asked about the \$40,000 shortfall through the year and confirmed with the City Manager that the building permits typically increased in the spring.

MOTION: Moved by Heebner and seconded by Zito. **Motion carried 4/0/1** (Absent: Nichols)

C.2. General and Specialized Law Enforcement and Traffic Services Agreement. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2013-007 authorizing the City Manager to execute the Agreement for General and Specialized Law Enforcement and Traffic Services between the City of Solana Beach and the County of San Diego for a five-year term beginning July 1, 2012 through June 30, 2017.

David Ott, City Manager, introduced the item. He presented a power-point presentation (on file) reviewing the background of the new law enforcement contract. He stated that the proposed contract was for 5 years, that the new contract allowed cities to modify the contract based on service levels, and reviewed fiscal impacts of the contract.

Council and City Manager discussed that this was the only deal available to the City, that there had been prior questions regarding the city having its own police force, that it was not feasible due to financial challenges such as start up costs and liability issues, that by contracting with the County there were no liability issues for the city.

Council and City Manager discussed that several cities signed the same agreement, that the city was the last one to join, that approximately 52% of the Sheriff's assets worked for the cities, that if the County wanted to increase retirement benefits those costs would not be passed on to the cities, that service levels would remain the same as the current contract, and that the costs were expected to come within budget with the current service levels.

MOTION: Moved by Zito and seconded by Zahn. **Motion carried 4/0/1** (Absent: Nichols)

C.3. Del Mar Fairgrounds Governance Model. (File 0150-85)

Recommendation: That the City Council

1. Approve Resolution 2013-014 establishing the City's position in support of the concept of a regional governance model of the Fairgrounds to include representation from the cities of Solana Beach, Del Mar, San Diego, and the County of San Diego, in partnership with the 22nd District Agricultural Association, in order to achieve the best representation of impacted jurisdictions and regional interests to advance the successful operation of the Fairgrounds.

David Ott, City Manager, introduced the item.

Councilmember Heebner stated that the governance model had been discussed for a couple of years, that the City had recommended a Joint Powers Authority with the most impacted and benefited cities, that she was in favor of discussions with the County for local control, and that there was a concern of who would appoint the body. She made

some recommendations for modifications to the resolution. She stated that in the 1st Whereas, it should be clear to recognize the economic benefit from the regional asset, that in the 2nd Whereas there should be additional impacts listed such as the drain on public safety services, lighting, crime, etc., that in the 4th Whereas there should be a statement added, "with those entities being most impacted be on the regional board," that after the Now Therefore, a sentence should be inserted, "with representatives appointed by those entities in partnership with the 22nd DAA." She stated that it should be clear that the City wanted to appoint representatives for the city rather than the County Board of Supervisors doing so.

Councilmember Campbell stated that he had attended a meeting at Supervisor Robert's Office with other city officials, that it was made clear that Mr. Day would be moving forward with the county, that Supervisor Dave Roberts had recommended that he replace one of the Supervisors on the committee since his district was most affected, and that this was expected to happen which would give the City an ally in the discussion.

Councilmember Heebner stated that the city did not want to affect the progress that had been made with 22nd DAA in last couple years, that the city would like to find a solution with them for more local control with the impacted cities, and that this solution included having a JPA with the affected cities.

Council discussed Councilmember's Heebner's additions of the words " in partnership with the 22nd DAA," that "warm" words rather than direct wording was used to promote cooperation with the DAA, and that the City wanted to be positive and move forward.

Johanna Canlas, City Attorney, stated that the resolution had been amended with the recommendations presented by Councilmember Heebner.

MOTION: Moved by Heebner and seconded by Zito to approve with modifications.
Motion carried 4/0/1 (Absent: Nichols)

C.4. Public Safety Commission Appointments. (File 0120-00)

Recommendation: That the City Council

1. Appoint two (2) members to the Public Safety Commission:
 - a. One (1) vacancy shall be nominated/appointed by Councilmember Heebner for a two year term until January 2015.
 - b. One (1) vacancy shall be nominated/appointed by Council-at-Large for a one year term until January 2014.

David Ott, City Manager, introduced the item.

Councilmember Heebner nominated William Fruman as her appointment.

MOTION: Moved by Heebner and seconded by Zahn to appoint William Furhman (Heebner appointment). **Motion carried 4/0/1** (Absent: Nichols)

Councilmember Zahn nominated Thomas Alexander for the Council-at-large appointment.

MOTION: Moved by Zahn and seconded by Heebner to appoint Thomas Alexander for a term until January 2014 (Council-at-large appointment). **Motion carried 4/0/1** (Absent: Nichols)

Councilmember Heebner asked if the City Manager would review all Committees to see how they are contributing to their best level and justify the Staff time and cost, to review if all members are given the right idea of what to expect serving on a Citizen Commission, and that some people had not realized that Parks and Recreation involved events, lifting, working, etc.

Councilmember Zito agreed and would like to have something to analyze for an annual review of the Citizen Commission, discuss modifications, and that references be required to be Solana Beach residents.

Councilmember Zahn agreed it was a good idea to conduct a review that was considerate and respectful of Staff time, that he had not initially realize the Staff time required to facilitate the Citizen Commissions, and that a review may help maximize their contributions.

C.5. County of San Diego Community Enhancement Program Panel Nominations. (File 0150-20)

Recommendation: That the City Council

1. Discuss and provide direction on making recommendations for this new Community Enhance Program Board as well as whether or not to give the privilege of making recommendations/appointments to the acting Mayor for future requests.

David Ott, City Manager, introduced the item and stated that Supervisor Roberts reached out to Mayor Nichols asking for a recommendations for two appointments for the panel. Mayor Nichols requested that it be placed on the agenda for Council discussion.

Council discussed a future deadline since two meetings would be schedule, that Supervisor Roberts conveyed to Mayor Nichols that he thought that Gerri Retman would be a good appointment, that the Mayor traditionally did not have the authority to make appointments but could make recommendations, that it was a good policy and that the Council should vote on the recommendations, and to submit recommendations to the City Manager to return to Council for review and appointments.

MOTION: Moved by Heebner and seconded by Zahn to return to Council with recommendations provided to the City Manager and make a recommendation with Council consensus. **Motion carried 4/0/1** (Absent: Nichols)

WORKPLAN COMMENTS:

(Adopted June 27, 2012)

March 20, 2013 was a scheduled Special Meeting for the Workplan for 2013-14.

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) - Vacant, Vacant (alternate).
- b. County Service Area 17 - Campbell, Nichols (alternate).
- c. Escondido Creek Watershed Authority - Nichols, Vacant (alternate).
- d. League of Ca. Cities' San Diego County Executive Committee - Vacant, Vacant (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Vacant, Vacant (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Vacant, Vacant (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, Vacant (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, Vacant (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Campbell, Heebner.

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

- a. Business Liaison Committee - Campbell, Vacant.

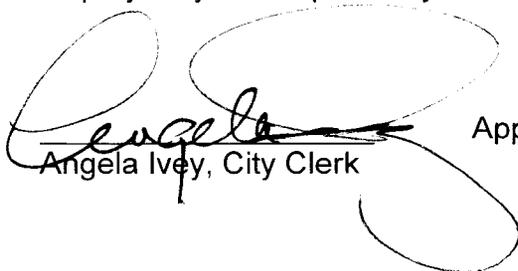
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Vacant.
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Vacant.
- f. School Relations Committee - Zito, Zahn.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Campbell, Vacant. Expires December 5, 2013.
- b. Development Review - Nichols, Heebner. Expires October 23, 2013.
- c. Environmental Sustainability - Heebner, Vacant. Expires December 5, 2013.
- d. Fire Department Management Governance Vacant, Vacant. Expires July 10, 2013.
- e. Fiscal Sustainability - Campbell, Vacant. Expires June 12, 2013.
- f. General Plan - Nichols, Campbell. Expires July 10, 2013.
- g. La Colonia Park - Nichols, Heebner. Expires June 12, 2013.
- h. Local Coastal Plan Ad-Hoc Committee - Campbell, Vacant. Expires February 7, 2013 or at the California Coastal Commission adoption.
- i. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 10, 2013
- j. View Assessment - Nichols, Heebner. Expires June 10, 2013

ADJOURN:

Deputy Mayor Campbell adjourned the meeting at 7:50 p.m.



Angela Ivey, City Clerk

Approved: March 13, 2013