

CITY OF SOLANA BEACH

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

MINUTES

JOINT SPECIAL MEETING

Wednesday, August 20, 2014

05:30 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.

Technical difficulties occurred delaying the sound on the recorded video for approximately 5 minutes from the beginning of the meeting.

CALL TO ORDER AND ROLL CALL:

Mayor Campbell called the meeting to order at 5:35 p.m.

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

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Mo Sammak, City Engineer / Dir of Public Works
Wende Protzman, Com Dev Director
Danny King, Sr Mgmt Analyst

FLAG SALUTE:

APPROVAL OF AGENDA:

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

ORAL COMMUNICATIONS: None

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.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk

C.1. General Municipal Election November 4, 2014 - Consideration the Certificate of Facts. (File 0430-20)

Recommendation: That the City Council

1. Consider the Certification of Facts and proceed with one of the following options:
 - a. Adopt Resolution 2014-113 appointing the nominees to the office of City Council, OR
 - b. Elect to hold the November 4, 2014 General Municipal Election as called.

David Ott, City Manager, introduced the item.

Dr. Ed Siegel stated that the City's sing-along program was beginning its' 28 year, that he liked the idea of community members having the opportunity to discuss City issues during elections, that he was only opposed to the cost of holding the election, however, the City could afford to hold the election at the cost of \$2/per person. He stated Council should consider the option of allowing write-in candidates.

Jim Nelson stated that he would normally support making appointments to the open Council seats, however, there were some unusual circumstances this year, that both the Solana Beach Sun and Coast newspapers had published articles leading the community to believe that there would be an election since there would be 3 candidates applying for the two open seats. He stated that the third person never submitted papers, that the voters had expected the opportunity to debate issues, and that the Council should vote to hold the election. He stated that the cost for the election was low, that the basic premise of a democracy should be honored, and that the write-in candidate option should be considered.

Mary Jane Boyd stated that the members of the community had disagreed with many issues but they had all agreed on the democratic process, and that they all respected the right to have elections to allow voters to express their opinions. She stated that both local newspapers led the community to believe that there would be three candidates, at the last minute the final candidate did not submit papers, there was a concern that people did not want to run for public office in the City, and that it was a sad commentary on the City. She stated that there was not an election in 2008 or 2010, perhaps money was an issue for the City

at that time, but since then the City had voted to spend \$200,000 for an election to vote on the use of the Fletcher Cove Community Center, and spent \$17,000 on a study to determine whether or not dogs should be allowed on the beach, that she did not think money would be a reason for not having an election this year, and that the Council should vote in favor of holding the election to allow the option for write-in candidates.

Gerry Retman stated that there was a five day extension added after an incumbent did not file forms, that there were numerous notices regarding the options to file for candidacy, and that she did not know why people chose to not run. She stated that the filing period ended, that there were two candidates for two seats, there was one incumbent and one new person, that if they went to a ballot these two individuals would win, and that she had not known of a time when a write-in candidate prevailed. She stated that Council had been down this path before, they had made the decision to not hold the election and save money, and that in this case Council should do the same to save money and move forward with the appointments.

Gary Martin stated that if there were more candidates interested they would have filed nomination papers, it was well known that there were two candidates for two seats, and that there was no one at this meeting who had stated they would like to run as a write-in candidate. He stated that money and time spent for the election could be used for more productive purposes if the outcome of holding or not holding the election would be the same.

Gary Garber stated that he did not care if there was an election or not and that Ginger would never be able to be appointed Mayor due to the seating order.

Mayor Campbell explained the seating placement, that Councilmembers were seated based on the highest vote count, that during elections with three open seats one member did not have the opportunity to be Mayor unless another Councilmember chose to split their Mayor term with them so that the two would then serve as Mayor for a 6 month period. He stated that in the instance of 2 seats each person would have the opportunity to serve as Mayor.

Mayor Campbell stated that 14 emails from the public were received all of which were in favor of making appointments.

Deputy Mayor Heebner stated that both candidates would have the option to be Mayor due to there being only two seats being filled, that when there were three seats one candidate would not have the opportunity to serve as Mayor, that she was in favor of cancelling the election and making appointments, the City had met all noticing requirements, and that that there would be ample time for debate of City issues at Council meetings.

Councilmember Zahn stated that he reviewed the public's comments which were in favor of making appointments, that there would be cost savings for the City, there was plenty of opportunity for residents to pull papers to run for candidacy, and that he had not recalled negative feedback during the two

previous elections that were cancelled.

Johanna Canlas, City Attorney, stated there was no Political Reform Act issue for the incumbent to participate in the discussion for appointments, that the FPPC had provided an opinion recently for the City of San Marcos who had the same issue and that there was no conflict of interest that the incumbent may participate.

Councilmember Nichols stated that he was supportive of making appointments in the 2008 and 2010 elections, that he supported the motion, and that he would discuss seating order with Ginger, if desired.

Councilmember Zito stated that the scenario was similar to 2008 that there was also a last minute applicant who never filed papers, and that he believed in the democratic process and was uncertain of how he would be voting.

Mayor Campbell stated that he had always voted to hold the election, that he believed that the write-in process was part of the democratic process, and that he would be voting as he had in the past which was to hold the election.

MOTION: Moved by Heebner and seconded by Zahn to adopt Resolution 2014-113 appointing the nominees to the office of Council with the seat order described in the Staff Report, Councilmember Nichols in his current seat and Giner Marshall in the second seat. **Motion carried 3/2** (Noes: Campbell, Zito.)

WORKPLAN COMMENTS:

Adopted June 26, 2013

COMPENSATION & REIMBURSEMENT DISCLOSURE:

City Councilmembers are required to publically disclose on the record any special compensation and ongoing reimbursements. 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:

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 - Zito, Zahn (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)

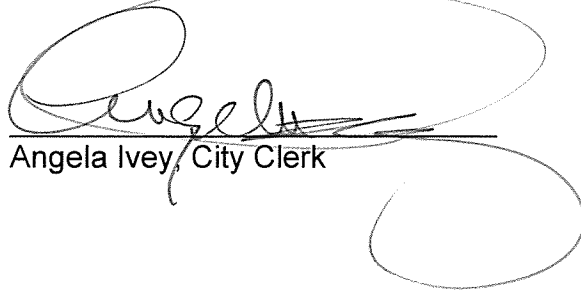
- a. Business Liaison Committee - Campbell, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Zito.
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee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

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Campbell, Nichols. Expires December 10, 2014.
- b. Development Review - Nichols, Heebner. Expires October 22, 2014.
- c. Environmental Sustainability - Heebner, Zahn. Expires December 10, 2014.
- d. Fire Department Management Governance - Zito, Zahn. Expires July 8, 2015.
- e. Fiscal Sustainability - Campbell, Zito. Expires June 10, 2015.
- f. Gateway Property - Campbell, Heebner. Expires April 8, 2015.
- g. General Plan - Nichols, Zito. Expires July 8, 2015.
- h. La Colonia Park - Nichols, Heebner. Expires June 10, 2015.
- i. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 21, 2015 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 21, 2015.
- k. View Assessment - Heebner, Zito. Expires June 10, 2015.

ADJOURN:

Mayor Campbell adjourned the meeting at 6:00 p.m.

A large, stylized handwritten signature in black ink, appearing to read 'Angela Ivey', is written over a horizontal line. The signature is enclosed within a large, loopy oval shape.

Angela Ivey, City Clerk

Approved: November 12, 2014