

*MINUTES OF THE ENCINITAS CITY COUNCIL REGULAR MEETING
NOVEMBER 12, 2003, 6:00 P.M., 505 SOUTH VULCAN AVENUE*

CALL TO ORDER/ROLL CALL

Mayor Stocks called the meeting to order at 6:04 P.M.

Present: Mayor Jerome Stocks, Council Members James Bond (until 7:13 P.M., because of illness), Dan Dalager, Christy Guerin, and Maggie Houlihan.

Absent: None.

Also Present: City Manager Miller, City Attorney Sabine, City Clerk Cervone, Public Works Director Wurbs, Engineering Services Director Cota-Robles, Traffic Engineer Blough, Director of Finance Browder, Finance Manager Hill, Finance Manager Lembach, and Deputy City Clerk Greene.

There being a quorum present, the meeting was in order.

PLEDGE OF ALLEGIANCE

REPORT FROM CLOSED SESSION

City Attorney Sabine announced there was no reportable action regarding the Special 4:00 P.M. Closed Session Meeting in reference to Items 1 through 4.

1. **CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
AUTHORITY: Gov. Code §54956.8
PROPERTY: City-owned property, Quail Gardens Drive Property, APN 256-330-63, Area H of Ecke Ranch
CITY NEGOTIATOR: City Manager Miller.

2. **CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
AUTHORITY: Gov. Code §54956.8
PROPERTY: City-owned property, located at 425 Santa Fe Drive
CITY NEGOTIATOR: City Manager
TO NEGOTIATE WITH: San Dieguito Aquatic Center Foundation
UNDER NEGOTIATION: Price and Terms

3. **CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
AUTHORITY: Gov. Code §54956.8
PROPERTY: City Owned Property – Community Use Parcel at Encinitas Ranch
CITY NEGOTIATOR: City Manager Miller.

4. **CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATOR**
AUTHORITY: Government Code Section 54957.6
CITY NEGOTIATOR: City Manager Miller
EMPLOYEE ORGANIZATIONS: General Employees' Unit represented by
Service Employees International Union

SPECIAL PRESENTATIONS/PROCLAMATIONS

PROCLAMATION HONORING LYNNE LOVE

Mayor Stocks presented a Proclamation to the family of Lynne Love, recognizing the valuable contributions she offered to Encinitas and her strong leadership in her capacity as President of the Downtown Encinitas Mainstreet Association.

Ms. Love passed away unexpectedly on October 30, 2003.

Deputy Mayor Houlihan and Public Works Director Wurbs to present Environmental Enhancement Check from Regional Solid Waste Association to Mayor Stocks.

Deputy Mayor Houlihan and Public Works Director Wurbs presented an Environmental Enhancement check in the amount of \$16,993, from the Regional Solid Association, to Mayor Stocks on behalf of the City of Encinitas.

Ms. Wurbs said the environmental enhancement check would allow each individual jurisdiction to target specific needs and utilize the money to fund services such as recycling education, HHW, e-waste or litter abatement programs and NPDES related activities.

ORAL COMMUNICATIONS

Kevin Cummins requested the approved Minutes of the October 8, 2003, be brought back for reconsideration. He stated he felt the Minutes did not accurately reflect his testimony at that Meeting.

CLOSING AND ADOPTION OF THE CONSENT CALENDAR

ACTION:

Bond moved, Dalager seconded to close and adopt the Consent Calendar.

Before the vote was taken, Council Members Bond and Dalager stated they would be voting no on Item #3 permitting unleashed dogs at Sun Vista Park (East) only.

Motion carried. Ayes: Bond, Dalager, Guerin, Houlihan, Stocks 5-0 {Bond and Dalager voted no on Item #3 permitting unleashed dogs at Sun Vista Park (East) only}.

1. Approval of Minutes: 10/15/03 Regular Meeting; 10/22/03 Special Meeting; 10/22/03 Regular Meeting; and 10/27/03 Special Meeting. Contact Person: City Clerk Cervone.

STAFF RECOMMENDATION: Approve Minutes.

2. Approval of 11/12/03 Warrants List. Contact Person: Director of Finance Browder.

STAFF RECOMMENDATION: Approve Warrants List.

Bond and Dalager voted no permitting unleashed dogs at Sun Vista Park (East).

3. *Introduction of Ordinance 2003-16, Amending Section 8.04.160 of the Municipal Code, permitting Unleashed Dogs at Sun Vista Park (East) and that Portion of Trail Segment 72 Between Encinitas Boulevard and Mountain Vista Drive. Contact Person: Parks & Recreation Director Cotton.

STAFF RECOMMENDATION: Introduce Ordinance 2003-16.

4. *Adoption of Ordinance 2003-10 and Adoption of the associated Negative Declaration containing a series of amendments to Municipal Code Title 23, Title 24, and Title 30. These amendments are part of the Community Character Implementation Program (CCIP). Contact Person: Principal Planner Curriden.

STAFF RECOMMENDATION: Adopt Ordinance 2003-10.

5. Resolution 2003-69, Supporting the "Local Taxpayers and Public Safety Protection Act": A Statewide Ballot Initiative to Require Voter Approval Before State Government May Take Local Tax Funds. Contact Person: Jennifer Smith, Assistant to City Manager.

STAFF RECOMMENDATION: Adopt Resolution 2003-69.

CONSENT CALENDAR ITEMS REMOVED BY THE PUBLIC

None.

REGULAR AGENDA ITEMS

6. Public Hearing to Consider the Proposed Use of an Automated (Red Light Camera) Traffic Enforcement System per California Vehicle Code Section 21455.6(a). Contact Person: Director of Engineering Services Cota-Robles.

Traffic Engineer Blough reviewed the report stating that at their 2003 Goal Setting Session, the City Council directed Staff to consider implementing an automated red-light camera traffic enforcement system. During the past several months, representatives from the Sheriff's Department, Engineering Department, City Manager's Office, City Attorney, City Council, and Traffic Commission reviewed materials and presentations from two well-known vendors that provide automated red light camera traffic enforcement programs.

Mr. Blough said the City of Encinitas had seen increases in vehicular traffic on City streets due to development and congestion on the local freeways. Signalized intersection accidents had increased from 110 in 1993 to 179 in 2002. During the last four-year period (1999-2002), Encinitas had 670 reported signalized intersection collisions. Of these, 205 (31%) were directly attributable to red light running and resulted in 108 injuries and 1 death.

Mr. Blough reviewed the worst eleven red light violation accident locations in Encinitas and said that state and local agencies found that the use of red light cameras could reduce red light running by motorists and reduce the number of crashes attributable to red light running.

Aaron Rosenberg, representing Redflex Traffic Systems, a company that manufactures red light camera equipment, explained how the automated red light camera traffic equipment operates.

Donn Harms said if the intersections were properly engineered, red light camera enforcement would not be necessary.

Cheryl Konn said the Encinitas Boulevard/Quail Gardens Drive intersection was a very dangerous intersection and requested that it be redesigned rather than using red light camera enforcement.

Donna Westbrook said statistics have shown that rear end accidents increase when red light camera enforcement is used. She requested that the Council review the rear end accident statistics.

ACTION:

Guerin moved, Houlihan seconded approve the staff recommendation to direct the Engineering Staff to proceed with negotiations with vendors for the implementation of a digital photo and video technology Red Light Photo Enforcement Program and report back to the City Council with a proposed contract. Motion carried. Ayes: Bond, Dalager, Guerin, Houlihan, Stocks; Nays: None.

Mayor Stocks declared a recess from 7:13 to 7:26 P.M.

7. **Report on Financial Results for FY 2002-03 and Actual Beginning Fund Balances for FY 2003-04. Contact Persons: Finance Manager Lembach and Finance Director Browder.**

Finance Director Browder and Finance Manager Lembach reviewed the report stating that final actual fund balances exceeded financial projections for most funds except the Development Impact fee funds.

It was stated that overall analysis of final fund balances showed a healthy financial picture for the City as a whole, and for its proprietary (water and sewer) operations. Major factors affecting development impact fees were evaluated on an on-going basis, and extremely dependent on the timing of project applications. Thus, there was no significant long-term impact on future projects based on any one year's receipts of development fees. Overall, City funds were negatively impacted by lower than forecast interest earnings, which were strictly based on financial market conditions.

The General Fund had a carry forward balance of \$1,422,600 going into FY 2003-04, which was available to fund future operational or capital needs. Some of that money had already been committed in FY 2003-04.

The staff recommendation was to approve the final actual fund balances as the beginning fund balances for FY 2003-04.

ACTION:

Guerin moved, Dalager seconded to adopt the staff recommendation approving the final actual fund balances as the beginning fund balances for FY 2003-04. Motion carried. Ayes: Dalager, Guerin, Houlihan, Stocks; Nays: None; Absent: Bond.

8. Quarterly Update on Financial Conditions for FY 2003-04. Contact Persons: Finance Manager Hill and Finance Director Browder.

Finance Director Browder and Finance Manager Hill reviewed the report stating the purpose of the report was to provide an update related to the current fiscal year operating and capital improvement budgets. The key budget issue currently facing the City was the uncertainty surrounding the impact that the State of California's economic crisis would ultimately have on local government.

The report also summarized all off-cycle appropriations made by the Council during the first quarter of the current fiscal year.

Staff was not proposing any recommended changes to the City's operating budget at this time, and believed that the current operating plan was a realistic projection for both revenues and expenditures with some minor exceptions.

The staff recommendation was to receive the report.

ACTION:

Guerin moved, Dalager seconded to approve the staff recommendation and to receive the report. Motion carried. Ayes: Dalager, Guerin, Houlihan, Stocks; Nays: None; Absent: Bond.

CONSENT CALENDAR ITEMS REMOVED BY COUNCIL MEMBERS

None.

GENERAL INFORMATION / STAFF STATUS REPORTS

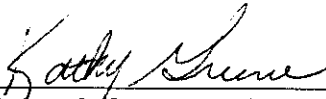
None.

REPORTS FROM CITY COUNCIL MEMBERS / REPRESENTATIVES OF REGIONAL BOARDS

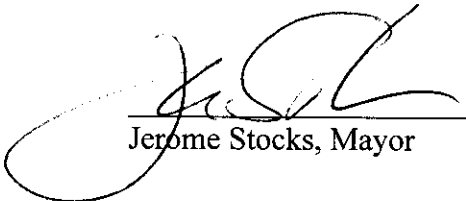
None.

ADJOURNMENT

Mayor Stocks declared the meeting adjourned at 7:40 P.M.



Deborah Cervone, City Clerk
By: Kathy Greene,
Deputy City Clerk



Jerome Stocks, Mayor