

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

WEDNESDAY, NOVEMBER 14, 2007
6:00 P.M.

CITY COUNCIL CHAMBERS
635 S. HIGHWAY 101,
SOLANA BEACH, CALIFORNIA

The City Council acts as the City of Solana Beach Redevelopment Agency and the Public Financing Authority.

CALL TO ORDER AND ROLL CALL:

Present: Heebner, Kellejian, Roberts, Nichols, and Campbell.

Absent: None.

Also Present: David Ott, City Manager
James Lough, City Attorney
Angela Ivey, City Clerk
Dennis Coleman, Finance Director
Park Morse, Interim Deputy City Mgr.
Chandra Collure, City Engineer
Steve Didier, Management Analyst
Tina Christiansen, Community Development Dir.

FLAG SALUTE:

Don Miller led the flag salute.

APPROVAL OF AGENDA:

MOTION: Moved by Heebner and seconded by Nichols to approve including Item #12 as part of the Consent items. **Motion carried unanimously.**

PROCLAMATIONS:

1. Red Ribbon Week Awards

Mayor Heebner presented proclamations to the Red Ribbon Schools.

PRESENTATIONS:**2. Solana Beach Emergency Operations Center for October 2007 Fires**

Dismas Abelman presented a powerpoint highlighting the recent San Diego County fires.

PROCLAMATIONS:**2. Firestorm of October 2007**

Mayor Heebner presented a proclamation to City Staff and Fire Department for service during the 2007 Firestorms.

PRESENTATIONS:**1. Beach Monitoring Program - Coastal Frontiers Corp. This presentation was pulled from the agenda.****3. Noise and Air Pollution on I-5**

Marion Dodson stated that when she served on the North County Transit District that they were assured that any I-5 expansion would be within the existing right-of-way, that the City provide \$100,000 for the study of the area and how it would facilitate the City's transition of traffic during construction, that the I-5 Widening plan began showing deviations from Caltran's original plans resulting in taking of some property, and that City needs a leadership role to make the positions of the residents affected known.

Joel Hartley presented a Powerpoint and said that he lived in the Santa Fe Hills area and that the freeway is in his backyard, that neighbors had analyzed the noise from tires on the roadway, engines, truck's brakes, and looked at way to reduce it.

Steven Goescht said that he was representing SHAG Homeowner's Association on the east side of freeway, that the fires related to growth issue interface with wildlife is more harmful now, that the purpose of the CALTRANS

study was to mitigate growth in the area for this issue, and he asked Council to appoint two Councilmembers to an Ad Hoc Committee to review the issues.

Council collectively agreed to add the establishment of a Council committee to a future agenda.

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 to the City Clerk (located on the back table). 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. Items can be referred to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES as per SBMC . (Be aware of the timer lights on the Council dais.)

A person spoke stating he was representing PoliceWatch.org and reviewed some cases of arrests and policing incidents.

David Carol, Chamber of Commerce, said that they are working to make the Chamber more functional in their working with the City and the Council.

Don Miller spoke about Cedros Crossing and said that he agreed with Councilmember Campbell and read a poem.

Bruce Berend spoke about the recent view and vegetation workshop and that an ordinance is needed for those areas where neighbors will not work with the neighbors concerns or requests regarding vegetation issues and to consider providing trimming provisions with conditions that still do not hurt the tree and the owner.

Gerri Retman stated that the Parks and Recreation Commission was participating in "Adopt a Tree" program which would offer participants to order a tree that would be delivered by singing elf and that 10% of the proceeds would be contributed to the Parks and Recreation Commission.

COMMUNITY ANNOUNCEMENTS:

Council presented their announcements.

COMMENTARY:

CONSENT CALENDAR: (Action Items) (Items 1 - 7.6)

Items listed on the Consent Calendar are considered routine; however, any

member of the public may address the City Council on an item of concern by submitting to the City Clerk a request to speak form 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 all other Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

1. Waive text reading of ordinances.

Recommendation: That the City Council

- A. Approve waiving the text reading of ordinances on this agenda pursuant to Solana Beach Municipal Code Section 2.04.460.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

2. Minutes of City Council meeting. (from October 24th meeting)

Recommendation: That the City Council

- A. Approve the Minutes of the Regular City Council meeting held June 27, 2007.

ADDENDUM TO AGENDA - Adding Minutes from the November 9, 2007 Council Meeting.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

3. List of Demands. (from October 24th meeting)

Recommendation: That the City Council

- A. Ratify the List of Demands dated August 31 - September 14, 2007 and September 15 - September 28, 2007.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

3.1 List of Demands.

Recommendation: That the City Council

- A. Ratify the List of Demands dated September 29 - October 12, 2007 and October 13 - October 26, 2007.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

4. Amendment to Agreement with Geopacifica, Inc. for As-Needed Geotechnical Engineering Services. (from October 24th meeting)

Recommendation: That the City Council

- A. Adopt Resolution No. 2007-157

1. Authorizing the City Manager to enter into a Professional Service Agreement amendment with Geopacifica, Inc. for as-needed geotechnical engineering services and emergency bluff evaluations in the amount not to exceed \$40,000.
2. Authorizing the City Manager to renew the agreement with Geopacifica, Inc. for two additional one-year terms at the discretion of the City Manager.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

5. Re-Establish the Condohotel, View and Vegetation, and Sand Replenishment Alternative Review Council Ad Hoc Committees. (from October 24th meeting)

Recommendation: That the City Council

- A. Adopt Resolution 2007-154 re-establishing:

1. Condohotel Ad-Hoc Committee for a term until October 24, 2008.
2. Views and Vegetation Ad Hoc Committee for a term until October 24, 2008.
3. Sand Replenishment Alternative Review Ad Hoc

Committee for a term until January 25, 2008.

B. Appoint two Council members to serve on each Committee:

1. Either the current standing members OR * Condohotel Ad-Hoc Committee - Heebner and Campbell. * Views and Vegetation Ad Hoc Committee - Roberts and Nichols. * Sand Replenishment Alternative Review - Kellejian and Campbell.
2. Appoint new members.

MOTION: Moved by Roberts and seconded by Kellejian to approve re-appointing current members. **Motion carried unanimously.**

6. Xerox Machine Contract Update. (from October 24th meeting)

Recommendation: That the City Council

- A. Adopt Resolution 2007-155 authorizing the City Manager to enter into a contract with Xerox Corporation for a 60 month term at the cost of \$771.92 per month.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

7. Support of United States House Resolution No. 3479 Amending the Americans with Disabilities Act. (from October 24th meeting)

Recommendation: That the City Council

- A. Consider adoption of Resolution No. 2007 - 158 in support of H.R. 3479 that amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

7.1 Re-Establish the Development Review Ad-Hoc Committee.

Recommendation: That the City Council

- A. Adopt Resolution 2007-159 re-establishing the Development Review Ad Hoc Committee; and
- B. Appoint two City Councilmembers to serve on the Development Review Ad Hoc Committee:
 1. Either the current standing members (Heebner, Nichols)
OR
 2. Appoint new members.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

7.2 Community Mass Notification System (Reverse 9-1-1) County of San Diego to Access Agreement.

Recommendation: That the City Council

- A. Adopt Resolution 2007-169, authorizing the City Manager to sign a Memorandum of Agreement with the County of San Diego to Access a Community Mass Notification System.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

7.3 Santa Fe Irrigation District Reimbursement Agreement for Marine View Drive Waterline Removal.

- A. Adopt Resolution 2007-167:
 1. Authorizing the City Manager to execute a reimbursement agreement between the City and Santa Fe Irrigation District, in the amount of \$45,210, for removing the waterline in Marine View Drive between San Andres Drive and Lomas Santa Fe Drive, as required for the Interchange Project.
 2. Authorizing the City Engineer to execute a change order in the amount of \$41,100 with American Assets, Inc. for removal of the waterline.

3. Authorizing a transfer of \$45,210, to be reimbursed by Santa Fe Irrigation District, into the Reimbursement Agreement Revenue Account for Capital Projects (459-4870) and appropriating the same amount into Budget Unit 459-9356-6510-6530 Project Number 9356.01-6661.
4. Authorizing the City Treasurer to amend the Fiscal Year 2007-2008 Adopted Budget accordingly.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

7.4 Testing Services for Cliff Street Bridge Agreement Amendment.

Recommendation: That the City Council

A. Adopt Resolution 2007-166:

1. Authorizing the City Manager to enter into Amendment No. 2 to the Professional Services Agreement with MACTEC for additional testing services on the Cliff Street Bridge and to increase the compensation portion of the agreement from \$10,000 to \$21,000.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

7.5 Northbound Highway 101 Rubberized Asphalt Concrete Overlay Project, Bid No. 2007-01, Notice of Completion.

Recommendation: That the City Council

A. Adopt Resolution 2007-126:

1. Authorize the City Council to accept as complete the Northbound Highway 101 Rubberized Asphalt Concrete Overlay Project, Bid No. 2007-01.
2. Authorize the City Clerk to file a Notice of Completion.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

7.6 Solana Circle Guardrail, Bid No. 2007-05, Notice of Completion.

Recommendation: That the City Council

A. Adopt Resolution 2007-163:

1. Authorizing the City Council to accept as complete the Solana Circle Guardrail, Bid No. 2007-05, installed by Area West Fence Company.
2. Authorizing the City Clerk to file a Notice of Completion.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

12. North Cedros Avenue Drainage and Hardscape Improvements, Bid No. 2007-08. (from October 24th meeting)

Recommendation: That the City Council

A. Adopt Resolution No. 2007-146:

1. Awarding the contract to Burtech Pipeline, Inc., in the amount of \$64,500 for the North Cedros Avenue Drainage and Hardscape Improvements, Bid No. 2007-08.
2. Approving an amount of \$6,500 for construction contingency.
3. Authorizing the City Manager to execute the construction contract on behalf of the City.

MOTION: Moved by Roberts and seconded by Kellejian . **Motion carried unanimously.**

PUBLIC HEARINGS continued: (Items 8 - 8.2)

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 to the City Clerk (located on the back table). 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 designee 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 three-minute timer light on the Council Dais.

8. 354 Pacific Ave (Case 17-07-05 DRP/SDP; Applicant: Cenci Properties) Development Review Permit and Structure Development Permit

City Council continue the matter to the November 28, 2007 Council meeting.

MOTION: Moved by Roberts and seconded by Campbell to continue the hearing to November 28, 2007. **Motion carried unanimously.**

8.1 432 North Cedros Avenue (Case 17-07-12 DRP/SDP; Applicant: Laura Randolph, SSBL LLC) Development Review Permit and Structure Development Permit. (File 0600-40)

Recommendation: That the City Council

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- B. Adopt Resolution 2007-165 conditionally approving a Development Review Permit and Structure Development Permit to construct a new mixed-use project consisting of a dental office on the first floor and one residential apartment unit on the second floor, along with other related site improvements, subject to the conditions of approval stated therein.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a powerpoint reviewing the project.

Council and staff reviewed the density, that the applicant was requesting one dwelling unit, whether it was owner occupied, and preliminary landscaping plans.

Mayor Heebner opened the public hearing.

Council disclosed their familiarity with the project.

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

Councilmember Nichols suggested that since the landscape plan drain to the south that they may consider removing the curb and increase the side of the landscape in that area since the curb blocks the water from reaching the landscape, and adding a planter and trees to provide shade and buffer within the residential area.

MOTION: Moved by Campbell and seconded by Kellejian to approve with landscape modifications. **Motion carried unanimously.**

8.2 130 South Granados Avenue (Case: 17-06-32; Applicants: Tim and Ann McCormick) Development Review Permit and Structure Development Permit.

Recommendation: That the City Council

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- B. Adopt Resolution 2007-164 conditionally approving a Development Review Permit and Structure Development Permit for the project to construct a new residence with a basement at 130 S. Granados Avenue.

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

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

David Ott, City Manager, introduced the item.

Council, staff and the applicant discussed that if Council denied the project whether it could be allowed to return, that the applicant would be denied for one year time period, and whether to allow the applicant to redesign with more compatibility and return instead of denying the project.

Council, staff, and applicant discussed what would be considered compatible, that input from the neighbors should be considered, whether they would need to return with a landscape plan as well, the applicants question regarding whether they would have to re-erect story poles if there was not a height change, that

Council would leave the decision on story poling up to staff, and whether they can deny and allow the applicant to return without new fees.

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

MOTION: Moved by Campbell and seconded by Nichols to deny the project and allow the applicant to return to council within the next 12 months without prejudice and payment of fees and if the applicant seeks an amendment to the neighboring project taht they may be allowed to return to Council for that amendment. **Motion carried unanimously.**

STAFF REPORTS: (Item 9 - 12)

Submit speaker slips to the City Clerk.

9. San Diego Association of Governments (SANDAG) MOU to Contribute Funding for Planning Studies in Support of a Second Regional Beach Sand Project. (from October 24th meeting)

Recommendation: That the City Council

A. Adopt Resolution 2007-124:

1. Adopting the MOU with SANDAG to pay a fair share contribution of \$17,500 for necessary project planning studies for a second Regional Beach Sand Project.
2. Finding the project exempt from the California Environmental Quality Act pursuant to Section §15262 of the State CEQA Guidelines; and

B. Direct staff to continue to work collaboratively with the SANDAG Shoreline Preservation Working Group members to plan for the implementation of a second Regional Beach Sand Project.

David Ott, City Manager, introduced the item.

Council discussed whether funding could come from the Transient Occupancy Tax and that potentially sand would be considered for the Quality of Life Transnet 3 Tax at Sandag.

Mayor Heebner said that it was discussed at Sandag that Del Mar was agreeable to paying for their part of the study but with replenishment they may not have the funding and encouraged the inland to support.

Council and staff discussed the 3.5% of the coast line was allotted to Solana Beach which was based on the portion of the coastline that is involved in the nourishment and not the entire coastline.

MOTION: Moved by Kellejian and seconded by Roberts . **Motion carried unanimously.**

10. Fletcher Cove Community Center and Lifeguard Station Improvement Options. (from October 24th meeting)

Recommendation: That the City Council

- A. Discuss and provide direction to Staff regarding which improvement option to pursue for the Fletcher Cove Community Center and Fletcher Cove Life Guard Station.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a Powerpoint.

Bridget Augusta said that she lived across from the area and felt qualified to speak to it, that people forget that it is a residential area with a lot of children, that there problems with parties and the noise level, that the area needs a multipurpose area but not a wedding site.

Margaret Schlesinger (3 additional minutes donated by Jackie Barrett) said she was speaking for the Civic and Historical Society and its involvement with the building, that they don't consider it a historical building, and that their group does not want to lose it as a meeting place.

Judy Hegenauer (3 additional minutes donated by Jack Hegenauer) said that she was speaking for the Civic and Historical Society, said they have made it functional for meetings, that a building with bells and whistle would be ideal but probably not realistic for the budget, that she supported Option 1 as well as bringing the building up to code with electrical and plumbing, to request an impartial structural analysis, and that an Ad Hoc Committee could provide the leadership, coordination and oversight.

Vicki Cypherd said that she supported all of the idea but that parties and weddings with speakers created a noise issue, and that it should not be rented out to the public.

Marion Dodson stated that in the past Council considered a project in area

and looked into entering into the bluff, that the building needed more than repair and that rehabilitating it may not be feasible, and that there were conceptual designs in the past for the headquarters of the lifeguard.

Ed Seigel said that a year ago he brought an estimate to Council from a local respected contractor to totally rehabilitate it for \$100,000, that Council should go ahead and obtain bids, and he urged Council to move forward as soon as possible.

Council discussed that the bluff was unstable, to review the entire piece of property including the grounds with the Community Center and the Lifeguard Station, whether to set up an Ad Hoc Committee to quickly get all interested stakeholders together, whether to conduct a survey, to consider not increasing the footprint of the building in order to work with the Coastal Commission, whether to level it and build within the same footprint but to modernize it, and to make the building a natural extension of the park.

Council discussed creating a funding and phasing plan, to create an Ad Hoc or Standing Committee, obtaining federal, state or local funds, that it would take about 4 years if moving fast, the focus on functionality, whether there could be classes and meetings requiring water, whether to conduct committee workshops and a survey, and to consider for now just making some improvements meeting the ADA requirements with two parking spaces, widening the doors, etc.

MOTION: Moved by Roberts and seconded by Campbell to establish a Council Ad Hoc Committee. **Motion carried unanimously.**

11. Year-End Budget Adjustments for Fiscal Year 2006/2007. (from October 24th meeting)

Recommendation: That the City Council

- A. That the City Council approve Resolution No. 2007-156 revising appropriations in the Fiscal Year 2006/2007 Budget, and
- B. That the Board of Directors of the Solana Beach Redevelopment Agency approve Resolution RDA 030 revising the revenue estimates and appropriations in the Fiscal Year 2006/2007 Budget.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Dir., reviewed the recommendations and noted a correction on the resolution.

Council discussed the flattening of revenue with the lower construction and housing market status, that spending is down and revenues are up, and that the City Manager and Finance Director are reviewing monthly and quarterly the changes to monitor how they affect the budget.

MOTION: Moved by Roberts and seconded by Campbell . **Motion carried unanimously.**

ORDINANCE INTRODUCTION: 1st Reading (Item 13)

Submit speaker slips to the City Clerk.

13. Citizen Commissions and Committees Solana Beach Municipal Code Update. (from October 24th meeting) NO ACTION. DIRECTION TO BRING BACK WITH MODIFICATIONS FOR A RE-INTRODUCTION

Recommendation: That the City Council

- A. Introduce Ordinance 370 amending Chapters 2.60, 2.62, 2.64, 2.72, and 17.63 and adding Chapters 2.74 and 2.84 revising the five Citizen Boards, Commissions and Committees.
- B. Adopt Resolution 2007-160 identifying specific duties for the Budget and Finance Committee.
- C. Provide direction regarding background check requirements.

David Ott, City Manager, introduced the item.

Council discussed that reimbursement for the background check, changing all the citizen groups to Commissions, whether any of them should be changed from at-large appointments or individual Councilmember appointment, to consider selecting members of the View Assessment Commission who do not live within 500 ft. of each other, and to return the item with changes discussed and to re-introduce the item.

ORDINANCE ADOPTION: 2nd Reading NONE

Submit speaker slips to the City Clerk.

WORKPLAN COMMENTS: (Adopted June 27, 2007)

Material is located in front section of agenda binder.

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:

Please state the committee you are speaking to before making each report.

Regional Committees: (Outside agencies)

1. **California Cities Contract Association (CCCA) - Roberts, Heebner (alternate).**
2. **City Selection Committee - Kellejian (meets twice a year)**
3. **County Service Area 17 - Campbell, Nichols (alternate).**
4. **Escondido Creek Watershed Authority - Nichols, Roberts (alternate).**
5. **League of Ca. Cities' San Diego County Executive Committee and its' Subcommittees - Roberts, Kellejian (alternate).**
6. **League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).**
7. **League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Roberts, Kellejian (alternate).**
8. **North County Dispatch JPA - Nichols, Campbell (alternate).**
9. **North County Transit District - Roberts, Heebner (alternate).**
10. **Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).**
11. **SANDAG & its' subcommittees - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).**
12. **SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).**

13. San Dieguito River Valley JPA - Roberts, Nichols (alternate).
14. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).
15. 22nd Agricultural District Association Community Relations Committee - Roberts, Campbell (alternate).

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

1. Business Liaison Committee - Roberts, Campbell.
2. School Relations Committee - Roberts, Campbell.
3. Public Arts Committee - Roberts, Nichols.
4. Traffic Transportation - Heebner, Kellejian.
5. Highway 101 / Cedros Ave. Development Committee - Heebner, Nichols.

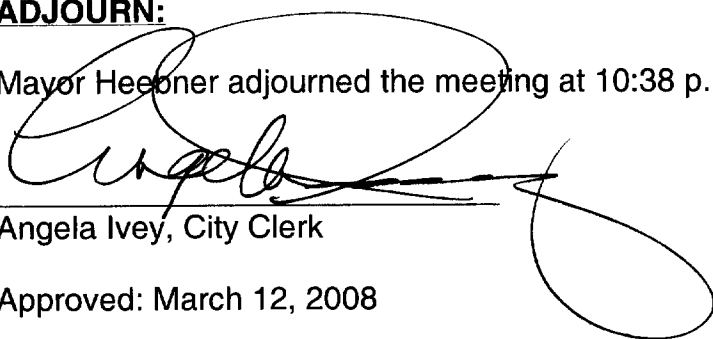
Ad Hoc Committees: (All Primary Members) (Temporary Committees)

1. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 14, 2008 or at the California Coastal Commission adoption.
2. Sand Replenishment Alternative Review - Kellejian, Campbell. Expires November 8, 2007.
3. Views and Vegetation Subcommittee - Roberts, Nichols. Expires November 8, 2007.
4. Development Review - Heebner, Nichols. Expires November 29, 2007.
5. La Colonia Park Needs Assessment - Heebner, Nichols. Expires June 13, 2008.

6. Condo-Hotel - Heebner, Campbell. Expires October 24, 2007.

ADJOURN:

Mayor Heebner adjourned the meeting at 10:38 p.m.



A large, stylized handwritten signature in black ink, appearing to read 'Angela Ivey', is written over a horizontal line. The signature is highly cursive and extends to the right, ending in a large loop.

Angela Ivey, City Clerk

Approved: March 12, 2008