

**SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY**

JOINT **REGULAR** MEETING

MINUTES

**WEDNESDAY, DECEMBER 12, 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: Kellejian, Roberts, Nichols, Campbell, and Heebner.

Absent: None.

Also Present: David Ott, City Manager
Lisa Foster, Deputy 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 Davis led the flag salute.

APPROVAL OF AGENDA:

MOTION: Moved by Roberts and seconded by Kellejian to approve the agenda moving the order of some items. **Motion carried unanimously.**

CITY COUNCIL REORGANIZATION:

A. Recognition of Mayor Heebner for her service as Mayor 2007.

Deputy Mayor Kellejian addressed Mayor Heebner for her time served as Mayor.

David Ott, City Manager, addressed Mayor Heebner on behalf of staff.

Council addressed Mayor Heebner.

B. In accordance with the policies established by Resolution No. 96-17, appoint the Mayor and Deputy Mayor for the term of December 12, 2007 to December 10, 2008.

1. Nominations for Mayor by Motion and Second

- a. Close nominations
- b. Majority Vote

MOTION: Moved by Roberts and seconded by Nichols to appoint Joe G. Kellejian for six months (December 2007 - June 2008) and Dave Roberts for the following six months (June - December 2008) as Mayor. **Motion carried unanimously.**

2. Nominations for Deputy Mayor by Motion and Second

MOTION: Moved by Kellejian and seconded by Heebner to appoint Dave Roberts for six months (December 2007 - June 2008) and Mike Nichols for six months (June - December 2008) as Deputy Mayor. **Motion carried unanimously.**

NOTE: AT THIS TIME A BRIEF RECESS WILL BE CALLED Seating Exchange

PROCLAMATIONS:

PRESENTATIONS:

1. Employee Appreciation - Chandra Collure

David Ott, City Manager, presented a Certificate of Appreciation to retiring City Engineer, Chandra Collure.

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. 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.)

Katie Pelisek passed out pictures regarding the medians on Lomas Santa Fe to show the area and what work needed to be done. She said that they planned to rearrange overgrown plants, that they should finish on Sunday and would utilize cones and vests for safety, and would not impact traffic.

Gerri Retman thanked staff and volunteers on behalf of the Parks and Recreation Commission for their help with the annual tree lighting event.

Marion Dodson said that Chandra Collure, City Engineer, accomplished many projects at the City, that prior to him there was a series of contracts services that were expensive without the commitment to City, and thanked him for his service.

COMMUNITY ANNOUNCEMENTS:

Council presented their announcements.

COMMENTARY:

Council presented their commentary.

CONSENT CALENDAR: (Action Items) (Items 1-9)

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 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 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 Heebner **Motion carried**

unanimously.

2. Minutes of City Council meeting

Recommendation: That the City Council

- A. Approve the Minutes of the Regular City Council meeting held July 11, 2007 (regular & closed), August 22, 2007 (regular & closed).

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

3. List of Demands

Recommendation: That the City Council

- A. Ratify the List of Demands dated November 10 - November 23, 2007.

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

4. Monthly Investment Report

Recommendation: That the City Council

- A. Accept and file the attached Cash and Investment Reports for the months of July through September 2007.

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

**5. 432 North Cedros Avenue Avenue - Laura Randolph, SSBL L.L.C.
(Case 17-07-12 Clarification Resolution for Development Review Permit and Structure Development Permit**

Recommendation: That the City Council

- A. Adopt Resolution 2007-165 including only one of the conditions suggested at the November 14, 2007 Council Meeting leaving out the condition requiring half diamond planters along the southern property line, by;

1. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
2. Conditionally approving a Development Review Permit and Structure Development Permit for the project.

MOTION: Moved by Roberts and seconded by Heebner with modifications.
Motion carried unanimously.

6. Status Report on Major FY 2007/08 Capital Improvement Projects

Recommendation: That the City Council

- A. Receive the report.

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

7. Lomas Santa Fe Plaza - I-5 Interchange Project Change Order, Supplemental Funding of Escrow Account, and Additional Regional Surface Transportation Program (RSTP) Funds for Pavement Overlay

Recommendation: That the City Council

- A. Adopt Resolution 2007-186:

1. Appropriating \$93,500 to the State Grant revenue account (244-4680) and to the Lomas Santa Fe at I-5 Interchange Project, Budget Unit 244-9356-6510-6530, Project No. 9356.01-6661.
2. Transferring \$8,740 from Street Light Master Plan, Budget Unit 211-9701-6510-6530, Project No. 9701.08-6661 to the Lomas Santa Fe at I-5 Interchange Project, Budget Unit 211-9356-6510-6530, Project No. 9356.01-6661.
3. Authorizing the City Engineer to execute change orders totaling \$137,378 to the agreement with American Assets for nine items listed in the staff report dated December 12, 2007, including overlaying Lomas Santa Fe Drive between Santa Helena and Las Banderas with rubberized asphalt concrete.

4. Authorizing the City Finance Director to fund the escrow account in the amount of \$130,378 per the agreement with American Assets executed on May 24, 2006.
5. Authorizing the City Treasurer to amend the Fiscal Year 2007-2008 Adopted Budget accordingly.

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

8. Traffic Signal Poles for Highway 101/Cliff Street Intersection

Recommendation: That the City Council

- A. Adopt Resolution 2007-187 authorizing the purchase of the Vernon series decorative traffic signal poles for the Highway 101/Cliff Street Intersection from Sternberg Vintage Lighting.

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

9. Emergency Rescue Vehicle and Associated Emergency Response Equipment

Recommendation: That the City Council

- A. Adopt Resolution 2007 - 181:
 1. Approving the purchase of a new replacement Marine Safety Department rescue vehicle for a cost of \$23,600 including tax; and
 2. Approving the purchase of the necessary emergency response equipment and to retrofit the emergency response vehicle with emergency lights, warning devices, and communication devices at a cost of \$5,200.

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

NOTE: THE CITY COUNCIL MAY NOT BEGIN A NEW AGENDA ITEM AFTER 10:30 P.M. UNLESS UNANIMOUSLY APPROVED BY THE CITY COUNCIL.

14. Fiscal Year 2006-07 Audited Financial Report and Single Audit Report

- A. Accept and file the City of Solana Beach Comprehensive Annual Financial Report (CAFR) for the fiscal year July 1, 2006 - June 30, 2007.
- B. Accept and file the Single Audit Report for the year ended June 30, 2007.
- C. Accept and file the Statement of Auditing Standards (SAS) No. 112 Management Letter
- D. Accept and file the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets letter.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Director, and Ron Lopez presented a powerpoint.

David Ott, City Manager, presented the Certificate of Excellence award for the Comprehensive Annual Financial Report from the Government Finance Officers Association.

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

Mayor Kellejian recessed the meeting for a break at 8:21 p.m.

Mayor Kellejian reconvened the meeting at 8:25 p.m.

PUBLIC HEARINGS continued: (Item 10)

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 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.

**10. 700 Stevens Avenue - Stevens Street LLC (Case No. 17-06-22)
Development Review Permit and Structure Development Permit**

Recommendation: That the City Council

- A. Find that the Initial Study and Mitigated Negative Declaration prepared for the project (SCH# 2007071151) has been prepared consistent with CEQA and the 2007 State CEQA Guidelines and certify the Initial Study and Mitigated Negative Declaration;
- B. Adopt the Mitigation Monitoring and Reporting Program prepared for the project; and
- C. Adopt Resolution 2007-184 conditionally approving a Development Review Permit and Structure Development Permit to construct a new 16,740 square foot, two story commercial office building on property at 700 Stevens Avenue.

Councilmember Nichols recused himself stating this his employer was involved in the project.

Councilmember Heebner recused herself stating that she had a client related to the applicant and funding originating from the same account.

Leslea Meyerhoff, Meyerhoff & Assoc., presented a Powerpoint reviewing the project.

Council disclosed their familiarity with the project.

Mayor Kellejian opened the public hearing.

Mark Fowler, applicant, reviewed the issues regarding the easement and the potential removal of a eucalyptus tree to provide better access to the sewer main.

Council and applicant discussion ensued regarding the look from the park, a fencing plan, that the easement has not been used by the City since the tree has been in the way, and the sidewalk extension once the park design is known.

Jack Hegenauer stated that he was not in favor or opposition of the project, reviewed the City's process including utilizing a CEQA checklist, that the City asked for public comments, that the City then asks two consultants to reievew who did not identify parking impacts, and that staff has not identified up front the

parking issues.

Robert Sheldrup said that he had become acquainted with the project through the Shorelines Newsletter, asked whether the City was given an offer to buy the property, that he submitted a letter asking Council if any issues with this project has anything to do with the Cedros Crossing project, that he understood that traffic was flawed, that he wondered about the new Interstate 5 project effects on the surrounding area, and that he hoped that the City could buy the land to add a park.

Council discussed with Larry Holmes, International Society of Arboriculture, the health of the eucalyptus trees on the back of the property, that none of the trees are specimen trees, the development will cut off part of the system to these trees, if they fall over they will do severe damage due to their size, that another concern is branch breakout once there is parking underneath them, and that his opinion is that these trees will not survive with this project.

Council and staff discussed the adequacy of parking for the site and use, that there is no room for parallel parking in this area, that overflow parking fall at the park and potentially into the neighborhood.

Mike Filer, applicant, responded regarding parking stating that they will be the major tenant in the building and that it would be under parked and with the design it would not have many individual tenants.

MOTION: Moved by Roberts and seconded by Campbell to close the public hearing. (Absent: Heebner, Nichols recused due to conflicts of interest.) **Motion carried 3/0/2** (Absent: Heebner, Nichols.)

Council discussion ensued regarding the connectivity of the area and safety for school children walking the area, the safety of the easement area, to include their contribution to La Colonia in the resolution, that the City's limited resources prevents it from purchasing property, that each project is looked at individually, whether there was a way to condition the project to use this for overflow of parking for weekend needs, that there did appear to be a way to save the trees with their potential safety issues down the road, and that including the provision that all parking should be contained on the site would allow staff to work with the owners on options for parking.

MOTION: Moved by Campbell and seconded by Roberts to approve with additional conditions 1) to utilize the easement Option 1., 2) to direct staff to add conditions that all parking needs be required by the project to be onsite and if overflow is needed to work with staff to mitigate cost, 3) connectivity of sidewalk, 4) to accept the voluntary art fee to La Colonia Park. **Motion carried 3/0/2** (Absent: Heebner, Nichols.)

16. Banning Condominium Hotels and Similar Uses

Recommendation: That the City Council

- A. Open the public hearing and take testimony from the public.
- B. Close the public hearing.
- C. Adopt the negative declaration prepared for the condominium hotel, fractional ownership, and timeshare amendments to the zoning ordinance.
- D. Introduce Ordinance 376 amending sections 17.12.010(D)(8) and 17.12.020(A)(8) to define and disallow condominium hotel, timeshares (prospectively) and fractional ownership hotels.
- E. Set this matter for adoption at the next regularly scheduled City Council meeting.

David Ott, City Manager, introduced the item.

Tina Christiansen, Community Development Dir., presented a Powerpoint.

Council and staff discussed public correspondence, the constitutionality of the proposal, that there had not been any bans but regulations among cities statewide, that it was defensible since the City was a tourist town and had limited facilities for tourists, and that development was affected by the Coastal Commission.

Norman Walker declined his request to speak.

David Zito said that the City needed the space for the benefit of the public to be served by and for the people, that this was a proper regulation that would benefit the community, that formations of these types are ways to privatize land that should be used for more public use, and that relative to other uses on that land this type of use would be onerous to other uses.

Ona Russell said that she thought the same as mentioned and she was glad to see it was brought to Council again.

Burt Ziegler said that he supported the ban.

Vicki Cypherd said she had attended conferences around the state on condo hotels, that she agreed with the Coastal Commission opinion that condohotels in

coastal areas are in conflict with the visitors serving requirements of the California Coastal Act, that since they are sold to private individuals they limit affordable overnight accommodations for tourists, owners would choose peak seasons to use when area families would choose to visit, and that she urged Council to pass it.

Peggy Martin said that she supported the item and that condohotels would impact negatively on a small city like Solana Beach.

Gerri Retman (Ira Opper donated additional time) said that she had attended the Coastal Commission's workshops on condohotels and discovered that there were several different problems, that they are marketed to vacationers as second homes for residential use, that a letter in the condohotel market says that they should be marketing as second homes, that if the occupiers are using the rooms they are not available to tourists, and that she urged Council to approve the ordinance.

Gary Martin (Lucien Remy donated additional time) said that a letter from Wayne Brechtel in the past regarding the constitutionality of these zones, would like to add as a part of the record if not here by reference, that this is not a form of banning ownership but a ban of use, that the Coastal Act focuses on maximizing visitors use, and that there is a myriad of issue that would demand a lot of time on the part of the City.

MOTION: Moved by Heebner and seconded by Roberts to approve and include the memo by Wayne Brechtel be included in the record. **Motion carried unanimously.**

STAFF REPORTS: (Items 11-15)
Submit speaker slips to the City Clerk.

**11. Fiscal Year 2006-07 Community Grant Program Award Recipients
Financial Expenditure Report**

Recommendation: That the City Council

- A. Direct that the Casa de Amistad remit remaining funds of \$26.92 back to the City of Solana Beach.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Director, presented a Powerpoint.

Council and staff discussion ensued regarding the issue of the Boy Scouts information that was not included.

MOTION: Moved by Roberts and seconded by Nichols to deny staff recommendation at this time, to direct staff to contact all organizations requesting their financials as required, to not require Casa de Amistad to return the unused funds of \$26.92, and clarify the policy that if organizations do not fulfill their obligation to submit their financials that they will not be eligible for future requests until they are received. **Motion carried unanimously.**

12. Fiscal Year 2007-08 Community Grant Recipients Selection

Recommendation: That the City Council

- A. Select the 2007-08 Community Grant recipients and identify an award amount to each recipient.
- B. Adopt Resolution 2007-183 authorizing the funding for selected community grant recipients for financial assistance under the FY 2007-08 Community Grant Program.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Director, presented a Powerpoint.

Morris Pike, Kiwanis Club, said they served Encinitas and Solana Beach and reviewed their services that they provide and their funding request which was for books for professional development.

Council discussion ensued regarding various interests of Council for requestors and that some organizations made two separate requests.

MOTION: Moved by Heebner and seconded by Roberts to approve the \$25,000 Community Grant with the following allocations:
Boys & Girls Club \$5,000
Kids Corps USA \$5,000 total for two projects
California Foundation for International Arts \$2,500
North Coast Rep. \$2,500
Solana Beach Little League \$8,000 total for two projects
San Dieguito Alliance for Drug Free Youth \$2,000 **Motion carried unanimously.**

13. San Diego Regional Stormwater Co-permittees Memorandum of Understanding

Recommendation: That the City Council

- A. Adopt Resolution 2007-182 authorizing the City Manager to enter

into the Regional National Pollutant Discharge Elimination System (NPDES) Memorandum of Understanding.

David Ott, City Manager, introduced the item.

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

15. La Colonia Park Project Conceptual Design Services - Van Dyke Landscape Architects

Recommendation: That the City Council

- A. Adopt Resolution 2007-188 Authorizing the City Manager to enter into negotiations with Van Dyke Landscape Architects for conceptual design services for the La Colonia Park Project.

David Ott, City Manager, introduced the item.

Steve Didier, Management Analyst, presented a Powerpoint.

Council and staff discussed taking advantage of what already exists rather than starting from scratch, the architects understanding of the polarized positions and they presented a process to build consensus, the benefit of this firm's interest in building the community consensus, and that the fees were comparable and this firm was on the lower end.

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

ORDINANCE INTRODUCTION: 1st Reading (Items 16-18)

Submit speaker slips to the City Clerk.

17. Citizen Boards, Commissions and Committees Solana Beach Municipal Code Update

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 to the Solana Beach Municipal Code for Citizen Boards, Committees, and Commissions.

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

18. Ban on Use of Plastic Bags for Distribution of Solicitation Materials

Recommendation: That the City Council

- A. Introduce Ordinance 375 amending Chapter 4.38 Solicitations to add a ban on the use of plastic bags for distribution of solicitation materials.

David Ott, City Manager, introduced the item.

Council and staff discussion ensued regarding the modification provided in the blue folder, that an education campaign will begin, that the penalty is at the 2nd occurrence and has a potential for an administrative fine for \$100 and a maximum of \$500 per incident, that an education flyer could be added to the business license renewal notifications, to include a reporting phone number in the City's Shorelines newsletter, that this applies only to solicitation bags that are thrown into the yard and does not apply to those placed on a door handle, and that the intent is to deter the trash in the yard that is swept into the gutters and the sewer lines.

MOTION: Moved by Roberts and seconded by Heebner with modifications. **Motion carried unanimously.**

ORDINANCE ADOPTION: 2nd Reading (Item 19)
Submit speaker slips to the City Clerk.

19. Responsible Sales and Service of Alcoholic Beverages Ordinance

Recommendation: That the City Council

- A. Adopt Ordinance 371 adding chapter 4.09 Alcoholic Beverages - Responsible Beverage Sales and Service to the Solana Beach Municipal Code, requiring Responsible Beverage Service training for people who serve and sell alcoholic beverages.

David Ott, City Manager, introduced the item.

James Lough, City Attorney, read the title into the record.

Council discussed the potential for submitting this topic to the League through the Legislative Committee and Dave Allen, Chair of the League Safety Committee.

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

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)

Council presented their committee reports.

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. Highway 101 / Cedros Ave. Development Committee - Heebner, Nichols.
3. I-5 Construction Committee - Kellejian, Roberts.
4. Public Arts Committee - Roberts, Nichols.
5. School Relations Committee - Roberts, Campbell.
6. Traffic Transportation - Heebner, Kellejian.

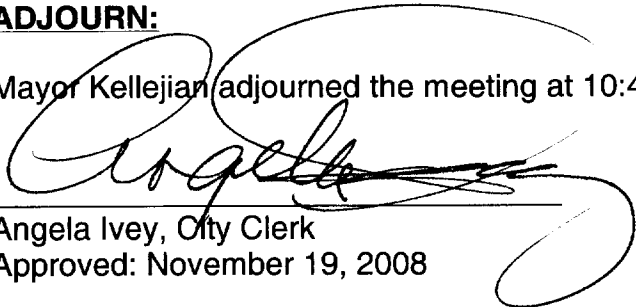
Ad Hoc Committees: (All Primary Members) (Temporary Committees)

1. Condo-Hotel - Heebner, Campbell. Expires October 24, 2008.
2. Development Review - Heebner, Nichols. Expires November 29, 2008.

3. Fletcher Cove - Heebner, Campbell. Expires November 28, 2008.
4. La Colonia Park Needs Assessment - Heebner, Nichols. Expires June 13, 2008.
5. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 14, 2008 or at the California Coastal Commission adoption.
6. Sand Replenishment Alternative Review - Kellejian, Campbell. Expires January 25, 2007.
7. Solana Beach Mixed-Use Train Station Project Ad Hoc Committee - Heebner, Nichols.
8. Views and Vegetation Subcommittee - Roberts, Nichols. Expires October 24, 2008.

ADJOURN:

Mayor Kellejian adjourned the meeting at 10:41 p.m.



Angela Ivey, City Clerk
Approved: November 19, 2008