CALL TO ORDER AND ROLL CALL:
Mayor Heebner called the meeting to order at 6:06 p.m.

Present: Mayor Lesa Heebner, Deputy Mayor David A. Zito, 
Councilmembers Peter Zahn, Mike Nichols, Ginger Marshall 
Absent: None 
Also Present: Gregory Wade, City Manager 
Johanna Canlas, City Attorney 
Angela Ivey, City Clerk 
Bill Chopyk, Community Development Dir. 
Mo Sammak, City Engineer/Public Works Dir. 
Marie Berkuti, Finance Manager 
Dan King, Asst to City Manager

CLOSED SESSION REPORT: (when applicable) 
Johanna Canlas, City Attorney, stated that there was no reportable action.

FLAG SALUTE: 

APPROVAL OF AGENDA: 
Motion: Moved by Zito and second by Zahn. 5/0 Motion carried unanimously.
PROCLAMATIONS/CERTIFICATES:

1. San Dieguito Alliance’s Red Ribbon Week
   Barbara Gordon explained Red Ribbon Week.
   Mayor Heebner presented proclamations to 12 schools.

2. National Blue Ribbon School Award - Santa Fe Christian
   Mayor Heebner presented a proclamation to Santa Fe Christian.

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

1. Sunset 5k Special Event
   Barbara Mandel and Bob DeSimone announced the event that highlighted people
   that were pre-diabetic, that they were donating $1000 of the proceeds towards the
   Veteran’s Honor Wall, they promised to leave the beach and fletcher cove park
   cleaner than they found it, and thanked the City for allowing them to host the event.

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

Greg Wade, City Manager, introduced John Maryon as the new Captain of North county
station.

Captain Maryon reviewed some of his history and experience in the area.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.3.)
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. Register Of Demands. (File 0300-30)
Recommendation: That the City Council

1. Ratify the list of demands for September 19, 2015 to October 2, 2015.

   Item A.1. Report (click here)
   Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals.
The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

Motion: Moved by Zito and second by Nichols. Motion carried unanimously.
A.2. **General Fund Adopted Budget for Fiscal Year 2015-16 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2015-16 General Fund Adopted Budget.

**Motion:** Moved by Zito and second by Nichols. **Motion carried unanimously.**

A.3. **Veterans’ Honor Courtyard at La Colonia Park.** (File 0160-18)

Recommendation: That the City Council

1. **Adopt Resolution 2015-122**
   a. Awarding a construction contract for the Veterans’ Honor Courtyard at La Colonia Park, Bid 2015-06, in the amount of $247,295.05 which includes all alternate bid items, to Conan Construction, Inc.
   b. Approving an amount of $48,704.95 for construction contingency.
   c. Authorizing the City Manager to execute the construction contract on behalf of the City.
   d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
   e. Appropriating $45,000 into the project account for the Veterans’ Honor Courtyard at La Colonia Park from the Public Improvement Grant fund reserves.
   f. Approving the transfer of $25,000 from CIP-3 in the Public Improvement Grant fund into the project account for the Veterans’ Honor Courtyard at La Colonia Park.
   g. Appropriating $100,000 in grant revenue from a grant provided by the County of San Diego and $40,000 in contribution revenue from the sales of donor tiles for a total appropriation of $140,000 in project expenditures into the Public Improvement Grant fund’s project account for the Veterans’ Honor Courtyard at La Colonia Park in the City’s CIP fund.

**Motion:** Moved by Zito and second by Zahn. **Motion carried unanimously.**

**COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

Greg Wade, City Manager, introduced the item and presented a Powerpoint (on file) reviewing the funding needed, that $100k grant from San Diego County, $40k donor tile sales, and the reallocation of an additional $45k from reserves from RDA funds.

**Motion:** Moved by Zito and second by Zahn. **Motion carried unanimously.**
B. PUBLIC HEARINGS: (B.1. – B.5.)
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 timer light on the Council Dais.

B.1. Public Hearing: Consideration of Resolution 2015-121 for Fiscal Year 2016-2017 Community Development Block Grant Funds – ADA Pedestrian Ramp Improvements. (File 0670-20)

Recommendation: That the City Council


2. Adopt Resolution 2015-121:
   a. Finding that the funding request and project implementation are exempt from the California Environmental Quality Act pursuant to the State CEQA Guidelines.
   b. Approving the list of public street ADA ramp locations.
   c. Requesting Fiscal Year 2016-2017 Community Development Block Grant Funds for ADA pedestrian ramp improvements at various public street intersections.
   d. Finding that all of Fiscal Year 2016-2017 CDBG funds, presently estimated at a total of $40,000, are designated to be used for ADA pedestrian ramp improvements.
   e. Authorizing the City Manager to execute the County contract for management and implementation of the CDBG program.

Mayor Heebner opened the public hearing.

Greg Wade, City Manager, introduced the item.

Mo Sammak, Public Works/Engineering Dir., said that a list of new ramps would be planned for installation, and that this item was requesting Council approval to apply for the grant funding.

Council and Staff discussed that this was the only project qualified to utilize these funds and that next year’s application could look at funding other groups.

Motion: Moved by Zito and second by Nichols to close the public hearing. 5/0 Motion carried unanimously.
Motion: Moved by Zito and second by Nichols. 5/0 Motion carried unanimously.


The proposed project, as revised, meets the minimum objective requirements under the SBMC, could be found to be consistent with the General Plan and could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:


2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2015-116 conditionally approving a DRP and an administrative SDP to allow for the construction of a remodel and addition to an existing single-family residence and demolition and replacement construction of an ALU at 339 South Granados Avenue.

Item B.2. Report (click here)

Public Hearing was still open from prior meeting.

Katie Benson, Associate Planner, presented a PowerPoint (on file).

Applicant

Tyler Von Stright, JLC architecture, stated that they wanted to revisit the two items addressed, that they had reduced the FAR to be in compliance, and had addressed Mr. Cohen’s privacy concerns by removed

Public Speakers

Grant Fletcher said that he missed the last meeting even though he wanted to comment, that the design never included them during the process, that the poles were erected abruptly when his family was away, the issues were downplayed and that no changes were made or further contact made. He said that the project looked into his entire second floor and master bedroom, that they worried about entertainment noise and after hours use, that the neighbors concurred that they did miss the opportunity to apply during the VAC process as they should have, and stated that they were asking that the decks were either lowered, scaled down, or eliminated, and possibly reject the project until these issues were addressed properly.

Council and Mr. Fletcher discussed that VAC was not filed because various parties were
away for some time and did not meet prior to the end of the deadline, that they were assured that their concerns were addressed and impacts were downplayed, and that the story poles were up but that they were told that the decks were translucent and had no impact on surrounding views.

Matthew Cohen stated he was the neighbor to the north, that he had a meeting with the applicant after the last meeting and was grateful for the changes they made, but that they had not addressed 90% of the other issues including a wall of picture windows facing right into his house, yard, and deck, that the design left no possibility for any plantings to support any privacy or noise barrier, there were large elevated decks 10 ft. from the property line right outside the windows of his guesthouse leaving no room for any privacy. He said he had met with the applicant and representative as late as this afternoon and offered suggestions to address their concerns, the back level is 2 levels and jutted out to the north presenting serious privacy issues, that the applicant did not think it was within anyone’s purview to address them, and asked the someone require them to work with the neighbors to address issues before and not after plans are submitted or the project had been continued, and requested that Council continue the item.

Council and Mr. Cohen discussed he had articulated very specific things like a smaller deck, using transoms on the decks as they had used in their own recent remodel allowing them some light but providing privacy to neighbors.

Anne Stricklin (time donated by Pete Striklin) said that she was told that elevation and concrete increased volume and noise, She said she would reiterate the issues included in her letter sent to Council Oct 12th outlining the issues of privacy, view obstruction, and noise issues. She said that regarding the View Assessment they did each obtain the form to fill out and waited to hear from the Bergums who could meet on July 3rd and the meeting was cordial and they were assured that the applicants would take their concerns into consideration, so they did not file for View Assessment. She stated that they the applicant and architect did come to her home to see the impairment and that they would get back to her, she submitted her letter October 12th and then the applicant contacted her. She said that they had not gotten anywhere with all of the assurances, that it was significant that 3 parties were coming forward with their concerns, that over the years they have lost more and more inches of their view and this project would cut off 3 ft. more of the view, but the deck issue to the west is the major issue, and that the neighbors look to Council for counsel.

Jennifer Bolyn, architect, said that her client at 316 Rios asked her to speak on his behalf since he could not attend, that he supported the project in relation to his interaction with the applicant, that he asked her to look at the story poles once he had received the notification and they had adequate time to review it, and that her client would not be impacted.

Deputy Mayor Zito stated that it was a concern that there were not View Assessment filings made, to review our notice to be sure it stated clearly to those noticed that it is the process for dealing with these issues, that at this time that process was closed, that adjacent land use was more difficult and could see points of people expressing their concerns, that he had decks looking into his property on both sides of his property and been able to plant adequate vegetation to minimize it, they are smaller issues than this project, that the issue may be the size of these roof decks and how much challenge it would be to minimize their impact, from a
structure point of view and story poles and did not look out of conformity, but looked like some railings are mesh rather than transparent.

Councilmember Zahn stated that the Begums sent out a letter on Oct 5th and offered meetings, that it seemed like they did give their neighbors opportunity, that neighbors had a chance to appear at the last hearing and some could not, that there was an issue of fairness for the applicant without parties filing VAC or attend meetings with input, and yet several neighbors communicated the same issues, and that he was leaning toward more time to work out the issues raised and at the same time require neighbors to be able to voice their reasonable concerns and address some issues.

Councilmember Marshall said that she appreciated concerns about views which were all facing west, that View Assessment was not filed which was problematic, that the Bergums project did fit within most of the projects of adjacent properties and the neighborhood, and she had a deck off of her own master bedroom and that was not typically where people party but instead off of the living room, and that she would support the project as is.

Councilmember Nichols stated that he appreciated the changes to the upper desk, that his issue was the site plan and perimeter and any adverse effect like privacy, that the view issue had a process and no one filed, but not addressed was what is put on decks to provide shade and it is west facing, that it the deck was pulled in a bit it would be taken away from neighbor’s impact, that the entire north side was hardscape and difficult to provide enough screening to significantly help that privacy issue, and that the size of the deck was the greater issue at this time.

Mayor Heebner said she agreed with finding of adjacent property was problematic, that the deck and screening issue could be addressed, and that a majority of Council appeared to be in agreement to send it back for design.

Tyler Von Stright, architect, asked if Council would be receptive to an elimination of the upper deck as designed with everything above the steps eliminated, leaving only the smaller area flush with the master bedroom, and some additional screening.

Council allowed the applicants to recess to discuss any alternative options and return to see if they can continue discussion to reach consensus.

Motion: Moved by Zito and second by Nichols to close the public hearing. 5/0 Motion carried unanimously.

Motion: Moved by Zito and second by Zahn with modifications including the removal of both decks highlighted and adding any opportunity to screen on both sides referencing an Exhibit A, a modified for viewing on the screen. 5/0 Motion carried unanimously.

Mayor Heebner recessed the meeting at 7:30 p.m. for a break and reconvened at 7:40 p.m.

Recommendation: That the City Council

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:


2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2015-119 conditionally approving a DRP and an administrative SDP to allow for the construction of a remodel and addition to an existing single-family residence at 407 Hilmen Place.

Mayor Heebner recused herself due to the project residing within 500 ft. of her residence.

Greg Wade, City Manager, introduced the item.

Katie Benson, Associate Planner, prepared a PowerPoint (on file).

Deputy Mayor Zito opened the public hearing.

Council disclosures.

Applicant

Frank Hemerini, architect, said they had no presentation but asked Council about the grading plan approval condition. He said that they proposed retaining walls in the rear of the lot, that they thought they felt beneath the need for a grading permit but the City Engineer felt they were approaching that threshold, so they wanted to address it and asked if they fell below the threshold that the condition could be removed.

Greg Wade, City Manager, said that they looked at the conditions of approval and the language might be altered to state it as if required.

Mo Sammak, Public Works/Engineering Dir., said that as the project stood now it would be needed not only because of threshold but also because of specific areas that would not be inspected by the building permit process that they require it to visit it during construction to ensure it was constructed appropriately. He said that if Council would allow them to waive it with enough information provided, they would be able to eliminate it.

Motion: Moved by Marshall and second by Zahn to close the public hearing. 4/0/1 (Recused: Heebner) Motion carried.
Motion: Moved by Marshall and second by Zito to waive the grading permit requirement condition if the applicant provides adequate information to the City Engineer that warrants not requiring a grading permit. 4/0/1 (Recused: Heebner) Motion carried.

B.4. Public Hearing: 726 Marsolan Ave - Development Review Permit (DRP) and Structure Development Permit (SDP) - Applicant: Shank, Case # 17-15-14. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:


2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2015-117 conditionally approving a DRP and an administrative SDP for a 818 square foot addition to an existing two-story, single-family residence with an attached 497 square foot garage located at 726 Marsolan Avenue.

Item B.4. Report (click here)
B.4. Supplemental Documents 10-26 last update 500pm

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

Russ Brown, Assistant Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Applicant

Dave Hendrickson, designer, representing the applicant, said that they had no presentation but available for questions.

Motion: Moved by Zito and second by Zahn to close the public hearing. 5/0 Motion carried unanimously.

Motion: Moved by Zito and second by Zahn. 5/0 Motion carried unanimously.

The proposed project meets the minimum objective requirements under the SBMC, the LCP LUP, and is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a CUP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing; Report Council Disclosures; Receive Public Testimony; Close the Public Hearing.

2. Find the project categorically exempt from the requirements of CEQA pursuant to 2015 State California CEQA Guidelines Section 15304(c).


Corey Andrews, Principal Planner, presented a PowerPoint (on file)

Jim Knowlton, City’s 3rd party consultant, reviewed the difference between a notch infill and a permanent wall, that 40 ft. high notch would never be acceptable because a larger design structure would be required eventually, the notch infill is the preferred method approved by the Coastal Commission.

Council disclosures.

Walt Crampton, applicant engineer, showed a picture and said that the material was unique in the area, that notches only form in sandstone, that after they collapse it destabilizes the coastal bluff, that notches could only be less than 25 ft. He showed more pictures of costal bluffs in North County from the 1990’s,

Public Speaker

Jim Jaffe stated that he sent in a letter as well as one was sent from Bradbury, that it was unclear that the erodible concrete would erode at the same rate as the bluff, that he did not think Council make the finding until the effect of this material had been determined, and that the bluff space could be rented and had been waiting for 10 years to begin utilizing this space for the benefit of the City.

Johanna Canlas, City Attorney, stated that the City received a grant from the Coastal Commission to work on the recreation fee study before the year’s end, and that it was released for public comment.

Walt Crampton (rebuttal time) said that a letter from an avid surfer and engineer supported seawalls, that a quote from the Oceanography of Berkley said that seawalls were constructed to stop erosion, that people want to blame the seawall, that the Coastal Commission helped
the City write its LCP and they strongly recommended this material, they had complied with all the requirements of the permit.

Council, Staff, and Mr. Knowlton discussed that the mix met the criteria outlined in the City’s ordinance, that studies with Terracosta have confirmed it, and that Mr. Knowlton’s contact with the Coastal Commission assures him that they would not let it slide by if it did not meet it, that they would remove or remix, that the rate of erosion would be monitored, that the Coastal Commission was taking a hard look at the material being proposed, that the material had a color that changed and that the mix was all the same for an infill so it would erode at the same rate, that the monitoring fell upon the applicant,

Discussion continued regarding filing in a notch did not remove access to the beach, that natural falls would have to be large to add to the beach, that when a notch gets to a certain overhand it is a necessary measure to fill it, that some points are challenging but the City should follow was currently outlined in the LUP, that over time a less intense structure than a seawall would be ideal, and for now leave the erodible concrete to the experts.

Motion: Moved by Zito and second by Zahn to close the public hearing. 5/0 Motion carried unanimously.

Motion: Moved by Zito and second by Heebner. 5/0 Motion carried unanimously.

Mayor Heebner recessed the meeting at 8:50 p.m. for a break and reconvened at 8:57 p.m.

C. STAFF REPORTS: (C.1. - C.3.)
Submit speaker slips to the City Clerk.

C.1. Adopt (2nd Reading) Ordinance 466 - Regulating the Use of Expanded Polystyrene and Non-Recyclable Plastic Disposable Food Service Containers and Packaging. (File 0220-70)
Recommendation: That the City Council

1. Adopt Ordinance 466 Regulating the Use of Expanded Polystyrene and Non-Recyclable Plastic Disposable Food Service Containers and Packaging.

Johanna Canlas, City Attorney, read the title of the ordinance.

Council discussed reviewing the enforcement remedies, that if that were done today it would have to return for an introduction first, that they could adopt this today and return to address additional changes.

Motion: Moved by Zahn and second by Zito. 4/1 (Noes: Marshall) Motion carried.

This item was pulled from the agenda and will return at a later date.
C.3. **Quarter Year Budget Adjustments for Fiscal Year 2015-2016.** (File 0300-40)

This item was pulled from the agenda and will return at a later date.

**COMPENSATION & REIMBURSEMENT DISCLOSURE:** None

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, Zahn (alternate).
- b. County Service Area 17 – Zahn, Marshall (alternate).
- c. Escondido Creek Watershed Authority – Marshall/Staff (no alternate).
- d. League of Ca. Cities’ San Diego County Executive Committee – Nichols, Zahn (alternate) and any subcommittees.
- e. League of Ca. Cities’ Local Legislative Committee – Nichols, Zahn (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 – Marshall, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee – Heebner, Nichols.

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

- c. I-5 Construction Committee – Heebner, Zito.
- d. Parks and Recreation Committee – Heebner, Nichols.
- e. Public Arts Committee – Nichols, Zito.

**ADJOURN:**

Mayor Heebner adjourned the meeting at 8:55 p.m.

Angela Ivey, City Clerk

Approved: May 11, 2016