

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

WEDNESDAY, JUNE 11, 2008
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
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Dennis Coleman, Finance Director
Tina Christiansen, Community Dev. Dir.
Wende Protzman, Dir Admin. Serv/Deputy City Mgr
Mo Sammak, City Engineer/Public Works Dir.
Dismas Abelman, Deputy Fire Chief
Craig Miller, Marine Safety Captain

Mayor Kellejian called the meeting to order at 6:04 p.m. and noted that Deputy Mayor Roberts was attending via teleconference, as noticed. He said that he would adjourn the meeting in memory of George "Bo" Jones.

TELECONFERENCE LOCATION:

TELECONFERENCE LOCATION (Deputy Mayor Roberts) 4300 Wilson Blvd.,
Suite 250 Arlington, Virginia

FLAG SALUTE:

David Ott, City Manager, led the flag salute.

APPROVAL OF AGENDA:

MOTION: Moved by Heebner and seconded by Nichols to approve pulling Item 14 from the agenda. . **Motion carried unanimously.**

PROCLAMATIONS: None

Mayor Kellejian presented a proclamation to the Optimist Club for optimist childhood cancer awareness month.

Audrey Eller explained the purpose of the Optimist Club.

PRESENTATIONS: None

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.)

Vito Roti passed out a signed petition by people regarding the problems with traffic through Cedros and Lomas Santa Fe with NCTD and school buses. He said that they speed and may cause accidents. He said he has talked with the Council, the City Manager and Sean McLeod who have been trying to address the issue and that he did attend the Public Safety Commission meeting to share his concerns.

Matt Keenert said that the residents are concerned about the safety issues regarding commercial trucks and buses speeding and making so many numerous routes through the neighborhoods. He said he had talked with the bus company and that they said they would reduce their traverse routes through the neighborhood if there were not any children to let off in the area and that they have complied. He said that there is potential tragedy due to these numerous buses and trucks not driving safely.

Council and City Manager discussion ensued regarding providing law enforcement, that the City had been working with the schools and the bus companies including NCTD to improve the issue, and that the City would

continue to coordinate efforts.

CONSENT CALENDAR: (Action Items) (Items 1-8)

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: 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 Nichols and seconded by Heebner. **Motion carried unanimously.**

2. Minutes of City Council meeting.

Recommendation: Recommendation: That the City Council

- A. Approve the Minutes of the Special City Council meeting held February 11, 2008.

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

3. Tide Beach Seawall Maintenance Project, Bid No. 2007-09. (File 0400-10)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-094:

1. Authorizing the City Council to accept as complete the Tide Beach Seawall Maintenance Project, Bid No. 2007-09.
2. Authorizing the City Clerk to file a Notice of Completion.

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

4. Re-establish the La Colonia Needs Assessment Ad Hoc. (File 0410-48)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-078 re-establishing the La Colonia Needs Assessment Ad Hoc Committee until June 10, 2009.
- B. Re-appoint the current Councilmembers serving on the committee, Councilmembers Nichols and Heebner.

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

5. 2008 Street Repair and Slurry Seal Project, Bid No. 2008-05 Construction Contract. (File 0400-10)

Recommendation: Recommendation: That the City Council

A. Adopt Resolution 2008-093

- 1. Awarding the bid submitted by Frank and Son Paving, Inc., in the amount of \$193,553.20 for the 2008 Street Repair and Slurry Seal Project, Bid No. 2008-05.
- 2. Approving an amount of \$26,446.80 for construction contingency
- 3. Authorizing the City Manager to execute the construction contract on behalf of the City

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

7. 2008-2009 Municipal Improvements Districts Benefit (MID) Fees. (File 0495-20)

Recommendation: Recommendation: That the City Council

- A. Approve the fees for the Municipal Improvement Districts and adopt Resolutions 2008-101, 2008-102, 2008-103, 2008-104 setting the benefit charges for FY 2008-09 as follows: MID #33 - Highway 101/Railroad Right-of-Way \$ 3.12/unit - \$11,500, MID #9C - Santa Fe Hills \$ 232.10/unit - \$94,700, MID #9E - Isla Verde \$ 68.74/unit - \$6,000, MID #9H - San Elijo Hills #2 \$ 289.58/unit - \$ 34,200

Resolution 2008-104

MID #33 - Highway 101/Railroad Right-of-Way \$ 3.12/unit - \$11,500

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

Resolution 2008-101

MID #9C - Santa Fe Hills \$ 232.10/unit - \$94,700

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

Resolution 2008-103

MID #9H - San Elijo Hills #2 \$ 289.58/unit - \$ 34,200

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

Resolution 2008-102

MID #9E - Isla Verde \$ 68.74/unit - \$6,000

MOTION: Moved by Nichols and seconded by Heebner. **Motion carried 4/0/1 (Absent: Roberts.)**

8. Budget Amendment for Building Services. (File 0330-30)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-107 amending the budget for the Building Services Department increasing the revenue appropriation and professional expenditures for a net increase in building revenue of \$43,000 to the general fund.

MOTION: Moved by Nichols and seconded by Heebner. **Motion carried**

unanimously.

6. Adoption of the 2008-09 Fire Benefit Fee. (File 0390-23)

Recommendation: Recommendation: That the City Council

- A. Set the 2008-09 Benefit Fee at \$10.00 per unit, and
- B. Adopt the Resolution 2008-105 setting the Fee for levying on the tax roll.

David Ott, City Manager, introduced the item.

Glenn Bailey said that he addressed Council in the past on this issue but all the present Council was new. He stated that it was unfair to timeshare owners, that they should be treated as condo owners and charged \$50 per unit a year or charged as a commercial unit, that the difference is substantial, and that the timeshare visitors bring business to the City.

Council and City Manager discussion ensued regarding the agreement in the minutes with the two timeshares at a 1991 Council meeting which was proposed and approved, that any discussion of changes would need to take place with representatives of the timeshares, that the speaker confirmed that the issue had not been addressed by their Boards, and that the Fire Benefit fee had not been raised since 1991.

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

STAFF REPORT: (Item 9)

9. Introduce (1st Reading) Ordinance 388 and Adopt (1st and 2nd Reading) Urgency Ordinance 387 to Amend SBMC Section 11.12.095 as it Relates to Alcohol Consumption. (File 0270-30)

Recommendation: Recommendation: That the City Council

- A. Introduce and Adopt (1st & 2nd Reading) Urgency Ordinance 387 Draft D amending SBMC section 11.12.095(A) to ban alcohol year-round regardless of the time of day for a period of one year; and

- B. Introduce (1st Reading) Ordinance 388 Draft D amending SBMC section 11.12.095(A) to ban alcohol year-round regardless of the time of day for a period of one year; OR
- C. Introduce and Adopt (1st & 2nd Reading) Urgency Ordinance 387 Draft E amending SBMC section 11.12.095(A) to ban alcohol during the summer months, specifically from midnight the Thursday before Memorial Day through Labor Day at midnight, for a period of one year; and
- D. Introduce (1st Reading) Ordinance 388 Draft E amending SBMC section 11.12.095(A) to ban alcohol during the summer months, specifically from midnight the Thursday before Memorial Day through Labor Day at midnight, for a period of one year.

David Ott, City Manager, introduced the item.

Dismas Abelman, Deputy Fire Chief, and Craig Miller, Marine Safety Captain, presented a PowerPoint.

David Carlos, Sheriff's department, reviewed some law enforcement challenges and negative impacts on the community. He said that they recommend a one year ban in sync with the City of San Diego.

Chief Abelman reviewed options from no action to a holiday ban up until one year. He said that the City's hands had been forced since the downside of doing nothing is great. He stated that it was introduced to the Public Safety Commission and they recommended the one year ban.

Judy Strang, Director for Alliance for Drug Free Youth, said that she attended the Public Safety Commission. She stated that it was ideal to make it clear to the community that reports in the spring in Del Mar were regarding harassment from those not living in the City and now Solana Beach had been singled out as the only place to drink.

Council and staff discussed the fact that all parks within the City already prohibit drinking, that there was an increase in younger people coming to drink at the beach that were not usually residents, that the approach is proactive due to the potential issues, how the proposed ordinance would be enforced which included information by the lifeguards and issues would be referred to the Sheriff to issue citations.

Council and staff discussion continued regarding if other cities had done a trial period and what measurements were used to assess the success, that there is

an alcohol ban on all state beaches, that this would be a double duty for lifeguards just like smoking and dogs on the beach, that recently there were numerous kids with coolers at Fletcher Cove Park and that the lifeguards did make contact initially, that once the ordinance was in affect some night patrols would be ordered for a while to educate and use code enforcement to patrol the parks occasionally, and that the increase in graffiti on the bluffs could be related.

Council discussed whether the ban applied to Fiesta Island in San Diego, whether one special event would be exempted, that Del Mar banned alcohol until Labor Day, consider a summer ban rather than year round, and that it was unfortunate to have to punish everyone for the few irresponsible offenders.

MOTION: Moved by Nichols and seconded by Kellejian to approve A. and B. banning alcohol consumption on City beaches for a period of one year. . **Motion carried unanimously.**

PUBLIC HEARING: (Item 10)

10. Revised Local Coastal Program (LCP) Land Use Plan (LUP). (File 0610-12)

Recommendation: Recommendation: That the City Council

- A. Report Council disclosures.
- B. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
- C. Direct the City Manager to resubmit the Revised Draft LUP based on California Coastal Commission; authorize staff and consultant to continue coordinating with Coastal Commission staff to ensure initiation of review process and timely processing of LCP application.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a powerpoint.

Council disclosed their familiarity with the project.

Mayor Kellejian opened the public hearing.

David Winkler stated that he had served as a member of the committee to coordinate this LCP, that the process had been expedited with the help of Leslea and staff, that they had all reached a good compromise, and that he supported moving the plan on to Coastal.

Council, staff and Mr. Winkler discussed the deposit of sand from a project would provide a credit and refund since the sand would have been provided, that setback requirements for existing remodeled homes and new homes, that the current code allows for setbacks to move within the designated 40 ft. with a geotechnical report, that this was not a change from the City's implement ordinance being submitted, that comments were taken from the public and meetings with Surfrider and COOSA, to clarify language regarding bluff homes within the right of way so it is not as vague, and to review the number of parking spaces mentioned for the train station to ensure it is correct.

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

David Winkler, committee representative, said that the Coastal Commission wanted the City to reduce the setback so that they could relocate homes closer to the street than to the bluff.

Council discussed first story and second story setbacks and articulation, that Coastal Commission wanted a reduction in parking, whether the elementary school was noted in the correct district, and to remain open to impose fees on a development that did not accomodate lower costs.

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

STAFF REPORTS continued: (Items 11-12)

Submit speaker slips to the City Clerk.

11. Approval of Professional Services Agreement for Sand Mitigation and Land Lease/Recreation Fee Development. (File No. 0400-10)

- A. Adopt Resolution 2008-98, awarding the contract to PMC and authorize staff to enter into a professional services agreement with PMC and authorizing the City Treasurer to transfer \$126,200 from Designated Reserves-Beach Related, Account 001-3412, into Budget Unit 459-9903-6190-6530, and Project Number 9903-6661 and appropriate said amount.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a Powerpoint.

Councilmember Campbell reviewed the interview process with PMC that took place with staff and himself.

David Winkler stated that he supported awarding the contract.

Council and staff discussed the scope of work, that the key assumptions that were made about bluff retention devices listed aesthetics as a public benefit, that they are better in a natural state, whether manmade is as aesthetical pleasing as a natural bluff, how long would they be allowed to erode, and how to measure them.

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

12. Solana Beach Lighting District. (File 0495-20)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-095 declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing; and scheduling the public hearing for July 9, 2008.
- B. Adopt Resolution 2008-096 approving the Engineer's Report for proceedings for the annual levy of assessments within a special maintenance district.

David Ott, City Manager, introduced the item.

Council discussed the fact that the account held over one million dollars and there were expenditures of \$290,000 projected, that perhaps the fee could be not collected for a year as a service to the public, that the potential annual needs would have to be reviewed, and that there were some conservation issues.

Mo Sammak, City Engineer/Director of Public Works, stated that he spoke to the past City Engineer, Chandra Collure, about the master plan that had been in place for 5 years and what issues potentially could arise during one year and he mentioned that the circuitry was outdated and would be part of the assessment.

Council and staff discussion ensued regarding whether the reserve balance was sufficient or if the assessment needed to be adopted, that the funds for one year would be \$75,000, that a decision was time sensitive since the accessor roll was due by August 10th, that the last study showed the recovery behind, to consider doing a new study to address the circuitry which was not included in the last study, and that if the assessment was skipped for one year it could be doubled up at a later date if needed.

MOTION: Moved by Kellejian and seconded by Heebner to NOT renew the district and suspend the fee for one year. A resolution to this effect will return to Council for approval.. **Motion carried unanimously.**

Councilmember Nichols left the meeting at 8:15 p.m.

Mayor Kellejian recessed the meeting for a break at 8:20 p.m. and reconvened at 8:25 p.m.

PUBLIC HEARINGS continued: (Items 13-14)

13. Sand Compatibility and Opportunistic Use Program (SCOUP) Adoption and certification of the SCOUP Final Initial Study/Mitigated Negative Declaration. (File 0740-80)

Recommendation: Recommendation: That the City Council

- A. Report Council disclosures.
- B. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
- C. Adopt Resolution 2008-099
 - 1. Certifying the Sand Compatibility and Opportunistic Use Program (SCOUP) Final Initial Study/Mitigated Negative Declaration, and
 - 2. Adopting the SCOUP project.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a Powerpoint.

MOTION: Moved by Kellejian and seconded by Heebner to close the public hearing.. **Motion carried 4/0/1** (Absent: Nichols.)

MOTION: Moved by Campbell and seconded by Heebner. **Motion carried 4/0/1** (Absent: Nichols.)

14. Five-Year Regional Transportation Improvement Program (RTIP) for Fiscal Years 2009 through 2013. (File 0840-30)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-097 adopting the TransNet Local Street Improvement Program of projects for Fiscal Years 2009 through 2013.

This item was pulled from the agenda.

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) - Kellejian, Roberts (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 - Campbell, Roberts.**

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

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

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

1. **Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires January 9, 2009.**
2. **Development Review - Nichols, Heebner. Expires November 29, 2008.**
3. **Environmental Sustainability - Roberts, Heebner. Expires January 9, 2009.**
4. **Fletcher Cove - Campbell, Heebner. Expires November 28, 2008.**
5. **La Colonia Park Needs Assessment - Nichols, Heebner. Expires June 13, 2008.**
6. **Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 12, 2009 or at the California Coastal Commission adoption.**
7. **Solana Beach Mixed-Use Train Station Project Ad Hoc Committee - Nichols, Heebner.**
8. **Views and Vegetation - Roberts, Nichols. Expires October 24, 2008.**

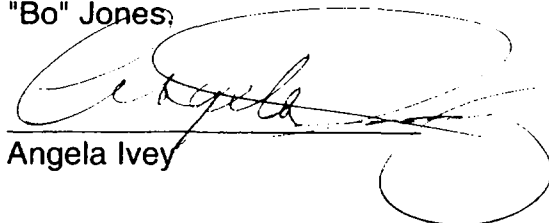
COMMUNITY ANNOUNCEMENTS:

Council made community announcements.

COMMENTARY:

ADJOURN:

Mayor Kellejian adjourned the meeting at 8:50 p.m. in the memory of George "Bo" Jones.


Angela Ivey

Approved: March 25, 2009