

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

WEDNESDAY, JUNE 25, 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: Roberts, Nichols, Campbell, Heebner, and Kellejian.

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Lisa Foster, City Attorney
Dennis Coleman, Finance Director
Angela Ivey, City Clerk
Wende Protzman, Dir Admin. Serv/Deputy City Mgr
Tina Christiansen, Community Dev. Dir.
Rich Whipple, Principal Planner
Mo Sammak, City Engineer/Public Works Dir.
Dan Goldberg, Principal Engineer

Mayor Kellejian called the meeting to order at 6:00 p.m.

COUNCIL REORGANIZATION:

1. Recognition of outgoing Mayor Kellejian
2. Recess - Reorganization of Seating, as appointed on December 12, 2007.
 - a. Mayor Roberts assumes the Chair (June 25, 2008 - December 10, 2008).
 - b. Deputy Mayor Nichols assumes the Deputy Chair (June 25, 2008 - December 10, 2008).

Mayor Roberts assumed the Mayoral Chair (June 25, 2008 – December 10, 2008).

Deputy Mayor Nichols assumed the Deputy Mayor Chair (June 25, 2008 – December 10, 2008).

David Carroll, President of the Solana Beach Chamber of Commerce, thanked Mayor Kellejian and presented a plaque to him for his service as Mayor.

Ed Seigel presented and sang a new song for the new incoming Mayor Roberts.

Marion Dodson honored Mayor Kellejian for his service as work including his service on outside agencies.

Louise Abbott thanked Mayor Kellejian for his service over the years.

Deputy Mayor Roberts presented a gift to Mayor Kellejian on behalf of the Council.

David Ott, City Manager, presented an award and gifts for service as Mayor

Mayor Kellejian thanked and spoke about the recent work of the City.

David Ott, City Manager, announced that there would be a break. The meeting recessed at 6:22 p.m. and reconvened at 6:35 p.m

David Ott, City Manager, welcomed the new Mayor and Deputy Mayor Nichols.

Mayor Roberts thanked family and friends.

APPROVAL OF AGENDA:

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

PROCLAMATIONS:

Mayor Roberts presented a proclamation to Gunner Reidlinger as a member of the Youth Parks & Recreation.

PRESENTATIONS:

1. Fletcher Cove Submerged Reef

Heather Schlosser, Army Corps of Engineers, presented a powerpoint.

Council and Ms. Schlosser discussion ensued regarding whether they had built oil pier reefs with recreation benefit, that they had not yet built one since their authority had ended but had started again and they were waiting on funding, they the City wanted to make sure that the proper modeling was done to ensure it was a benefit to the City, that it had been proposed that it would have no adverse affects on the existing surfing area and that it would enhance it, that the geotech style does not contain sandbags but a protective coating that did not tear, that the project would be built with 5 years of monitoring and adaptive management and afterwards it would be a cost to the City, that if there were no habitat or recreation benefits that they would remove it without cost.

Council and M. Schlosser discussion continued regarding changing the shape after it had been constructed once it had been submerge, that the designers would have to provide information on the flexibility of modifications, that so far the study had not included the surfing community but that it would when they proceeded, and to have her return with updates.

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.)

Policewatch.org reviewed police incidents that caused him concern including protection of records and police brutality.

Vito Roti, S. Cedros Homeowners Association, said that he was concerned about the speed through the S. Cedros area from buses, that they would like to change the sped to 25 miles per hour in the area and add a Stop sign on Cofer and Cedros.

Mary Jane Boyd, representing Friends of the Library, said that an upcoming event at the library regarding the book "Devil's Highway" and the author would be visiting.

David Holzman (additional time donated by Rose Campbell) said that the post office is in the wrong location and not convenient to most of the population. He suggested using that building as a new community center and relocated the Post Office.

Council and Staff discussion ensued regarding that this issue was on last years Workplan, that the City had tried to work with the Post Office, and that the City would have to buy their land as well as find a new place for them.

Ed Seigel said that he appreciated Mr. Kellejian's long tenure and that he loved being part of Solana Beach.

COMMUNITY ANNOUNCEMENTS:

Council announced community events.

COMMENTARY:

Council presented commentary.

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.

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

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. List of Demands (File 0300-30)

Recommendation: Recommendation: That the City Council

- A. Ratify the List of Demands dated April 12 - May 9, 2008 and May 10 - June 6, 2008.

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

3. Adoption of City Investment Policy (File 0350-30)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-118 approving the City's Investment Policy for Fiscal Year 2008-09.

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

4. Highway 101 Tree Replacement Project, Bid No. 2007-14, Notice of Completion. (File 0400-10)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-119:
 - 1. Authorizing the City Council to accept as complete the Highway 101 Tree Replacement Project, Bid No. 2007-14.
 - 2. Authorizing the City Clerk to file a Notice of Completion.

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

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

5. Castro Street Improvement Construction Contract. (File 0400-10)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-117:
 - 1. Rejecting Palm Engineering Construction bid as non-responsive.
 - 2. Awarding the construction contract to Portillo Concrete, in the amount of \$180,665 for the Castro Street Improvements Phase 1, Bid No. 2008-09.

3. Approving an amount of \$27,000 for construction contingency and testing services.
4. Authorizing the City Manager to execute the construction contract on behalf of the City.
5. Appropriating \$46,400 from Transnet Undesignated Reserves into Budget Unit 218-9380-6510-6530, Project Number 9380.04-6661
6. Appropriating \$53,165 from CDBG Undesignated Reserves into Budget Unit 240-9380-6510-6530, Project Number 9380.04-6661
7. Authorizing the City Treasurer to amend the Fiscal Year 2007-2008 Budget accordingly.

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

6. Retirement Health Savings Plan for the Employees of Solana Beach Fire Association. (File 0520-10)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-110 to implement a Retirement Health Saving Plan for the Solana Beach Firefighters' Association.
- B. Adopt the Administrative Services Agreement between the City of Solana Beach and ICMA-RC in order to implement a Retirement Health Savings Plan.

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

7. Fiscal Year 2008-09 Appropriations Limit. (File 0330-30)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-112 establishing the 2008-09 Appropriations Limit in accordance with Article XIII B of the California Constitution and Government Code Section 7910.

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

8. Matching Funds for Public Art Donations. (File 0910-45)

Recommendation: Recommendation: That the City Council

A. Adopt Resolution 2008-126:

1. Approving the above listed donations as contributions toward the Matching Funds for Public Art Campaign; and
2. Authorizing staff to utilize the \$5,000 donation from the Sprague Foundation and the \$1,200 from the Civic and Historical Society as requested for temporary art pads and the Arts Alive Banner program, respectively.

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

PUBLIC HEARINGS: (Items 9-12)

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.

9. Development Review Permit at 234 Patty Hill Drive (Case: 17-08-10 DRP; Applicants: Bill and Gillian Gillies). (File 0600-40)

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. Find the project categorically exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- D. Adopt Resolution 2008-106 conditionally approving a Development Review Permit for the conversion of the existing garage space into living area and to construct a single-story addition totaling 708 square feet and to construct a new garage of 815 square feet which requires 292 cubic yards of grading and a new retaining wall to the existing single-story, single-family residence at 234 Patty Hill Drive.

David Ott, City Manager, introduced the item.

Corey Johnson, Assistant Planner, presented a Powerpoint.

Mayor Roberts opened the public hearing.

Council disclosed their familiarity with the project.

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

Council and Staff discussed the proposed retaining wall and whether an 8 ft. wall would have to be a plantable wall to meet the requirements of the N. Rios Specific Plan, that the engineering details would meet any guidelines, and that a condition existed in the Resolution stated that the wall would have to meet requirements of the N. Rios Specific Plan.

MOTION: Moved by Heebner and seconded by Kellejian to approve with the condition the retaining wall is resolved. **Motion carried unanimously.**

**10. Development Review Permit for 583 Canyon Drive (Case # 17-08-12
DRP; Applicant: Marlo Milligan). (File 0600-40)**

Recommendation: Recommendation: That the City Council

- A. Report Council Disclosures.
- B. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close Public Hearing.
- C. Adopt Resolution 2008-108:

1. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15304 of the State CEQA Guidelines; and
2. Conditionally approving a Development Review Permit to fill the existing swimming pool with 125 cubic yards of soil and level out the rear yard by adding 343 cubic yards of fill and to construct two retaining walls along the property line at 583 Canyon Drive.

David Ott, City Manager, introduced the item.

Corey Johnson, Assistant Planner, presented a powerpoint (on file).

Councilmember Kellejian recused himself due to living within 500 ft. of the property.

Council disclosed their familiarity.

Council and Staff discussion ensued regarding the pool structure and that she removed it, whether the measure of separation was by the higher or lower wall and Staff stated that past practice that it had been by the lower length of the wall at the top of the footing.

Mayor Roberts opened the public hearing.

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

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

Mayor Roberts recessed the meeting for a break at 7:55 p.m. and reconvened at 8:05 p.m.

11. Development Review Permit Amendment / Structure Development Permit at the southeast corner of Stevens Ave. and San Rodolfo Dr. / Solana Beach Corporate Center Building 5 (Case: 17-06-44; Applicant: American Assets, Inc., John Chamberlain). (File 0600-40)

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. Certify the Final Initial Study and Mitigated Negative Declaration prepared for the project as consistent with the requirements of the 2008 State CEQA Guidelines;
- D. Adopt the Mitigation Monitoring and Reporting Program prepared for the project; and,
- E. Adopt Resolution 2008-111 conditionally approving the request for a Development Review Permit and Structure Development Permit to construct a new 12,947 square foot, single story commercial retail/office building within the existing Solana Beach Corporate Center on Stevens Avenue.

Councilmember Campbell recused himself having a business within 500 ft. of his property.

Nichols worked in project recused

Council disclosure with familiarity with the project.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, staff consultant, presented a Powerpoint.

Council inquired about the landscaping on the west side and Terry Austieree, Rick Engineering, responded with some intentions to landscape certain areas.

Mayor Roberts opened the public hearing.

Chris Sullivan, VP of American Assets, responded to Council inquiries regarding tenants and said that they would be aiming towards higher end tenants for the Solana Beach community, and that it would probably be 1/2 retail and 1/2 restaurants geared towards the business community.

MOTION: Moved by Kellejian and seconded by Heebner to close the public hearing. **Motion carried 3/0/2** (Absent: Nichols, Campbell.)

MOTION: Moved by Heebner and seconded by Kellejian to approve and add the friendly request to work with the City and the Community where possible to find the right tenants. **Motion carried 3/0/2** (Absent: Nichols, Campbell.)

STAFF REPORTS: (Item 13-17)

Submit speaker slips to the City Clerk.

16. Sale and Issuance of Limited Obligation Improvement Bonds For Assessment District No. 2008-1, Marsolan Undergrounding District. (File 0495-20)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-124 authorizing and providing for the issuance of Limited Obligation Improvement Bonds for Assessment District No. 2008-01 (Marsolan Undergrounding District), approving the form of bond indenture and bond purchase agreement and authorizing certain actions in connection therewith.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Director, presented

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

PUBLIC HEARINGS: (Items 9-12) cont'd

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

Recommendation: Recommendation: That the City Council

- A. Report Council disclosures.
- B. Public Hearing: Open the public hearing, receive public testimony, close the public hearing.
- C. Adopt Resolution 2008-097 adopting the TransNet Local Street Improvement Program of projects for Fiscal Years 2009 through 2013.

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer, reviewed the item and stated that it was required to be updated every two years, that the resolutions were required to maintained the funding, that additional projects could always be added in the future, and that no additional projects were being added at this time due to current funding.

Mayor Roberts opened the public hearing.

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

Mayor Roberts asked about the retaining wall in San Andre to Lomas Santa Fe that had a sidewalk that was not a dirt path and wondered if returning it to a sidewalk was part of the project.

Mo Sammak, Public Works Dir., said it was not part of the project and not part of RTIP but that the City was doing some other things in that area that may potentially provide some improvement.

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

STAFF REPORTS: (Item 13-17) cont'd

13. General Municipal Election - November 4, 2008. (File 0430-20)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-114 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 4, 2008, for the Election of Certain Officers as required by the Provision of the Laws of the State of California Relating to General Law Cities.
- B. Adopt Resolution 2008-113 requesting the Board of Supervisors of the County of San Diego to Consolidate a General Municipal Election to be Held on November 4, 2008, with the Statewide General Election to be held on that date, pursuant to Section 10403 of the Elections Code.
- C. Adopt Resolution 2008-115 adopting regulations for Candidates for Elective Office pertaining to Candidate's Statements submitted to the voters at an Election. (To be held on Tuesday, November 4, 2008).
- D. Adopt Resolution 2008-116 providing for a procedure in the event of a tie vote at any Municipal Election.

David Ott, City Manager, introduced the item.

Angela Ivey, City Clerk, stated that recommendation was to adopt resolutions to

call and consolidate the election.

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

14. Solana Beach Coastal Rail Trail Maintenance District Resolutions to Provide For the Annual Levy and Collection of Assessments. (File 0495-20)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-121, initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District.
- B. Adopt Resolution 2008-122, approving the Engineer's "Report" for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
- C. Adopt Resolution 2008-123, declaring intention to provide for the annual levy and collection of assessments in Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for July 9, 2008.

David Ott, City Manager, introduced the item. Dennis Coleman, Finance Dir., reviewed the resolutions to be adopted.

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

15. Adopt (2nd Reading) Ordinance 388 to Ban Alcohol Consumption on City Beaches. (File 0270-30)

Recommendation: Recommendation: That the City Council

- A. Adopt (2nd Reading) Ordinance 388 amending SBMC section 11.12.095(A) to ban alcohol year-round regardless of the time of day for a period of one year.

Lisa Foster, City Attorney, read the title of the Ordinance.

Council and Staff discussed that the there were some comments in the public that people were skirting these types of ordinances and drinking in boats in the water, that there were other laws to address those issues, and that Council could

revisit the issue again to clarify language if needed in the future.

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

17. Introduce (1st Reading) Ordinance 389 to Increase the Amount of Monthly Compensation of the City Council. (File 0410-05)

Recommendation: Recommendation: That the City Council

- A. Introduce (1st Reading) of Ordinance 389 Amending Title 2, Chapter 2.04 of the Solana Beach Municipal Code increasing the monthly compensation paid to members of the City Council pursuant to Government Code Section 36516.

Lisa Foster, Deputy City Attorney, read the title of the ordinance

Council and Staff discussion ensued that the state government code determines the sole method of process to calculate compensation, that the increase would not go into affect until after the new term of the approaching election, and that the last increase was in 2004.

David Ott, City Manager, said that he supported the increase ad that he would like it to recommed more. He said that the public was not always aware of the work necessary to do the job.

MOTION: Moved by Campbell and seconded by Nichols. **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 made 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) - 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 10, 2009.**
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.**

ADJOURN:

Mayor Roberts adjourned the meeting at 9:08 p.m.

A large, stylized handwritten signature in black ink, appearing to read 'Angela Ivey'. The signature is written over a horizontal line.

Angela Ivey, City Clerk

Approved: October 26, 2011