

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

JOINT **REGULAR** MEETING

MINUTES

**WEDNESDAY, MARCH 11, 2009
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: Nichols, Campbell, Heebner, Kellejian, and Roberts.

Absent: None.

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

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

FLAG SALUTE:

Mr. Moore led the flag salute.

APPROVAL OF AGENDA:

MOTION: Moved by Heebner and seconded by Roberts to approve except for Item C.2. which will be moved to March 25th and to hear Item C.1. before the Public Hearing. **Motion carried unanimously.**

PROCLAMATIONS:**PRESENTATIONS:**

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

1. USACE Solana Beach-Encinitas Shoreline Feasibility Study

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, Consultant, presented an update of the Solana Beach-Encinitas Shoreline Feasibility Study. She introduced David Van Dorpe and Josaphine Axt, from the Army Corps of Engineers (ACOE).

Josephine Axt, Chief of Planning, Army Corps of Engineers, presented a powerpoint presentation. She stated that there were eroding beaches and bluffs in Solana Beach and Encintas, she discussed funding of the project, the project milestones, and stated that the feasibility report was a milestone of the project.

David Van Dorpe, Project Manager, Army Corps of Engineers, continued to present the powerpoint presentation. He stated that the project was two weeks behind schedule, he reviewed the project schedule, stated that the environmental draft documents should be completed by fall 2009, and the final report should be completed by fall 2011, and that the Marine Life Protection Act (MLPA) would be reviewed to determine how it would impact the beach nourishment project.

Council discussion ensued regarding the importance of the project, that it was a fifty year project for beach replenishment, and that it involved public safety issues.

Leslea Meyerhoff, Project Manager, stated that the Cities had secured state and federal funding for the project, that Staff met with Congressional Delagates Bilbray, Feinstein, and Boxer, and explained the project action plan to them. She stated that \$263,000 was obtained from the federal government for the project, that the City submitted funding request to the federal government for the next couple fiscal years, and that a funding request would also be submitted to the state Boating and Waterways.

Council discussion ensued with Leslea on the funding of the project and that the that the California Department of Boating and Waterways had funded a majority of the City's contribution to the project.

2. San Diego Foundation 2050 Report

Emily Young, San Diego Foundation, stated that they were a charitable foundation for the San Diego region and that they were dedicated to working with government and businesses to curb greenhouse emissions, and that all communities would feel the impacts of climate change.

She stated that there were two aspects of climate change, 1) emissions, and 2) climate change impacts at the local level. She stated that the emissions levels in San Diego were rising, that transportation and electricity were the two highest contributors of emissions, and that the County's diverse region meant more impacts. She stated that there would be temperature increases and more heat waves in the County by 2050, that there would be more issues with erosion, that the sea level would rise between 12-18 inches, and that coastal cities would face challenges due to the rising sea levels and erosion. She stated that the City had already made several accomplishments towards environmental sustainability such as, signing the US Mayors Climate Protection Agreement, and that she provided suggestions of additional items the City could do to continue working on reducing emissions.

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 aware of the timer light on the Council Dais.

Karl Higgins presented a power point presentation on plastic manholes, the advantages to plastic manholes and less problems than with concrete manholes, and that it was 175 times less in carbon footprint than concrete.

Peggy Martin stated that she had concerns of 751 Seabright Lane, that there was a violation of the municipal code, that the set back is in violation of city codes, that the retaining wall is not in compliance with codes, that she had met with City Staff and felt her concerns were not addressed, and that there were problems with her property due to violations of the other property.

David Ott, City Manager, stated that the City had correspondence with her on the issues that the City could work on, that there was constant code enforcement in the area, and that several issues were beyond the City's control.

Council discussion issued regarding whether her issues were neighbor-to-neighbor issues or City issues, whether there was an issue with the 25-foot set-

back violation, and whether the City Manager could explain these issues to the Council.

Lane Sharman stated that he was a resident and member of the Clean and Green committee, that he was speaking on the solar finance program, that there were unintended consequences to the program, that his concern was to accelerate solar development through lowering costs, that the DOE had a guarantee of financing that could be implemented by the City, that he would volunteer in any capacity to act as a consultant.

David Ott, City Manager, commented on the financing problem, stated that the City was aware of the issues and incorporated them into the Request for Proposal process, and that there may be other options for the City to explore with the financing.

Council discussion ensued regarding the DOE program funding and what the potentials were for the City.

COMMUNITY ANNOUNCEMENTS:

Council reported community announcements

COMMENTARY:

A. CONSENT CALENDAR: (Action Items)

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. Waive the reading of Ordinances.

Recommendation: That the City Council

1. 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.**

A.2. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for February 1 - 13, 2009.

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

A.3. Monthly Investment Report. (File 350-45)

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Reports for the months of December 2008 through January 2009.

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

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. La Colonia Park & Community Center Conceptual Design Presentation. (File 0400-10)

Recommendation: That the City Council

1. Receive the report from Staff and Van Dyke Landscape Architects.
2. Authorize the City Manager to enter negotiations with Van Dyke Landscape Architects for final design and bid document services for the La Colonia Park and Community Center Project.

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

David Ott, City Manager, introduced the item.

Steve Didier, Assistant to the City Manager, and Mitch Phillippe, Van Dyke Landscape Architects, presented a powerpoint presentation.

Council discussion, Staff and consultant discussion ensued regarding the revised

Master Plan Option 3, the adequacy of the amount of seating at the amphitheater, that the the design needed to include ADA requirements, what maximum usage of seating was required for the park, that there would be room to expand the design if desired, and that the General Fund would not be used for the project.

Councilmember Kellejian said that he was supportive of the motion but did have reservations about the skate park.

C.2. Update on the Status of the Solana Beach Local Coastal Program (LCP) Land Use Plan (LUP). (File 0610-12)

Recommendation: That the City Council

1. Receive the information update.

This item was pulled from the agenda and moved to March 25, 2009.

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

B. PUBLIC HEARINGS:

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 designees 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. Request for a Conditional Use Permit (CUP) along the coastal bluffs at 139, 141, 197, 201, 205, 211, 215, 219, 225 and 231 Pacific Avenue, Case 17-08-08, Applicants: Bennet J. Bloom and Ann Baker. (File 0610-60)

Recommendation: That the City Council

1. Report City Council Disclosures.
2. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
3. Find that the Initial Study and Mitigated Negative Declaration (MND) prepared for the Project (SCH# 2008071124) has been prepared consistent with CEQA and the 2008 State CEQA Guidelines and certify the Initial Study and MND as a subsequent project identified in the 2003 Master EIR (MEIR), as required by the California Environmental Quality Act (CEQA).
4. Adopt the Mitigation Monitoring and Reporting Program prepared for the Project.
5. Adopt Resolution 2009-04 conditionally approving the request for a CUP to maintain and stabilize two existing shoreline stabilization Projects, in addition to, extending stabilization efforts of the coastal bluff further south, along the bluffs below ten residences located at 139, 141, 197, 201, 205, 211, 215, 219, 225 and 231 Pacific Avenue.

David Ott, City Manager, introduced the item. He stated that there was one application for ten parcels, and that there were varying factors of safety for the project.

Leslea Meyerhoff, Consultant, presented a powerpoint presentation.

Council disclosed their familiarity with the project.

Council and Staff discussion ensued regarding the uniformity of the sea walls due to ten applicants on one application, that the applicants intended to maintain the contouring of the bluff, that there would be one contractor for all the work, and how the walls would be taken down at each property.

Jim Milton, President of Geo Pacifica, stated that the project would not affect adjacent properties, that a low factor of safety calculation indicated that the bluffs could collapse at any time, and that the factor of safety was calculated by analyzing the upper and lower soil materials, the erosion rate, the bluff overhang rate, and the exposed sand lense.

Council and City Attorney discussion ensued regarding multiple properties under one application, that all ten property owners were liable as individuals and as a group for any maintenance on the walls, and that the deed restriction would be

recorded for all ten properties.

Council and Staff discussed how fees were assessed to the applicants for the seawalls and for the maintenance and repair of the sea walls.

Council and Walt Crampton, Project Engineer, discussed removing the walls from individual properties if and when the walls were to be removed and that the tie backs could be easily removed.

Mayor Nichols opened the public hearing.

Walt Crampton, Project Engineer, representing the applicants, presented a powerpoint. He stated that there was an original 1998 project approved by the Council, he showed photos of the project site from 1998 to present, and described past work that had been done on the bluffs, and stated that the bluff failures were on-going and needed to be stabilized.

Matt Peterson, Attorney for property 139, stated that there was a big public safety concern and that supporting the project would be protecting the public.

Johanna Canlas, City Attorney, stated that the City had certain immunities that were not afforded to the public.

MOTION: Moved by Roberts and seconded by Kellejian to close public hearing.
Motion carried unanimously.

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

WORKPLAN COMMENTS:

(Adopted June 25, 2008)

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 reported their disclosures.

COUNCIL COMMITTEE REPORTS:

Council reported committee reports

Regional Committees: (outside agencies)

- a. City Selection Committee - Roberts (meets twice a year).
- b. County Service Area 17 - Campbell, Nichols (alternate).
- c. Escondido Creek Watershed Authority - Nichols, Roberts (alternate).
- d. League of Ca. Cities' San Diego County Executive Committee - Roberts, Kellejian (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Kellejian, Roberts (alternate).
- g. North County Dispatch JPA - Nichols, Campbell (alternate).
- h. North County Transit District - Roberts, Heebner (alternate).
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
- l. San Dieguito River Valley JPA - Roberts, Nichols (alternate).
- m. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Campbell, Roberts.

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

- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

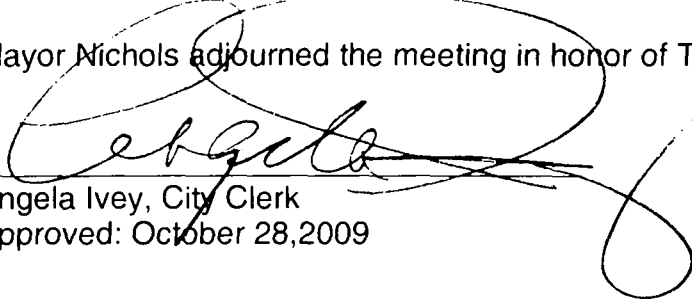
Ad Hoc Committees: (All Primary Members) (Temporary Committees)

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 9, 2009.
- b. Development Review - Nichols, Heebner. Expires November 18, 2009.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 9, 2009.
- d. Fletcher Cove - Campbell, Heebner. Expires November 18, 2009.
- e. La Colonia Park Needs Assessment - Nichols, Heebner. Expires June 10, 2009.

- f. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 10, 2010 or at the California Coastal Commission adoption.
- g. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires 1-13-2010
- h. View Assessment - Nichols, Heebner. Expires August 26, 2009

ADJOURN:

Mayor Nichols adjourned the meeting in honor of Tom Blackenstone at 9:12 p.m.



Angela Ivey, City Clerk
Approved: October 28, 2009