

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

JOINT **REGULAR** MEETING

MINUTES

**WEDNESDAY, MARCH 25, 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
Leticia Fallone, Deputy City Clerk
Angela Ivey, City Clerk
Wende Protzman, Dir. Admin. Serv./Deputy City Mgr
Dennis Coleman, Finance Director
Tina Christiansen, Community Dev. Dir.
Mo Sammak, City Engineer/Public Works Dir.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS:

1. Support of a Voluntary Ban on Foie Gras

PRESENTATIONS:

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

1. San Dieguito River Valley JPA (Joint Powers Authority)

Mr. Bobertz, Executive Dir., presented a powerpoint of the damage by the 2007 fires and reported on their progress on recovery and rebuilding. He presented an award to Councilmember Roberts for his work with the River Park.

2. Relay for Life

Stacy Williams announced the Relay for Life walk event in Solana Beach and showed a DVD from the American Cancer Society.

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.

COMMUNITY ANNOUNCEMENTS:

Council made community announcements.

COMMENTARY:

Council reported 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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the Regular City Council meeting held September 19, 2007 and June 11, 2008.

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

A.3. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for February 1 - 27, 2009.

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

A.4. Del Mar Shores Beach Access Stairway. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-025:
 - a. Authorizing the transfer of the Fiscal Year 2008/2009 funding for the past and future expenditures associated with the purchase order for the preliminary design contract with Noble Consultants, Inc. from the City's CIP Fund (Budget Unit 459-9444-6510-6530, Project No. 9444-6661) to the Sand Replenishment/Retention and Coastal Access CIP (Budget Unit 450-9444-6510-6530, Project No. 9444-6661).

To date, past expenditures on this purchase order are \$9,406 and the remaining balance on the purchase order is \$35,312 for a total of \$44,718.

- b. Authorizing the closing of the project budget in the City's CIP Fund.
- c. Appropriating \$50,505, which includes the preliminary design contract with Noble, a miscellaneous encumbrance of \$905 and a \$4,882 unencumbered contingency, from the Sand Replenishment/Retention and Coastal Access CIP Undesignated Reserves (450-3200) into the project account (Budget Unit 450-9444-6510-6530, Project No. 9444-6661).
- d. Authorizing the City Treasurer to amend the Fiscal Year 2008/2009 Adopted Budget accordingly.

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

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. Annual Housing Element Progress Report for 2009. (File 0630-10)

Recommendation: That the City Council

1. Report Council disclosures.
2. Conduct the Public Hearing: Open the public hearing, Receive

public testimony, Close the public hearing.

3. Adopt Resolution 2009-026:
 - a. Finding that the proposed action is not a project, and is therefore exempt from the California Environmental Quality Act pursuant to Section 21065 of the State CEQA Guidelines.
 - b. Approve the 2009 Housing Element Annual Progress Report as submitted and directing the City Staff to file the report with the Department of Housing and Community Development and the Governor's Office of Planning and Research.

David Ott, City Manager, introduced the item. Tina Christiansen, Community Development Dir., presented a powerpoint. Mayor Nichols opened the public hearing.

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

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

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

Recommendation: That the City Council

1. Report Council disclosures.
2. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
3. Receive the Report.
4. Adopt Resolution 2009-029 authorizing the City Manager to execute Amendment No. 4 to the professional services agreement with the Harvey-Meyerhoff Consulting Group in the amount of \$16,000 from the LCP Shoreline Management Project (459-9903-6190-6530).

David Ott, City Manager, introduced the item.

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

Mayor Nichols opened the public hearing.

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

David Ott, City Manager, stated that they met with the citizen group to review revisions and that it was a productive meeting and that they were supportive.

Councilmember Roberts stated that this was supportive of the subcommittee's focus and was in line with what Council had asked and thanked the citizens group.

Councilmember Heebner asked to confirm that they met with citizens group and reviewed the issues identified in the one-on-one meetings with Council.

David Ott, City Manager, confirmed and that they would be coming back with changes around April with a draft to resubmit to Council.

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

Councilmember Roberts restated his motion to include the funds.

B.3. Adjusting the Fee Schedule for Parking Violation Enforcement and Introduce (1st reading) Ordinance 395. (File 0390-23)

Recommendation: That the City Council

1. Report Council disclosures.
2. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
3. Adopt Resolution 2009-028 approving the new fee schedule for Parking Violation Enforcement.
4. Introduce (1st reading) Ordinance 395 amending Solana Beach Municipal Code Section 10.32.010.

David Ott, City Manager, introduced the item.

Mayor Nichols clarified that it was only a \$3.00 increase.

Mayor Nichols opened the public hearing.

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

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

Johanna Canlas, City Attorney, read the title.

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. Shop Solana Beach First Campaign Update. (File 0400-10)

Recommendation: That the City Council

1. Receive the update from Staff and the Campaign partners regarding the Shop Solana Beach First Campaign.

David Ott, City Manager, introduced the item. He stated that a survey was conducted and the results would be presented.

Steve Didier, Assistant to the City Manager, presented a powerpoint.

Council and Staff discussed new businesses relying on online purchasing, that the business community was working with the City on the effort, that the survey was reviewed and they did not see any bias, they said they sought random options, that they ramped up efforts to ensure random representation, and that the marketing company was satisfied with receiving 500 responses out of 13,500.

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

C.2. Introduce (1st Reading) Ordinance 394 Authorizing Mail Ballots. (File 430-10)

Recommendation: That the City Council

1. Introduce (1st Reading) Ordinance 394 amending the Solana Beach Election Code.

David Ott, City Manager, introduced the item.

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

C.3. Introduce (1st Reading) Ordinance 396 - Submittal Expiration. (File 0600-95)

Recommendation: That the City Council

1. Make a finding that this action is not a "project" as defined under California Environmental Quality Act (CEQA) pursuant to Public Resource Code, section 21065.
2. Introduce Ordinance 396 amending SBMC section 17.72.010.F to clarify the City's policy for the closure of project case files after five months of inactivity or failure to bring the application into completion after five months.

David Ott, City Manager, introduced the item and stated that a revision to the ordinance was in the supplemental materials "blue folder."

Tina Christiansen, Community Development Director, presented a PowerPoint.

Council and Staff discussion ensued regarding the five month closure period, whether the application and the file were the same thing, whether the word "may" or "shall" should be used in the ordinance, and whether the Council could initiate an appeal to the decision of the Community Development Director.

Johanna Canlas, City Attorney, stated that Council always had the discretion to override Staff decisions, that she would review the appeal procedures for this case, and that an applicant could also initiate an appeal.

Council and City Manager discussion ensued regarding implications to using the word "shall" instead of "may," that an appeal could come from the Council, applicant, or community member, and that a further amendment should be brought back to clarify the process of how Council could initiate an appeal to the decision of the Community Development Director.

Johanna Canlas, City attorney, read the ordinance title.

MOTION: Moved by Heebner and seconded by Roberts. **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 COMMITTEE REPORTS:

Council reported their 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.

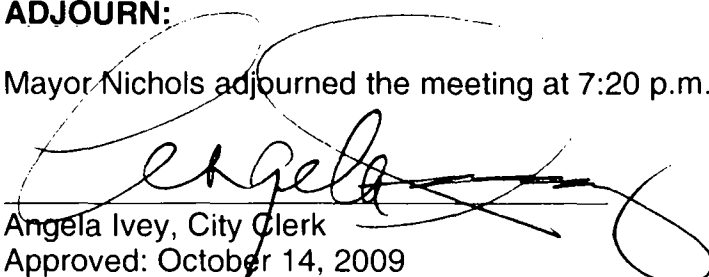
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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 at 7:20 p.m.



Angela Ivey, City Clerk
Approved: October 14, 2009