

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

WEDNESDAY, JUNE 10, 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:

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

Johanna Canlas, City Attorney, stated that there was no reportable action from Closed Session and that the Council decided that they would assign a subcommittee of Mayor Nichols and Councilmember Roberts to facilitate the performance evaluation of the City Manager.

FLAG SALUTE:

Dave Carroll led the flag salute.

APPROVAL OF AGENDA:

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

PROCLAMATIONS:

Mayor Nichols presented a proclamation to NCTD Matt Tucker, Dump the Pump Day.

Matt Tucker accepted and thanked for support of the program.

PRESENTATIONS:

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

1. North County Transit District Budget Briefings

Matt Tucker, NCTD, said that they were a service industry providing services that the private sector would not provide. He reviewed the budget issues at the agency stating the consequences and how the issue had risen which included lack of state funding, downturn in the economy and sales tax revenue.

2. Regional Impacts of the Carlsbad Energy Center Project (CECP)

Matt Haul, City of Carlsbad, said that they were requesting Council's opposition of a new site being requested for the project, that the City had reviewed the current site and new sites coming, that they would like to work with NRG to locate alternative locations other than the coast, that it was a question of land use and their property rights in this area, and that it was not the highest and best use of this land now and in future.

Mr. Donaldson presented a powepoint and stated that the City had done an analysis on land use, economic impacts, air pollution, safety and visual impacts of the project.

George Pianka, NRG Corporation, presented a powerpoint. He said that he supported the state policy, reviewed the project overview, that new power was critical to San Diego County, that their project was consistent with state policy, that a study of alternative sites was done and determined that they were not technically feasible, reviewed the the schedule of the steps and workshops, and that local support did exist.

Council and Mr. Pianka discussed the significant impacts at alternative sites, that the Chula Vista site was not viable due to the lack of control, that a phased approach would be taken to remove the old site if there was no need for additional generation from the site, that they would continue their commitment to the lagoon community including seabass hatchery.

3. Santa Fe Irrigation Drought Water Use Restrictions**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.

David Carroll thanked everyone for participating in the Fiesta del Sol which was trouble free, that it was estimated that 40,000 people attended over Saturday and Sunday. He said that the event was a cooperative event between the Chamber, Belly Up Tavern management proving talent, and the City. He said that there were some parking concerns and asked the City Manager consider a plan in the future to designate 30 spaces.

Mayor Nichols stated that he and Councilmember Heebner were addressing parking on the Highway 101 Ad Hoc Committee.

COMMUNITY ANNOUNCEMENTS:

Council and staff reported community announcements.

COMMENTARY:

Council reported commentary.

Councilmember Heebner reported commentary regarding climate change and mandates coming from the state and SB 375.

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 May 2 - 15, 2009.

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

A.3. Monthly Investment Reports. (File 0350-45)

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Reports for the months of February 2009 through March 2009.

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

A.4. Award Construction Contract for the Fire Station Exterior Painting Project. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-041
 - a. Accepting the bid submitted by Southwest Coatings, Inc. in the amount of \$13,000 for the Exterior Painting of the Fire Station Project, Bid No. 2009-03.
 - b. Authorizing an amount of \$1,300 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.

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

A.5. Award 2009 Asphalt and Concrete Repair Project. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-063

- a. Awarding the construction contract for the 2009 Asphalt and Concrete Repair Project, Bid No. 2009-02, in the amount of \$166,310.55 to Frank and Son Paving, Inc.
- b. Approving an amount of \$31,689.45 for construction contingency.
- c. Authorizing the City Manager to execute the construction contract on behalf of the City.

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

A.6. Summit Environmental Group Agreement Amendment #3. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-052 authorizing the City Manager to execute Amendment No. 3 to the Agreement between Summit Environmental Group and the City to provide professional planning project management services through the June 30, 2010 not to exceed \$16,500.

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

A.7. Harvey-Meyerhoff Consulting Group Professional Services Agreement Amendment 5. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-051 authorizing the City Manager to execute Amendment No. 5 to the Agreement with the Harvey-Meyerhoff Consulting Group for Shoreline Management Program and Local Coastal Program Services.

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

A.8. Highland Drive Speed Feedback Signs. (File 0860-50)

Recommendation: That the City Council

1. Adopt Resolution 2009-065
 - a. Approving the private installation and maintenance of two radar speed feedback signs on Highland Drive, between San Andres and San Lucas Drives.
 - b. Authorizing the City Manager to execute an encroachment and maintenance agreement with the Isle Verde Home Owners Association for the radar speed feedback signs.

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

A.9. Adoption of the Fiscal Year 2009-10 Fire Benefit Fee. (File 0390-23)

Recommendation: That the City Council

1. Set the Fiscal Year 2009-10 Fire Benefit Fee at \$10.00 per unit.
2. Adopt Resolution 2009-067 setting the Fee for levying on the tax roll.

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

A.10. Adoption of the Fiscal Year (FY) Municipal Improvements Districts Benefit (MID) Fees. (File 0495-20)

Recommendation: That the City Council

1. Approve Resolution 2009-068, setting the Benefit Charges for MID No. 9C, Santa Fe Hills at \$232.10 per unit for FY 2009-10.

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

2. Approve Resolution 2009-069, setting the Benefit Charges for MID No. 9E, Isla Verde at \$68.74 per unit for FY 2009-10.

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

3. Approve Resolution 2009-070, setting the Benefit Charges for MID No. 9H, San Elijo Hills # 2 at \$289.58 per unit for FY 2009-

10.

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

4. Approve Resolution 2009-071, setting the Benefit Charges for MID No. 33, Highway 101/Railroad Right-of-Way at \$3.12 per unit for FY 2009-10.

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. Completion of Revised Local Coastal Program (LCP) Land Use Plan (LUP). (File 08610-12)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, receive public testimony, close the public hearing.
2. Receive the Report and provide direction to City Staff.

Leslea Meyerhoff, consultant, presented a powerpoint.

Council disclosed their familiarity with the project.

Jim Jaffee said that it was best to withdraw the LUP at this time, that the Coastal Commission was not going to be happy with it, that the Citizen's Committee needed more time to review it, that he had talked to the City Manager about a timeline, that the draft presented did not contain any submittals between the March and May drafts, and that they were trying to work out a way to get back together.

David Winkler said that it was unfortunate that they did not make the deadline, that they would continue to work cooperatively, and that there was a lot in the LCP to consider.

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

Council and Staff discussion ensued regarding that there was not a lot of choice, that it was disappointing, that it was doubtful that the Coastal Commission would ever be happy with it, to consider establishing a timeline this evening and giving the citizen group specific deadline, and that many things would need happen to meet a goal for submitting it at the August 26th meeting, that September 9th would be more realistic.

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

B.2. Development Review, Structure Development and Conditional Use Permits at 233, 235 and 237 North Rios Avenue, Applicant: Peter C. McNally, Case: 17-07-18. (File 0600-40)

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. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
4. Adopt Resolution 2009-040 conditionally approving a Development Review Permit, Structure Development Permit and Conditional Use Permit for the project to construct two (2) new single-family residences and an accessory dwelling unit at 233, 235 and 237 North Rios Avenue.

David Ott, City Manager, introduced the item.

Rich Whipple, Principal Planner, presented a powerpoint, reviewing the project.

Council and Staff discussion ensued regarding that fact that the ownership of the property would remain under one parcel, that if the applicant wanted to subdivide the property it would require a public hearing, that Staff had received the hydrology report prepared by a registered engineer, that a retention area would be created in the back of the property utilized to diffuse the rate of runoff to eliminate any additional runoff, that there were concerns regarding tree removal, that it had been determined that there was not a need for a pump, that the property drained east to west, the the downstream neighbor was currently receiving some runoff during rain events, that the retention was designed to store temporarily to allow drainage, and whether existing erosion problems would be corrected.

Johanna Canlas, City Attorney, stated that the erosion issue already existed and was being addressed and was not a condition of this project.

Council reported their disclosures.

Mayor Nichols opened the public hearing.

Rich Anderson, applicant's architect, stated that the accessory unit was only on first floor, that the elevations may had come out dark but were a light green, and that there was a seepage pit in the plans.

Council, Staff, and Mr. Anderson discussed the drainage and the requirement for the seepage pit, a study that would be approved by Staff to ensure that the downstream property owners would not experience additional runoff, that there were two different criterias to dispose runoff so that there was not a trapped area for water to sit indefinitely and the second criteria was to ensure that the downstream property owners did not experience any more runoff than what they were currently experiencing as a result of the development. Discussion continued regarding Staff's requirement of a technical investigation, that the volume of the detention was independent of the seepage pit, that without the seepage pit the volume of water would be dispersed to the adjacent properties, that landscapers would remove the tree and other over growth on the property in the north-west corner, and that conditions of approval stated that no additional runoff would come from the property that existed with the natural grade.

Council, Staff, and applicant discussion ensued regarding the living conditions for the property, that the applicant would be living on the property once the project was finished, the details of the grading and the flow line, that the applicant would

be required to maintain the volume throughout the life of the property which would be recorded in an easement against the property that will require the applicant to maintain the volume, and that the engineer had prepared the study which was based on the 50-year storm event.

Council, Staff, and applicant discussion continued relating to the water stagnating, it was stated that it would be a condition of the grading permit for the applicant to provide a soils report that defined the rate of the percolations and the fact that the water would not stay in the pit for an indefinite period of time, that a condition of Staff's report and calculations would be regarding seepage, and that conditions would require the civil engineer and the applicant to provide enough information with the drainage and hydrology site including discharge as well as detention facilities.

Mr. Ames stated that his concerns were regarding ensuring there was at least three feet of soil away from the top of the retaining wall, to ensure the emergency discharge points work, and to remove the tree since it would be in the way.

Council, Staff, and Applicant discussion continued regarding providing area behind the retaining wall and providing an easement so that nothing could be built in the area, that the existing condition touched the top of the wall, that the civil engineer had proposed to regrade the area to create the detention area which would also provide the additional headway, adding a condition to maintain the area throughout the life of the project as an easement, that over a period of time the run-off and soil had built up to the top of the retaining wall, and that the applicant would be willing to remove the tree if it was required.

McNally presented his rebuttal and said that he looked forward to moving to Solana Beach into his home and the neighborhood making it as green as possible.

Mayor Nichols asked the architect about consideration of articulation and some relief on the north elevation area since it was a little boxy to create some shadow.

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

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

B.3. Building Valuation Table Update. (File 0800-90)

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. Find the project categorically exempt from the California Environmental Quality Act pursuant to Section 15061 (b)(3) of the CEQA Guidelines.
4. Adopt Resolution 2009-066, adopting the 2008-09 ICC Building Valuation Table used by the City of Solana Beach to cover the current costs of providing Building Department services.

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 Kellejian to close the public hearing. **Motion carried unanimously.**

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

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. Adopt (2nd Reading) Ordinance 402 for Fiscal Year 2009-10 Sewer Service Charge. (File 1040-70)

Recommendation: That the City Council

1. Adopt Ordinance 402 amending Solana Beach Municipal Code section 14.08.060 increasing the annual sewer service charge for each equivalent dwelling unit to \$560.

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

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

C.2. Adopt (2nd Reading) Ordinance 398 - Alcohol Consumption. (File 0270-30)

Recommendation: That the City Council

1. Adopt Ordinance 398 amending the Solana Beach Municipal Code section 11.12.095(A) to extend the ban on alcohol consumption at city beaches year-round regardless of the time of day.

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

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

C.3. Fiscal Year 2009-10 Appropriations Limit. (File 0330-60)

Recommendation: That the City Council

1. Adopt Resolution 2009-072 establishing the 2009-10 Appropriations Limit in accordance with Article XIIIB of the California Constitution and Government Code Section 7910.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Dir., presented a powerpoint reviewing the limits of the local government budget revenues that may be collected.

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

C.4. Introduce (1st Reading) of Ordinance 405 Prohibiting Urinating or Defecating in Public. (File 0270-30)

Recommendation: That the City Council

1. Introduce Ordinance 405 adding Solana Beach Municipal Code Chapter 6.10 prohibiting urinating or defecating in public.

David Ott, City Manager, introduced the item.

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

MOTION: Moved by Roberts and seconded by Campbell. **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 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)

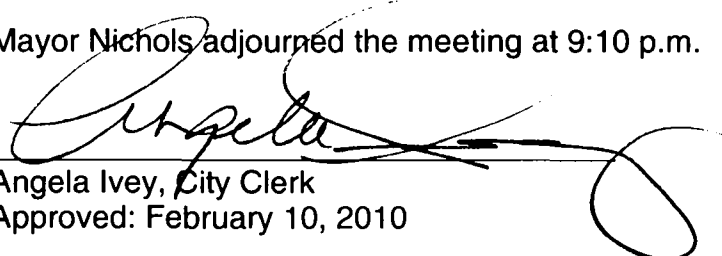
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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 May 26, 2010.
- 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 9:10 p.m.


Angela Ivey, City Clerk
Approved: February 10, 2010