

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR ADJOURNED** MEETING

MINUTES

WEDNESDAY, SEPTEMBER 23, 2009
6:00 P.M.

CITY COUNCIL CHAMBERS
635 S. HIGHWAY 101,
SOLANA BEACH, CALIFORNIA
And
TELECONFERENCE LOCATION (Councilmember Roberts)
79 JFK St. Room L-140, Cambridge, MA 02138

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 6:01 p.m.
He announced the Councilmember Roberts was attending via teleconference and that Councilmember Kellejian would be absent.

Present: Nichols, Campbell, Heebner, and Roberts.
Absent: Kellejian.
Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Leticia Fallone, Deputy City Clerk
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.

FLAG SALUTE:

Michelle Jaffe led the flag salute.

Johanna Canlas, City Attorney, stated that there was no reportable from closed session.

Mayor Nichols stated that the meeting would be adjourned in the memory of Joseph C. Olsen Olson.

APPROVAL OF AGENDA:

David Ott, City Manager, pulled Item C.5. from the agenda.

MOTION: Moved by Campbell and seconded by Heebner to approve the agenda with the exception of Item C.5. which would be pulled from the agenda and returned to a future meeting. **Motion carried unanimously.**

PROCLAMATIONS:

Community Resource Center

Community Resource Center

2. Stand for Less

Mayor Nichols presented a proclamation to Stand for Less.

1. Fire Prevention Week

Mayor Nichols presented a proclamation for Fire Prevention Week to Dismas Abelman, Deputy Fire Chief.

Dismas Abelman, Deputy Fire Cheif, spoke about prevention.

PRESENTATIONS:

1. Scripps Encinitas Multi-Phase Expansion

Dr. George Rodriguez, Scripps Encinitas, presented a powerpoint reviewing the expansion of Scripps Memorial Hospital Encinitas.

Friends of the Library

Friends of the Library Joyce Bassett, President, presented a powerpoint reviewing their accomplishments, programs, goals,

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.

Michael Toney stated that a study was done by Moose, Thomas, Moore, and Manley. He said that "local government may disapprove a housing if it makes a couple of findings" which would include health and safety issues or lack of utilities like water. The aquafar has been depleted locally and that the hope by the U.S. Department of Reclamation that there would be an exit from the drought situation was based on nothing. He said in Bill 375 states that nothing in a sustainable community strategy shall be interpreted to superceding the exercrise of the land use authority of cities and counties in the region. He said that this provided the City the power to do what it needed on the basis of water alone.

Jim Jaffe said that after joining the LUP citizen's committee five years ago it was apparant after the last hearing that nothing good would come of it. He said that the LUP being submitted is not in the spirit of the compromise reached in the committee. Instead was a result of property owners secretly injecting \$15-20,000 to Attorney John Corn and Economist Dr. Stephen Conroy to act on their behalf in a volunteer process, that there was no compromise when one side had an unfair advantage in negotiating the compromise, that he and his group was asked to pull back and did so by pulling back law suits to cooperate with the City in a constructive way, that they and the Coastal Commission were misled in the process, that they disagree with this submittal of the LUP, that the May 12th letter said that Coastal asked that the committee address comments that had been submitted to Coastal but it never happened, that he hoped that their comments would be used at some point, and that the City let the community down.

Michele Jaffee said that she knew the City intended well but that it was not serving the entire City, that Coastal gave the City a verbal spanking, that any delay in completing the LCP would just burden the entire City, that anyone with permits would be delayed having to go through the Coastal Commission, and that it is within the City's ability to write a LCP that would pass.

Jon Corn stated that he was sorry that Jim Jaffe felt that he was misled, that he did not intend to mislead anyone, that he strongly believed that over the course of 5 years it was a process with integrity, that David Winkler alone put in over 1000 hours, and that they understood Jim's devotion and was involved for

his own beliefs. He said that the LCP embodied the exact compromise that was reached and delivered to the City in 2005, that it was worked on after that by City staff to make it ready for submittal, that the changes that were made in 2009 were only in response to the 140 comments from Coastal Commission, and that it was always a balance of compromises with the Coastal regulations.

COMMUNITY ANNOUNCEMENTS:

Council presented 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 Heebner and seconded by Campbell. **Motion carried 4/0/1** (Absent: Kellejian.)

A.2. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the Special City Council meeting held March 12, 2008, April 21, 2008, July 9, 2008, September 23, 2008 and Regular Meetings held October 8, 2008, and October 22, 2008.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for August 22 - September 4, 2009.

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

A.4. Three Lot Parcel Map for 755 S. Cedros. (File 0600-20)

Recommendation: That the City Council

1. Adopt Resolution 2009-109:
 - a. Approving the final parcel map for the three lot minor subdivision at 755 S. Cedros Avenue.
 - b. Authorizing the City Surveyor to sign the final parcel map as technically correct.
 - c. Authorizing the release of the final parcel map for recordation.

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

A.5. Professional Services Agreement with Hanson Bridgett, LLP. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-114 approving a Professional Services Agreement with Hansen Bridgett, LLP for legal services.

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

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. Fiscal Year 2010-2011 Community Development Block Grant Funds - Eden Gardens. (File 0390-30)

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. Adopt Resolution 2009-110:
 - a. Finding that the funding request and project implementation are exempt from the California Environmental Quality Act pursuant to the State CEQA Guidelines.
 - b. Requesting Fiscal Year 2010-2011 Community Development Block Grant Funds for the Eden Gardens Master Plan.
 - c. Finding that all of Fiscal Year 2010-2011 CDBG funds, presently estimated at a total of \$76,552 (a combination of \$52,284 and the one-time CDBG-R grant, which comes from the American Recovery and Reinvestment Act of 2009, in the amount of \$24,268) for this current fiscal year (FY09-10). These funds are designated to be used for the continued implementation of the Eden Gardens Master Plan design work and/or subsequent construction, which is anticipated to include curbs, gutters and sidewalks and additional drainage improvements specified in the Master Plan. The primary focus will be to use these funds to construct improvements on Castro and Gonzales Streets. Furthermore, the County is encouraged to advance future years CDBG funding to allow a more cost-effective and less community-impacting implementation.

David Ott, City Manager, introduced the item.

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

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

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

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. Public Arts Advisory Commission Member Appointment. (File 0120-80)

Recommendation: That the City Council

1. Make one appointment by the Council-at-large to the Public Arts Advisory Commission with a term expiration date of January 2010.

David Ott, City Manager, introduced the item.

Mayor Nichols stated that he would nominate Michael Swanson.

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

C.2. Development Review Permit (DRP) and Structure Development Permit (SDP) Extension Request at 1128 Solana Drive, Applicants: Michael Hall, Case No. 17-06-25. (File 0600-40)

Recommendation: That the City Council

1. Find that there have been no significant changes in the General Plan, zoning ordinance, or character of the area that would cause the approved project to become inconsistent or nonconforming, and
2. Find that granting of an extension is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

3. Grant the request for an extension to set a final expiration date of September 26, 2011 for the approval of 17-06-25 DRP/SDP for the construction of a new 4,598 square foot (not including 400 square feet of garage), two-story residence on property at 1128 Solana Drive.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a powerpoint, reviewing the project and the extension request.

Shawn Santa Cruz, representing the applicant, said that the reason for the request was due to delays in financing at half way through the process, that he was a resident for 25 years and owned the lot for 15 years and was building it for their retirement, and they intended to finish it when market turned around.

Gary Martin said that he did not oppose the project but opposed the recommendation of the extension and would recommend six months. He said that it is the principal of how the code is being interpreted that is the fundamental issue and that only when the events are outside of the applicant's control should a long extension be granted and not what is profitable for them. He stated that general reasons of market conditions should not be a reason and that there should be burden of proof provided. He said that granting six months would be consistent with the the recent extension on the Contasti property.

Deputy Mayor Campbell stated that his letter did mention his inability to obtain financing but did not provide anything to show what he did or why he couldn't proceed, that the only thing the applicant needed to do was to complete a grading permit and submit plans for the buliding permit, that 6 months seemed like a reasonable amount of time to complete it all, and that he would make the motion for a six month extension.

MOTION: Moved by Campbell and seconded by Nichols to approve the recommendation with the modification of the time to a six (6) month extension.
Motion carried 4/0/1 (Absent: Kellejian.)

C.3. Sanitary Sewer Maintenance Plan Agreements. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-104
 - a. Authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Affordable Drain Services dba, Affordable Pipeline Services, Inc. in the

amount of \$23,400 to increase the linear feet of annual sewer maintenance from 205,000 feet to 250,000 feet per year and to extend the term of the agreement to June 30, 2010.

- b. Authorizing the City Treasurer to amend the Fiscal Year 2009-2010 Adopted Budget to appropriate \$23,400 from Sanitation District Undesignated Reserves (509-3200) into the Sanitation District Professional Services Budget (509-0000-7700-6530).

2. Adopt Resolution 2009-105

- a. Authorizing the City Manager to execute a Professional Services Agreement with RBF Consulting in an amount not to exceed \$35,700 to review the closed circuit television (CCTV) information associated with the City sanitary sewer pipeline system and prepare a report related to the findings making specific recommendations for each of the sewer lines identified in the report as needing urgent repair.
- b. Authorizing the City Treasurer to amend the Fiscal Year 2009-2010 Adopted Budget to appropriate \$35,700 from Sanitation District Undesignated Reserves (509-3200) into Sanitation District Professional Services Budget (509-0000-7700-6530).

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer, presented a powerpoint reviewing the challenges, the components of the maintenance plan, and some video of improvements.

Council and Staff discussed that there were additional charges to do video taping of the line, how cleaning and clearing of some problem pipes improved flow speed, and that the City did not go into private laterals but did often see roots coming from private laterals seeking water in the City's main lateral pipe.

Council and Staff discussion ensued regarding that pump station status, that it was about 70% done, that the pumps were in the site and they were working on connections, that the best estimate was that it would be completed in December'09 or January'10. Discussion continued regarding the RBF contract and that they do not automatically update the City's plans but that they were engaging Dudek Associates, since the contract was already established for this work, to update the database as the videos are completed and then the information could be internally manipulated and transformed into the the master plan.

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

C.6. Building Services Consultant and Agreement for Professional Services with EsGil Corporation. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-111 authorizing the City Manager to execute an Agreement with EsGil Corporation and authorizing the City Manager to extend the agreement for four (4) additional one-year time periods.

David Ott, City Manager, introduced the item.

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

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

C.4. 2009-10 Community Grant Program. (File 0330-25)

Recommendation: That the City Council

1. Adopt Resolution 2009-112 that authorizes the annual solicitation of grant proposals from community service organizations who meet the grant program guidelines for the Community Grant Program.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Dir., presented a powerpoint.

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

C.5. Joint Use Agreement with the Boys and Girls Club of San Dieguito. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-108 authorizing the City Manager to enter into a Joint-Use Agreement with the Boys and Girls Club of San

Dieguito.

This item was pulled from the agenda.

WORKPLAN COMMENTS:

(Adopted June 24, 2009)

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

COUNCIL COMMITTEE REPORTS:

Council made 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)

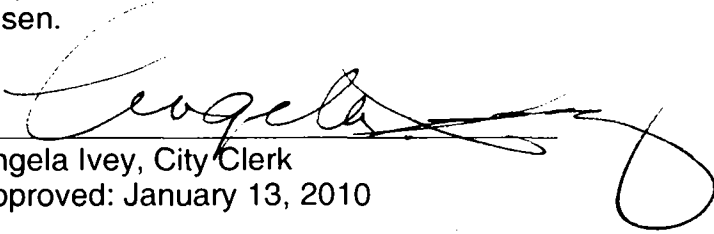
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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 - Nichols, Heebner. Expires January 13, 2010.
- h. View Assessment - Nichols, Heebner. Expires August 25, 2010

ADJOURN:

Mayor Nichols adjourned the meeting at 7:55 p.m. in the memory of Joseph C. Olsen.


Angela Ivey, City Clerk
Approved: January 13, 2010