

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

JOINT **REGULAR** MEETING

**MINUTES**

**WEDNESDAY, JANUARY 27, 2010**  
**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:** Campbell, Heebner, Kellejian, Roberts, and Nichols.

**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.

**FLAG SALUTE:**

Pat G, Del Mar firefighter, led the flag salute.

**APPROVAL OF AGENDA:**

**MOTION:** Moved by Roberts and seconded by Heebner to approve except for A.5. which would be pulled from the agenda. **Motion carried unanimously.**

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

**PROCLAMATIONS:****PRESENTATIONS:**

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

1. Solana Beach Civic and Historic Society

Judy Hegenauer stated that she was representing the Solana Beach Civic and Historic Society and introduced other members of the group. She stated that the Fletcher Cove Community Center appeared run-down, that the craft group donated all of its proceeds to the renovation fund, and presented a check to the Solana Beach Foundation in the amount of \$10,000.

Peter House stated that the Foundation had matched contributions made by residents, that the goal was to reach \$200,000, thanked everyone in the City for their donations, and stated that donations could be made on the Foundation's website.

Mayor Campbell thanked the Civic and Historic Society for the funds they raised for the project and thanked the Foundation for their contributions.

2. Green Chamber of San Diego

Peter Zahn, Chairman, Green Chamber, presented a powerpoint. He stated that the Green Chamber was a great development, that there was a need of the business community to benefit from the growing "green" economy, that a forum was needed for businesses and investors to discuss green business needs, that the group encouraged environmentally sustainable business, and that the Green Chamber wanted to educate the business community on environmentally sustainable business practices. He stated that there were many Solana Beach residents involved in the Green Chamber which was a non-profit organization, that all members were required to make a green commitment, that they had a collaboration with the Chamber of Commerce, and that any member of the Chamber could join the Green Chamber at no cost and vice versa however a green commitment was required. He stated that the first event would be held in the City and that more information on the group was available at [greenchambersd.com](http://greenchambersd.com).

3. Del Mar Firefighters

The Del Mar Firefighters Association presented a plaque to David Ott and Dismas Abelman and stated that in 2003 the City of Del Mar needed a Fire Chief,

that David Ott took that position, and thanked him for his leadership and services, and also thanked Deputy Chief Abelman.

David Ott stated that he appreciated working with the Del Mar Firefighters, that Del Mar should be proud of the staff, and that it was an honor to work with them.

**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.

Lane Sherman stated that he was speaking on behalf of the Clean and Green Committee, that they had formed an "action" sub-committee to initiate and accomplish action made up of members Steve Goetsch, Roger Boyd, and Jack Hegenauer. He stated that they wanted to promote all elements that inspired the creation of the Clean and Green Committee, thanked the Council for scheduling Jack Hegenauer to present at a future Council meeting on the GHG Green House Gas Inventory Report, and stated that they wanted to be more engaged in the City. He stated that the group wanted a dialogue between the Council and residents, that the group met on the 3rd Monday of every month, and that all residents were welcome to participate.

David Carroll stated that the Chamber had been approached by the Lion's Club regarding forming a club for the City and Del Mar, that the group was the world's largest service organization, that there were 205 countries involved, and that there were 41 clubs in the San Diego County. He stated that there would now be a club for the residents of Del Mar and Solana Beach, that it was called the Del Mar/Solana Beach Del Sol Club, that there were currently 23 members, and he introduced the board members of the club, and stated that additional information on the club was available at the Chamber of commerce.

Steve Goetsch stated that he was upset about three major power outages in his neighborhood, that SDG&E had not provided much information and it was a public safety issue, that he requested the City Manager speak with SDG&E, and that it was unacceptable service from a local utility company.

Council requested that the City Manager provide the Council and public with an update when available.

**COMMUNITY ANNOUNCEMENTS:**

Council reported announcements.

Council and Staff discussed a fallen tree from the storm that would be removed due to a public safety issue.

**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 Kellejian and seconded by Nichols. **Motion carried unanimously.**

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

Recommendation: That the City Council

1. Ratify the list of demands for December 19, 2009 - January 8, 2010.

**MOTION:** Moved by Kellejian and seconded by Nichols. **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 month of October 2009.

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

**A.4. Resolution of Denial of an amendment to a Development Review Permit (DRP), Structure Development Permit (SDP) and Planned Unit Development (PUD) at 505 North Cedros Avenue, Applicants: Tad and Christa Keyser, Case # 17-09-04. (File 0600-40)**

Recommendation: That the City Council

1. Adopt Resolution 2010-014 denying the request for an amendment to a Planned Unit Development, Development Review Permit and Structure Development Permit at 505 North Cedros Avenue.

**MOTION:** Moved by Kellejian and seconded by Nichols. **Motion carried 3/1/1** (Noes: Kellejian. Abstain: Nichols.)

**A.5. City Donation Policy. (File 0410-90)**

Recommendation: That the City Council

1. Adopt Resolution 2010-004 establishing a City Donation Policy.

This item was pulled from the agenda.

**A.6. Annual Report for the Redevelopment Agency for the Year Ended June 30, 2009. (File 0115-20)**

Recommendation: That the City Council

1. Accept and file this report.

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

**C. STAFF REPORTS:**

*Submit speaker slips to the City Clerk*

**C.1. Support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010. (File 0480-70)**

Recommendation: That the City Council

1. Adopt Resolution 2010-016 supporting the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.

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

David Ott, City Manager, introduced the item.

Catherine Hill, League of California Cities, presented a powerpoint regarding protecting local government funds. She stated that 2/3 of the revenue were allocated to specific needs, that cities spent up to 60% of non-dedicated revenue to public safety, that the spending of various undesignated funds had to be voted on, that the will of the voters had been ignored by the legislature, that funds were borrowed from property taxes and redevelopment funds, that cities had to deal with layoffs, furloughs, that City's had to operate with less staff, that there was an initiative for the 2010 ballot that would prohibit the government from taking various funds from local governments such as property taxes and community redevelopment funds. She stated that the initiative would protect tax payers, that it would allow cities to direct funds as required for their residents, that it would prevent the state's ability to borrow certain funds from local governments, that she encouraged the City to adopt the resolution to support the initiative, that signatures would be obtained for the measure to qualify, and that more information was available at [savelocalservices.com](http://savelocalservices.com).

Council discussion ensued regarding Council's support for the resolution, that there was more work to be done between the relationship between local governments and the state, and 120 signatures that were already gathered within the City.

Mayor Campbell stated that there would be a change in the agenda and he wanted to hear C.2. at this time.

**C.2. 2010 Annual Citizen Commission Appointments. (File 0120-05)**

Recommendation: That the City Council

Mayor Campbell called for the speakers.

Nicolle Selby Thomas said that she applied for the Public Arts Advisory

Commission, that she was a resident for 15 years, that she had a leadership position at work, would bring collaboration with others, and worked on a lot of teams.

Pat Coad stated that she applied for the View Assessment Commission, that she had recently retired from teaching Kindergarten, and wanted to give back to the community, and was involved in a lot of leadership activities.

Alli Dixon said that she applied to the Public Arts Advisory Commission and had served since 2004 wanted to continue.

Angela Ivey, City Clerk, introduced the item, and presented the matrix of applicants and their choices.

1. Appoint 2 members to the Budget and Finance Commission:
  - a. Two (2) vacancies nominated/appointed by individual Councilmembers (Campbell, Nichols) for a two year term until January 2012.

**MOTION:** Moved by Campbell and seconded by Kellejian to appoint Craig Nelson and Jeff Anderman to the Budget and Finance Commission. **Motion carried unanimously.**

2. Appoint 3 members to the Parks and Recreation Commission.
  - a. Three (3) vacancies nominated/appointed by the council at large for a two year term until January 2012.

**MOTION:** Moved by Nichols and seconded by Heebner to appoint Christine Antonelli, Geri Retman-Opper, and Kelly Harless to the Parks and Recreation Commission. **Motion carried unanimously.**

3. Appoint 4 members to the Public Arts Advisory Commission:
  - a. Four (4) vacancies nominated/appointed by the council at large for a two year term until January 2012.

**MOTION:** Moved by Roberts and seconded by Heebner to appoint Tara Gordon, Michael Swanson, Nicole Selby-Thomas, and Alli Dixon to the Public Arts Advisory Commission. **Motion carried unanimously.**

4. Appoint 3 members to the Public Safety Commission:
  - a. Three (3) vacancies nominated/appointed. - One by individual Councilmember (Campbell) for a two year term until January 2012. - Two by the council at large for a two year term until

January 2012.

**MOTION:** Moved by Roberts and seconded by Kellejian to appoint Steven Goetsch, Kristi Day, and Deanne Borer to the Public Safety Commission. **Motion carried unanimously.**

5. Appoint 4 members to the View Assessment Commission:

- a. Four (4) vacancies nominated/appointed. - Two by individual Councilmembers (Campbell, Kellejian) for a two year term until January 2012. - Two by the council at large for a two year term until January 2012.

**MOTION:** Moved by Kellejian and seconded by Roberts to appoint Paul Bishop. **Motion failed 2/3** (Noes: Campbell, Heebner, Nichols.)

Deputy Mayor Heebner stated that it was important to have the current members remain on the commission due to work that had been done. She made the motion to appoint Reed Phillips, Pat Coad, David Zito, and John Scales.

Discussion continued regarding the Councilmember Kellejian's nomination. Councilmember Kellejian stated that he wanted to appoint Paul Bishop due to his architectural experience.

**MOTION:** Moved by Heebner and seconded by Roberts to appoint Reed Phillips, Pat Coad, David Zito, and John Scales to the View Assessment Commission. **Motion carried 4/1** (Noes: 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. Minor Subdivision (SUB), Development Review Permit (DRP) and Structure Development Permit (SDP) for 209 East Cliff Street, Applicants: Louis Schooler and Alice Jacobson, Case # 17-07-22. (File 0600-40)**

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a SUB, DRP and administratively issue a SDP., therefore:

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. If the City Council makes the requisite findings and approves the project, adopt Resolution 2010-009 conditionally approving a SUB, DRP and an administrative SDP for the project to construct a two-story, attached two-family dwelling for private ownership on a commonly owned lot at 209 East Cliff Street.

David Ott, City Manager, introduced the item.

Tina Christiansen, Community Development Director, presented a powerpoint.

Council reported their familiarity with the project.

Mayor Campbell opened public hearing.

Gary Cohn, applicant's architect, said that the project was intended for rental units and future owner occupancy, that each plan had a unique floor plan and design with different color schemes and articulation, that it was well within the boundaries of the project area and that there were some significantly larger projects in the area.

Alice Jacobson, applicant, said that she was a current resident, that they tried to accommodate the neighbors who had contacted them, that there were still occupants living in the project, and that it would enhance the area.

Tim Coughlin stated that it looked like Staff was comparing the net square footage excluding the garages to the gross square footage with the new pieces added, that he was glad that the site was being redeveloped, that the bulk and scale did not fit the neighborhood, that it would be like having two of his houses on his lot, submitted a questionnaire that included signers agreeing with concerns about the project.

Gary Martin (3 minutes donated time by Nancy and Julie Brown), passed out a handout, said that Council had discretion to approve, that the Development Review Permit required compatibility with community character, that these two houses were not compatible, that the signatures showed that the neighborhood felt the same way, that this project set the tone for the area, presented a powerpoint to show how it did fit the neighborhood compatibility, passed out a survey chart that he said showed single family homes in the area, and that the project would be the largest house in the area.

Gwen Ford read a letter written by Joe Ford that stated that they lived in the project area, that they had a deep setback, that the proposal was too large and not compatible with the neighborhood, that even when two different zones meet that Council should use discretion to ensure the area does not become patch work looking just to meet the different zone allowances, that it seemed clear that they were building to the limits and would be selling the project leaving the neighbors to live the results, and that Council should require them to redo the project.

Gene Walker (3 minutes donated by Joan Russell) read a letter by Peter Lambrou (submitted for the record) stated that it would be the largest structure in the area, that it would be seen as one massive wall and not two dwellings, that there were lots of small buildings in the area, and that the structure would be out of character.

David Zito stated that there were two houses on the corner of Cliff and Barbara that already looked out of scale for the area, that this project was large and out of character for the area, that the difference between 3,724 and 6,000 square feet are a big difference and would be obvious, and that it was a difficult area which transitions and requires a significantly smaller sized project.

Barbara Walker (3 minutes donated by Geri Rettman) stated that she lived on Barbara Ave, that the project was out of scale for the area and large for the neighborhood, that parking was an issue and that the street was sometimes a one-way street, the set-back on Cliff was too small, read a letter by Burt Neilson that stated that he recommended that the Council deny the project, that the building was too large, that it reduced the landscape buffer between the street and homes, that parking was limited for school events and limited on Cliff and

Rios, and that the footprint should be reduced as well as the size or number of units.

Joseph Ford said that there would be little room for vegetation, that it was a nice property but a large structure, that it was more compatible with houses in Carmel Valley than in Solana Beach, that it should be more compatible with the area, and to require the applicant to provide an alternative for less bulk and mass.

Applicant said that the project was compatible with the area and identified nine structures that were similar in FAR, that the project would not change parking on Cliff St., that the garage was not included in the FAR, and that the County records do not include garages as part of their calculation of total square feet.

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

Tina Christiansen, Community Development Director, said that there was not a parking easement and that parking would be partially on and off private parking.

Mayor Campbell said that he had concerns about the size and compatability, that there was almost 60% of ratio structure to building, and that it was clearly not compatible

Councilmember Roberts said that even though rules state a maximum that it did not entitle applicants to have them, that it seemed like too much was being put onto the property, and that he would like to motion to deny the project.

Deputy Mayor Heebner said that she would second the motion to deny, are max, others were close to max, that it had been well known that certain homes approved were mistakes during County days and it was the Council's job to preserve community character, that many homes in the area would still be redeveoped and that most would be in the range of 3,000-3,500 sq. ft. for similar sized lot, that she could not make the findings including adjacent land use and two minor subdivision findings.

Councilmember Kellejian said that there were problems with the FAR, parking, density, that it all came down to what was in the General Plan and zoning and the City's requirements, that he thought the Council needed more specifics in order to give the community guidance as well as Council more criteria in order judge, that that project was 1,722 sq. ft. below the allowable FAR, that there was no appeal for view assessment because they worked it out, that he continually had a problem being subjective even with the use of a toolkit to make subjective decisions, and that it was not fair to have to review projects without anything concrete to judge them by.

Council discussed Staff's task not including making discretionary decisions, that there was not a formula for discretion similar to the Supreme Court case regarding pornography and you "know it when you see it," that Council approves a lot of projects, that they each have to make their own assessment, that without discretion Staff could just stamp permits, that a project 1,722 under the FAR should be expected to be approved, and that the process should be changed with more specific criteria in order to judge.

Council and City Attorney discussed options for denial, that denying with prejudice would mean that they could not reapply within one year, that denying without prejudice would mean that they could redesign and reapply within a year, and that there was consensus to deny without prejudice.

**MOTION:** Moved by Roberts and seconded by Heebner to deny without prejudice. **Motion carried 3/1/1** (Noes: Kellejian. Absent: Nichols.)

Johanna Canlas, City Attorney, stated that a Resolution of denial would be submitted a future meeting and stated that the City Council decision is final unless a petition for a writ of mandate is timely filed. The time within which judicial review of this decision must be sought is governed by the Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Solana Beach by the Solana Beach Municipal Code, Chapter 2.36. Any petition or other papers seeking judicial review must be filed in the appropriate court not later than the ninetieth (90<sup>th</sup>) day following the date on which this decision becomes final. A written request for preparation of the record of proceedings shall be made and filed with the Solana Beach City Clerk. This decision is final upon the adoption of this resolution.

Mayor Campbell recessed the meeting at 8:39 p.m. and reconvened the meeting at 8:57 p.m.

**B.2. Development Review Permit to Remediate an Unpermitted Remodel at 509 Pacific Avenue, Applicant: Sikura and Deburgh, Case No. 17-09-11. (File 0600-40)**

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 the project categorically exempt from the California Environmental Quality Act pursuant to Section 15301 of the 2009 State CEQA Guidelines; and
4. If the City Council makes the requisite findings and approves the Project, adopt Resolution 2010-010 conditionally approving a Development Review Permit to remodel an existing single-family residence on property at 509 Pacific Avenue.

David Ott, City Manager, introduced the item.

Tina Christiansen, Community Development Director, presented a powerpoint reviewing the project and recommendation. She reviewed the timeline of overseeing changes, the stop work of existing work, and reviewed the code regarding coastal bluff stability.

Council discussion ensued regarding a solution to move the building forward which would require tearing down pieces of the structure, that bluff retention devices could help but that this was not in their project scope, the factor safety line, that a 1.5 factor safety would allow them to enlarge and put in windows, that load and weight was not the main factor in the analysis, and that the applicant could make the instability worse so any new load would make it worse.

Council disclosed their familiarity with the project.

Mayor Campbell opened the public hearing.

Matt Peterson said that the chronology was accurate, presented a powerpoint, that the applicants did proceed past the permits' allowance based on bad advice from their contractor about what could be done, that they had lost a year of work, that their holding costs had been over \$200,000 which was much punishment, that they believed that this approval was allowed under Council's discretion, that the Coastal Commission staff report did not conclude that the project would make the bluff less safe, that the new windows and doors were lighter and would actually reduce the load on the bluff up to 13 tons lighter than before, presented some boards of aerial photographs and facades of other homes that had similar windows that were being proposed, that if their project was not allowed that the City could not approve their own proposed Fletcher Cover community center since the setbacks were 40 ft., that they believed that the code was not interpreted correctly, and that the code allowed their client to do what they had applied for.

Council and Mr. Peterson discussed the City's code and that Staff had written a response but had not at that time addressed the issues that arose out of the final proposal of necessity of findings that had to be made or the safety factors that

were causing the problem

Mr. Peterson said that the code did not contain safety issues, that they did not object going through the DRP process, and that they did not agree that it could be modified through that process.

Council, Staff and Mr. Peterson discussed that fact that the applicant received advice from a contractor, that at the November 12th meeting that Staff did not tell the applicant that the project would be approved, and that there was a discrepancy of the date either being November 12th or 14th.

David Ott, City Manager, explained that the Coastal Commission did not approve projects for the City.

Mayor Campbell said that initially there was an exemption letter from Coastal for the existing windows so there was no DRP required but that on November 12th or 14th the plans changed and now required a Coastal Development Permit.

Council and Staff discussion continued regarding Coastal Commission's review is only regarding their regulations and not the City's code.

Johanna Canlas, City Attorney, stated that the credence being given to Coastal in interpreting our code is misplaced since we have our own rules, that Coastal requires that the local permits be issued first before a CUP could be finalized, that the City's code requires that the site is stable enough to support the development with the proposed bluff edge setback and that the development can be designed so it would be neither subject or contribute to negative stability for 70 yrs, and that the industry standard is 1.5 for a safety factor. She said that when the non-conforming ordinance came before Council a few years ago it was not meant to negate other provision of the zoning code, that this location was in the special bluff zone, that there was a particular provision that if something was in direct conflict that the more restrictive provision would prevail, so therefore the DRP would count.

David Ott, City Manager, said that contractors are sometimes not above board, that ultimately it was the responsibility of the owners to know how things happen, that once violations were found there was a process to follow by waiting for approval, that contractors sometimes do take the risk anyway and proceed, and that it was important to hire competent contractors but that he understood how these things did happen. He said that the community center would fall under different circumstances since they had not done work without ensuring they could do it, that there were other characteristics for that project, and that there would be an in depth analysis. He said that if they had gone through the process they would not have been delayed a year now.

Johanna Canlas, City Attorney, said that the applicant presented a request to qualify assumption of risk of indemnification, that Coastal required it for a Coastal Development Permit application, that they could not sue the City, that the only thing that sandbags do was protect the beach and not the structure.

Mr. Peterson, rebuttal, stated that they were not denying participating in the DRP process, that the code said that structures shall set back, and that they thought that findings could be made, and that they disagreed with Staff's interpretation of the code.

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

Mayor Campbell stated that he understood the applicant's position, that he strongly disagreed that Staff was not interpreting it correctly, that items presented by Staff, City Attorney and City Manager made him think it was a correct interpretation, and that he could not make the finding based on the professional geotechnical engineering documentation.

Councilmember Roberts made a motion to approve Staff recommendation.

Councilmember Nichols seconded the motion and said he agreed.

Deputy Mayor Heebner said she agreed.

Councilmember Kellejian asked the City Attorney about the codes reference to structures rather than windows.

Johanna Canlas, City Attorney, said that the definition was that a window was a structure because it was attached to something that was located on the ground and that her interpretation was consistent with how Staff had been interpreting it.

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

C. **STAFF REPORTS: (Continued)**  
*Submit speaker slips to the City Clerk*

**C.4. Proposed Business Tax Ordinance. (File 0400-10)**

Recommendation: That the City Council

1. Receive the report, discuss, and provide Staff with direction.

David Ott, City Manager, presented a powerpoint, stated that this was the eighth public meeting, that he had met with various business owners over time to develop revised models, and that the final focus had been on gross receipts.

Council and Staff discussed whether to eliminate the business certificate fee, \$75 for new, if the new business tax came about so that it could be noted. Council reached consensus that if the business tax was successful that the business certificate fee would not continue.

Peter House presented a powerpoint and stated that adding another tier was arbitrary, that this tier captured 47 companies, these collection are generally high volume organizations, and that this was what the community asked Council not to do.

Council, Staff and Mr. House discussed that his estimate was that the difference in revenue would be about \$3,000-4,000, that his group was supportive of the five tiers, and that some estimates by Staff had been \$15,000-20,000 or even \$30,000 for the sixth tier.

David Ott, City Manager, continued the presentation asking Council whether they would want to implement a CPI index and whether to have a cap as well as a check and balance mechanism.

Council and Staff discussed ensued regarding when they would have to review for a potential CPI increase, to consider making it automatic and including the option to be able to stop it in any given year, whether they would want to vote on it each year, to consider a cap of 2%, and to add the options now for consideration since anything additional would require a new vote. Council and Staff discussion continued regarding home based businesses and whether they would be charged a flat fee or fall into a tier, to include a definition to distinguish the differences between the home office and the home based business, and that there was consensus among four Councilmembers to consider use a flat fee.

Council and Staff discussion ensued regarding consideration of the additional tier, the differences between the five tier and the six tiered models, that there mixed opinions on whether the additional tier would matter in funds and whether it would help with dispersing the costs to the lower tiers, that the tax would be based on income from 2009, that the CPI increase would kick in 2012 but whether to apply them to the prior year (2011) or apply to the current years earning for the following year's tax, whether to look at the CPI indicator from April or July 1st, that the San Diego region puts it out twice a year, to keep the cap in perpetuity, the auditing process, and to add LLC that was missing from the entities.

Mayor Campbell stated that it was after 10:30 p.m. and that there would not be any additional items heard.

Councilmember Roberts stated that Item C.6. was the adoption of an ordinance to finish the procedure for its adoption.

Mayor Campbell said that he would allow it and they proceeded with the agenda item.

**C.6. Adopt (2nd Reading) Ordinance 411 to Delete and Amend Certain Sections and Chapters, of the Solana Beach Municipal Code relating to Adopting and Incorporating by Reference the San Diego County Code of Regulatory Ordinances. (File 0800-90)**

Recommendation: That the City Council

1. Adopt Ordinance 411 deleting and amending certain sections, and amending the names of certain sections and chapters, of the SBMC, which sections and chapters of the SBMC relate to adopting and incorporating, by reference, certain provisions of the County Code.

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

**C.3. Mid-Year 2009/2010 Budget Amendments. (File 0330-30)**

Recommendation: That the City Council

1. That the City Council discusses potential solutions to the projected budget deficit and direct Staff on how to proceed in addressing the deficit.

This item was not heard.

**C.5. Consultation of Current Solana Beach Elections Code. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-013 appropriating funds and expenditure of up to \$14,999 in the FY 2009-10 budget General Fund reserves to provide for an extensive review of the Solana Beach election

code.

This item was not heard.

**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 compensation.

**COUNCIL COMMITTEE REPORTS:**

**Regional Committees: (outside agencies, appointed by this Council)**

- 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)**

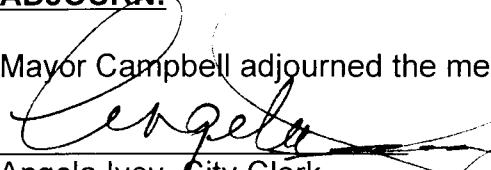
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 8, 2010.
- b. Development Review - Nichols, Heebner. Expires November 17, 2010.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 8, 2010.
- d. Fletcher Cove - Campbell, Heebner. Expires November 17, 2010.
- e. La Colonia Park - 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 1-12-2011
- h. View Assessment - Nichols, Heebner. Expires August 25, 2010

**ADJOURN:**

Mayor Campbell adjourned the meeting at 10:44 p.m.

  
Angela Ivey, City Clerk

Approved: March 10, 2010

