

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **SPECIAL** MEETING

MINUTES

6:00 P.M.
WEDNESDAY, NOVEMBER 17, 2010

CITY COUNCIL CHAMBERS 635 S. HIGHWAY 101, SOLANA BEACH, CALIFORNIA
AND
TELECONFERENCE LOCATION (Councilmember Campbell) 709 Camino Santa
Barbara, Solana Beach, CA 92075 ? added 11/16 2:10 p.m.

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 N. Canlas, City Attorney
Angela Ivey, City Clerk
Wende Protzman, Dir. Admin. Services/Deputy City Mgr
Dennis Coleman, Finance Director
Tina Christiansen, Comm. Dev. Dir.
Mo Sammak, City Engineer

Deputy Mayor Heebner called the meeting to order at 6:00 p.m. and announced the Councilmember Campbell was attending via teleconference.

Johanna Canlas, City Attorney, announced no reportable from Closed Session.

FLAG SALUTE:

Deputy Mayor Heebner led the flag salute.

APPROVAL OF AGENDA:

David Ott, City Manager, requested the movement of Item C.2. to follow presentation and remove Item C.3. adjourning it to the next meeting, November 18th.

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

PRESENTATIONS:

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

1. Interstate 5 Artwork

Mo Sammak presented a powerpoint reviewing the project.

Marilyn Dominguez reviewed her installation, thanked Council for giving her the opportunity, Caltrans for working with her, and Jim Greenstein for working as a Staff liaison.

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.

Vicki Cypherd, introduced the Jr. Commissioners on the Parks and Recreation Commission.

Riley Glatz announced the invitation to the City's annual holiday event which would include refreshments and Santa.

Vicki Cypherd said that the Parks and Recreation Commission was joining with the City to gather donations for the CRC (Community Resource Center) Holiday Baskets event and asked for donations of new or gently used items.

COMMUNITY ANNOUNCEMENTS:

Council reported community announcements.

COMMENTARY:**C. STAFF REPORTS: (C.1.)**

Submit speaker slips to the City Clerk

C.2. 22nd District Agricultural Association Board Presentation regarding potential purchase of the Del Mar Fairgrounds by the City of Del Mar (File 0150-85) - added 11/15/10 10:15 a.m.

Recommendation: That the City Council

1. Discuss the item and provide direction to Staff as necessary.

David Ott, City Manager, reviewed recent events including meetings.

Tim Finnell, CEO/General Manager, 22nd District Agricultural Association, presented a powerpoint reviewing the the groups mission statement, regular events at the property, reinvestment of funds into capital improvements, the race track improvements and future plans, that they are no phasing out horse racing, their participation in emergency training and evacuation, the surrounding economic impact including jobs, the grounds place as a community asset, their environmental leadership including efforts in open space and the lagoon, and recycling and energy efficient efforts. He said that they had concerns about the City of Del Mar's proposal including their sole ownership, obstacles to the fairgrounds improvement plans, their limits to events at the fairgrounds resulting in less sales and hotel tax, that the financial plan was flawed, and that the proposed purchase price was less than the cost of recent improvements. He continued stating that one of the Councilmembers was a horse owner and that he was involved in negotiating with another horse owner from Arizona, the proposal involved a lease to a private investor for 55 years and \$30 million which would create a windfall for a private investor of more than \$300 million that would no longer be invested in the property, and that similar private invested set ups resulted in the closing of race tracks. He said that there had not been a bidding process for the sale of the grounds, that no City Council or the County had voted to support the sell, and that some organizations had already come out opposing the sell. He concluded stating that the proposal was a bad deal due to giving one City control over a regional asset, financial flaws in the plan, risked the grounds operations, hurt the viability of horse racing, jeopardized jobs in the surrounding area, and disenfranchised 3 million county residents and the agricultural community.

Council, Mr. Finnell, and Staff discussed the active legislation AB 181 and Mr. Finnell's understanding that the status was dead, that the San Dieguito River

Park Board had elected to postpone the discussion of this item at this time, that the City's Ad Hoc would like to meet with the 22nd District Board to discuss your support of regional control, the historical challenges that both cities have had from impacts from operations on the fairgrounds, the Thoroughbred Club currently operates the race meet on behalf of the people of California and the lease proposal would provide the revenue to the private investor to recover their investment in less than 10 years, that the structure provides the revenue to pay for debt service as well as and capital improvements, that the 22nd District understood that the current contract with the Thoroughbred Club would be null and void if the property was sold, and that the investor may put in come funds for capital improvements.

C.1. FY 2010-11 Community Grant Program Requests. (File 0330-25)

Recommendation: That the City Council

1. Receive presentation from the grant applicants.

DO introduced the ite and stated that the purpose was to hear the presentations from the applicants.

Marie Berkuti, Finance Manager, presented a powerpoint reviewing the application criteria.

Presentations of Applicants

Girls on the Run San Diego
Rancho Humane Coastal Society
Boys and Girls Club of San Dieguito
Community Resource Center
Solana Beach Little League
Egoscue Foundation
Project Turnaround
Kid Korps
Reality Changers
North Coast Repertory Theatre
Solana Beach Foundation for Learning

C.3. 22nd District Agricultural Association Community Relations Committee Update on Discussions with the City of Del Mar Regarding AB 181 and the Sale of the Del Mar Fairgrounds. (File 0150-85) - added 11/15/10 10:15 a.m.

Recommendation: That the City Council

1. Discuss the item and provide direction to Community Relations subcommittee as necessary.

This item was adjourned to November 18, 2010 at 6:00 p.m.

A. CONSENT CALENDAR: (Action Items) (A.1.- A.5.)

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 Nichols. **Motion carried unanimously.**

A.2. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held August 25, 2010 (Regular, Special) and August 31, 2010 (Special).

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

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

Recommendation: That the City Council

1. Ratify the list of demands for October 23 - November 5, 2010.

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

A.4. Conflict of interest Code Update. (File 0460-05)

Recommendation: That the City Council

1. Adopt Resolution 2010-133 updating the City's Conflict of Interest Code.

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

A.5. Re-establish the Fletcher Cove Council Ad Hoc Committee and Development Review Council Ad Hoc Committee. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2010-163 re-establishing the Fletcher Cove Ad Hoc Committee to expire on November 16, 2011.
2. Adopt Resolution 2010-164 re-establishing the Development Review Ad Hoc Committee to expire on November 16, 2010.
3. Appoint two existing members (Fletcher Cove: Campbell, Heebner and Development Review: Heebner, Nichols).

MOTION: Moved by Roberts and seconded by Nichols. **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: (B.1.)

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. Introduce (1st Reading) Ordinance 428 Adopting the 2010 California Building and Fire Codes, Standards and Administrative Codes. (File 0800-90)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Disclosures, Receive public testimony, Close the public hearing.
2. Find that this action is exempt from CEQA pursuant to Section 15061(b)(3)
3. Find that pursuant to Health & Safety Code Section 17958.7 that all of the proposed local amendments to the state fire and building codes are necessary due to local climactic, topographical and geological local conditions.
4. Introduce Ordinance 428, amending SBMC Title 15 "Buildings and Construction."

David Ott, City Manager, introduced the item.

Tina Christiansen, Community Development Director, presented a powerpoint (on file with report). She stated that these codes were last adopted in 2007, that the 2010 codes were adopted by the state in January and that the City was required to begin administering the codes by January 2011, and she reviewed the new provisions from the various codes.

Robert Scott, Fire Marshall, continued the powerpoint regarding changes in the Fire Code.

Tina Christiansen, Community Development Director, stated that there was a clarification of the ordinance language that was provided to Council as a supplemental item.

Council and Staff discussed the provision that required residential care facilities and licensed care foster facilities to be retrofitted with sprinkler systems, that this requirement pertained to facilities that were licensed by the state for residential care use that contained at least 6 persons in the home.

Johanna Canlas, City Attorney, stated that Council had the discretion to determine whether the regulation would apply to facilities licensed by the state or

the county.

Council and Staff continued to discuss the provision that pertained to the possession of fire works resulting in a one year service in jail, that it was a misdemeanor which was dictated by state law, that the City could decide whether or not to have the possession of fireworks as a misdemeanor but Council should also decide what consequence would be a significant deterrent for people to not obtain fire works, that sprinklers would not be required if the cost to install sprinklers would exceed more than 15% of the interior roof work, that the definition of interior roof work included additions or changes to the structure of the roof but not regular maintenance and to clarify this language in the ordinance, that the language regarding the definition of maintenance should be changed from the word "shall" to "examples of maintenances include," that the definition of fire lane and fire access road were the same and meant a road to allow space for fire vehicles, that the near-by areas of Encinitas and Rancho Santa Fe had adopted the fire works provision which included a one year jail sentence, the level of fire danger and fire severity zones within the City, that the code should be amended to state that homes that provided residential care to six or more people and were ran in a business capacity would be required to be retrofitted with sprinkler systems.

Mayor Heebner opened the public hearing.

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

MOTION: Moved by Roberts and seconded by Kellejian to adopt Staff recommendation with modifications discussed including changing the language regarding maintenance to be "examples of maintenance work include." **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: (B.2.)

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.2. Conditional Use Permit for 200 Marine View Avenue, Applicants: Clearwire US LLC, Case # 17-09-20. (File 0610-10)

Recommendation: That the City Council

1. Conduct the Public hearing: Open the Public Hearing, Report Council disclosures, Receive Public Testimony, Close the Public Hearing;
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2010-162 conditionally approving a CUP to collocate a new wireless communication facility with an existing Sprint/Nextel site on an existing residence at 200 Marine View Avenue, Solana Beach.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a powerpoint.

Deputy Mayor Heebner opened the public hearing.
Council reported disclosures regarding their familiarity with the project.

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

Council discussed that the City's hands are tied due to federal regulations, that long term affects have not been fully determined so it is unclear if there are no risks, that one time the government said that smoking was not bad, and to ensure that the clause was included regarding uncertainty of this Council regarding risk.

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

WORKPLAN COMMENTS:
(Adopted June 23, 2010)

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 on committee activity.

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)

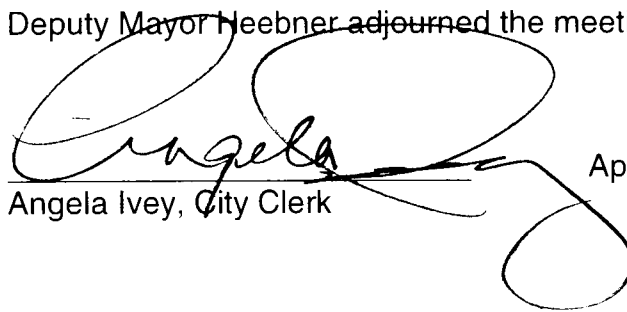
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 8, 2010.
- b. City's 25th Anniversary - Heebner, Kellejian. Expires July 13, 2011.
- c. Development Review - Nichols, Heebner. Expires November 17, 2010.
- d. Environmental Sustainability - Roberts, Heebner. Expires December 8, 2010.
- e. Fire Department Management Governance-Kellejian,Roberts. Expires July 13, 2011.
- f. Fletcher Cove - Campbell, Heebner. Expires November 17, 2010.
- g. General Plan - Campbell, Nichols. Expires July 13, 2011.
- h. La Colonia Park - Nichols, Heebner. Expires May 11, 2011.
- i. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 9, 2011 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires 1-12-2011
- k. View Assessment - Nichols, Heebner. Expires February 24, 2011

ADJOURN:

Deputy Mayor Heebner adjourned the meeting at 8:32 p.m.



Angela Ivey, City Clerk

Approved: March 10, 2011