

CITY OF SOLANA BEACH
SOLANA BEACH CITY COUNCIL, REDEVELOPMENT AGENCY, PUBLIC FINANCING
AUTHORITY, & HOUSING AUTHORITY

JOINT **SPECIAL** MEETING

MINUTES

6:00 P.M.

Wednesday, November 16, 2011

City Hall / Council Chambers 635 S. Highway 101, Solana Beach, California AND
Teleconference Location (Councilmember Roberts)
4300 Wilson Blvd., Suite 250, Arlington, Virginia

The City Council acts as the City of Solana Beach Redevelopment Agency and the Public Financing Authority.

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:02 p.m.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PRESENTATIONS:

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

1. San Onofre Nuclear Plant

Torgen Johnson, presented a powerpoint (on file). He stated that he found radiation in milk he gave his children, that he was concerned about the fallout from Fukushima, and that his background included two graduate degrees from Harvard, and being the parent of 3 children. He showed a document displaying the emergency response plan, stated that the base assumptions of the plan are flawed, that Solana Beach was within the 50 mile zone the United States recommended staying away from the Fukushima disaster, that California was the

8th largest economy in the world. He went on to state that the milk he discovered radiation in was organic milk purchased at Henrys, that radioactive fallout falls on crops and is bio accumulated by livestock, that it is then concentrated in cheese, yogurt, and other animal products. He showed a report from the National Academies that states there are no safe levels of radiation, a shake out simulator of the shock waves from an anticipated 7.0 earthquake and how it would affect San Onofre which is only equipped for a 6.0 earthquake, discussed facts regarding exposure statistics, stated that there are assumptions within higher emergency planning documents in San Diego that are completely wrong, and that some of the information is not shared with the public and that's a problem. He then showed a simulation of the radiation fallout reach from the Fukushima disaster, stated that when the power goes out, there is an information vacuum due to the inability of people to get information, that San Onofre has the worst record in terms of retaliation against workers when they come forth regarding safety problems. He concluded that he wanted to draft a resolution requiring owners of power plants to make their power plants safe, and if it cannot be made safe, shut it down, and that he's spoken to emergency responders and they voiced concerns about this issue.

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.

Grace Van Thillo spoke about concerns regarding San Onofre power plant, that the NRC's Lessons Learned from Fukushima recommendations brought tremendous cost to implement, that Robert Kennedy Jr. said he was all for nuclear power if they could make it economical and safe, new solar plants cost less than one-fifth the cost of nuclear power plants, that power plants could not obtain an insurance policy, that Congress passed the Price Anderson Act which put the cost of any accidents on the American public, and that she hopes the Council would consider a recommendation to decommission San Onofre and transition to a safer renewable energy portfolio.

Gary Headrick said that he was founder of San Clemente Green and stated that all of the discussion was centered around something that only supplied 7% of California energy, that his company was approached by workers of San Onofre who were scared of retaliation for reporting safety concerns and other issues, that the San Clemente Council allowed his company to bring in experts to

speaking regarding the San Onofre plant, that San Clemente came up with a list of recommendations supporting the removal of spent nuclear fuel, including asking federal elected officials to insist that a permanent off-site storage facility for spent fuel be identified before relicensing was granted, and encouraged the Council to provide public workshops dedicated to the topic.

Roger Johnson stated that the emergency plan in San Clemente did not make much sense, that the radiation would cover too fast, that Fukushima had gone through 480,000 hazmat suits, that millions would die as a result of cancer and other complications as a result of Fukushima and Trenchard, and hoped that the Council would take a stronger stand regarding safety in these matters.

Bart Ziegler stated that three and one-half weeks ago a German news station came to San Onofre to do a piece about the dangers of the San Onofre power plant, and asked if anyone could help put subtitles into the film.

Doug Beacom stated that he lived in Nagasaki for two years and therefore had experience with nuclear issues, that his wife was concerned about San Onofre, now he was a nuclear activist, and encouraged the Council to set a precedent for San Diego County and speak up about the dangers of power plants.

Mayor Heebner stated that she would support working toward a letter or resolution to make the San Onofre plant safe, and would speak with the City Manager, who was on an emergency planning board, to gather information for a resolution.

Councilmember Nichols stated that the City Manager and he had a direct discussion about the matter, that he was interested in following up on the sources and wanted to hear all sides, that he was on-board with following up on it and taking the next step, but that he wanted to check sources and verify facts.

David Ott, City Manager, stated that he encouraged the Council to gather a comprehensive analysis and gather input from the region since it was a region responsibility.

Councilmember Nichols stated that no one was doubting the facts tonight, but that it was just a matter of process to check the facts, and that all of the Council were interested in public safety.

Johanna Canlas, City Attorney, stated that the item was not on the agenda and encouraged future discussion should wait for a later date.

Councilmember Campbell agreed that it was a scary topic, that he appreciated the speakers, but that the item was not on the agenda, and that it was premature to discuss any form of a resolution at this point.

Deputy Mayor Kellejian stated that the Council was sworn to uphold the safety, that two weeks ago there was an administrative law Judge making a ruling regarding an independant panel to look specifically into ground faults related to power plants, and that everyone had until December 5th to speak up about the issue before the ruling.

Pete Schmid stated that he was concerned with the plastic bag ban, that there were a plethora of laws now, that the plastic bag ban prevented the citizens of Solana Beach to make a choice, the law was one of social engineering, and encouraged the Council to educate as opposed to passing a law so it did not restrict choice.

Paul Davis said he was the Treasurer and a member of Sand Pebbles and stated that he was speaking on behalf on 2,500 residents of Sand Pebbles in opposition of the complex to be built on S. Sierra Blvd, that they did not want their housing values to be reduced, that they did not understand how redevelopment funds should be applied to low income housing, and that he understood the Council's situation, but that it was not acceptable to the members of Sand Pebbles.

Bill Gifford stated that he lived at Seascape, that he had turned in approximately 450 petitions against the affordable housing project on S. Sierra, that he had a petition with 25 signatures against the project, that he did not trust the builder that the City was working with, and that the project was too big for the size of the lot.

Ace Hoffman stated that he provided a rebuttal to a response from the NRC's comments in the North County Times and left a copy for the Council to look at (on file).

COMMUNITY ANNOUNCEMENTS:

Council made community announcements.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.10.)

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 Campbell 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 April 20, May 11, July 13, 2011.

MOTION: Moved by Campbell 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 15 - 28, 2011.

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

A.4. Adopted Budget Update Fiscal Year 2011-2012. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the FY 2011-2012 General Fund Adopted Budget.

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

A.5. Community Grant Recipient Financial Expenditure Report Fiscal Year 2010-11. (File 0330-25)

Recommendation: That the City Council

1. Accept and file this report.

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

A.7. Governmental Accounting Standards Board No. 54 - Fund Balance Classifications. (File 0330-00)

Recommendation: That the City Council

1. Adopt Resolution 2011-166 adopting the City of Solana Beach Fund Balance Reporting Policy.

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

A.8. ESCO (Energy Services Company) Program Development Agreement. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-165 authorizing the City Manager to execute the Program Development Agreement with Chevron ES.

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

A.10. Local Assistance Funding from California Department of Boating & Waterways for the USACE Solana Beach-Encinitas Shoreline Project. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-163 to:
 - a. Authorize the City Manager to enter into a contract with California Department of Boating and Waterways to obtain an additional \$93,750 for FY 2011-2012.
 - b. Utilize these funds to pay for necessary technical studies and/or reimburse the City of Encinitas for 50% of the direct costs associated with the preparation of technical studies necessary for completion of the USACE Project.

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

A.6. Re-establish Four Council Ad Hoc Committees. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2011-159 re-establishing the Army Corps of Engineers and Regional Beach Nourishment Projects Ad Hoc Committee until December 6, 2012 and re-appointing two existing members (Campbell, Kellejian).
2. Adopt Resolution 2011-160 re-establishing the Development Review Ad Hoc Committee until November 15, 2012 and re-appointing two existing members (Heebner, Nichols).
3. Adopt Resolution 2011-161 re-establishing the Environmental Sustainability Ad Hoc Committee until December 6, 2012 and re-appointing two existing members (Heebner, Roberts).
4. Adopt Resolution 2011-162 re-establishing the Fletcher Cove Ad Hoc Committee until May 9, 2012 and re-appointing two existing members (Heebner, Campbell).

Bruce Berend commented on the Development Review Permit process, and said that Council passed Ordinance 433 in a low profile manner which was a significant change to the code, that Proposition A mansionization issue had passed by less than 1%, that DRP applicants frequently were sent back because the design did not feel right, that he hoped that a new tool kit would provide people more direction on what would be approved and would save people time and expense, that the current process was micro-managing projects, if residents wanted design control they could have them by purchasing in areas that contained CC&Rs, and that he thought that workshops should be utilized to obtain community input.

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

A.11. Opposition to San Diego Gas and Electric Proposed General Rate Case - added 11-10-11

1. Adopt Resolution 2011-168 opposing San Diego Gas & Electric's (SDG&E) General Rate Case (GRC) Phase 2 application with the California Public Utilities Commission (CPUC) and Authorize the Mayor to Execute a Letter of Opposition to be sent to the CPUC, Governor Brown, and San Diego Association of Governments (SANDAG).

Lane Sharman stated that he supported Council going forward with opposition, that he had a job cancelled today due to concerns of economic uncertainty, that he had a solar company that was now dead in the water and was impacted economically, that SDG&E had created economic harm for many people and business owners, and that he urged the public to go to saveoursoul.org to sign a petition.

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

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. Community Grant Program Requests Fiscal Year 2011-12. (File 0330-25)

Recommendation: That the City Council

1. Receive the Report and consider the presentations from the grant applicants.

David Ott, City Manager, introduced the item and stated that organizations would be provided a verbal presentation this evening that accompanied the books issued to Council with the applications (on file).

Mayor Heebner stated that there would only no decision at this meeting, that they had \$15,000 in the budget and received \$51,000 in requests.

Applicants Presented Verbal Request:

Clean and Green - Jack Hegenauer

Kids Korp

Solanas Beach Little League

St. James and St. Leo's

Mano O Mano

North Coast Repertory Theatre

Boys and Girls Club

La Colonia Eden Gardens Inc.

Solana Beach PTA

Council asked Staff to provide a history of the last 4-5 years of donations with 1-2 sentences on what the organizations did with the donation.

Mayor Heebner recessed the meeting at 7:50 p.m. and reconvened at 8:00 p.m.

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. Conditional Use Permit (CUP) for 838 Academy Drive, Applicant: Santa Fe Christian School, Case No. 17-11-19. (File 0610-60)

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 categorically exempt from the California Environmental Quality Act 15301
3. Adopt Resolution 2011-158 to conditionally approve the request for a Conditional Use Permit for the use of a 6,000 square foot interim athletic tent at 838 Academy Drive, Solana Beach.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a powerpoint (on file) reviewing the request to continue to use their temporary athletic tent.

Council and Staff discussion ensued regarding the project focused on the temporary tent use only, that the extension approval would ensure that the original conditions were still in place, that the extension could only be for 2 years and up to a 12 month period at any given time, that standard noticing to the community was performed, that there were no ongoing significant complaints over for over 2 years, that the school had been proactive working with the City on

issues, and that inspection would take place if approved.

Mayor Heebner opened the public hearing.

Council disclosed their familiarity with the project.

Steve Kuptz, Chief Financial Officer, Santa Fe Christian School, said that it was a steel framed tent and had an approximate 40 year life space, that the exterior deteriorates and that they replaced it last year, that there were two modular classrooms, that they were not aware of the linkage and that they would submit that for its updated permit, and that they taken significant measures to address traffic conditions.

Council and Applicant discussed the revision or modification of their initial master plan, that they had been working with Staff, architects, and engineers, and how to address parking issues, that costs were significant, that once it was approved in-house they would be ready around February, that they would not be requesting any increased square footage or increase in students, that the primary change would be the parking structure, concerns regarding tent accidents, and that the tent would be inspected to ensure it met the current zoning or building code as it would be a condition.

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

MOTION: Moved by Kellejian and seconded by Campbell to approve with additional condition that the tent meet current building standards. **Motion carried unanimously.**

C. **STAFF REPORTS: cont'd**
Submit speaker slips to the City Clerk

C.2. West Side Highway 101 Improvements - Final Design Review.
(File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-152:
 - a. Approving the final design of the Highway 101 West Side Improvement Project.
 - b. Finding the project exempt from CEQA and authorize the Community Development Director to file a Notice of Exemption on behalf of the City.
 - c. Authorizing the City Engineer to advertise the project for

construction bids.

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer/Public Works Dir., presented a powerpoint (on file) stating that some changes they addressed were in regards to parking, decorative poles, lighting, pedestrian cross-walks with flashing beacons, street furniture which included increasing the seating, newspaper racks, increased the amount of median trees, and landscaping.

Pat O'Connor, Consultant, continued the powerpoint presentation stating that had comments regarding added benches, that they would be using a drip system, per the state water use requirements, that trees were chosen based on maintenance requirements, sidewalk friendliness, profiles, design, and character, and displayed tiles and pavement options.

Council, Staff, and Consultant discussion ensued regarding potential view blockage issues because of the trees particularly in places 6 and 7, that the day palms were slow growing, that cars could see under the trees because the tree's canopies were high, benches in place 8 had no backs to them and whether the benches should be considered based on comfort or design, that a rectangular bench design did not fit design wise in the circular design of the meeting place, the space was too small for long benches, and that there were a variety of opportunities and spaces to sit.

Discussion continued regarding that there was coordination with shop owners regarding nearby improvements, which would be pedestrian oriented, and that that it was important to pick the right types of trees because the area was so close to the ocean.

Larry Thornburgh, Consultant, continued the presentation displaying some of the new design elements and showed how the different places came together, that there were roughly 50 additional parking spaces which was over a 50% increase, that the design would eliminate a designated left turn lane but would not prevent cars from making a left turn, that there would be more trees outside of the boardwalk, and the construction phasing and how it would affect traffic.

Discussion continued regarding the funding, CEQA qualifications, fiscal impact, and staff recommendations, the question about van accessibility in parking, and that Staff would look into it.

Peter House stated that he was happy with the design and thanked committee worked hard.

Council thanked the Staff and designers for their hard work, stating that the work will drastically change the appearance of the community.

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

A.9. Solana Beach Train Station Project Third Party Consultant Reimbursement to North County Transit District (NCTD). (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-167:
 - a. Authorizing the expenditure of \$24,180.50 to reimburse NCTD as the City's 50% share of the projected cost for professional services provided by Project Design Consultants for the Solana Beach Transit Center consistent with the MOU (Memorandum of Understanding) executed with NCTD in February 2011.
 - b. Appropriating \$24,180 from General Fund Undesignated Reserves into the NCTD Train Station CIP project.
 - c. Authorizing the City Treasurer to amend the Fiscal Year 2011-2012 Budget accordingly.

Councilmember Campbell requested clarification on the increase in budget for the NCTD parking study, stated that he had some concerns regarding a \$34,000 change order on top of the 14, and asked when the study was going to end.

David Ott, City Manager, stated that he did not know when it was going to end, but that he expected the RFQ process to begin in the next three months and for a developer to be selected in roughly six months time, stated that until that time the City and NCTD had agreed to partner on some of those costs, that there may be some offset on the parking area costs due to a grant NCTD recently received, and that he believes that the costs for development of design guidelines will not be as much as allocated.

Councilmember Campbell stated that he would support the approval right now, but that the project needs to have a budget and a timeline with expectations.

David Ott, City Manager, stated that he believes the project is more than half way there, and that the time spent on this project was 3rd party, not staff time.

Council and Staff discussed the need for a budget for this project, and that the grant NCTD received was for the physical work.

MOTION: Moved by Campbell 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.

Deputy Mayor Kellejian stated that the City funded his attendance at a League of California Cities meeting.

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, Nichols (1st alternate), Heebner (2nd alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Roberts (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
- l. San Dieguito River Valley JPA - Heebner, Nichols (alternate).
- m. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Heebner, 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. Parks and Recreation Committee - Heebner, Nichols
- e. Public Arts Committee - Roberts, Nichols.
- f. School Relations Committee - Roberts, Nichols.

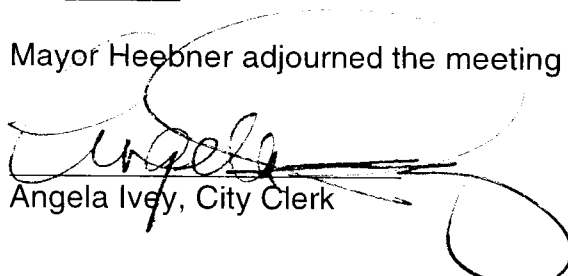
Ad Hoc Committees: (All Primary Members) (Temporary Committees)

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 7, 2011.
- b. Development Review - Nichols, Heebner. Expires November 16, 2011.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 7, 2011.
- d. Fire Department Management Governance-Kellejian,Roberts. Expires July 13, 2011.
- e. Fiscal Sustainability - Campbell, Roberts. Expires June 28, 2012.
- f. Fletcher Cove - Campbell, Heebner. Expires November 16, 2011.
- g. General Plan - Campbell, Nichols. Expires July 12, 2012.
- h. La Colonia Park - Nichols, Heebner. Expires May 10, 2012.
- i. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 8, 2012 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 11, 2012
- k. View Assessment - Nichols, Heebner. Expires February 23, 2012

Councilmember Roberts left the meeting at 9:20 p.m.

ADJOURN:

Mayor Heebner adjourned the meeting at 9:22 p.m.


Angela Ivey, City Clerk

Approved: March 28, 2012