

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

JOINT **REGULAR** MEETING

MINUTES

6:00 P.M.

Wednesday, February 22, 2012

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California
And Teleconference location
3355 Las Vegas Blvd. South, Room 23-138, Las Vegas, NV 89109 (Roberts)

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

CALL TO ORDER AND ROLL CALL:

- Present:** Kellejian, Roberts, Nichols, Campbell, and Heebner.
- Absent:** None.
- Also Present:** David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Wende Protzman, Deputy City Mgr/Community Development Dir.
Dan Goldberg, Principal Engineer
Marie Berkuti, Finance Manager
Dan King, Sr. Management Analyst

Mayor Kellejian called meeting to order at 6:12 p.m.

CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, reported that there was no reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS/CERTIFICATES:

1. 2012 Bocce Ball Tournament
2. Girl Scouts
3. Coastal Community Foundation

PRESENTATIONS:

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

1. HEAL (Healthy Eating Active Living) Cities Campaign Certificate

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.

Martin Wilson stated that he paid for a business license for a restaurant and that the City denied the permit, that the use existed before the City was incorporated and the property was down-zoned after incorporation of the City, that it was not able to deny the issuance of a business permit for an existing continuous restaurant use and that he had written a letter to the City stating that they needed a business permit in order for jobs to be continued.

COMMUNITY ANNOUNCEMENTS:

COMMENTARY:

A. CONSENT CALENDAR: (Action Items) (A.1. - A.6.)

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 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 October 26, 2011.

MOTION: Moved by Heebner 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 January 14 - 27, 2012.

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

A.4. General Fund Adopted Budget for Fiscal Year 2011-12 Changes. (File 0330-30)

Recommendation: That the City Council

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

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

unanimously.

A.5. Re-establish the View Assessment Ad Hoc Committee. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2012-028 re-establishing the View Assessment Ad Hoc Committee until October 21, 2012.
2. Re-appoint the two existing Councilmembers (Heebner, Nichols).

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

A.6. Abandoned Vehicle Abatement. (File 0870-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-030 authorizing San Diego County Abandoned Vehicle Abatement Service Authority to place an initiative on the June 5, 2012 ballot to extend fees pursuant to vehicle code sections 9250.7 and 22710.

MOTION: Moved by Heebner 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. - 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.1. Conditional Use Permit (CUP) at/below 245 and 249 Pacific Avenue, Applicants: Presnell/Graves LLC and Eron Jokipii, Case CUP 17-11-24. (File 0610-60)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, receive public testimony, and close the public hearing.
2. Find the Proposed Project exempt from the requirements of CEQA pursuant to 2012 State California CEQA Guidelines §15269 as emergency conditions exist onsite.
3. Adopt Resolution 2012-023 conditionally approving a Conditional Use Permit to construct a seawall to support the lower-bluff and reconstruction of an existing upper-bluff device fronting approximately one-half of the project site against significant bluff failure along the properties located at 245 and 249 Pacific Avenue, Solana Beach.

Mayor Kellejian opened the public hearing. David Ott, City Manager, introduced the item. Leslea Meyerhoff, Consultant, presented a PowerPoint (on file) reviewing the project.

Council, Staff, and Consultant discussed the fact that the deed restriction was a state restriction and was not imposed or enforced by the City, that additional erosion had taken place since 2007, the neighbor asked if the walls would accelerate erosion on their property, and that the adjacent property owner was not a subject to the case.

Jim Nolton, Geopacific, 3rd party geotechnical consultant, stated that one finding required the project's geotechnical engineer to provide design and statements that the state that it would not accelerate onto adjacent properties and would be in their report, that the letter referenced had a consultant that said maybe it would affect erosion on her property but that the same consultant had built several walls in the area which also contained this same required statement.

Council and Mr. Nolton discussed that Mr. Nolton would state that the opinion had to be based on technical data, that Staff followed the City's municipal code, that the deed restriction would be monitored by the Coastal Commission since it was a Coastal Commission condition, that enforcement was silent on the deed restriction, and that it clearly referred to future development.

Council disclosed their familiarity with the project.

Walter Crampton, applicant, presented a powerpoint (on file) reviewing the proposed project, reviewed historical erosion which eventually changed the total loss of sand changed the erosion environment of the City, that a few major collapses in the area have continued to grow along the area, that some caissons had been exposed as well as drilled peers, that the extension of this project so the south would assist some surrounding areas, and they would work with Coastal Commission regarding the protection.

Council and Mr. Crampton discussed the deed restriction and Coastal's willingness to approve the project, that the had done it before, that the deed restriction said that 249 as an applicant in Coastal's definition could not request the project, but that 245 was not an applicant for the Coastal Commission and only for the City, that applicants were different to the City and to Coastal, that Coastal could not change the City's conditions but that they could apply their own conditions on top of the City's conditions, that the deed restriction was a condition imposed by the Coastal Commission and was silent on enforcement, that the City Attorney stated that it was not the City's condition to enforce, that it was a state requirement that they had to go to Coastal, not a City requirement.

Doug Harwood said that he was a real estate broker and that many people are scared of this bluff, that 5 people had lost their lives due to bluff failures, and that he urged Council to approve.

Bob DeSimone said that he purchased a neighboring house from an estate sale, that he did not want to prevent others from protecting their property, and that he supported the project.

Council, Staff, and Applicant discussion ensued regarding that fact that when the project began the City did not have a land lease recreation fee in place at the time, that the City did adopt a fee of \$1000 per linear ft. as well as indicated that the Council had discretion to impose the fee, that sand mitigation and recreation fees were applied to new walls and that this was an existing wall, that the fee did not include the portion of the wall was already existing, and that the project was compliant with the City's LUP.

Mr. Crampton used his remaining presentation time, stating that the wall was built in 1999, that the applicant did pay a sand mitigation fee around \$20 per applicant that totaled around \$140,000-\$160,000 to SANDAG, and that the fee was for a 30 year life.

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

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

B.2. Development Review Permit (DRP) at 707 S. Sierra Ave., Applicant: Seascape Chateau Condominium Association, Case 17-11-18. (File 0600-40)

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 requirements of CEQA pursuant to 2012 State California CEQA Guidelines Section 15301, minor alteration of land.
3. Adopt Resolution 2012-026 approving DRP 17-11-18 to construct two reinforced concrete return walls at the north and south ends of an existing lower seawall on the coastal bluff below 707 South Sierra Avenue, Solana Beach.

David Ott, City Manager, stated that the applicant requested to continue the item to March 28th.

C. STAFF REPORTS: (C.1. - C.5.)
Submit speaker slips to the City Clerk

C.1. Offstreet Parking Manual Update. (File 0870-00)

Recommendation: That the City Council

1. Adopt Resolution 2012-027:
 - a. Approving the new City of Solana Beach Off-Street Parking Design Manual.
 - b. Authorizing the City Manager to implement the new Off-Street Parking Design Manual on March 1, 2012.

David Ott, City Manager, introduced the item.

Dan Goldberg, Principal Engineer, presented a PowerPoint (on file) reviewing the amendments.

Council and Staff discussed adding a sentence to suggest that parking lots ideally be placed behind structures, to consider a future assessment to help extend recycled water to other areas of Highway 101 which is not current serviced, to include some enforcement ensuring that trees that are included in the project actually get planted and not left out, some graphic detail on how bike racks should be laid out, to discourage palm trees in parking lots and opt for shade trees, to reference the rules for underground parking and when parking is not included in the square footage including an example, and that a revised version could be brought back with additional revisions.

MOTION: Moved by Campbell and seconded by Nichols to approve and authorize the City Manager to add additional revisions discussed. **Motion carried unanimously.**

C.2. ESCO (Energy Services Company) Comprehensive Package Discussion. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2012- 031 authorizing the City Manager to execute the Implementation Contract.

Danny King, Sr. Management Analyst, presented a powerpoint (on file).

Council and Staff discussed the need for Staff analysis of what impact there would be by taking \$500,000 out, that these funds were for this purpose, that these lights would be warrantied for 20 years, that there would still be sufficient reserves to take care of other remaining issues, and that the future energy savings would pay the cost.

Council and Staff continued discussion regarding the City having looked at solar which was a significantly less return so it did not make fiscal sense, that solar was not yet considered at the Public Works yard since it was a small surface area, the option to pull out the funds for the roof and return to look at other options pulling funds from reserves instead of doing it with this program, that it was difficult to analyze the Proforma in a few minutes,

Councilmember Campbell stated that he could not support the program since it ran negative for the first 7-8 years and the little time to analyze the proforma proposals.

Lane Sharman said that he was with the Clean and Green Committee and

commended everyone for taking up the issue, that he was encouraged to see infrastructure replaced within context of the overall energy efficiency action, that the City taking up its own energy cooperative may assist with efficiency in the future, and that it was always a good idea to reduce waste.

MOTION: Moved by Heebner and seconded by Nichols to approve and use Proforma 7 and continue discussions on the roof. **Motion carried 4/1** (Noes: Campbell.)

Mayor Kellejian recessed the meeting at 8:30 p.m. for a break and reconvened at 8:37 p.m.

C.3. General Plan Phase I Update Consulting Contract. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-029:
 - a. Awarding the General Plan Phase I Update contract to Project Design Consultants in the amount of \$200,000.
 - b. Authorizing the City Manager to execute the General Plan Phase I Update contract on behalf of the City.

David Ott, City Manager, introduced the item.

Wende Proztman, Community Development Dir./Deputy City Manager, presented a powerpoint (on file) reviewing the proposed process and consultant assistance.

Council and Staff discussed when the project would start and finish, that the estimate cost was based on the plan being completed in the next fiscal year, that it was not guaranteed for the following years, that an EIR was needed for the entire general plan, and that an EIR was not required if only three elements were done.

Chris Morrow, Senior Vice President and Director of Planning at Project Designs Consultants, stated that their team was made up of people from PDC (Project Designs Consultants), that the environmental document would be taken care of by Recon Environmental, and that their traffic and mobility analysis would be covered by Chen Ryan Mobility.

Council, Consultants, and Staff discussed that PDC would take the lead on public outreach, that certain elements would be combined in public workshops because there was a lot of interplay between elements, that there would be fewer meetings since there were only three elements, that Solana Beach was a very

involved City, that all the proposals had similar number of public meetings, that Monique Chen and Cherrie Ryan of Chen Ryan had over 30 years of experience in mobility between them, that they would work to create a mobility plan that worked for the City and for different modes of transportation, that the document was solid, and that the vision of the original authors should be carried forward.

Discussion continued regarding Chris Morrow's experience with Solana Beach and the spirit of the City, that all of their hourly rates were cut for the purpose of this project, all work would be finished by June 30, 2012 if the City reallocated the funds to do the full General Plan, that Plan B only could be finished by April 2013, that any changes to one element might required updates to other elements, and that if Council adopted Plan B it would not be difficult to switch to Plan A if the necessary funds were found.

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

C.4. Successor Agency to the Redevelopment Agency. (File 0115-30)

Recommendation: That the City Council

1. Adopt Resolution SA-002 adopting the 4th Amended Enforceable Obligation Payment Schedule (EOPS), approving the Recognized Obligation Payment Schedule (ROPS), approving the Successor Agency Administrative Budget, and directing the City Manager to take all actions necessary to effectuate associated requirements of AB 1X 26.

Johanna Canlas, City Attorney, reviewed the item, stating that a seven member Oversight Board would be appointed to supervise the Successor Agency's activities and was required by AB 1X26, the requirements of the members, that applications were open to the public and Danny King was handling all incoming applications, that the Governor would make the appointments if the City or other agencies did not make the appointments, that the Oversight Board needed to be up and running by May 1st, that the ROPS was required to be prepared by March 1st, and that the resolution included the Successor Agency's Administrative Budget and outlined the limitations under which the City Council had agreed to be the Successor Agency to the defunct Redevelopment Agency, which protected the general fund.

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

C.5. 22nd District Agricultural Association Community Relations Committee Update Regarding the Sale of the Del Mar. (File 0150-85)

Recommendation: That the City Council

1. Discuss the item and provide direction to the 22nd District Agricultural Association Community Relations Ad Hoc Committee as necessary.

There was no discussion on this item.

COUNCIL COMMITTEE REPORTS:

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

- a. City Selection Committee (meets twice a year) - Roberts, Kellejian (alternate).
- 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)

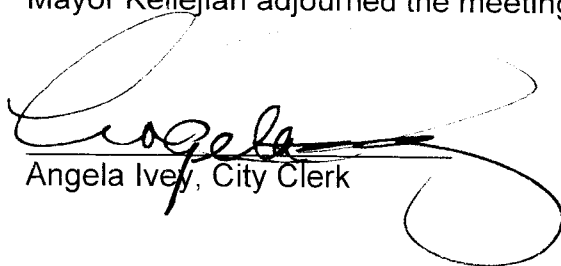
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Parks and Recreation Committee - Heebner, Nichols
- e. Public Arts Committee - Roberts, Nichols.
- f. School Relations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

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 6, 2012.
- b. Development Review - Nichols, Heebner. Expires November 15, 2012.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 6, 2012.
- d. Fire Department Management Governance-Kellejian,Roberts. Expires July 12, 2012.
- e. Fiscal Sustainability - Campbell, Roberts. Expires June 28, 2012.
- f. Fletcher Cove - Campbell, Heebner. Expires May 9, 2012.
- 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 7, 2013 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 10, 2013
- k. View Assessment - Nichols, Heebner. Expires February 23, 2012

ADJOURN:

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



Angela Ivey, City Clerk

Approved: May 9, 2012