

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

MINUTES

JOINT **REGULAR** MEETING
Wednesday, March 13, 2013
6:00 P.M.

City Hall Council Chambers, 635 S. Highway 101, Solana Beach, California
Minutes contain a summary of the discussions and actions taken by the City Council during a meeting. City Council meetings are video recorded and archived as a permanent record. The video recordings capture the complete proceedings of the meeting and are available for viewing on the City's website.

CALL TO ORDER AND ROLL CALL:

Mayor Nichols called the meeting to order at 6:08

CLOSED SESSION REPORT: (when applicable)

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PRESENTATIONS:

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

1. Earth Hour

Kristine Schindler said that Earth Hour was started in 2007 as a designated day that everyone around the world turned out the lights for one hour and that locally they would meet at Fletcher Cove Community Center on March 23rd. She said that Dr. Lynne Talley, Scripps Institute of Oceanography, and a Solana Beach resident, would be a guest speaker. She placed a video from Utube (located on meeting video).

2. Waste Management Recycling programs

Lori Summers stated that she was with Community and Municipal Relations for Waste Management. She presented a powerpoint (on file) on updates to the residential recycling services. She noted the different type of items that were added to the acceptable recycling list. She explained that polystyrene packaging and unsoiled beverage containers could now be placed in the recycling cart. She reviewed what type of items could be recycled, how they were recycled, green waste, that used battery and

cell phones could be recycled within special packaging, and that their fleet converted to compressed natural gas.

Council and Ms. Summers discussed the recycling of paint cans, which were safe to recycle if the painting residue was dry, and their continued efforts in searching for viable options for composting.

3. Highway 101 Project Westside Improvement Proj Update

Mo Sammak, City Engineer /Public Works Director, presented a power point Presentation (on file) providing an update on the Highway 101 Project. He reviewed completed tasks of the project, the upcoming construction schedule, traffic control, and business community outreach efforts.

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.

Lynne Talley stated she lived in Solana Beach and was speaking on behalf of Unitary Fellowship of San Dieguito (UFSD). She submitted a gun control petition and requested support from the City Council to revise the General Plan to restrict the sale of fire arms, support a buyback program, and support the elimination of gun shows at the Del Mar Fairgrounds.

Lane Sharman said he spoke on behalf of the Clean and Green Committee and as Executive Director of the San Diego Energy District Foundation, and stated that Roger Boyd of the Clean and Green Committee said that the SANDAG's RTP was proven invalid. He asked the Council to reconsider their vote and position in regards to transportation in San Diego, that the City assist both intellectually and financially with a Consumer Energy Choice Program, that the Clean and Green Committee supported the Plastic Bag Ordinance, and that Council oppose the Keystone XL Pipeline.

Jim Nelson stated that he and his wife were the curators of the Heritage Museum in La Colonia Park. He stated that the Presbyterian Church with 35 Hispanic Ministry members gathered and painted the museum. He encouraged the public to come by the 126 year old museum.

COUNCIL COMMUNITY ANNOUNCEMENTS:

COUNCIL COMMENTARY:

A. CONSENT CALENDAR: (Action Items) (A.1. - A.4.)

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held February 13, 2013 and February 27, 2013.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for February 9, - February 22, 2013

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

A.3. General Fund Adopted Budget for Fiscal Year 2012-13 Status. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2012-2013 General Fund Adopted Budget.

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

A.4. Code Compliance Staff Vehicle Purchase. (File 0370-26)

Recommendation: That the City Council

1. Adopt Resolution 2013-022 approving the purchase of a Code Compliance vehicle and to retrofit the vehicle with warning lights, warning devices and an equipment rack at a cost not to exceed \$29,500.

MOTION: Moved by Zahn and seconded by Campbell. **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. Development Review and Structure Development Review Permits at 402 North Acacia Ave. Applicant: Devin Piscitelli, Case 17-12-26. (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 DRP and administratively issue a SDP. Therefore, Staff recommends 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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2013-010 conditionally approving a DRP for a first and second story addition to an existing single story, single family residence totaling 2,082 square feet at 402 North Acacia Avenue.

Councilmember Heebner recused herself due to a conflict of owning a property within 500 feet of the project.

David Ott, City Manager, introduced the item.

Christina Rios, Assistant Planner, presented a powerpoint (on file) reviewing the proposed project.

Mayor Nichols opened the public hearing.
Council reported disclosures of their familiarity with the project.

Jennifer Bolyn stated that she was with AOS Architecture and the applicants representative. She reviewed the design, and stated that the owner would like to retain the current character and facade of the building, and that the scale of the building had been maintained.

Dr. Joshua Feder stated that he owned the building to the east of the development, he purchased the building and provided outreach to developmentally delayed children, and used the courtyard as a place to enjoy the sunshine and work with the children. He stated that the project would take away a third of the sunlight in the courtyard and that he opposed the project.

Council and City Attorney discussed that a property owner did not have a right to the protection of sunlight, that privacy was not an issue before Council at this time, and that the Municipal Code provided for the View Assessment process for residential properties only.

Jennifer Bolyn utilized her remaining time for rebuttal and stated that several attempts were made to meet with Dr. Feder, that the building envelope was not maximized, the structure was a two story structure but the height had been lowered, and that Mr. Feder's property was located 15 feet away from their property line.

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

Mayor Nichols reminded the applicant that there was a condition that the fence remain in line with the property line.

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

B.2. Development Review Permit at 837 Santa Regina, Applicant: Ruth Stolzenberg, Case # 17-12-34. (File 0600-40)

Recommendation: That the City Council 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 DRP. Therefore, Staff recommends 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 project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2013-020 conditionally approving a DRP for an interior remodel and square footage addition to an existing residence at 837 Santa Regina.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a power point (on file) reviewing the proposed project.

Council, City Attorney, and Staff discussed that there was a Homeowners Association (HOA) for this property, that the HOA guidelines were between the homeowner and the HOA, and that the City could not intervene in the HOA guidelines.

Mayor Nichols opened the public Hearing.

Council disclosed their familiarity with the project.

Matt Winter, Architect, stated that he was available for questions. He stated that the proposed project mainly included work in the back yard, that the work would not be visible from the street, and that the applicant had received a letter of approval from the HOA on the proposed project.

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

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

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk

C.1. County of San Diego Community Enhancement Program Board Nominations. (File 0150-20)

Recommendation: That the City Council

1. Discuss and provide two nominations (for one position) to Supervisor Roberts for consideration to serve on the new seven-member

Community Enhancement Program Board.

David Ott, City Manager, introduced the item.

Mayor Nichols stated that he wanted to follow policy to bring this request to Council when he received the request directly, and that he would request that Staff bring back a policy to address these types of requests. He said that he talked briefly with Supervisor Roberts who said that it could be 1-2 nominations. He said that he had spoken with Gerri Retman and would ask to consider her nomination.

Council discussed the benefit of nominating Gerri Retman.

MOTION: Moved by Nichols and seconded by Heebner to recommend Gerri Retman.
Motion carried unanimously.

C.2. Annual Sewer Charges for Fiscal Year 2013-14 (File 1040-70)

Recommendation: That the City Council

1. Provide direction to Staff about setting the annual sewer service charge for FY 2013/14 either at the same rate as FY 2012/13 (no increase) or increase the rate and set a public hearing date on May 8, 2013 pursuant to Proposition 218 to consider an increase in the annual sewer charge.

David Ott, City Manager, introduced the item and stated that the last three years included two years of 0% increase, prior to that a study by Kennedy Jenks recommended to increase at 5% per year to keep up with forecasted improvement plans. He presented a powerpoint (on file) reviewing a summary of the reserves in the account. That they prepared a forecast for 5-6 years to review infrastructure, that there was a need to be more aggressive on replacing infrastructure for aging sewer lines, as well as another projects including the new work on Highway 101 for recycled water and Fletcher Cove Park.

Council and Staff discussed the formula for forecasting, that it was conservative but a good plan, that some increase was reasonable, that they could set the rate at the hearing, it would be noticed for various rates, clarification on a line item that changes based on actual operating expenses, and confirmed that the interest portion of the PERS side fund payment was included.

Discussion continued regarding the realistic potential of the JPA Board being able to complete the new water use, that Santa Fe Irrigation District was able to do it, that City Manager was working on pulling together the City's total cost of potable water being used in the City, and to compare the reclaimed water and the differential rate.

Council discussion continued regarding Via de la Valle being served by the water as well, that lack of priorities and debt service obligations that are just a given, that they are

all prioritized projected by year. He reviewed the priorities including the Solana Beach pump station electrical upgrade next year, the potential Del Mar use of the City's conveyance system next year, which would require an upgrade to the remainder of that facility, otherwise this project would be done over a 2 year period if Del Mar does not elect to participate, that replacement of the generator at the San Elijo pump station for \$100,000 or next fiscal year, considering bringing the recycled pipeline but probably over a few years out, that 100% of the City's lines had been televised for conditions.

Council discussed considering making some increase in the context to service and maintain current residents expectations, to see an analysis separate from the current rate, that the study projections included the same level of reserves with a 5% increase to maintain the reserves as well, to consider what would be a reasonable increase and that Staff would recommended given the unlikeliness of obtaining certain funding, consideration of a similar increase to last year's increase, and that Staff review the necessity for a six months reserve.

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.

Mayor Nichols reported that the City paid for his attendance at the League of California's luncheon.

COUNCIL COMMITTEE REPORTS:

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

- a. City Selection Committee (meets twice a year) - Nichols, Heebner (alternate).
- b. County Service Area 17 - Zahn, Campbell (alternate).
- c. Escondido Creek Watershed Authority - Zito.
- d. League of Ca. Cities' San Diego County Executive Committee - Nichols, Heebner (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Nichols, Heebner (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Nichols, Heebner (alternate).
- g. North County Dispatch JPA - Zahn, Nichols (alternate).
- h. North County Transit District - Nichols, Heebner (1st alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Zahn (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Zito (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Nichols, Heebner (alternate).
- l. San Dieguito River Valley JPA - Heebner, Nichols (alternate).

- m. San Elijo JPA - Campbell, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Heebner, Campbell.

Standing Committees: (All Primary Members) (Permanent Committees)

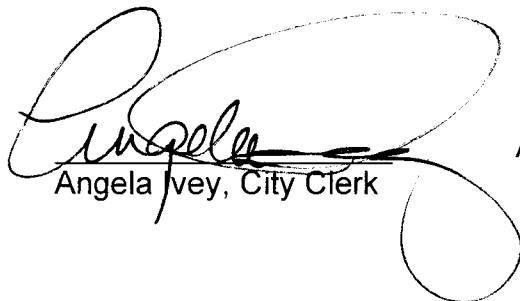
- a. Business Liaison Committee - Campbell, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Zito.
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee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

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Campbell, Zito. Expires December 5, 2013.
- b. Development Review - Nichols, Heebner. Expires October 23, 2014.
- c. Environmental Sustainability - Heebner, Zahn. Expires December 5, 2013.
- d. Fire Department Management Governance - Zito, Zahn. Expires July 10, 2013.
- e. Fiscal Sustainability - Campbell, Zito. Expires June 12, 2013.
- f. General Plan - Nichols, Campbell. Expires July 10, 2013.
- g. La Colonia Park - Nichols, Heebner. Expires June 12, 2013.
- h. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 22, 2014 or at the California Coastal Commission adoption.
- i. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 8, 2014.
- j. View Assessment - Heebner, Zito. Expires June 10, 2013.

ADJOURN:

Mayor Nichols adjourned the meeting at 7:55 p.m.



Angela Jvey, City Clerk

Approved: April 10, 2013