

CITY OF SOLANA BEACH

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

MINUTES

JOINT **REGULAR** MEETING

Wednesday, July 10, 2013

06:00 P.M.

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:

Present: Nichols, Campbell, Heebner, Zito, and Zahn.

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Wende Protzman, Deputy City Mgr/Community
Development Dir.
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Dan King, Sr. Management Analyst

Mayor Nichols called the meeting to order at 6:25 p.m.

CLOSED SESSION REPORT: (when applicable)

FLAG SALUTE:

PROCLAMATIONS/CERTIFICATES:

1. Hospice House
2. SONGS Closure Certificates of Recognition

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. SDG&E

Craig Akers, Account Executive, presented a check to the City for a rebate of \$31,055 for the retrofiting of the City's LS2 lighting.

Council thanked Mr. Akers.

2. Highway 101 Project Westside Improvement Project Update

Mo Sammak, Public Works Director, presented a PowerPoint (on file) reviewing the status of the project.

Council and Staff discussed a grand opening of the project on September 22, 2013, that the trees in medium were part of the punch list for final review, that Staff would continue to review the no left-hand turn lane at Estrella with the T-TAC (Traffic Technical Action Committee) and the Sheriff's Dept., and the 2 hour parking limit was the same limits before the construction and was presented as the same limit on the permit application to Coastal Commission to continue the same arrangement as currently existed.

3. SDG&E

Amber Star, SDG&E, said that her new last name was Ter-Vrugt. She presented a PowerPoint (on file) reviewing the summer outlook, community fire safety program, and conservation measures.

Council and Ms. Ter-Vrugt discussed how the closure of San Onofre would affect rate payers since SDG&E was part owner of the plant,

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.

Tom Golich stated that a Voter Initiative, on behalf of the Friends of the Fletcher Cove Community Center (FCCC), was delivered to the City Clerk's office, for the purpose of the FCCC being used by Solana Beach citizens for special

events by way of a citizens vote, and that the effort was taking place since Council had not reached a resolution on the topic.

Celine Olson stated that in the past the FCCC had been used for many private and public events, Solana Beach was the only City out of nineteen cities in the county that did not allow it's community center for private celebratory use, which included the use of alcohol as governed by the alcohol and beverage control board. She stated that the FCCC proposed the strictest rules and the highest user fees of any city in order to protect the residents living on Pacific Avenue, that Pacific Avenue residents knew the community center was there when they bought or built their homes, and that large amounts of money had already been spent trying to accommodate the residents and seawalls, even without a LCP, and that the Coastal Act had been in violation.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held May 22, 2013 and June 12, 2013.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for June 1 - 14, 2013.

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

A.3. General Fund Adopted Budget for Fiscal Year 2013-14 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2013-2014 General Fund Adopted Budget.

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

A.4. City Hall Second Floor Transaction Counter. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2013-080:
 - a. Awarding the contract to Tony Cossi Construction in the amount of \$30,870, for the 2013 Second Floor Transaction Counter Project, Bid No. 2013-06.
 - b. Approving the amount of \$3,000 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.

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

A.5. Re-establish Two Council Ad Hoc Committees. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2013-081 re-establishing the General Plan Update Ad Hoc Committee to expire on July 9, 2014.
2. Adopt Resolution 2013-082 re-establishing the Fire Department Management Governance and Organizational Evaluation Ad Hoc Committee to expire on July 9, 2014.
3. Appoint Councilmember Zito to the General Plan Ad Hoc Committee in Deputy Mayor Campbell's position.

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

A.6.

Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Report for the quarter ended March 31, 2013.

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

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk

C.1. Climate Action Plan Tool Review. (File 0230-35)

Recommendation: That the City Council

1. Receive the report regarding the Climate Action Plan Tool.

Jack Hegenaur presented a PowerPoint (on file) reviewing options for a City Climate Action Plan. He stated that the City had the highest per capita green house gas emissions of the county, that this had been substantiated by several green house gas inventories that had been completed, that a majority of gasses came from transportation, and that green house gasses had been increasing throughout the world. He reviewed goals of Climate Action Planning, that "no regrets" adaptations was a common goal of climate action planning, that the sea level was projected to be 5 feet higher than it was in the year 2000, and that action needed to be taken. He stated that there was a tool by the Energy Policy Initiatives Center (EPIC) called the Community-Scale Greenhouse Gas Emissions Model (v.1.1) available on the EPIC website, and that it was an excel web sheet that contained all data needed to look at variables of green house gas effects of the City and county. He stated that many migrations were beyond the City's direct control, two milestone targets set by state laws AB32 and Order S-3-05 had specific target dates, the effects of various mitigations, additional mitigation options such as the use of electric vehicles, and that electric vehicle strategies and renewable portfolio standards were the two migrations that would provide the most benefit. He reviewed challenges and solutions of how to incorporate the quantitative results into a City Climate Action Plan and reviewed various Climate Action Plan templates from various cities to provide samples of other city's climate action plans.

Council and the speaker discussed the results of removing 50% of cars from the road which would not make much of an impact, that there was a theory of increased driven permanization of urban density which would have about same effect as people using mass transit, and that bicycle lanes were a good idea but would not make a significant impact on green house gas emissions on their own.

Council and speaker discussed the impacts to the City such as the freeway running through the City, there should be two ranking lists of mitigations with one being mitigations that were within the City's control in a ranking order and one that was out of the City's control, and that being a coastal city did not provide for any different impacts than other cities.

Lane Sharman stated that he was a resident of the City and the Co-Founder of the San Diego Energy District Foundation, who was advocating for a second energy company in San Diego called the San Diego Community Energy Company. He stated that the current paradigm of energy was unsafe, current energy posed the biggest threat to mankind, and that billions of dollars of losses were registered every year. He said that a low carbon future was possible, clean energy was the objective of his organization, and that he wanted to encourage elected officials to pursue the mission of a new power company in San Diego under a new law called the Community Choice Aggregation Law (CCA). He said Councilmember Campbell had requested insurance documents from the the group at a previous Council meeting, that he was now seeking a champion on the Council for the formation of the group, and that the City of San Diego had already executed the legal documents for the formation of the San Diego Energy Company. He stated that a separate energy company would be the City's best climate action initiative, that SDG&E had requested a one billion dollar gas plant called Pio Pico to be built in response to the San Onofre Nuclear Generating Station (SONGS) shut down, it was clear that the county had ample power without another gas plant, and that the City should investigate the necessity of this plant. He stated that he was petitioning the City to take a stand for clean energy choice, that the absence of market forces meant that SDG&E was only subject to government regulations, that SDG&E declared routinely that the poor subsidize the rich in adopting solar, and that in 2014 he would ask the residents to petition the City to pass an ordinance to join the CCA.

Johanna Canlas, City Attorney, stated that the San Diego Energy District Foundation had been asked to provide the City with certain indemnification and insurance documents, that the documents had not been provided, and that the City was informed that the group was going in a different direction.

Council discussed issues from a previous Council meeting regarding whether a confidentiality agreement was required from SDG&E, and whether the required indemnification documentation was a stumbling block for the group.

Johanna Canlas, City Attorney, stated that Community Choice Aggregation (CCA) was not a topic on the agenda and therefore could not be discussed at the meeting.

Councilmember Campbell stated that he never demanded anything from the San Diego District Energy Foundation and that he had asked the City Attorney to review certain issues for the City's protection such as indemnification and insurance documents.

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 Permit (DRP) for 1446 San Ignacio, Applicant: Tim and Camille Ault, Case # 17-13-12. (File 0600-40)

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 2013-078 conditionally approving a DRP for a 966 square foot first floor addition resulting in a 3,806 square foot single story, single family residence located at 1446 San Ignacio.

David Ott, City Manager, introduced the item.

Christina Rios, assistant planner, presented a PowerPoint (on file) reviewing the project.

Mayor Nichols opened the public hearing.

Council disclosed their familiarity with the project.

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

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

B.2. Development Review Permit (DRP), Structure Development Permit (SDP), Minor Subdivision Permit (SUB) for 636 Valley Avenue, Applicant: Sea Breeze Properties, LLC, Case # 17-13-01. (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. 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 15332 of the State CEQA Guidelines.
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2013-083 conditionally approving a DRP, SUB and SDP for the project for a Mixed Use Development containing one structure with retail/office on the first floor and a residential unit on the second floor and three individual detached townhomes on the property at 636 Valley Avenue, Solana Beach.

Mayor Nichols recessed the meeting at 8:05 p.m. for a break and reconvened at 8:10 a.m.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a PowerPoint (on file) reviewing the project.

Council and Staff discussed that dwelling units having had two or more bedrooms and the required two parking spaces per dwelling unit, each townhouse had a two car garage, and each unit above the mixed-use structure had two parking spaces. Discussion continued regarding that the municipal code required one additional guest parking space for every four dwelling units, that retail space required one parking space for every 200 square feet resulting in five parking spaces for the project with one being a guest space and one as an accessible parking space, that retail parking could be used by residents when businesses were closed, and that these types of developments rarely had enough guest parking.

Discussion continued regarding grading and that the lowest point of the project was the southwest side and highest point the northeast side, and that there were concerns whether the grading on the north side was higher than the adjacent residence.

Mayor Nichols opened the public hearing.

Council disclosed their familiarity with the project and discussions with the applicant.

Staff stated that the neighboring property would be about 6 feet higher than the proposed grade once the grading was completed, that the property to the north would be above the the base of the new property, that a retainer wall was proposed to retain soil on the neighboring property, and that the grade of the proposed property would be about 5-6 feet lower that the neighboring property.

Council and Staff discussed whether the location of the trash enclosure would provide space for the trucks to turn around, which was not a city regulation, and that there would be signage for the guest parking space.

Joshua Lichtman, Applicant, Project Manager with Seabreeze Properties, wanted to defer speaking time until the end of the public hearing and stated that he was submitted three letters (on file) of support for the project.

Council and Applicant, Scott Maas, architect, discussed the applicants proposal of a shared parking arrangement with the retail tenants so that residents could use their parking spaces for residential overflow parking, the site location was too tight to provide any additional parking, and that it was anticipated that there would be a small single office on the ground floor retail space with normal day 8:00-5:00 hours.

Gabrielle Granados Jr. stated that he had been a resident of Eden Gardens for 45 years and that he was the manager of the Don Chuy restaurant. He said that the restaurant was two lots down from the proposed project, the applicants had approached them at the restaurant to review the project intent, and that they saw the project as a positive contribution to the community.

Teresa Correa stated that she had been a resident for 40 years and that she lived at the very end of Vera Street. She said that she submitted a letter to the Council which stated that 1) the Seabreeze Property project was a concern due to parking, 2) that 11 parking spaces could be needed for the development due to the possibility of multiple drivers in each unit, and that residential occupancy was 24 hours a day, and 3) that a zero lot line would create a safety hazard. She stated that another project would be coming before Council soon for the development of a dental office with residential accommodations and that Council should consider the future development of the area.

Council and Staff discussed traffic safety regarding the proposed project, whether there was significant obstruction of line-of-sight when making a turn, the road conditions had been reviewed by Staff, that there were numerous lots similar to this in the neighborhood, and that Staff did not note any site disability issues with respect to the project. Discussion continued that the project did not have a set back and had 5 foot sidewalk area, a 5 foot driveway apron, that there was enough room for the driver to come out and to look both ways, and that all traffic standards were met.

Council and Staff discussion continued regarding the project had met the minimum parking standards required in the code, that Council could place an additional condition for parking to require more guest parking for the project but that a nexus would be needed.

Danny Hernandez stated that he lived north of the project and that there was a line-of-sight issue when pulling out of the driveway due to the existing shrubs. He stated that the Seabreeze applicants approached him, they had moved the retail property away from his property, the applicant listened to his concerns, unit #1 overlooked his property, and that his home was lower than the proposed project wall. He suggested that a solution would be to place ivy on the wall to mask the concrete, and that that applicant was going to work with the local HOA and parking concerns.

Lisa Montes stated that she was a community leader for the La Colonia and Eden Gardens area and that her family moved to the area in 1927. She stated that she and her neighbor were both opposed to the project, that the building was too large to maintain the community character, Council should consider opposing the project, and that she would meet with the applicant to work on lowering the front of the building that faced Valley Ave.

David Kramer stated that he was a resident of the city and owned property on Valley Ave. He stated that he had met the applicants, they were very forthcoming of project plans, they put time and effort in reaching out to the community, and that he supported the project.

Joshua Lichtman, applicant representative, stated that they had performed community outreach to residents on Valley Ave., they received a lot of support for the project, and that they had taken the residents ideas into consideration when designing the project.

Scott Maas, applicant representative, stated that they saw a need for lower cost housing in the City, they expected one or two cars for each unit, that the edge of the driveway was 25-30 feet from the street, and that the applicants had made efforts to carve into the hill so the building would not tower over the neighbors.

Rob Morgan, applicant representative, stated that the project was compatible with the City's Housing Element and met 3 goals of it, which included 1) providing a mid-range housing project in the city, 2) enhancing the neighborhood and providing an opportunity for people to live in housing of

their choice, and 3) encouraged mixed-use development.

Council and applicant representatives discussed ways to use landscaping to soften the transition from the residential to the retail building, clarified that the grading at Unit #1 would be the same as Unit #3, that the applicant was still determining whether the units would be rented or sold, the sales price would be in the \$5-600,000 range, and that the applicants did not know how many cars individual dwellers would have. Discussion continued regarding bicycle parking that had been removed from the site plan since it was not a requirement but was still area to allocate for it, that bicycle parking should be added if possible, and that whether the building could be lowered for bulk and compatibility concerns. Discussion continued that the applicants had attempted to lower the back area of the building but it was not possible, that there was no set back on the north side, and that the applicant would consider moving the buildings down 3-4 feet to the south.

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

Councilmember Campbell stated that he was relying on Staff to ensure that the line of sight met all safety issues, that he had concerns of availability of off-street parking, that there would be situations where more parking would be needed, and he asked the City Attorney whether the Council could condition the project to require additional on site parking.

Johanna Canlas, City Attorney, stated that the issue would be whether the additional parking would be needed due to a result of the development or whether parking was a pre-existing problem, if the City could identify that parking was an issue due to this development then the project could be conditioned to require additional parking for that reason.

Councilmember Nichols and Staff discussed that the minimum width of the driveway was 20 feet if it would be used as a fire lane if not the minimum width was 16 feet, and possible ways to add parking spaces.

Councilmember Zito discussed the grade of the property, that the parking garage was lower than the rest of the building, concerned of bulk & scale of the project could be mitigated by pushing the building back or lower it.

Councilmember Zahn stated that the applicant had received a lot of community support for the project, that no view assessment applications had been received for the project, that the parking was a concern but workable, and that he felt that the surrounding area could handle any normal guest traffic. He stated that a shared parking arrangement should be done between residential and retail parking spaces and that he was supportive of the development if the transition from retail to residential was softened.

Councilmemeber Heebner stated that Eden Gardens was established by 30 families and was a very family oriented area. She stated that the applicants had

not reached out to neighbors behind the project, that she felt that the architecture did not respect the area, and that she was struggling to make the finding of the relationship to adjacent land use. She stated that the project would set a standard for future development, that she could not make one finding, and could therefore not support the project.

Mayor Nichols stated that he would not oppose a project at this location, that the applicants could explore moving units #1,2, and 3 to the south to provide a better buffer to the residential property, that bike racks should be incorporated into the project, and that an additional parking space should be accessed. He stated that maybe the building could be lowered, and that he would request that Council not make a motion on the project and allow the applicant to review potential modifications discussed at the meeting and return to Council at a later date.

MOTION: Moved by Nichols and seconded by Campbell to re-open the public hearing. **Motion carried unanimously.**

Scott Maas, applicant representative, stated that the applicants would continue to work with the community and address concerns raised at the meeting, that the development was in a commercial zone, that the plan written for the area called for this type of project, that the applicants felt comfortable about the size of the project, and thought that it would be good for the area.

Council reviewed with the applicant concerns regarding the project which included 1) the height of the development and its imposition over neighboring properties, 2) lack of bicycle parking, and 3) potentially shifting the buildings to the south to alleviate some concerns brought forward by residents.

Josh Lichtman, applicant representative, wanted to clarify for the record that individuals they reached out to on Valley were residents not developers, that the applicants were not targeting developers, and that they had made efforts to out reach to the neighbors behind the project.

Mr. Maas, applicant representative, stated that the applicants were asking for a continuance of the project.

David Ott, City Manager, stated that due to Council break the earliest meeting that the project could be heard would be on September 11, 2013.

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

MOTION: Moved by Zito and seconded by Zahn to continue the item to September 11, 2013. **Motion carried unanimously.**

- C. **STAFF REPORTS: (C.2. - C.6.)**
Submit speaker slips to the City Clerk

C.2. Donation Consideration of the "Mermaid Bench." (File 0910-45)

Recommendation: That the City Council

1. Approve the Mermaid Bench and binoculars to be installed on top of the Dissipater at Fletcher Cove Park.

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

Council discussed selecting binoculars that were not obtrusive and had a small profile, cleaning the existing benches, that the donor would be willing to replace the benches, retaining the existing benches, requiring a maintenance agreement by the owner, to increase the sides from 4 ft. to nearing 5 ft., that replacement benches should be made of quality concrete to match the surroundings.

MOTION: Moved by Heebner and seconded by Campbell approve with modifications including expanding the 4 ft. on the sides closer to 5 ft., replacing the benches, that the binoculars were contingent upon maintenance by the owner with a maintenance agreement, and that the City had the right to remove them if any issues occurred.
Motion carried 4/1 (Noes: Zito.)

Johanna Canlas, City Attorney, stated that, as a point of order, that the proper motion for B.2. was to maintain the open public hearing without closing it and continue the item to a date certain of September 11, 2013. She said that to clarify and correct the record that she would ask for assent that the motion would be corrected to keep the hearing open and continue to the date certain. She confirmed that the same disclosures would apply and that Council could not discuss the merits of the case, that Council should not be approached by the public to discuss the case, and that if it did occur that it would all be a matter of disclosure at the next hearing date.

C.3. Options for Allowing Dogs on the Beach. (File 0730-80)

Recommendation: That the City Council

1. Provide direction.
2. If Council directs Staff to move forward with the Initial Study, adopt Resolution 2013-084 appropriating \$17,000 from Undesignated Reserves

David Ott, City Manager, introduced the item. He stated that there were various issues including whether or not to require leashes all of time or only at certain times, whether dogs would be limited to certain hours or areas, and that Staff was requesting discussion and direction.

Johanna Canlas, City Attorney, presented a PowerPoint (on file).

Charlene Latourneau stated that she had to go to Del Mar to walk her dog and that she was glad that Solana Beach may become a more dog friendly community. She said she supported the study as the next step to allow dogs on the beach.

Ira Opper stated that in 2001 leashed dogs were not allowed in Fletcher Cove Park or the parking lot, circulated a petition with over 200 signatures to allow dogs in the park and parking lot during limited hours that the City Council approved an ordinance to allow leashed dogs before 9 a.m. and after 4 p.m., the limited schedule was expanded, to allow dogs in the park at all hours. He said he did not expect that Initial Study would cost \$17,000 but supported the study if it is the only way to move this forward.

Deputy Mayor Campbell and Mr. Opper discussed that dogs had never been allowed on the beach or the parks in the past.

Council and staff discussed that \$17,000 study was for an Initial Study and that an EIR or MND may also be required, that certain impacts identified may be identified including noise and public safety between dogs and children, that conflicts between dogs may also be a consideration, the cost of the proposed study would not change if only portions of the beach were considered and studied, that without a study the potential risk for a lawsuit would be heightened, that enforcement of leashed dogs and picking after dogs would be critical, and that Lifeguards did not have authorization write tickets so additional Staff and/or more frequent calls for law enforcement would be required.

Discussion continued regarding alternative access options to the state beach, to explore options that provided different rules during different times of the year, and the potential need for additional code enforcement Staff to enforce rules and regulations.

MOTION: Moved by Zito and seconded by Zahn. **Motion carried 4/1** (Noes: Campbell.)

C.4. Comprehensive Active Transportation Strategies Program Study. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2013-077 approving and authorizing the City Manager to execute a Professional Services Agreement with Chen Ryan Associates, Inc., in the amount of \$136,000, for the preparation of a Comprehensive Active Transportation Program Study. The proposed study would develop a document that addresses bicycle and pedestrian access at a City-wide level, primarily to accommodate non-recreational bicycle and walking trips.

David Ott, City Manager, introduced the item (on file).

Mo Sammak, Public Works Director, presented a PowerPoint (on file) and stated that the vendor had worked on the topic in the past, that the project may potentially require an environmental document, that there were no matching fund requirements by the City.

Council and Staff discussed the study addressing bicycle/pedestrian access, that there would be an environmental document requirement, that the cost was included, and that one plan would come from integrated work with that of the General Plan and Caltrans.

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

C.5. Sewer Repairs Construction Contract. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2013-074:
 - a. Awarding the contract to Piperin Corporation in the amount of \$330,894, for the 2013 Sewer Pipeline Repairs Project, Bid No. 2013-04.
 - b. Approving the amount of \$50,000 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.

David Ott, City Manager, introduced the item.

Mo Sammak, Public Works Director, presented a powerpoint (on file).

Council and Staff discussed the contractor who had to fix deficient work on the El Viento project at their cost, that the change in foreman created miscommunication, that they built the Lomas Santa Fe sidewalk project, and that they were apologetic and cooperative.

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

MOTION: Moved by Campbell and seconded by Heebner to continue the meeting, since it was 10:30 p.m. requiring agreement to proceed, provided that Council proceed without the Staff Report presentation. **Motion carried unanimously.**

C.6. 2013 Street Repair and Slurry Seal Rejection of Bids. (File 0370-36)

Recommendation: That the City Council

1. Adopt Resolution 2013-072
 - a. Rejecting all bids for the 2013 Street Repair and Slurry Seal Project, Bid No. 2013-03.
 - b. Authorizing the City Engineer to modify the bid documents and to re-advertise the project for construction bids.

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

WORKPLAN COMMENTS:

(Adopted June 27, 2012)

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:

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)

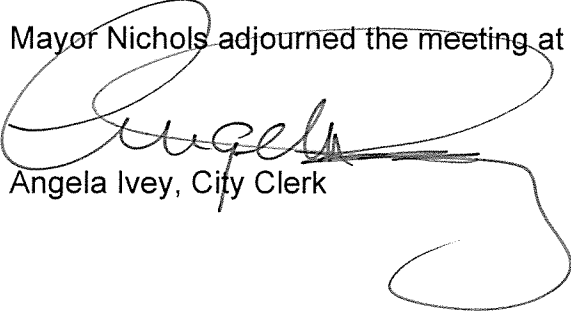
- a. Business Liaison Committee - Campbell, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Zito.
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee - 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 11, 2014.
- f. Gateway Property - Campbell, Heebner. Expires April 9, 2014.
- g. General Plan - Nichols, Campbell. Expires July 10, 2013.
- h. La Colonia Park - Nichols, Heebner. Expires June 11, 2014.
- i. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 22, 2014 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 8, 2014.
- k. View Assessment - Heebner, Zito. Expires June 11, 2014.

ADJOURN:

Mayor Nichols adjourned the meeting at 10:32 p.m.


Angela Ivey, City Clerk

Approved: August 28, 2013