

CITY OF SOLANA BEACH

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

MINUTES

JOINT **REGULAR** MEETING

Wednesday, September 24, 2014

06:00 P.M.

City Hall / Council Chambers

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 Campbell called the meeting to order at 6:05 p.m.

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, Community Development Dir.
Mo Sammak, City Engineer/Public Works Dir.
Dan Goldberg, Principal Engineer
Marie Berkuti, Finance Manager
Dan King, Sr. Management Analyst

CLOSED SESSION REPORT: (when applicable)

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

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS/CERTIFICATES:

Rideshare Month

Mayor Campbell presented a proclamation recognizing Ride Share month to Mr. Alden who accepted it on behalf of Bike Walk Solana.

PRESENTATIONS:

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

Mo Sammak, Dir of Public Works / City Engineer presented a power point (on file) reviewing the status of the project.

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.

Barbara Decker stated that she was a candidate for Assembly District 78, which represented the area from the City to the border, and that she wanted to introduce herself. She stated that living in California was expensive, that she would attempt to stop excessive legislation that would impact the affordability of life, that her platform included issues such as protection of water resources, support more desalinization plants, and protect Prop 13. She stated that senior citizens should not lose homes due to tax increases, that there was a gas tax hike coming in January, and that she wanted to work with small businesses, research, industry, and education.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

Council reported community announcements.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.7.)

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 Meeting held July 16, 2014.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for August 23, 2014 through September 12, 2014.

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

A.3. General Fund Adopted Budget for Fiscal Year 2014-15 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2014-2015 General Fund Adopted Budget.

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

A.4. 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 June 30, 2014.

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

A.5. Solana Highlands EIR and Project Management Services. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2014-114 authorizing the City Manager to execute a professional services agreement between the City and Dudek, Inc. in the amount of \$120,770 to prepare the EIR for the Solana Highlands Project.

2. Adopt Resolution 2014-115 authorizing the City Manager to execute a professional services agreement between the City and HMCG, Inc. in the amount of \$42,240 for expedited Project Management services for the Solana Highlands Project.

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

A.6. Plaza Street Pedestrian Improvements and Highway 101 Sidewalk, North of Ocean Street, Notice of Completion. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2014-121:
 - a. Accepting as complete the Highway 101 Sidewalk north of Ocean Street and Plaza Street Improvements, Bid 2014-02, constructed by Dick Miller, Inc.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

A.7. Communications Infrastructure Maintenance Services. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2014-117 authorizing the City Manager to sign a Professional Services Agreement with Salient Networks with an option to extend for (4) four additional one year periods based on satisfactory past performance.

MOTION: Moved by Nichols and seconded by Heebner. **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.3.)

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.

Councilmember Nichols recused himself from Item B.1. due to his living within 500 ft of the project.

B.1. 421 N. Granados Ave. Development Review Permit (DRP) and Structure Development Permit (SDP), Applicant: Hethcock, Case # 17-13-24. (File 0600-40)

Recommendation: That the City Council

1. Continue the matter to the November 12, 2014 Council meeting.

David Ott, City Manager, introduced the item and stated that the applicants requested a continuance of the Item to November 12, 2014 due to their not being able to attend this meeting.

Council discussed that this Item had been previously continued due to the applicants working on landscape issues.

MOTION: Moved by Zito and seconded by Zahn to continue the item to November 12, 2014. **Motion carried 4/0/1** (Recuse: Nichols.)

B.2. Third-Party Landscape Plan Check Review and Inspection Service Fee. (File 0390-23)

Recommendation: That the City Council

1. Report Council disclosures;
2. Conduct the Public Hearing: Open the Public Hearing, Receive Public Testimony, Close the Public Hearing;
3. Find that the adoption of the proposed fee is not a project as defined by CEQA.
4. Adopt Resolution 2014-122 amending the FY 2014/2015 Schedule of Fees and establish the S-045 - Landscape Plan Review/Inspection fee.

David Ott, City Manager, introduced the item.

Mayor Campbell opened the public hearing.

Bruce Mengler stated that he had been a resident since 1986, that he initiated a Development Review Permit (DRP) request with the City in January of this year and was still working with the Planning Department for final approval. He stated that the proposed ordinance would have an impact on time and money for every DRP applicant, that there was no definition given to the list of regulations that must be complied with, that there should be a checklist for applicants and third party reviewers, and that a major concern he had was that any reviewer would have an economic incentive to find fault with the plan because they were being paid by the hour. He stated that if an error was found it would force a revision and another review by the third party reviewer, that there was no time limit imposed on the third party reviewer to complete their work in a timely manner, that requiring the third party consultant to review the installation of the project was wasteful and overkill, and that the landscape architect should be able to provide certification that the installation was done as submitted in the plans. He stated that this proposal left the applicant on his own without input or assistance from the City, he questioned whether the new ordinance would impact applicants with existing projects in the pipeline, like himself, or if they would be grandfathered in.

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

Council and Staff discussed that the process did not extend time of the DRP process, that it should speed up the process due to added expertise, there was already a checklist available of the requirements for applicants, and whether to place a maximum cap on the total fees that could be charged for the third party review to provide the homeowner with some assurance of the expected fees. Discussion continued that post installation review was critical to ensure that the submitted design was installed, that applicants would still have access to City Staff and would not communicate with the contractor, and that applicants currently in the process would be grandfathered in and subject to the current regulations. Discussion continued that the current fee of \$320 would no longer exist, the City would collect 15% of the contract cost to cover Staff costs, that this would provide for more efficient reviews, many other cities in the County followed this same process, that it would help make the process smoother and hold people accountable to state water laws. Discussion continued regarding how fees would be calculated, that there would be a standard rate fee based on service types, that fees would depend on the size of the project and services being performed, that fees should be monitored over time to determine cost effectiveness, that this process only applied to those applicants performing more than 2,500 square feet of improvements and for projects that required a discretionary or building permit.

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

B.3.

**305 S. Highway 101 Request for Conditional Use Permit (CUP)
for a New Wireless Communications Facility, Applicant: AT&T
Mobility, Case # 17-13-30. (File 0610-60)**

Recommendation: Staff recommends that if the City Council can make the required findings and approve the project, that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council disclosures, Receive public testimony, Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. Adopt Resolution 2014-019 conditionally approving a CUP for a new WCF and associated equipment located on the roof of an existing commercial structure at 305 S. Highway 101, Solana Beach.

David Ott, City Manager, introduced the item.

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

Johanna Canlas, City Attorney, stated that the Council had discretion to regulate the aesthetics of the project, the City could not deny the project based on radio frequency, and that Council could also include in their decision making whether or not the plans, as proposed, were the least intrusive way for the applicant to accomplish their goal to increase coverage.

Mayor Campbell opened the public hearing.

Applicant:

John Osborne, applicant, Director of External Affairs for AT&T for the North County Region, stated that he understood that this was a difficult decision, they tried to find the right location and keep the design within the community character, and that they were trying to fill a coverage gap. He stated that AT&T wanted to provide coverage for services in homes and cars, the City should want to provide best coverage for residents, businesses, and visitors, and that the only way to provide best coverage was to build the site at the 34 1/2 height limit. He stated that if the height of the antenna was reduced there may be coverage in cars but not in homes, that in-building coverage was important although it may be legally defensible in court, that Council should consider the type of coverage they wanted to provide in the City, this project would cost roughly half a million dollars, that AT&T would not do the project if it was not needed, and that the site would only provide modest improvement at a 30 foot

height limit. He stated that the 34 foot 6 inch height level was needed to provide good indoor coverage, that there would still be a coverage gap at the 30 foot height which would cause them to pursue a second site to fill the gap. He stated that people would prefer to have only one cell site at a higher height to provide more coverage than to have two sites to meet the same goal.

Doug Munson, applicant, M&M Telecom, stated that he was representing AT&T Wireless and their continued efforts to deploy their wireless system. He stated that their request was for a 35 foot screen wall, that the antenna tip was 34 feet 6 inches and that the top of the antenna could not be in front of the framing for the wall so the antenna had to be a bit lower. He stated that this was the least intrusive manner to achieve their goals in filling the coverage gap, it was important to have in-building coverage in residential areas, the question was whether it would be better to have one site with a 35 foot wall screen to cover the entire or two sites to fill the objective, that the applicant had submitted a project within set back and height limits with no public opposition, and he requested that Council support them in their efforts to provide greater coverage.

Council and Mr. Munson discussed whether the reduction of two feet would result in a negligible aesthetic impact, whether there would be one site versus two sites, whether the applicant would need to build a new site or would just co-locate with an existing site, and that the applicant had not looked into a co-site at this time.

Trip May, the City's 3rd Party Consultant, stated that his recommendation was that AT&T had demonstrated that there was a gap in their service capacity but whether it raised to the level of significance was uncertain, there were some things the City had not known such as the number of dropped calls, and that the evidence presented leaned towards the indication of a gap. He stated that his recommendation was to focus on whether this was the least intrusive means to accomplish their goals not whether there was the need, that 30.6 feet would be too low to achieve their goals, that 34.6 feet was probably not the least visually intrusive means of achieving their goals, and that the 32.6 foot tip height struck a reasonable balance also allowing the applicant to achieve their goals.

Applicant Rebuttal:

Doug Munson explained the coverage map, he stated that the tip height still required 6 inches in screening above the tip height.

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

Council discussed that it was important to have good coverage for the community and that this was Council's only opportunity to provide input on the aesthetics of the project.

Councilmember Nichols disclosed that he was an AT&T customer and had experienced dropped calls.

Council and City Attorney discussed that the applicant had no right to ideal coverage, that the project did not have to be the least expensive or the least efficient facility, that a compromise for this project would be to use a 32 1/2 height option, the threats of building a second site was premature, and that the Council valued the aesthetics of the community especially along this corridor of the City.

Johanna Canlas, City Attorney, stated that if the motion passed, the Resolution would be amended to reflect the specific height of 32 1/2.

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

C. **STAFF REPORTS: (C.1. - C.3.)**
Submit speaker slips to the City Clerk

C.1. **Parks and Recreation Commission Appointment.**

Recommendation: That the City Council

1. Make one appointment to the vacant position on the Parks and Recreation Commission with a term expiration date of January 2016.

David Ott, City Manager, introduced the item.

MOTION: Moved by Heebner and seconded by Zito to appoint John Lawson. **Motion carried unanimously.**

C.2. **Community Grant Program Fiscal Year 2014-15. (File 0330-25)**

Recommendation: That the City Council

1. Adopt Resolution 2014-125 approving and authorizing the Fiscal Year 2014-15 Community Grant Program.

David Ott, City Manager, introduced the item.

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

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

C.3. **Landscape Review and Inspection Services Agreement. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2014-123 approving the landscape review and inspection agreement between the City and Michael Elliott Landscape Architecture.

David Ott, City Manager, introduced the item.

Patricia Bluman, Principal Planner, presented a PowerPoint (on file). She stated that the City reached out to 3 Landscape Architects and selected this firm due to them offering these services to other cities, and that providing these services to the public sector was their focus.

Council and Staff discussed that the second firm interviewed worked in the private sector, that the proposal they made was not satisfactory, and that there were several conflicts since they worked on projects within the City. Discussion continued that the recommended firm only worked for public agencies, that the firm had the ability to provide for all capacity of working for multiple jurisdictions, that the contractors were well qualified, and that the Off Street Parking Manual should be added to the scope of services.

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

WORKPLAN COMMENTS:

Adopted June 26, 2013

COMPENSATION & REIMBURSEMENT DISCLOSURE:

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS:

Council reported 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 - Zito, Zahn (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)

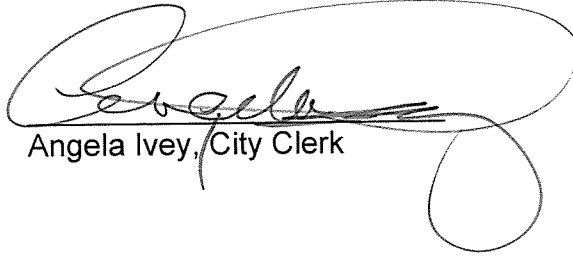
- a. Business Liaison Committee - Campbell, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Zito.
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee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

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Campbell, Nichols. Expires December 10, 2014.
- b. Development Review - Nichols, Heebner. Expires October 22, 2014.
- c. Environmental Sustainability - Heebner, Zahn. Expires December 10, 2014.
- d. Fire Department Management Governance - Zito, Zahn. Expires July 8, 2015.
- e. Fiscal Sustainability - Campbell, Zito. Expires June 10, 2015.
- f. Gateway Property - Campbell, Heebner. Expires April 8, 2015.
- g. General Plan - Nichols, Zito. Expires July 8, 2015.
- h. La Colonia Park - Nichols, Heebner. Expires June 10, 2015.
- i. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 21, 2015 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 21, 2015.
- k. View Assessment - Heebner, Zito. Expires June 10, 2015.

ADJOURN:

Mayor Campbell adjourned the meeting at 7:50 p.m.



Angela Ivey, City Clerk

Approved: November 19, 2014