

**SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY**

JOINT REGULAR MEETING

MINUTES

**WEDNESDAY, JANUARY 10, 2007
6:00 P.M.**

CITY COUNCIL CHAMBERS
635 S. HIGHWAY 101,
SOLANA BEACH, CALIFORNIA

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

CALL TO ORDER AND ROLL CALL

Mayor Heebner called the meeting to order at 6:00 p.m.

Present: Mayor Heebner, Deputy Mayor Kellejian, Councilmember Roberts, Councilmember Nichols, and Councilmember Campbell.

Absent: None.

Also Present: David Ott, City Manager
Hilda Mendoza, Deputy City Attorney
Angela Ivey, City Clerk
Leticia Rodriguez, Deputy City Clerk
Steve Apple, Community Development Dir.
Chandra Collure, City Engineer
Dennis Coleman, Finance Dir.
Steve Didier, Management Analyst

FLAG SALUTE:

Captain Williams, San Diego County Sheriff's Dept., led the flag salute.

APPROVAL OF AGENDA:

MOTION: Moved by Councilmember Roberts and seconded by Deputy Mayor Kellejian to approve and adding Item #15 to the Consent Calendar . **Motion carried unanimously.**

PRESENTATIONS:

Brian Bilbray's Office

Christy Guerin, former Mayor of Encinitas, is now working in the Solana Beach office of Congressman Billbray for the Southern California District, including North County. She stated that the new offices are open on Stevens Ave. She said that the district represents 650,000 citizens and this office will focus on casework which includes focus on assisting citizens with social security, military families, student visas, and immigration issues.

Lomas Santa Fe Interchange

Chris Johnson, Project Engineer for Dokken Engineering and contractor hired by Caltrans to evaluate and review this project, reviewed the project and the status. He said that the funding has taken a lot of time and showed an exhibit of the project. Caltrans had a project to add auxiliary lanes and land expansion, so the City was able to combine the Interchange project which includes the modification of ramps, which combined the projects. The project's bid for the auxiliary will be open to traffic in 2008. The other project should be approved the end of the month and then advertising and March 2007 to contractors for bids that will be opened in June and completed and opened to traffic July 2008. Incentives were built into the contracts to expedite them as much as possible.

Council discussion regarding the approval of medians that would be removing one of the current lanes for traffic rerouting and landscaping, the new ramp to Starbucks, and that the 22nd Agricultural District talked about new ramps for traffic flow to the Del Mar Fairgrounds, the land on Ida St. and whether it could be made into a park.

Chris Johnson, Dokken Engineering, stated that there will not be a loss of lanes but that the lane will be wider to accommodate the medians, that Ida was considered an auxiliary lane, that the Ida improvements we made in order to help the City in the future widening for future changes and landscaping.

Chandra confirmed that the Starbucks entrance is in the plans and on the map and that curb and gutter will be added.

PROCLAMATION:

Captain Gary Williams

Mayor Heebner presented a proclamation to Captain William's honoring his service to the City of Solana Beach for his retirement from the San Diego County Sheriffs Dept.

David Ott, City Manager, awarded Captain Williams with a plaque thanking him for his service and dedication to the City in 2007.

Gary Williams reviewed his experiences working with the City.

COUNCIL COMMENTARY:

Councilmember Kellejian stated that he had served for six years as alternate and then six years as primary representative and was honored with the privilege to serve. He said that he worked on Sandag for some time and in order to further the success with Sandag to date, he offered his assistance to the new Sandag representative, Mayor Heebner. He said that the City had gained positive benefits in the County.

Councilmember Roberts announced that the La Colonia Park community survey is available for input from the community. He said that the Kyoto Protocol, whose efforts are to reduce greenhouse emissions gas, is being implemented in the City in various ways through Staff efforts to support the program.

COMMUNITY ANNOUNCEMENTS:

Mayor Heebner said that the La Colonia Ad Hoc Committee had initiated citywide surveys regarding improvements to the La Colonia Community Center, that they were inserted in the Shorelines newsletter, and had they were available at City Hall, La Colonia Community Center and the Solana Beach Library. She announced that she would be holding a Mayor's monthly get together in order to provide constructive conversations with members of the community.

Deputy Mayor Kellejian announced that the Solana Beach Historical Society would be hosting their Valentine Venture at the Belly Up on February 12th.

Councilmember Roberts announced that the closing date for the annual vacant Citizen Committee/Commission applications was January 11th at 5:30 p.m., that the City is funding a study of traffic challenges for Solana Vista School, and that the Bark-in-the-Park event will be held at La Colonia on February 24th.

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 to the City Clerk (located on the back table). 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. Items can be referred to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES as per SBMC . (Be aware of the timer lights on the speaker podium.)

Ruby Edman announced that the Civic and Historical Society was hosting their Valentine Venture on February 12th at the Belly Up.

Dan Chambers stated that he lives on N. Rios and presented a powerpoint reviewing Ordinance 357, Proposition A, and said that it is a paradigm shift in the way the Development Review Permit process will be administered.

CONSENT CALENDAR:

Items listed on the Consent Calendar are considered routine; however, any member of

the public may address the City Council on an item of concern by submitting to the City Clerk a request to speak form 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 all other Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

1. WAIVE TEXT READING OF ORDINANCES

- A. Approve waiving the text reading of ordinances on this agenda pursuant to Solana Beach Municipal Code Section 2.04.460.

2. MINUTES OF CITY COUNCIL MEETING

- A. Approve the Minutes of the Regular City Council meeting held October 4, 2006, October 11, 2006 (Regular and Closed) and October 25, 2006 (Regular and Closed).

3. LIST OF DEMANDS (File No. 0300-30)

- A. Ratify the List of Demands dated November 11-24, 2006 and November 25, 2006 - December 8, 2006.

4. MONTHLY INVESTMENT REPORT (File No. 0350-45)

- A. Accept and file the Cash and Investment Report for the months of July through September 2006.

6. APPROVE A JOINT POWERS AGREEMENT CREATING THE CSAC EXCESS INSURANCE AUTHORITY AND EXECUTING A MEMORANDUM OF UNDERSTANDING WHICH AMEND THE EXCESS WORKERS' COMPENSATION PROGRAM (File No. 0400-10)

- A. Adopt Resolution 2007-010 approving a Joint Powers Agreement creating the CSAC Excess Insurance Authority and approving a Memorandum of Understanding for Excess Workers' Compensation Program.

7. AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE FURMAN GROUP TO SECURE FEDERAL FUNDING FOR SEWER CAPITAL IMPROVEMENT PROJECTS. (File No. 0400-10)

- A. Adopt Resolution 2007-008 authorizing the City Manager to execute a Professional Services Agreement with the Furman Group through

December 31, 2008 to seek federal funding for the City's Sewer Capital Improvement Projects at a monthly cost of \$6,000.

8. AUTHORIZE THE CITY MANAGER TO EXECUTE A LIEN AGREEMENT FOR THE SEWER CAPACITY FEE FOR FUTURE SEWER CONNECTIONS (File No. 0400-10)

A. Adopt Resolution 2007-006 authorizing the City Manager to execute a lien agreement with property owners within a sewer assessment district for the sewer capacity fee for future sewer connections, the amount of the lien will be equal to the sewer capacity fee, and the lien will be recorded against the property.

9. AUTHORIZE THE CITY ENGINEER TO QUITCLAIM CERTAIN PORTIONS AND ACCEPT OTHER PORTIONS OF A RECORDED IRREVOCABLE OFFER TO DEDICATE REAL PROPERTY FOR ROADWAY PURPOSES AT 804 IDA AVENUE (File No. 0490-30)

A. Adopt Resolution 2007-005 authorizing the City Engineer to quitclaim certain portions and accept other portions of a recorded irrevocable offer to dedicate real property for roadway purposes at 804 Ida Avenue.

10. CONFIRMATION OF APPOINTMENTS TO COUNCIL REGIONAL BOARDS/COMMISSIONS/COMMITTEES WITH STIPENDS (File No. 0410-20)

A. Appoint Councilmember Nichols as the primary delegate to North County Dispatch JPA (Nichols abstention)

B. Appoint Councilmember Campbell as alternate to the North County Dispatch JPA (Campbell abstention)

C. Appoint Councilmember Roberts as the primary delegate to the North County Transit District (Roberts abstention)

D. Appoint Mayor Heebner as the alternate delegate to the North County Transit District (Heebner abstention)

E. Appoint Councilmember Nichols as the primary delegate to the Regional Solid Waste Association (Nichols abstention)

F. Appoint Deputy Mayor Kellejian as the alternate delegate to the Regional Solid Waste Association (Kellejian abstention)

- G. Appoint Mayor Heebner as the primary delegate to SANDAG (Heebner abstention)
- H. Appoint Councilmember Roberts as SANDAG 1st alternate (Roberts abstention)
- I. Appoint Councilmember Nichols as SANDAG 2nd alternate (Nichols abstention)
- J. Appoint Councilmember Campbell as a delegate to the San Elijo JPA (Campbell abstention); and
- K. Appoint Councilmember Roberts as a delegate to the San Elijo JPA (Roberts abstention)

11. AUTHORIZATION TO DEPOSIT PUBLIC FUNDS (File No. 0320-20)

- A. Adopt Resolution 2007-009 approving a public entity resolution between the City of Solana Beach and the Union Bank of California, authorizing the City Treasurer and the City Manager as authorized officers, and authorizing the City Treasurer to execute various agreements with the bank.

12. ACCEPT THE DISTILLERY PARKING LOT IMPROVEMENTS, BID NO. 2006 -12, AND AUTHORIZE THE CITY CLERK TO FILE A NOTICE OF COMPLETION (File No. 0400-10)

- A. Adopt Resolution 2007-007 accepting as complete the distillery parking lot improvements, Bid No. 2006-12, and authorizing the City Clerk to file a Notice of Completion.

13. REJECT CONSTRUCTION BIDS FOR THE STORM DRAIN AT 336/346 GLENCREST DRIVE (File No. 0850-40)

- A. Adopt Resolution 2007-004 rejecting all bids for Glencrest Storm Drain, Bid No. 2006-01.

15. COUNCIL STANDING AND REGIONAL COMMITTEES-REVISING THE COMMUNITY/SCHOOL RELATIONS STANDING COMMITTEE (File No. 0410-20)

- A. Adopt Resolution 2007-011 renaming and redefining the Community/School Relations Committee as the School Relations

Standing Committee, and red-define the purpose as handling relations with San Dieguito Union High School District. Make official appointments. Currently Councilmembers Roberts and Campbell are attending these meetings.

- B. Place the 22nd District Agricultural Association's Community Relations Committee on the Council Regional Boards/ Committees/Commissions chart as an outside Council Committee. Make official appointments. Currently Councilmembers Roberts and Campbell are attending these meetings.

MOTION: Moved by Councilmember Roberts and seconded by Deputy Mayor Kellejian to approve the **Consent Calendar** pulling Item #5 for discussion and adding Item #15 to the Consent calendar.. **Motion carried unanimously.**

PUBLIC HEARINGS:

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 to the City Clerk (located on the back table). 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 designee 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 three-minute timer light on the podium.

14. A REQUEST FOR A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A NEW TWO-STORY RESIDENCE AND REQUIRING 360 CUBIC YARDS OF GRADING ON A VACANT LOT LOCATED AT 734 IDA AVENUE (CASE NO: 17-06-28; JAMES & CAROLINE SANCHEZ) (File No. 0600-40)

- A. Find the project exempt for the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- B. Adopt Resolution 2007-001 approving a request for a Development Review Permit to construct a new two-story single-family residence on a vacant lot with associated grading in the amount of 360 cubic yards located at 734 Ida Avenue.

David Ott, City Manager, introduced the item.

Steve Apple, Community Development Dir., presented a poweprint of the project and findings.

Mayor Heebner opened the public hearing.

There were no speakers on the item.

MOTION: Moved by Deputy Mayor Kellejian and seconded by Councilmember Roberts to close the public hearing. **Motion carried unanimously.**

MOTION: Moved by Deputy Mayor Kellejian and seconded by Councilmember Roberts to approve. **Motion carried unanimously.**

STAFF REPORTS:

Submit speaker slips to the City Clerk.

16. COUNCIL REGIONAL COMMITTEES - CITY SELECTION COMMITTEE AND CONSIDERATION OF CONTRACT CITIES ASSOCIATION (File No. 0410-20)

David Ott, City Manager, introduced the item.

- A. Mayor designate herself or a designee to the City Selection Committee for 2007.

Councilmember Kellejian stated that he currently serves as the Chair of the City Selection Committee and it meets again in May in order to change officers but that the committee designates the Mayor or the Mayor's designee.

MOTION: Moved by Mayor Heebner and seconded by Councilmember Roberts to appoint Deputy Mayor Kellejian to the City Selection Committee. **Motion carried unanimously.**

- B. Provide staff direction regarding whether to add the CCCA (California Contract Cities Association) to the Council's current list of outside agencies. If approved, make appointments of a primary and alternate position as customary of all other agencies.

Council discussion ensued regarding the relationship and efforts of the City Selection Committee and the League of California Cities, whether the size of Solana Beach would be served through this association, what costs and travel would be involved, that some Mayors of other cities did not see the difference between the League and this association, that there are not a dominate number of cities from the San Diego county involved, and that most city members are centered around Los Angeles County, that after joining the benefits and costs could be reassessed in six to twelve months down the road, whether Solana Beach should wait to assess other cities' experiences, and that the Sheriff's contract is the main contract of the City and is handled by CLETAC.

MOTION: Moved by Mayor Heebner and seconded by Councilmember Campbell to appoint Councilmember Roberts as primary and Mayor Heebner as alternate to the

California Contract Cities Association . **Motion carried 4/1** (Noes: Deputy Mayor Kellejian.)

17. A SUBSTANTIAL CONFORMANCE REQUEST TO A PREVIOUSLY APPROVED DEVELOPMENT REVIEW PERMIT AND STRUCTURE DEVELOPMENT PERMIT FOR DEVELOPMENT OF PROPERTY AT 153 NORTH HIGHWAY 101 (File No. 0600-40)

A. Find the design in conformance with the previously approved project.

David Ott, City Manager, introduced the item.

Steve Apple, Community Development Dir., presented a powerpoint of the project and findings.

Council discussion ensued comparing original with the proposed slides regarding the stairs, setbacks, a traffic flow analysis, and the grading proposed in the past.

Roger Leonard, architect for the project, stated that the design included the need for a second set of stairs for a second story retail structure in order to meet fire code, that the height of the building was lowered, that he focused on an eclectic nature in the area, and that the use of the building is for boutique, retail and professional offices.

Council and applicant's representative discussion ensued regarding the stairs in the front, the issue of marking the parking lot for the building due to the lack of parking, that the property would have sliding gates on Acacia Ave., whether they could move the staircases so they are not visible from the Highway 101 walkable sight, and ADA entries.

Joe Balla, applicant, stated that the change that was made from the initial design was that there were 8 ft. ceilings and they needed 9-10 ft. to make it leasable to the tenants most suited to this project, and that the redesign had to be done within the envelope.

Council and the applicant reviewed the differences from the initial design and redesign

Tom Golich said he lived on Barbara Ave. and stated that he was involved in this project which follows the architectural trends in the area and asked Council to approve the revised design.

LoAnn Depuis said that she owns the property west of the project and received the notification, that the aesthetics in the front is nice but she has long term tenants in the back and she was concerned about the aesthetics in the back of the building, and a concern for any noise and a buffer that may be needed.

Vicky Cypherd stated that she lived on N. Acacia and lived on the property near the project and that she liked the new design. She wondered if the area would be leased out to parking for Pizza Port which would affect the neighborhood with noise and the

gates being closed will assist in this issue.

Roger Leonard, architect, stated that the gates are to prevent Pizza Port parking in the area, drainage is being designed carefully, that they can plant trees at the back patio to address the concerns of the tenants in the back of the building, that they will review further changes to assist in ADA needs.

Council and applicants discussion ensued regarding any modifications to the design.

MOTION: Moved by Mayor Heebner and seconded by Deputy Mayor Kellejian to approve with the change of bringing the building to grade with a maximum height of 28.24 ft. **Motion carried unanimously.**

18. REPORT ON CONDO-HOTEL ISSUE AND REQUEST TO ADOPT AN INTERIM ORDINANCE TO PROHIBIT MAPS OR PERMITS FOR CONDOMINIUM MAPS OR PERMITS FOR CONDO-HOTELS DURING A 45-DAY STUDY PERIOD (File No. 0610-10)

- A. Consider the issues contained herein and give appropriate direction to Staff as to the areas of study required for the impacts associated with condo-hotel financing.
- B. Adopt interim Ordinance 359 as an urgency measure prohibiting condominium hotel maps during a 45-day special study period to take effect immediately upon passage.

David Ott, City Manager, introduced the item highlighting some of the current issues which include coastal beach access and how TOT (Transient Occupancy Tax) revenue would be addressed. He stated that there is not currently a formal application for condotels, and that the City does not currently have a formal policy regarding condotels in which to use as a guide.

Lynn Heidl stated that she represented the Solana Beach Gateway Resort Project which has not made an application to the City for a condotel even though the EIR does reference it, the project has not identified this yet. She said that the City does not have a basis for a threat to health, safety or welfare. She said that she has represented the Hotel Del and the Encinitas Beach Resort and attended the Coastal Commission Workshop and have learned about condotels. She urged the Council to study the issue, to have a public workshop with community input, to let her share her information with the community to become educated about condotels, to not dismiss a good concept, to be open to any benefits to these projects, and that the City should establish a study group regarding the issue.

Geri Rhetman stated her request that Council pass the moratorium, that the property would require a subdivision of the parcel and separate it into units in order to set individual residential units, that condotels can not be returned to regular hotels, that this

is a new concept of land use that could become purely residential, and that this is a concern along the coastal zones.

Hilda Mendoza, Deputy City Attorney, stated that the legal basis for setting a moratorium is with findings relating to public health, safety and welfare of the community.

Council discussion ensued regarding the concern raised by the Coastal Commission, that there is a cause for the concern of the public, health, financial, welfare of citizens, that there is not a policy in place yet so this would be the time to review the issue, that a public workshop would obtain all sides of the issue affecting the entire community.

Council discussed studying the questions and concerns, to proceed with the moratorium while the study is going on, that the Council Condotel Ad Hoc Committee would review the Coastal Commission's letter and return to Council with recommendations with a sample ordinance, and to return with a study once it can be done.

Hilda Mendoza, Deputy City Clerk, read the title of the Ordinance.

MOTION: Moved by Councilmember Roberts and seconded by Mayor Heebner to approve and include the consideration of holding a public workshop. **Motion carried unanimously.**

19. ORDINANCE AMENDING THE SHORELINE AND COASTAL BLUFF PROTECTION ORDINANCE (File No. 0630-05)

- A. Adopt Ordinance 351 amending Section 17.62.080 (A)(5) of the Solana Beach Municipal Code and adopting CEQA findings and statement of overriding considerations, all related to the Solana Beach Shoreline and Coastal Bluff Management Strategies.

David Ott, City Manager, introduced the item.

Hilda Mendoza read the Ordinance title.

MOTION: Moved by Councilmember Roberts and seconded by Councilmember Campbell to approve. **Motion carried unanimously.**

5. CANCELLATION/RESCHEDULING OF 2007 CITY COUNCIL MEETINGS (File No. 0410-05)

- A. Adopt Resolution No. 2007-003 authorizing the rescheduling and cancellation of Council meetings for the 2007 calendar year.

David Ott, introduced the item.

Council discussion ensued whether to change February 14th to another date.

MOTION: Moved by Councilmember Roberts and seconded by Councilmember Campbell to approve the schedule retaining the February 14th Council meeting date.
Motion carried unanimously.

WORKPLAN COMMENTS:

Material is located in front section of agenda binder.

Council discussion ensued regarding items listed in the Workplan to consider modifying the section called Land Use - Phase II modifying the reference to the development review board and instead stating consideration of the development review board and consider deleting the last two bullets points. Council agreed to discuss these changes at the next meeting.

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.

Councilmember Roberts disclosed that he attended the League of California Cities Councilmember's University in Sacramento which was paid for by the City.

COUNCIL COMMITTEE REPORTS:

Regional Committees

* California Cities Contract Association - Roberts, Heebner (alternate).

* City Selection Committee - Kellejian (meets twice a year)

Councilmember Kellejian reviewed the meeting's highlights and the new appointments.

* County Service Area 17 - Campbell, Nichols (alternate).

* Escondido Creek Watershed Authority - Nichols, Roberts (alternate).

* League of Calif. Cities SD County Executive Committee - Roberts, Kellejian (alternate).

* North County Dispatch JPA - Nichols, Campbell (alternate). * North County Transit District - Roberts, Heebner (alternate).

* Regional Solid Waste Association - Nichols, Kellejian (alternate).

Deputy Mayor Kellejian said that items discussed at the last meeting were the approval of a contract employing Lin Wurbs and the extension of the contract with Escondido for one year.

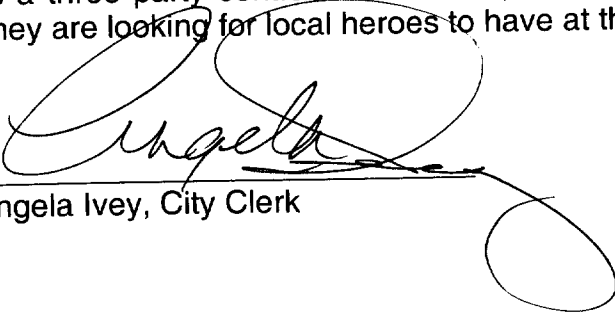
* SANDAG - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate). * SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).

* San Dieguito River Valley JPA - Roberts, Nichols (alternate). * San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).

Councilmember Roberts stated that they reviewed new appointments, accomplishments of 2006, and their savings of nearly \$500,000. He stated that the committee has been doing strategic planning for the authority.

* 22nd Agricultural District Association Community Relations Committee - Roberts, Campbell (alternate).

Councilmember Roberts stated that the Wi-Fi RFP (Request for Proposal) is going out as a three party contract of Del Mar, Solana Beach and the 22nd Agricultural District. They are looking for local heroes to have at the County Fair.


Angela Ivey, City Clerk

Approved April 11, 2007