

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

JOINT **REGULAR** MEETING

**MINUTES**

**WEDNESDAY, APRIL 11, 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:**

**Present:** Heebner, Kellejian, Roberts, Nichols, and Campbell.

**Absent:** None.

**Also Present:** David Ott, City Manager  
James Lough, City Attorney  
Angela Ivey, City Clerk  
Chandra Collure, City Engineer  
Dennis Coleman, Finance Dir.  
Steve Didier, Management Analyst  
Mary Blais, Interim Community Development Dir.

**FLAG SALUTE:**

Margaret Schlesinger led the flag salute.

**APPROVAL OF AGENDA:**

**MOTION:** Moved by Kellejian and seconded by Roberts to approve the agenda. **Motion carried unanimously.**

**PROCLAMATIONS:**

**PRESENTATIONS:**

1. **US Conference of Mayors Climate Control Resolution ceremony**

Mayor Heebner signed and presented the Resolution for the U.S. Climate Control Protection Agreement among U.S. cities. She highlighted the City's efforts thus far and thanked Mina Mange, Steve Goetsch and Roger Boyd for bringing the issue to Council.

**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 Council dais.)

Danny Hernandez stated that his son was approached by a San Diego County Sheriff who took his picture and explained to him why but his son did not understand. He said he and his wife contacted the Sheriff who would not surrender the photo. He said that gathering alleged evidence on his son for a future date even though the Sheriff admitted that there was no crime seemed like it was targeting Mexican American citizens in Solana Beach. He said that he agreed with Sheriff's presence in the City but that he did not agree on the tactics being used at this time and would encourage that policies be reviewed.

Desiree Chavez said that he did not know his son's rights, that he had been at the park 3 times and his picture was taken, and that he was not given a good reason why it was done.

John Chavez said that his son was constantly being harassed by Officer Carti wherever his son was, that his picture had been taken and he did not think it was right and demanded an explanation, that he left a phone number for the Sheriff to call him and never received a call back, that he had lived in the City for 25 years and had never been harassed like this, that they had taken pictures every week, and that his son ducked down when a cop drove by because he was scared, that the officers in the community are harassing, and he asked for a good answer as to why it was happening.

David Arvizu said that he had high respect for law enforcement, that the Sheriff called him immediately who said it was part of his duty, that the Officer should give him a citation or not approach him, that the officers need better training on how to approach juveniles, and that he's a B student and has a good sense of judgement.

Gloria Aronson said that her grandson is a productive member of society, plays little league, that he is interested in many things, he is focused on college and just returned from visiting colleges, that she was outraged by this unfortunate incident, that she owns the property that the children were found on and they had the right to be there.

Tara Hernandez said she had lived in Solana Beach for 20 years and that she

had never feared living here and did not want children to fear being here, that these children were sitting outside of their home talking, that they should not be automatically under suspicion for sitting and socializing while playing basketball, that it is a better place to play during the summer, that Officer Carti told her son that he was stupid, that she was confused about why children were being profiled in the neighborhood so that when they do something wrong they will be identified, that it leads to poor self esteem, that her son was an honor student at Earl Warren, attends youth church, Amistad, Jr. Lifeguards, a Little Leaguer, the Catillion, that she was not opposed to police presence but that they needed to be more respectful, that she called the station and talked to the officer and his superiors.

Laura Senteno said that she was not opposed to police officer presence but that it should not scare children in the neighborhood and she could not explain to her son why his picture was taken and used against him.

Robert Hernandez said that there was not a reason for taking pictures of his grandson and great grandson, talked to Officer Carti who told him that there were reasons he was taking the photo but he did not tell her grandson what the reasons were, that he had been fighting against graffiti for a long time, that these 11 and 12 year old kids are not doing this graffiti, he said he knew who they were, that he wanted the City Council to know what was going on in Eden Gardens.

Marion Dodson said that she had listened to the Cedros Crossing tapes and heard discrepancy in what she said and she transcribed it to clarify her discrepancy.

#### **COMMUNITY ANNOUNCEMENTS:**

Mayor Heebner announced that a pilot project of reverse parking behind the Long's Drug Store.

Councilmember Roberts announced that there was tile painting at the Boys and Girls Club; that Civic and Historical Society general meeting sponsored by Sea Weeders about growing and maintaining an organic garden, that the Workplan Workshop would be held April 18th; the Bocce Ball tournament would take place on April 21st at the Del Mar Race Track; Earth Day is scheduled for April 22nd and volunteers were being sought for Balboa Park; the Santa Fe Hills Workshop on traffic series will be held April 24th; San Dieguito Alliance for Drug Free Youth will host a quarterly networking luncheon on April 27th; the Solana Beach Library contest for essays turned in, and that the ground breaking ceremony for Fletcher Cove would be on June 16th.

Councilmember Nichols announced that Fletcher Cove donation tiles are still being accepted that Betsy Schultz will create, and he announced that the Poway Recycle Medicine Pilot program had begun.

#### **COMMENTARY:**

Don Fowler, Sheriff's Captain, said that dealing with children is sensitive and yet there is

a problem in the community with graffiti and violence, that they had been given direction by the City to be more diligent to enforce and be more proactive, that Deputy Cartie was appropriate in his manner, and that he had talked to the City Manager to conduct a public forum.

Council and Captain Fowner discussed whether it is standard proactive practice to take pictures of 11 year old children when they were not in mischief, that some 11 year old children do committ crimes, that Deputy Cartie had observed crime in the activity area and that it was legitimate to watch this area for activity, that the issue should be agendized for further discussion, whether other children in different areas had been photographed, what other practices are employed throughout the community.

**CONSENT CALENDAR: (Action Items) (Items 1-5)**

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.

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

**2. Minutes of City Council Meeting**

- A. Approve the Minutes of the City Council meetings held January 10, 2007 and January 24, 2007 (Regular and Closed).

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

**3. List of Demands (File No. 0300-30)**

- A. Ratify the List of Demands dated March 17 - March 30, 2007.

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

**4. Status Report on Major FY 2006/07 Capital Improvement Projects (File No. 0800-80)**

A. Receive report.

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

**5. Accept 2006 Street Re-Striping Project and Authorize the City Clerk to File a Notice of Completion (File No. 0400-10)**

A. Adopt Resolution No. 2007-038

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

**PUBLIC HEARINGS: ( NONE )**

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 Council Dais.

**STAFF REPORTS: (Items 6-9.5)**

Submit speaker slips to the City Clerk.

**6. Annual Sewer Charges for 2006-07 (File No. 1040-70)**

A. Set a public hearing date on June 13, 2007 pursuant to Proposition 218 to consider an increase in the annual sewer charge not to exceed \$508 per EDU.

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

David Ott, City Manager, introduced the item start prop 218 process.

**7. Farmer's Market Management (File No. 0400-10)**

A. Provide direction.

David Ott, City Manager, introduced the item stating that Sean MacLeod approached the City to represent the Farmers Market.

Sharon Garrow, President of the Chamber of Commerce, said that chamber supported the market, that they are focused on business being successful, that it would be better under Sean's management, that the City needs some sort of market, that it had been suggested that the market include arts and crafts, that they need a contract and prorating of insurance and permits.

Sean MacLeod (time donated by Karen Williams and Marion Dodson to speak as a group) said that the Farmer's Market benefits people in the Sundays Cedros promotions, that he provided the current location free of charge, that when it was moved here they spent \$12,000 to create pictures and logos to promote the market, that he would like to take it to the the next level and enhance sales in the Cedros design district, and that maybe a Highway 101 location in conjunction with Cedros could be linked by the pedestrian bridge.

Council and Mr. MacLeod's discussion ensued regarding focusing first on local Solana Beach farmers selling their produce, that the existing mix of the market is certified mixed organic , food and beverages, flowers, some arts, and that they want to maintain an approximate blend, asking Sean to donate a percentage of the proceeds to arts fund by agreeing to set aside a small amount to community, that the art policy still needs to be established as a primary art fund generator, that the agreement was not annual but could be changed annually if desired, that they open a separate bank account and maintain separate set of books to judge the profitability and financial issues, that the financials be submitted on a semi-annual basis, that a review take place after the first 60 days for the purpose of financial reporting, that it would be a distinct change from the current agreement but that it could be done, that an agreement would come back to Council to finalize, that most markets are on public rather than private property, and to consider closing Dahlia for a few hours on market day for that location.

**8. Council appointment to the League of California Cities' Legislative Subcommittee (File No. 0410-20)**

A. Appoint a Councilmember to the League of California Cities Legislative Subcommittee.

**MOTION:** Moved by Heebner and seconded by Campbell to appoint Councilmember Roberts as primary member and Deputy Mayor Kellejian as alternate member. . **Motion carried unanimously.**

Mayor Heebner announced that the Council meeting would be webstreaming tonight live on the website and that the final archived meeting would be available the next day.

**9. Update on Cellular Site Regulations (File No. 1000-50)**

A. Provide direction to the City Attorney and City staff regarding

preparation of an amended telecommunications ordinance.

Councilmember Nichols recused himself from the item.

James Lough, City Manager, said that a recent decision on a case of Sprint Telephone v. San Diego County invalidated all the regulations of the County that he was reviewing for the City's ordinance. He said that he was requesting Council's direction whether to proceed at this time and since there is no threat or case pending on the issue there would not be any closed session item.

Council and staff discussion ensued regarding having an ordinance to provide a rule in Solana Beach, that it would be best to wait for the San Diego County court case to finish before proceeding, whether the current ordinance affects current pending applications, that it would be recommended that cases be dealt with individually at this time, that the City's current ordinance would have different ways in assessing aesthetics, that Council could informally encourage applicants in using County sites instead of City sites, and that the attorney had been asked if the City regulated aesthetics.

#### **9.5 Potential Relocation of Mormon Church - 360 N. Granados Avenue**

David Ott, City Manager, introduced the item reviewing the history, that the building was built over two lots, that the current owner has submitted a request to develop the land requiring the demolition of the building, that a group was interested in preserving the building but that it had not yet been deemed with a historical designation, options discussed were leaving it or moving it elsewhere, and the owner had submitted a request for a demolition permit to proceed with his development.

Councilmember Nichols recused himself due to conflict of interest living within 500 ft. of the area.

James Lough, City Attorney, said that the demolition permit review was not covered under CEQA at this time, that it would have to be declared a cultural landmark through a process, that Council could initiate a hearing for an historical designation, that the filing of a designation does not halt a demolition application alone but instead would have to be completed in order to delay the demolition planning on a property which would require an emergency moratorium ordinance.

Margaret Schlesinger (3 min. donated by Amanda Schmidt) requested information to save the structure since it was sold recently, that it had significant historic value in the City, that it was almost in original condition and built by and for the local Mormon community, that the present owner plans to build 2 homes, that she suggested that the owner give the building to the Society and then they would move it to a site, that they had received a pledge for \$50,000 and matching in fundraising to move it and a new foundation, and to then preserve the structure at another site.

Peggy Martin (3 min. donated by Mr. Weir) said that the commercial construction on Cedros as well as others were preserved in earlier years of Solana Beach and was of

paramount importance, that there were unique features with very little alteration to the structure, that an estimate was received that it was structurally sound and if it was moved that the integrity of the building could be sustained, that they would make it ADA compliant, and that they had 2 estimates for restoring the building with a new ADA kitchen and restroom repairs and had identified some seed funds.

Lynne Talley said that she lived in this neighborhood the last 10 years, that the chapel makes the area unique, that the Solana Beach Historical Society looked into and found that it was difficult to acquire the site, that they would ask that the developer work with them.

Jesse Irene Young said that she opposed relocating the building and read a petition from other homeowners in the area, that it was not a good use of any redevelopment or general funds, that they did not want another old building on the park and did not need a second community building, and that they do want the basketball court to be fixed and remain on the site.

Christine Aleman (3 min. donated by Linda Potter ) said that she lived in the City for 58 years and that she would like to keep it open space like in the past, that it needs repair, that she lived next to the north east side and did not want it to be a place for all the puppies and dogs in the park, and that the building would need a lot of repairs.

Patrick Salas said that there is a lot of history in Eden Gardens and would like to keep it the same way without any changes.

Andy Contasti (William Clarke donated 3 min.) said he was the owner of the church, that he had been in the process for 7-8 months and it was up for sale for 2 years before, that this issue was last minute, that to now designate it historical would impact him substantially, that the building is in bad shape without any paneling and was built with donated materials, that there were three requirements to designate it as historical including architectural significance, historical significance, and or something significant would have had to have happened there. He said that the building is plain, that no one has ever lived there, and nothing historical had happened there. He said that he inquired with the City regarding any historical sense before he purchased the property, that the Historical Society or the City could have purchased it, and that he would be open to donating it and waiting for a short while for someone to move it in a timely manner.

Council discussion ensued regarding the interest in preserving the building, that the owners concerns are important and valid, that other sites like Del Mar Fairgrounds or the San Deiguito Park may be some options, whether the building could be dismantled quickly and if the owner would give equivalent amount to demolish, to remove La Colonia park as an option, favoring waiving the fee for the permit obtained by the Civic and Historic Society, that it had birthed 3 churches, to consider giving the Society 45 days to get it moved, that the City is 99.9% built, that the City should seize the moment, and to figure out how to get it done quickly without hurting the owner any further, weighing the support of the Civic Historic Society and the responsibility to the owner and his caring costs, that it was not fair to cause the owner to suffer financially,



that everything had to come together quickly, and that it could be brought back next week.

**MOTION:** Moved by Heebner and seconded by Roberts to direct staff to pursue the historical designation, to bring back a 45-day moratorium emergency ordinance, and to work with the Civic and Historical Society in their efforts to get the building moved quickly to a permanent or temporary site and delete La Colonia from Exhibit B. **Motion carried 4/0** ( Absent: Nichols.)

**ORDINANCE INTRODUCTION: 1st Reading NONE**

Submit speaker slips to the City Clerk.

**ORDINANCE ADOPTION: 2nd Reading (Item 10)**

Submit speaker slips to the City Clerk.

**10. Solana Beach Municipal Code Revisions to Chapter 2.04 - Defining Groups and Speaker Limits. (File No. 0480-10)**

A. Adopt Ordinance No. 361 amending Chapter 2.04 of the Solana Beach Municipal Code defining groups and speaking limits.

James Lough, City Attorney, read the title of the ordinance.

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

**WORKPLAN COMMENTS: (Adopted June 28, 2006)**

Material is located in front section of agenda binder.

**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:**

Please state the committee you are speaking to before making each report.

**Regional Committees: (outside agencies)**

1. California Cities Contract Association - Roberts, Heebner (alternate).
2. City Selection Committee - Kellejian (meets twice a year)
3. County Service Area 17 - Campbell, Nichols (alternate).

4. **Escondido Creek Watershed Authority - Nichols, Roberts (alternate).**
5. **League of Calif. Cities SD County Executive Committee - Roberts, Kellejian (alternate).**
6. **North County Dispatch JPA - Nichols, Campbell (alternate).**
7. **North County Transit District - Roberts, Heebner (alternate).**
8. **Regional Solid Waste Association - Nichols, Kellejian (alternate).**
9. **SANDAG - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).**
10. **SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).**
11. **San Dieguito River Valley JPA - Roberts, Nichols (alternate).**
12. **San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).**

Councilmember Roberts said that they had agendized a look at actions regarding a spill at another facility, that the budget looked frugal and that Solana Beach's increase would be \$41,000 which will total \$2.4 million for Solana Beach. He said that they are studying the City of Del Mar's interest in joining the JPA.

13. **22nd Agricultural District Association Community Relations Committee - Roberts, Campbell (alternate).**

Councilmember Roberts said that they had been discussing the conflict of the U.S. Open with the Fair in 2008 and that they are monitoring it.

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

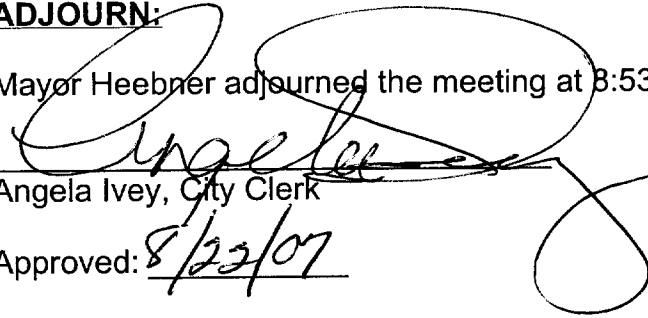
1. **Business Liaison Committee - Roberts, Campbell.**
2. **School Relations Committee - Roberts, Campbell.**
3. **Public Arts Subcommittee - Roberts, Nichols.**
4. **Traffic Transportation - Heebner, Kellejian.**

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

1. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 14, 2008 or at the California Coastal Commission adoption.
2. Sand Replenishment Alternative Review - Kellejian, Campbell. Expires November 8, 2007.
3. Views and Vegetation Subcommittee - Roberts, Nichols. Expires November 8, 2007.
4. User Fee Ad-Hoc Committee - Roberts, Campbell. Expires June 30, 2007.
5. Development Review - Heebner, Nichols. Expires November 29, 2007.
6. Highway 101 Improvement Ad-Hoc Committee - Heebner, Nichols. Expires June 13, 2007.
7. La Colonia Park Master Plan Committee - Heebner, Roberts. Expires June 30, 2007.
8. Condohotel - Heebner, Campbell. Expires October 24, 2007.
9. Solana Beach Livability Ad Hoc - Heebner, Nichols. Short term

**ADJOURN:**

Mayor Heebner adjourned the meeting at 8:53 p.m. in the memory of Bob Wilkens.

  
Angela Ivey, City Clerk

Approved: 8/23/07