

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

JOINT **REGULAR** MEETING

MINUTES

**WEDNESDAY, MAY 9, 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
Leticia Rodriguez, Deputy City Clerk
Chandra Collure, City Engineer
Dan Goldberg, Principal Civil Engineer
Dennis Coleman, Finance Dir.
Mary Blais, Interim Community Development Dir.
Park Morse, Interim Asst. City Manager

FLAG SALUTE:

Mike Thornton led the flag salute.

APPROVAL OF AGENDA:

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

PROCLAMATIONS:

1. Police Memorial

Mayor Heebner read the proclamation for the Police Memorial.

2. Public Service Proclamation

Mayor Heebner presented the Proclamation proclaiming May 7-13 Public Service Week.

PRESENTATIONS:

1. San Elijo JPA

Council and Mr. Thornton, San Elijo JPA, discussed the "Plant of the Year" award received by the JPA, the participation of ownership by Encinitas and Solana Beach, that ocean outfall is split with other cities and areas as owning part of the outfall, that the agency must comply with 36 permits, and that tours of the plant are available, that the Coastal Rail Trail has the local pipes ready for recycled water but the infrastructure is not built to deliver it yet, that the financial cost is \$1,000,000 a mile, and that their financials are very secure and in time the members agencies would begin to receive reimbursement.

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.)

Cassy Blacet, County Fair representative, announced that the fair begins June 8th and the theme is "Salute to Heroes" and that each day will have a more specific theme as well. She presented a powerpoint presentation highlighting the event and the parking.

Danny Hernandez said that he was unhappy with the community meeting with the Sheriff's department at La Colonia Park, that residents tried to talk to them about the issues but that they gave the same answers without explanations, that it seemed like they were unwilling to work with the residents, that they made this community seem like it was the slum just because it is more

blue collared in order to justify the policies they use against the children in this area, and that he asked Council to address these issues.

Robert Hernandez said that the residents of Eden Gardens are not proud or happy with the graffiti in park or on the fences, that this meeting was about graffiti and not about the issues that residents came to discuss which was the taking of photos of their children, that all the children are under 13 years old and they are scared now after their interaction iwth the Sheriffs, that he knows these kids and they are good kids who play play pool and wrestle in his back yard, and that he has asked them to find out who is doing the graffiti but that it is usually from Encinitas groups.

Councilmember Roberts asked what the next steps would be.

Mayor Heebner said that since it is oral communications it can not be addressed at this time as well as the issue is under investigation. She said that there are two oppornities for residents including a Citizen Academy and a Parent Youth Workshop on June 7th.

David Ott, City Manager, said that the Captain will present a comprehensive plan to him shortly, confirmed the open communication effort with the upcoming Citizen's Academy and workshops.

Mayor Heebner stated that there were workshops and a committee that residents joined in developing the La Colonia Assessment Needs Plan and maybe cut down on graffiti.

Councilmember Roberts suggested that organizing the neighborhood watch program would help these concerns and a neighborhood can get help with it from the Sheriff's department.

Manny Rincon said that he was born and raised here and his family has Tony Zacals, that they have worked with the City over time, that he was at the meeting and like some of what was said and did not like other, he said that in the past Eden Gardens benefitted from the help of Council and the Sheriffs who did a lot to clean up and get rid of the those who caused problems, that the Encinitas troublemakers do not come around much, that they want the Sheriff around, but that some tactics should be reviewed, that it seemed like some law enforcement may be acting on misinformation or making conclusions too fast before knowing all the information, and that the overall problems are vandalism and graffiti.

Rose Hernandez said that her son had his photo taken and upset him, that he is now terrified to walk to Rudy's, that she does not want her son to be afraid of police, that she wants the police around but not taking pictures of children, that they meet at the park on Wednesdays to go to church and his picture was taken

and that he was told it was just for future use, that she did not want her son labeled as a gang member when he was just waiting to meet her and go to church, and that she signed up for the committee.

COMMUNITY ANNOUNCEMENTS:

Mayor Heebner announced that Bike to Work Day is May 18th, that the Trainstation meeting would be on June 14th. and that the May 10th meeting was cancelled, that a Council Meeting on the City budget was scheduled for May 30th.

Councilmember Roberts announced that the Civic and Historical Society would have a meeting this Friday at Fletcher Cove, that San Elijo Lagoon Day was this Saturday, that the Arts Alive Banner Auction put on by the Public Arts Advisory Commission was coming up, and that the new Fletcher Cove park would open on Memorial Day and that a ribbon cutting ceremony would be on June 16th.

COMMENTARY:

Deputy Mayor Kellejian asked that the Sheriffs drive through Solana Beach on their way back to the station rather than returning by the freeway.

Councilmember Roberts said that someone bought a roll of stamps at the post office and accidentally left 40 rolls on the counter and someone turned them into the postal employees to return them to the owner.

David Ott, City Manager, announced that there is a tentative special meeting, not a Council meeting, for the Santa Fe Christian public workshop next Wednesday that will be held at City Hall before the June 16th potential request to Council.

CONSENT CALENDAR: (Action Items) (Items 1-11)

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.

The public pulled Item #6 from the Consent section for discussion so it would be heard first. Councilmember pulled Item #4, which be heard at the end of the agenda.

MOTION: Moved by Roberts and seconded by Campbell to approve the Consent Calendar items except Items 4 and 6.. **Motion carried unanimously.**

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 Regular City Council meeting held January 24, 2007.

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 31 - April 13, 2007.

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

5. Award construction contract for the Northbound Highway 101 Rubberized Asphalt Concrete Overlay Project, Bid No. 2007-01, and appropriate additional funding. (File No. 0400-10)

- A. Adopt Resolution No. 2007-044

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

7. Accept Seabright and Sierra Sewer Construction Project, Bid No. 2006-18, and Authorize the City Clerk to File a Notice of Completion. (File No. 0400-10)

- A. Adopt Resolution No. 2007-049

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

8. PERS (Public Employees Retirement System) annual adoption of Employer Contribution Rates for Health Insurance Under the Public Employees Medical and Hospital Care Act. (File No. 0520-30)

A. Adopt Resolution No. 2007-048 fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act.

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

9. Authorize the City Manager to submit a grant application to the California Integrated Waste Management Board (CIWMB) on behalf of the City for the targeted Rubberized Asphalt Concrete Incentive Grant Program for any available CIWMB grant program and any available CIWMB tire-related grants for the period of 2007 to 2012. (File No. 0390-30)

A. Adopt Resolution No. 2007-047

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

10. Official Destruction of Obsolete Records. (File No. 0170-50)

A. Adopt Resolution No. 2007-018 authorizing the destruction of obsolete records identified by the Solana Beach Records Retention Schedule.

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

11. Authorize Payments to Property Owners to Reimburse Landscape Repair Costs Due To Soundwall Construction and Pay For Temporary Construction Easements for the Interchange Project. (File No. 0820-75)

A. Adopt Resolution No. 2007-050

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

6. Agreement with Austin Foust Associates, Inc. to review Mixed Use Solana Beach Train Station Project North County Transit District Project Environmental Impact Report (EIR) Traffic Impact Study. (File No. 0400-10)

A. Adopt Resolution 2007-054

David Ott, City Manager, introduced the item and reviewed past meetings, that a combined matrix consisting of questions from Council and information from a memo from Mr. Brohard, a traffic engineer used by some residents for some analysis, was passed out to Council. He said that Council had asked staff to locate a fourth party review traffic engineer with less ties to San Diego Council, NCTD and Sandag. He said he has been in close contact with Austin Foust, the responding firm agreeing to some deadlines, to provide specific input regarding the needs.

Jack Heganauer said that he had read RFP (Request for Proposal) and said that he did not think any consultant can do justice to the scope of work in a two week period for the diverse topics of the scope specifically parking since it took several weeks to get ridership data. He said that since parking is central to the project, it deserve its own consultant. He urged Council to be careful in pushing an aggressive timeline.

Gary Martin said that he was concerned about clarifying about what is going on from public point of view, that the public does not know all the information since he only gets the staff report, that the City rushes input to meet a deadline, that the summer events season are the highest count volume, that the contract did not include analyzing the parking demand studies, request that try to encourage consultant to set realistic deadline and when the work is done that it was done right.

David Ott, City Manager, stated that the consultant will be addressing questions regarding off peak traffic counts, the accuracy of the counts, the synchronization, as well as the parking issues.

Council discussed meeting the June 20th meeting date is it is ready and that the consultant will communicate his progress and need for any additional time, that the cost is being paid by the developer out of the deposit he has made to the City, that the June 14th is a goal but that it will not be submitted if it is not ready, and that the matrix was a combination of the various questions from meetings.

Eric Lodge said that May 31st is a difficult deadline for these complex issues and analysis and that the emphasis on a deadline may compromise the best product,

that additional fair and race season counts should be considered when the greatest impact is felt.

Council and City Manager discussed concern about a quick deadline compromising a quality work product, that emphasis should be conveyed to the consultant regarding a quality product and that if they need more time to ask for it rather than be restrained by a deadline, that this is a respected and qualified consultant who will be clear about the work and the time needed, and that the consultant will keep the City Manager informed and he will inform Council.

MOTION: Moved by Roberts and seconded by Kellejian to approve and directing the City Manager to emphasize the importance of a quality product to the consultant, requesting that if the consultant discovers that the study needs additional time that he will communicate it to the City Manager. **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: (Item 12-15)

Submit speaker slips to the City Clerk.

12. Fiscal Year 2005-2006 Audited Financial Reports. (File No. 0310-22)

- A. Accept and file the Comprehensive Annual Financial Report (CAFR) for the City of Solana Beach for the fiscal year ending June 30, 2006.

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

David Ott, City Manager, introduced the item highlighting that the CAFR, which is on the webiste, shwoed that there were not any significant financial issues,

that during the year the revenues exceeded expenses by 5 1/2 million, that total revenues from all sources including grants and sewer was over \$23 million and total costs of all programs was unders \$18 million.

Council asked that in the future the auditor present a 5-15 minutes to recap their findings and allow Council to review questions.

13. Fiscal Year 2005-2006 Redevelopment Agency Basic Financial Statements. (File No. 0115-24)

- A. Accept and file the Basic Financial Statements for the Solana Beach Redevelopment Agency for the fiscal year ending June 30, 2006.

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

David Ott, City Manager, introduced the item and that the Fletcher Cove park and the Cliff St. Bridge are the results of the Redevelopment Agency success, that the total assets are \$3,657,000 and it generated \$377,000 in tax increment.

Council and City Manager discussion ensued regarding the Redevelopment Agency which was developed for both Highway 101 and Eden Gardens to be shared and that the highest generator is the Highway 101 area.

14. Approving Engineer's "Report" for proceedings for the assessment in a special maintenance district; Adoption of Resolutions declaring its intention to provide for an annual levy and collection of assessments in a special maintenance district, and setting time and date for public hearing for the Solana Beach Lighting District. (File No. 0497-20)

- A. Adopt Resolution No. 2007-051 approving the Engineer's "Report" for proceedings for the annual levy of assessments within a special maintenance district.
- B. Adopt Resolution No. 2007-052 declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing; and scheduling the public hearing for June 13, 2007.

MOTION: Moved by Kellejian and seconded by Roberts . **Motion carried**

unanimously.

David Ott, City Manager, introduced the item.

Council discussed exploring areas to meet the intent of the U.S. Mayors Climate Agreement, looking into energy savings in this area of street lights, and that there was not an increase in the annual assessment.

15. ADA Transition Plan Approval (File No. 0270-50)

A. Adopt Resolution 2007-053 Approving the ADA Transition Plan

David Ott, introduced the item.

Steve Didier, Management Analyst, presented a powerpoint presentation.

Council discussion ensued regarding that the transition plan would be approved but not the financing of it until the budget process and that the funding is not fully assessed.

MOTION: Moved by Campbell and seconded by Roberts to approve the plan. The funding issue will return to Council at a future date for approval. . **Motion carried unanimously.**

4. Award Construction Contract for the Highway 101 Tree Replacement Project, Bid No. 2007-02. (File No. 0840-35)

A. Adopt Resolution No. 2007-045

MOTION: Moved by Heebner and seconded by Roberts to postpone this action, reassess the issue and begin the replacement of trees in the fall when it is a better planting time, and to establish an Ad Hoc Committee. . **Motion carried unanimously.**

Councilmember Campbell said that after reading the staff report that maybe it was not enough to meet the needs of the area and that he counted 47 trees that looked dead or near dead.

Councilmember Nichols said that he walked the Coastal Trail Trail with staff and inventoried the trees, that they placed surveyors tape for removal or pruning of certain trees, that some trees always take time to develop and will look gawky until they develop, that the budget can limit the recommendations, that it is best to do it in phases and reassess, that he recommended planting some

foundation evergreen shrubs that will generate new growth easily, it is the nature of drought tolerant area that creates difficulty in maintaining a good look, it is a process and requires special care, and that some trees just need time to come to maturity.

Gary Martin said that he worked with the landscape architect when it began, that the dragon trees were installed in the wrong places, they restaked the positions and they installed in the wrong place again, that some of these trees should be moved, and that moving them stunts their growth and it takes time to develop them.

Council discussed whether there were enough trees, that the outcome was not what some Council envisioned, whether to pull out anything that has any doubt and replace with consistent sized boxes, that many trees that are planted on Stevens Ave. and look well even after pruning, that \$15,000 was allocated for tree replacement, that there had been some bad pruning by the last contractor, that it is not a good time to plant in the summer since it stresses the trees too much, suggestion to wait to assess the need and plan to plant in the fall, the idea of using plaques near trees adopting them to offset the costs, that Torrey Pines can reach 40-50 ft. and potentially create some view issues, and that Mayor Heebner and Councilmember Nichols will walk the site and propose a plan to Council.

ORDINANCE INTRODUCTION: 1st Reading NONE

Submit speaker slips to the City Clerk.

ORDINANCE ADOPTION: 2nd Reading NONE

Submit speaker slips to the City Clerk.

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 (CCCA) - Roberts, Heebner (alternate).**

2. City Selection Committee - Kellejian (meets twice a year)

Council discussed the available position for appointment to LAFCO through the City Election Committee, that most of the Council had not heard about it until recently and that some would be interested in our City having representation of making nominations, that the County usually sends out the notice, where to rely on this type of information, Deputy Mayor's term as President of the City Selection Committee and when it was up, that it can expire if someone wants to run instead of Joe's second run on his term, whether the City Selection Committee notices the Mayor, and that one project associated with LAFCO will affect the City so there would be interest to be involved.

3. County Service Area 17 - Campbell, Nichols (alternate).**4. Escondido Creek Watershed Authority - Nichols, Roberts (alternate).**

Councilmember Nichols said that they will be voting on amending the agreement for the Regional Comprehensive Plan for watersheds.

5. League of Ca. Cities' San Diego County Executive Committee - Roberts, Kellejian (alternate).**6. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).****7. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Roberts, Kellejian (alternate).****8. North County Dispatch JPA - Nichols, Campbell (alternate).****9. North County Transit District - Roberts, Heebner (alternate).**

Councilmember Roberts said that they are working on art in public spaces policy.

10. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).**11. SANDAG - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).**

Mayor Heebner said that they have drafted a Regional Transportation Plan and she was one of two votes for the transit option which was allocation of all \$10 million to transit.

12. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).

Deputy Mayor Kellejian said that there is a possibility of doing another regional project, the feasibility study is nearing completion that would allow a new project, the Boating and Waterways are asking for local agencies to support a resolution of support from local agencies to take to Sacramento, that The City could participate with funds from the TOT (Transient Occupancy Tax), and that there is already \$400,000 in the account for seawall mitigation and new retention purposes.

13. San Dieguito River Valley JPA - Roberts, Nichols (alternate).

Councilmember Roberts said that he and the City Manager discussed the budget amount of \$75,000 for the fund to reinvest.

Councilmember Campbell and Roberts discussed that fact that in the last few years the endowment funding had been stopped for awhile and now they were reinstating it.

14. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).

Councilmember Campbell said that they are updating an agreement between the two member agencies.

15. 22nd Agricultural District Association Community Relations Committee - Roberts, Campbell (alternate).

Councilmember Campbell said they discussed the WiFi project that is moving along and that there would be an agreement for operations among City of Del Mar, 22nd Agricultural District and City of Solana Beach.

Council discussion ensued regarding utilizing one vendor for all parties, that a letter was received regarding the potential of the Street Scene event taking place on the Del Mar Fairgrounds, and that they have confirmed that they would properly control the event if it is accepted.

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.**

Councilmember Nichols said they met and discussed the Master Arts Policy.

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.**

Councilmember Campbell said that it is proceeding and that there is a period to provide input.

2. **Sand Replenishment Alternative Review - Kellejian, Campbell. Expires November 8, 2007.**

Councilmember Campbell said that they met with ACOE (Army Corps of Engineers) and PCOE (Planning Center of Expertise from the upper division of the Army Corps, that the head of the whole division attended, and that they hope to have an outline within 30 day to outline the issues to be addressed.

3. **Views and Vegetation Subcommittee - Roberts, Nichols. Expires November 8, 2007.**
4. **User Fee Ad-Hoc Committee - Roberts, Campbell. Expires June 30, 2007.**

Councilmember Roberts said that they met and asked Budget & Finance Commissions for citizen input before coming to Council.

5. **Development Review - Heebner, Nichols. Expires November 29, 2007.**
6. **Highway 101 Improvement Ad-Hoc Committee - Heebner, Nichols. Expires June 13, 2007.**

Mayor Heebner and Councilmember Nichols said that they met with the Highway 101 group, that the Plaza District as being looked at to dress it up some with little funding, and that the street scape plan and the tenants in the area with issues.

7. La Colonia Park Master Plan Committee - Heebner, Roberts.
Expires June 30, 2007.

Mayor Heebner said that they met and the needs and recommendations will be brought to Council.

8. Condohotel - Heebner, Campbell. Expires October 24, 2007.

9. Solana Beach Livability Ad Hoc - Heebner, Nichols. Established February 14, 2007 - Short term

ADJOURN:

Mayor Heebner adjourned the meeting at 9:23 p.m.



Angela Ivey, City Clerk
Approved: September 19, 2007