

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

WEDNESDAY, MAY 23, 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.
Steve Didier, Management Analyst
Mary Blais, Interim Community Development Dir.
Park Morse, Interim Asst. City Manager

FLAG SALUTE:

Mr. Lindsey led the flag salute

APPROVAL OF AGENDA:

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

PROCLAMATIONS:

- 1. Public Works Week**

Mayor Heebner presented a proclamation to Chandra Collure, City Engineer, for Public Works Week.

PRESENTATIONS:

1. Annual Sheriff Report

Captain Don Fowler, San Diego County Sheriff's Dept., presented a powerpoint presentation highlighting the Annual Sheriff's Report.

2. Solana Beach Triathlon and Iron Girl 10k/5k

David Ott, City Manager, said that the Business Liaison Standing Committee met regarding a proposal for a July Triathlon event as well as a new event called the Iron Girl 5/10k. He said that both events would be anticipating 1000 runners, roads will be closed temporarily, and that there was a list of supportive businesses on Highway 101 and Plaza, and that it was decided to not combine a children's event this time.

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.)

Sharon Garrow announced that the Chamber of Commerce has a new employee, Irene Molina, working in the new visitors center and has done a lot to get it up to date and in operation as well as logging where people are coming from and their requests. She said that they will be selling entertainment tickets, supplies, souvenirs, new t-shirts, coffee tumblers, beach towels, and that the hours are 10:00 a.m. - 4:00 p.m. and that they need volunteers to assist in keeping the center open.

COMMUNITY ANNOUNCEMENTS:

Mayor Heebner announced that Memorial Day would be celebrated at La Colonia Park, that The Friends of the Library would have an event called "Save the Sun" with Jack and Judy Heganauer discussing solar energy generation in the home, that the Sheriff's department would be presenting the Citizen's Academy and that applications were being accepted.

Deputy Mayor Kellejian announced that the Fiesta Del Sol would take place June 2nd and 3rd and that the Solana Beach Fire Department will hold their annual pancake breakfast.

Councilmember Roberts announced that the Education Coalition Commission would be

having their last meeting, that the soccer field at La Colonia has signs asking the public to stay off of the grass to get it growing back, that the Civic & Historical Society event last month was a preview of the upcoming performance of "Baby", and that planks are being sold for the boardwalk at \$100 each that will be placed between Solana Beach and Del Mar for a Coastal Rail Trail area.

Deputy Mayor Kellejian announced that the next Cedros Crossing EIR hearing is scheduled for June 14th at 5:00 p.m. and that on June 16th the Fletcher Cove opening event will take place.

Councilmember Nichols said that the Fletcher Cove Park grass was in its development stage and asked people to respect it during the opening.

COMMENTARY:

Councilmember Roberts thanked everyone who participated in the Arts Alive Banner program, that he attended the ribbon ceremony at San Dieguito Park Miracle League opening and the ribbon ceremony at the San Dieguito Heritage Museum, and that a resident had concerns about mini-dorms coming to town and to be aware of the issue.

Mayor Heebner said that Mira Costa College Foundation is lobbying Feinstein and Issa for funds for Nursing Fast Track funds due to the shortage of nurses, that California ranks 49th per capita of RNs, that nurses tend to practice where they take their training, that training is available at the San Elijo campus, and that support of this program could benefit the community. She said that she would be signing letters of support.

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 Nichols and seconded by Roberts . **Motion carried unanimously.**

2. Minutes of City Council meeting

- A. Approve the Minutes of the Regular City Council meeting held February 28, 2007.

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

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

A. Ratify the List of Demands dated April 14, 2007 through May 4, 2007.

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

5. Authorize the California Energy Commission (CEC) to perform an Energy Audit of City Facilities (File No. 0230-25)

A. Adopt Resolution 2007-055 authorizing the CEC to perform the energy efficiency audits and develop the subsequent reports.

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

4. Authorize the City Engineer to solicit bids for the construction of a less than half-size basketball court at La Colonia Park (File No. 0400-10)

A. Adopt Resolution 2007-058 authorizing the City Engineer to solicit bids for the construction of a less than half-size basketball court at La Colonia Park.

MOTION: Moved by Nichols and seconded by Kellejian . **Motion carried 3/2** (Noes: Roberts, Campbell.)

David Ott, City Manager, introduced the item.

Chandra Collure, City Engineer, presented a powerpoint presentation.

Council discussed that the court would be facing east/west exposing sun in the faces of players, the materials of concrete v. asphalt, whether an irrigation system was part of the bid, and the consideration of walking through the grass to get to the court.

Irene Young asked that the basketball court remain the same, that the problem is the tree but that she heard it was going to remain even though it is causing the problem.

Council discussion ensued regarding whether to spend the funds now before the new plan for the park is completed, that this issue required attention due to safety concerns, that the footprint will remain even after the problem is solved, that asphalt would be cheaper, that a 3 point line is important to the game, the life of asphalt v. concrete, that there could be reflective cracking and would have to re-seal within 5 years, that it can not be slurried.

Councilmember Roberts stated that he could not support the motion for this work prior to the La Colonia Plan completion.

PUBLIC HEARINGS: (Item 6)

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.

6. A Request for a Development Review Permit and a Structure Development Permit for a first story addition and a new second story to an existing single-story residence plus an attached accessory living unit located at 762 North Granados Avenue (Case No.: 17-07-01; Applicants: Scott and Jessica Billington) (File No. 0600-40)

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- B. Adopt Resolution 2007-057 conditionally approving the request for a Development Review Permit and Structure Development Permit to construct a first story addition, new second story addition and attached accessory living unit to an existing single-family residence at a maximum height of 24.5 feet and requiring a total of 170 cubic yards of grading at 762 North Granados Avenue.

David Ott, City Manager, introduced the item.

Kathy Johnson, Associate Planner, presented a powerpoint presentation introducing the project, and that it was not a view assessment project.

Council and staff discussion ensued regarding the initial noticing within 300 ft. that was mailed on February 23rd and then expanded the noticing, that there was also a mailing on February 27th to a list of addresses presented by a resident, and that the deadline for submitting a view assessment request was March 27th, that staff went to take pictures of the views recently for an update and spoke to Mr. Walters and he introduced Mrs. Mills, and that Mrs. Mills acknowledged to staff that she did receive her notice.

Mayor Heenber opened the public hearing.

Council disclosures included Councilmember Campbell met with Mrs. Mills, Mr. Walkters and the applicant and visited the site, Councilmember Nichols had driven to the project area but had not spoke with applicant, Councilmember Roberts had driven by the project and the views but had not spoke with the applicant, Deputy Mayor

Kellejian said that he did not speak with anyone but he visited both locations and he lives in the area, and Mayor Heebner said that she did not speak to anyone but had visited the site.

Scott Billington, applicant, proposed that their model is tasteful and relatively small for the area, that the expansion is for the purpose of growing children, that story poles are a clear indication that something is going on so the public is clearly noticed, that they acted in good faith meeting the City's code, that he was not approached by anyone regarding any concern this last minute, that he checked in last week to see if there were any contacts for issues, that at the end of last week he heard from Mr. Walter, that he had visited all neighbors and took pictures, then he went on a four day business trip, that after visiting the names on the list and that two of them did not have any knowledge of the letter that was sent, that one was not going to sign their letter and that one had changed her mind, that he did meet with Mr. Walter yesterday and asked what would make it better for him and he said to not build a second story, that they disagreed, that he did make an effort to resolve with Mr. Walters and that he said he did not receive the notice, and the story poles had been up for 9 weeks and no one approached anyone.

Max Walters (Sue Corbett, Chelle Walters donated their time to provide a Group time limit of 15 min) said that he represented six families that met in January when the story poles went up, that he asked for notice to be extended to residents on Rawl, that he contacted the staff in February and was told that it was too early for view assessment since the notices had not been mailed, that he asked to submit for view assessment since he did not receive notice and was declined, showed a powerpoint presentation and asked Council to limit the project to 16 ft. to preserve views, and to remove a large pine tree in the backyard that restricted views.

Scott Billington, applicant, said that he understands any concerns, that he had nice neighbors, that this process is meant to maintain some views but not all of them, and that this project is taking a small portion of his view.

Council and the applicant's architect discussed the accessory unit with pad steps up on the east elevation as terraced stair stepping, that grade was on pad, not lowering or raising the grade, whether the chimney be lowered, that it is designed at 2 ft. above the height limit which is allowed by code, and that it is a masonry fireplace chimney.

Council and the applicant discussed the Torry Pine tree in his backyard and another tree in the lagoon conservancy, that the lagoon conservancy said that they will not remove it, that Mr. Walters showed pictures that he took in Mr. Walters back deck with a standard 50 millimeter lens and not a wide lens and then photo stitched to put the pictures together similar to staff's process.

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

Council and City Attorney discussed the process for noticing, that the City's rule is 300 ft., that a second notice as a courtesy was sent and not required by the code, that the

common rule is that the City relies on the US mail and presumes that the mail is received, that there were only two returned so it was assumed that the mail was delivered correctly, that a sign was not posted at the property since it is not a code requirement at this time, that group views are not allowed for consideration since primary view areas are specific to each residence because it is not possible for all properties to have the same view, that there are currently vegetation limitations in the resolution to conditionally approve, and that there is some view lost but Council has to decide if the proposal is reasonable.

Mayor Heebner recessed the meeting at 8:38 p.m. for a break.

Mayor Heebner reconvened the meeting at 8:44 p.m.

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

STAFF REPORTS: (Items 7-12)

Submit speaker slips to the City Clerk.

7. La Colonia Park Needs Assessment Recommendations (File No. 0720-15)

- A. Receive the report; and
- B. Authorize Staff to release a request for proposals for conceptual design, cost estimates, and phasing plans for implementing the Needs Assessment facility recommendations; and
- C. Direct Staff to refer all of the Needs Assessment recommendations to the City Manager and other departments as recommended in the report.

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

David Ott, City Manager, introduced the item.

Kirk Wenger, Recreation Supervisor, presented a powerpoint reviewing the process of formulating a plan. Steve Didier continued the powerpoint presentation.

Irene Young (Linda Potter donated 3 minutes) stated that she does not think a trial period for dogs is a good idea, that signs are posted and after all these years it hasn't been enforced, also asked why there is not a "no smoking" sign and why there is a section next to the building where you can smoke, that it is not a good example since smoking is not allowed in the parks, that there is no such thing as a small skateboard park and that she did not support one, that illegal skate boarding is happening, that she and her neighbors have roots in the community and that they want to keep it as a nice park.

Gerri Retman said that she hoped the plan and implementation would not take 4 years to complete and urged Council to approve.

Vicki Cypherd said she attended the workshops and provided input, that the City was lucky to have a park of this size, that she supported all staff recommendations, that it is not meant to be a dog park but rather an area to walk dogs.

Ira Opper said he supported a skateboard site since it is part of the southern California culture where there are over 1000 skate parks, that a 1967 California law limits public injury liability, that Solana Beach has banned skateboarding in most places so there should be a dedicated spot for this sport.

Council discussed the concern about the name of this project and it should include a phrase that says "needs assessment", that the park has been underutilized and under maintained, that local residents should use the park, the concern about skateboarding running over residents so there would have to be an area with rules, regulations and safety issues, whether to provide staff to oversee the site, that there should be places to sit and spaces for art nodes, that the playground base needed to be fixed, that the workshop provided a lot of good input, considering a synthetic lawn since it is less maintenance, instructing the consultants to meet with the Sheriff's department for their input, improving site visibility, looking at a citywide basis recreational opportunity every 5 years, funding ideas, the ADA transition funds for the tot lot and for sidewalks and parking lots.

James Lough, City Attorney, responded to the concern regarding skatepark liability stating that there are hazardous immunities for parks, that posting signage reduces liability and that liability issues should be considered in the design.

Council and staff discussion ensued regarding support of preliminary designs, Council defining a scope for the design, to hold workshops for input from the community and then return to Council to begin scope definition, that a plan and budget is needed as well as creating a professional forecast, that a supervised skateboard park would be a cost factor, considering the noise from a skateboard park, allowing leashed dogs at certain time of the day, and continue the Ad Hoc Committee review to define more scoping recommendations.

8. Authorize the City Engineer to pre-qualify contractors and advertise the Eden Garden Pump Station for construction bids (File No. 0400-10)

A. Adopt Resolution 2007-056 authorizing the City Engineer to:

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

9. Establish the Highway 101/Cedros Avenue Development Committee (File No. 0120-90)

- A. Adopt Resolution 2007-059 establishing a standing committee Highway 101/Cedros Ave. Development Committee.
- B. Appoint Mayor Heebner and Councilmember Nichols to the committee.

MOTION: Moved by Roberts and seconded by Kellejian to appoint Mayor Heebner and Councilmember Nichols. **Motion carried unanimously.**

10. Sponsorship of 2007 Fiesta del Sol (File No. 0330-25)

- A. Adopt Resolution 2007-060 authorizing the appropriation of \$10,000 either from the Coastal Business/Visitors' Fund or the General Fund Undesignated Reserves or a combination of both in order to facilitate City sponsorship of the 2007 Fiesta del Sol.

David Ott, City Manager, introduced the item and reviewed the TOT (Transient Occupancy Tax) which allows for 1/3 of the fund for tourism which could be considered for funding to the Fiesta Del Sol.

Dennis Coleman said that the TOT fund has approximately \$6,600 in the fund to date, that projections for the end of this Fiscal Year total around \$10,000, that the fund could be used for visitors promotion, Chamber of Commerce assistance, County & Convention Visitor's Bureau, North County special events and public arts projects.

Sharon Garrow, Chamber President, (Gerri Retman donated 3 minutes) said that the City had been a partner for 28 years, that their request was for \$10,000, that they had secured additional parking lots for shuttling, that there were ADA buses available from the train station, that there was a double decker stop at the Del Mar Fairgrounds, La Colonia, Highway 101 at the entrance to Fiesta Del Sol and then stopped at the City parking lot. She said that there would be family oriented bands and a pancake breakfast.

Council discussed the need for signage ahead of time so people will know about the event and that the funds be taken from the Coastal Business Fund rather than the General Fund.

MOTION: Moved by Kellejian and seconded by Roberts to approve and that the funds be appropriated from the 1/3 of the TOT (Transient Occupancy Tax) for Coastal Area business/Visitor Assistance and Enhancements and to add appropriate City sponsorship to future marketing. **Motion carried unanimously.**

Council consensus was reached to continue the meeting beyond 10:30 p.m.

11. Request for Proposal (RFP) to assist the City in establishing a Methodology for determining Sand Mitigation and Land Lease/Recreation Fees associated with Bluff Retention Devices in

Solana Beach, pursuant to the City's Draft Local Coastal Program Land Use Plan (File No. 0740-80)

David Ott, City Manager, introduced the item stating that a group of local citizens worked with staff to develop a draft Local Coastal Plan as well as a fee structure to assess to those seeking approval for bluff retention devices. He said that since this is a cutting edge approach an RFP (Request for Proposal) should be used to see what options are available.

James Lough, City Attorney, thanked David Winkler for his drafting of the document. He said that the Local Coastal Plan can not move forward without this component of a process of procedures. He said that he would like to add to the motion to authorize the City Attorney to add clarifying language indicating the City Council retains the discretion to accept, reject and/or modify any proposals received.

Deputy Mayor Kellejian and Councilmember Roberts said that the League is seeking information from cities that have sand mitigation fees and one of the purposes is to look at sharing costs.

MOTION: Moved by Roberts and seconded by Heebner to approve and authorize the City Attorney to add clarifying language indicating that the City Council retain the discretion to accept, reject and/or modify any proposals. **Motion carried unanimously.**

This item was heard and will forward to the next agenda.

12. Establish fixed dates for City Council Sub-Committees meetings (File No. 0410-20)

- A. Receive the report, City Council discussion, and provide direction to Staff.

This item was not heard and will be forwarded to the next agenda.

ORDINANCE INTRODUCTION: 1st Reading (Item 13)

Submit speaker slips to the City Clerk.

13. State and City Video Franchises (File No. 1000-10)

- A. Introduce Ordinance No. 363:

This item was not heard and will be forwarded to the next agenda.

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)**
3. **County Service Area 17 - Campbell, Nichols (alternate).**
4. **Escondido Creek Watershed Authority - Nichols, Roberts (alternate).**
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).**
10. **Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).**
11. **SANDAG - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).**
12. **SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).**
13. **San Dieguito River Valley JPA - Roberts, Nichols (alternate).**
14. **San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).**

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

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

1. **Business Liaison Committee - Roberts, Campbell.**
2. **School Relations Committee - Roberts, Campbell.**
3. **Public Arts Committee - 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 10:41 p.m. and reconvening to Closed Session.

UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled or Special Meetings that have been announced as of this Agenda Posting.

1. **Budget & Finance Committee Thursday, June 21, 2007, 6:00 p.m. (Council Chambers)**
2. **Public Arts Advisory Commission Tuesday, June 12, 2007, 3:30 p.m. (Council Chambers)**
3. **Parks & Recreation Commission Thursday, June 14, 2007, 4:00 p.m. (La Colonia Park)**
4. **Public Safety Commission Tuesday, June 12, 2007, 6:30 p.m. (Council Chambers)**
5. **View Assessment Committee Tuesday, June 19, 2007, 6:00 p.m. (Council Chambers)**



Angela Ivey, City Clerk

Approved: September 26, 2007