

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **ADJOURNED REGULAR** MEETING

MINUTES

TUESDAY, JUNE 19, 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: Heebner, Kellejian, Roberts, Nichols, and Campbell.

Absent: None.

Also Present: David Ott, City Manager
James Lough, City Attorney
Mary Blais, Planning Consultant
Chandra Collure, City Engineer
Leticia Rodriguez, Deputy City Clerk
Jeremy Jung, Deputy City Attorney
Park Morse, Interim Deputy City Manager
Dennis Coleman, Finance Dir.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PRESENTATIONS:

A. San Dieguito Park

Tom Golich, President of the San Dieguito River Valley Conservancy, stated that

Council approved a resolution to support the San Dieguito Watershed Plan, that Fletcher Cove Park was a good addition to the City, and that the San Dieguito River Valley had difficulty in the past getting grants due to the lack of a Watershed Plan. He stated that the effort was led by Mark Whitehead and Bill Simmons, that the plan took two years to form, and that the goal was to get a cooperative effort from all the agencies impacted by the watershed plan. He stated that most of the water in the watershed ended up in the beaches and that having a plan would make it easier to get grant funding.

Bill Simmons, Vice President of the San Dieguito River Valley Conservancy, stated that the Watershed Council would like City representatives to serve on its Council, that the Watershed Plan stated that there should be a Council to implement the Watershed Plan, that the membership of the Council is comprised of all impacted agencies and other stakeholders. He stated that the goal of the Council was to obtain grant money, that the Council would implement various projects, that there are several working groups to do various projects around the County, and that the Council would appreciate the City contributing Staff time.

Tom Golich, President of the San Dieguito River Valley Conservancy, stated that the purpose of Watershed Council was to coordinate with government agencies along the water districts to get projects done, to obtain grant money, and to get projects completed in a timely manner.

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.)

There were no speakers for Oral Communications.

COMMUNITY ANNOUNCEMENTS:

Deputy Mayor Kellejian stated that the North Coast Reperatory Theater would be presenting the play "Baby" and that all proceeds benefited local community youth programs.

Mayor Heebner reviewed the dates for the upcoming Council meetings.

COMMENTARY:

CONSENT CALENDAR: (Action Items) (Items 1-4)

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 Kellejian to approve the consent calendar. **Motion carried unanimously.**

2. Award Construction Contract for the 2007 Street Repair and Slurry Seal Project, Bid No. 2007-04. (File No. 0400-10)

- A. Adopt Resolution No. 2007-082:

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

3. Notice of Completion, Solana Beach Pump Station Forcemain Replacement Project, Bid No. 2006-08 and authorize amendment to the agreement with Dudek & Associates. (File No. 0400-10)

- A. Adopt Resolution No. 2007-076:

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

4. Approve Change Order for private sewer laterals installation for South Solana Sewer Assessment District Project. (File No. 0400-10)

- A. Adopt Resolution No. 2007-081 in accordance with the sewer lateral list presented to City Council as attachment 1:

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

PUBLIC HEARINGS continued: (Items 5 and 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.

5. Request for a Development Review Permit and a Structure Development Permit to remodel, reconstruct and provide square footage additions to an existing 2,106 square foot, two story residence including garage on property at 118 Brookdale Place (Case: 17-06-30 DRP/SDP; Applicant Louis E. Hallman III and Sherry L. Mesman). (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 the attached Resolution No. 2007-083 conditionally approving a Development Review Permit and Structure Development Permit to remodel and provide square footage additions to an existing two-story residence located at 118 Brookdale Place.

Councilmember Campbell recused himself due to living within 500 feet of the project.

David Ott, City Manager, introduced the item and introduced Corey Johnson, Junior Planner, to present the project.

Corey Johnson, Junior Planner, gave a powerpoint presentation on the proposed project. She stated that this neighborhood was considered to be one in transition, and that the application was submitted and deemed complete prior to the adoption of Ordinance 357. She reviewed the project and explained the proposed project details.

Council discussion ensued regarding access to the subterranean garage, what steps were taken to prevent the structure from appearing to be three stories high, whether there would be more than one retaining wall on the property, and what assurances or conditions would be in place to ensure that landscaping on the property would not reach high enough to block views.

Mary Blais, Interim Community Development Director, stated that there was no restriction or deed on the property to ensure that vegetation would not reach high enough to block views, that the condition in the resolution was a standard condition for this type of project.

Mayor Heebner opened the public hearing.

Council stated their disclosures on this project. Councilmember Nichols stated that he walked the property, Councilmember Roberts stated that he drove by the property, Deputy Mayor Kellejian stated that he drove by the property, and Mayor Heebner stated that she drove by the property.

Louis Hallman, Applicant, stated that he had attempted to be respectful to his neighbors and their views. He stated that he had spoken to neighbors, that he would not plant large trees due to potentially blocking views, that he would take any structures out of the right of way, and would make sure that everything was retained by retaining walls. He stated that there would be one retaining wall on the south end of the property and one on the north end of the property which would be made of organic materials.

Council discussion ensued on the numerous trees that were already on the property, what future planting would look like and to ensure the roofline would not be exceeded.

Louis Hallman, Applicant, stated that he did not have a landscape plan, that he would keep vegetation low and they would be native plants.

Council discussion ensued on concerns about retaining walls, that using natural grade for the walls would make it a more organic project, that a condition of the project should be to keep the retaining walls low, and to break the elevation change between ground floor and the subterranean level to make the house appear smaller.

MOTION: Moved by Heebner and seconded by Roberts to close the public hearing .
Motion carried 4/0 (Absent: Campbell.)

Council discussion ensued on including low retaining walls into the motion, that there are continued concern about plantings on the property, that this project should be addressed in the Views and Vegetation Committee, that without a landscape plan it would be difficult to put conditions of planting for this project, that adding a condition for not planting bamboo would be difficult due to more discussion being required by Council on this topic and that projects needed to be addressed on a case by case basis, and in the future Council could require landscape plans with project plan submittals.

MOTION: Moved by Heebner and seconded by Roberts to approve project with modifications. (Councilmember Campbell recused himself due to a conflict of interest, living within 500 ft. of the project area.) . **Motion carried 4/0** (Absent: Campbell.)

6. Request for a Development Review Permit and a Structure Development Permit to demolish an existing single-family residence and construct a new 4,348 square foot, single-family residence with an accessory living unit on a property located at 548 North Rios Avenue, Solana Beach (Case: 17-06-39 DRP/SDP; Applicant: Richard and Linda Kwasny). (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 2007-080 conditionally approving a Development Review Permit and Structure Development Permit to construct a new single-family residence with accessory living unit on property at 548

North Rios Avenue, subject to the conditions of approval stated therein.

David Ott, City Manager, introduced the item and introduced Kevin Pointer, Assistant Planner to present a power point presentation on the project.

Kevin Pointer, Assistant Planner, gave a presentation on the project, said that this project was in a neighborhood that was considered to be in transition, and that the application was submitted and deemed complete prior to the adoption of Ordinance 357.

Council discussion ensued on the Floor Area Ratios (FARs) of the courtyards for the project, limiting the conversion of floor area ratio for the patio area, that the patio is partially covered and not subject to have the floor area ratio counted in the total area of the project, whether the patio could be easily enclosed in the future, and whether there could be a restriction added to the resolution.

David Ott, City Manager, stated that the issue of enclosing patios are addressed on a case by case basis and if it were to be enclosed it would become a code enforcement issue.

Mayor Heebner opened the public hearing.

Council reported on disclosures on the project, Mayor Heebner, Deputy Mayor Kellejian, Councilmember Roberts, Nichols and Campbell all stated that they drove by the project.

Stephens Adams, Architect, stated that he was representing the applicant. He stated that the applicants wanted to design a house that was compatible to the area, and that he was available to answer questions.

Dan Chambers stated that he supported the project.

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

Council discussion regarding concerns on the landscaping due to the project being close to the San Elijo Lagoon, that the resolution should include that the landscaping be noninvasive.

MOTION: Moved by Nichols and seconded by Roberts to approve the project with modifications . **Motion carried unanimously.**

STAFF REPORTS: (Items 7-10)
Submit speaker slips to the City Clerk.

- 7. Support for SB 286 (Lowenthal/Dutton) and an allocation of \$1 billion from the state budget under Proposition 1B (transportation) funding for fiscal year 2007-08. (File No. 0480-70)**

- A. Adopt Resolution No. 2007-088 supporting SB 286 regarding Proposition 1B's allocation formula.

David Ott, City Manager, introduced the item, that it would be a resolution to support the allocation of one billion dollars from the state budget into State Proposition 1b funding, that last November there was a vote on this issue and it passed, that a provision of the vote was that during the first year two billion dollars would go towards infrastructure and would be split evenly between Cities and Counties, and that this had been put out by the League of California Cities to help the Cities get their share of the money.

MOTION: Moved by Roberts and seconded by Heebner to approve Staff recommendation . **Motion carried unanimously.**

8. Adoption of City Investment Policy. (File No. 0350-30)

- A. Adopt Resolution No. 2007-068 approving the City's Investment Policy for fiscal year 2007-2008.

David Ott, City Manager, introduced the item and stated that no changes were planned for this fiscal year.

MOTION: Moved by Kellejian and seconded by Roberts to approve Staff recommendation . **Motion carried unanimously.**

9. Establish Fixed Dates for City Council Sub-Committees Meetings. (File No. 0410-20)

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

David Ott, City Manager, introduced the item, and stated that Council requested to have fixed dates for various Council Ad Hoc Committee dates to assist Council schedule appropriately.

Council discussion ensued on having a trial basis of setting dates for ad-hoc committee meetings, that the calendar would be based upon availability of City Staff, City Manager, and the City Attorney, and that this would assist Council in determining their schedules in advance.

Council discussion ensued regarding what days Council would be available for these meetings, that possibly two or three hours could be blocked out prior to Council meeting days, and that Council meeting days may be difficult due to last minute issues. Council reached consensus to try blocking out time on the alternate Wednesdays to Council meetings and to implement the trial basis program after Council returned from summer break.

10. Establish the Appropriations Limit for Fiscal Year 2007/08. (File No. 0330-30)

- A. Adopt Resolution No. 2007-074 establishing the 2007/08 Appropriations Limit in accordance with Article XIII B of the California Constitution and Government Code Section 7910 to be 24,668,117.

David Ott, City Manager, introduced the item and introduced Dennis Coleman, Finance Director.

Dennis Coleman, Finance Director, stated that the establishment of the Gann Appropriation Limits for Fiscal Year 2007/08 was required by the Government Code to be set before the start of the fiscal year, that this limited the collection of taxes that are to be collected, and that the City's appropriation limit would be 24.7 million dollars.

MOTION: Moved by Roberts and seconded by Kellejian to approve Staff recommendation . **Motion carried unanimously.**

ORDINANCE INTRODUCTION: 1st Reading (Item 11)

Submit speaker slips to the City Clerk.

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

- A. Adopt Ordinance No. 363

David Ott, City Manager, introduced the item. He stated that the State would take responsibility for franchise agreements, but that Cities would still retain their portion of the fees and control over the franchises.

Jeremy Jung, Deputy City Attorney, stated that the State was taking control over the video franchises, that the law took effect January 2007, that state franchises would not be operative until January 2, 2008, and that any City franchise would still be in effect until that date.

Council and City Attorney discussion ensued regarding whether the City would still have the ability to make the franchises accountable for poor customer service.

Jeremy Jung, Deputy City Attorney, stated that the City would still retain some abilities such as certain customer service standards which were a part of the ordinance, that the standards would be set by the State, and that the City would still have the ability to monitor the compliance of the franchises.

MOTION: Moved by Roberts and seconded by Kellejian to approve Staff recommendation. **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.

Deputy Mayor Kellejian stated that he attended the League of California Lunch on June 11th.

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).

Councilmember Nichols stated that the group was waiting for changes made by the County to the Integrated Watershed Management Plan and that once the language was received it would be brought back to Council for approval.

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).

Councilmember Roberts stated that the next meeting would focus on the initial study results of the City of Del Mar joining the San Elijo JPA, that there was a presentation on a new nature center that would be built at the San Elijo Lagoon, that it was completely funded, that Council may want a presentation on how the center would blend in with the lagoon, that it would all be environmentally friendly, and that an outfall pipe in Escondido would have to be expanded if other agencies joined the JPA.

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

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

1. **Business Liaison Committee - Roberts, Campbell.**

Councilmember Roberts requested to agendaize the issue to bring back quarterly awards for City businesses.

2. **School Relations Committee - Roberts, Campbell.**

Councilmember Roberts stated that the use of Earl Warren Middle school fields were locked for the summer and that he would speak to Peggy Lynch to see what the shared usage agreement was for that area.

3. **Public Arts Committee - Roberts, Nichols.**

4. **Traffic Transportation - Heebner, Kellejian.**

Deputy Mayor Kellejian stated that he would talk to the City Manager about the function of this committee and that it should be discussing the traffic study that is occurring on the east side of the city.

Councilmember Roberts stated that there is an interest in monitoring traffic counts and asked whether there would be a traffic count during the fair and race season so the City could build a database to assist with future projects.

Council discussion ensued on how to begin the traffic count studies and how obtaining authorization would take place for funding of the studies.

5. Highway 101 / Cedros Ave. Development Committee - Heebner, Nichols.

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.**

Councilmember Nichols stated that the group discussed some definitions of neighborhood and that the group would bring information back to Council.

- 6. La Colonia Park Needs Assessment Committee - Heebner, Nichols. Expires June 13, 2008.**
- 7. Condohotel - Heebner, Campbell. Expires October 24, 2007.**

ADJOURN:

Mayor Heebner adjourned the meeting at 8:20 p.m.

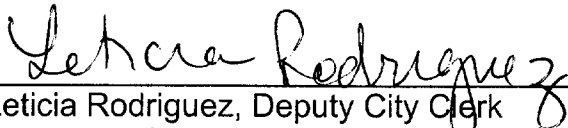
UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

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, July 10, 2007, 3:30 p.m.**

(Council Chambers)

- 3. Parks & Recreation Commission Thursday, July 12, 2007, 4:00 p.m. (La Colonia Park)**
- 4. Public Safety Commission Tuesday, July 10, 2007, 6:30 p.m. (Council Chambers)**
- 5. View Assessment Committee Monday, June 25, 2007, 6:00 p.m. (Council Chambers)**



Leticia Rodriguez, Deputy City Clerk
Approved: October 10, 2007