

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

WEDNESDAY, JUNE 27, 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
Dennis Coleman, Finance Dir.
Steve Didier, Management Analyst
Angela Ivey, City Clerk
Chandra Collure, City Engineer
Mary Blais, Interim Community Development Dir.
Danny King, Environmental Specialist
Kathy Johnson, Assistant Planner

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS: NONE

PRESENTATIONS:

1. Sandag - Regional Comprehensive Plan

Susan Baldwin, Sandag, presented a powerpoint presentation on the Regional Comprehensive Plan that captured the history of population and transportation growth over 20 years.

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.)

Claudia Carillo, SDGE, stated that in order to meet peak demand small actions would be required to reduce current energy usage and she suggested ways to conserve energy.

Vicki Cypherd displayed a sign that was nailed to a palm tree that advertised German Shepherds and asked what the policy was for signs posted.

David Ott, City Manager, stated signs are prohibited on all public property including the right of way and suggested that residents report it to Code Enforcement to handle and to not remove the sign themselves.

COMMUNITY ANNOUNCEMENTS:

Council announced community events.

COMMENTARY:

Council presented their 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 Campbell . **Motion carried unanimously.**

2. Minutes of City Council meeting

- A. Approve the Minutes of the Regular City Council meeting held March 24, 2007 and the Special meeting held March 28, 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 May 26, 2007 through June 8, 2007.

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

4. Professional Services Agreement for Federal Legislative and Administrative Beach Shoreline Advocacy Issues. (File No. 0400-10)

- A. Adopt Resolution 2007-089 authorizing the City Manager to execute Amendment No. 5 to the Marlow & Co. Agreement for Federal Legislative and Administrative Beach Shoreline Advocacy Issues extending the existing agreement for one year not to exceed \$4,350 a month.

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

PUBLIC HEARINGS continued: (Items 5-9)

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. Fiscal Year 2007-08 Resolution of City Fees. (File No. 0390-20)

A. Receive report

B. Adopt Resolution 2007-067 establishing a schedule of fees and charges for City services.

Steve Didier, Management Analyst, presented a PowerPoint presentation.

Eric Johnson, RCS (Revenue and Cost Specialists), reviewed the methodology used to determine the proposed cost of City services.

Mayor Heebner opened the public hearing.

Walter Oliver asked if the new business certificate initial fee would affect all contractors such as window washers, handy people, and businesses who may only have one client in Solana Beach, that the fee would be passed onto their customers, that there were other ways to generate recovery of costs such as an increase in vacation rentals, and suggested that Council look at it further.

Council discussion ensued regarding that fact that all cities charge a fee for all business certificates and licenses, confirmed that the fee of the initial business certificate would be \$70.00 for a landscaping company that is a registered business or incorporated who has only client once a week, that kids cutting yards would not be assessed the fee, and that the line has to be drawn somewhere.

Gordon Johns said that the Budget and Finance Committee supported the fee study and that the fee increases would get the City on track for cost recovery after 10 years of inattention.

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

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

Council discussion continued regarding yard services, that it was a public safety issue to be aware of who is doing business in Solana Beach, fee waivers, and the difference in fees for resident and non-resident programs based on other cities' standards.

6. Adoption of the Fiscal Year (FY) 2007-08 Solid Waste Rate Increase for EDCO Waste and Recycling Services. (File No. 1030-15)

- A. Adopt Resolution No. 2007-091 approving EDCO's rate review request increasing commercial solid waste rates for FY 2007-08 in accordance with the Franchise Agreement.

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

Mayor Heebner opened the public hearing.

Angela Ivey, City Clerk, reported that there were no majority protests received and there were not any speakers that requested to address the item.

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

7. Adoption of the Fiscal Year (FY) 2007-08 Solid Waste Rate Increase for Coast Waste Management. (File No. 1030-15)

- A. Adopt Resolution No. 2007-090 approving Waste Management rate review request increasing residential solid waste rates from current \$18.30 per month to \$19.02 per month for FY 2007-08 in accordance with the Franchise Agreement.

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

David Ott, City Manager, restated the purpose of the increase at this time due to the normal billing cycle having already past.

Mayor Heebner opened the public hearing.

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

unanimously.

8. **A request for a Development Review Permit and a Structure Development Permit to demolish an existing single-family residence and construct a new single-family residence with 2,480 square feet of gross floor area on a property located at 354 Pacific Avenue, Solana Beach (Case: 17-07-05 DRP/SDP; Applicant: Cenci Properties, LP). (File No. 0600-40)**

A. Continue the matter to the July 11, 2007 Council meeting.

MOTION: Moved by Roberts and seconded by Campbell to continue the matter to the July 11, 2007 Council meeting. **Motion carried unanimously.**

9. **A Request for a Development Review Permit and Structure Development Permit to construct a new two-story residence with a basement and associated grading on a vacant lot at 134 South Granados Avenue (Case No.: 17-06-33; Applicants: Tim & Ann McCormick). (File No. 0600-40)**

A. Continue the matter to the July 11, 2007 Council meeting.

MOTION: Moved by Roberts and seconded by Campbell to continue the matter to the July 11, 2007 Council meeting. **Motion carried unanimously.**

STAFF REPORTS: (Items 10 - 10.5)
Submit speaker slips to the City Clerk.

10. **Declare the intention to provide for an annual levy and collection of assessments in a special maintenance district; approve Engineer's "Report" for proceedings for the assessment in a special maintenance district; and set time and date for public hearing for the Solana Beach Coastal Rail Trail Maintenance District. (File No. 0495-20)**

A. Adopt Resolution 2007-087, initiating the proceedings and for the annual levy of assessments within a special maintenance district.

B. Adopt Resolution 2007-078, approving the Engineer's "Report" for proceedings of the annual levy of assessments within a special maintenance district.

- C. Adopt Resolution 2007-079, declaring intention to provide of the 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 July 11, 2007.

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

Council and staff discussion ensued regarding setting public hearing for July 11th, that Mayor Heebner and Councilmember Nichols would assess the Coastal Rail Trail's tree and landscaping status, and to obtain organic material subsidized by SDG&E.

10.5 Condo-Hotel. (File No. 0610-10)

- A. Give Staff direction as to whether to process a regulatory ordinance to develop a ban of the condo-hotel ownership method for hotels in the Commercial Zone or allowing for restrictions on condo-hotel uses.

MOTION: Moved by Roberts and seconded by Nichols move forward with process to ban. **Motion carried unanimously.**

Council and staff discussion ensued regarding condohotels being too complex of an issue for small city, that land is scarce and should be used for other things, how to enforce, prohibiting the fractional use of these properties, that the City Attorney will review all zoning and general plan issues for any conflicts, that a prohibition would be presented in a public hearing and the CEQA process, that the City may be the first to prohibit rather than impose restrictions, that it would be more of an enforcement issue than the City could provide for, that the Local Coastal Plan should be included in a prohibition, and that the City could take a leadership role in this issue, and the concern of how they affect the immediate community.

ORDINANCE INTRODUCTION: 1st Reading NONE
Submit speaker slips to the City Clerk.

ORDINANCE ADOPTION: 2nd Reading (Items 11-13)
Submit speaker slips to the City Clerk.

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

- A. Waive further reading and adopt Ordinance No. 363.

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

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

12. Ordinance Describing the Redevelopment Agency's Eminent Domain Powers, As Required By California Health and Safety Code Section 33342.7(A) (SB 53) (File No. 0115-22)

- A. Waive further reading and adopt Ordinance 366.
- B. Authorize publication of an ordinance summary in a newspaper of general circulation.

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

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

13. Adopt the Fiscal Year 2007-08 (FY) Sewer Service Charge of \$508.00 per Equivalent Dwelling Unit (EDU) (File No. 1040-75)

- A. Waive further reading and adopt Ordinance 365.
- B. Authorize publication of an ordinance summary in a newspaper of general circulation.

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

MOTION: Moved by Roberts and seconded by Campbell . **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 (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 and it's Subcommittees - 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 & it's subcommittees - 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).

Council presented committee reports.

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

Council presented committee reports.

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

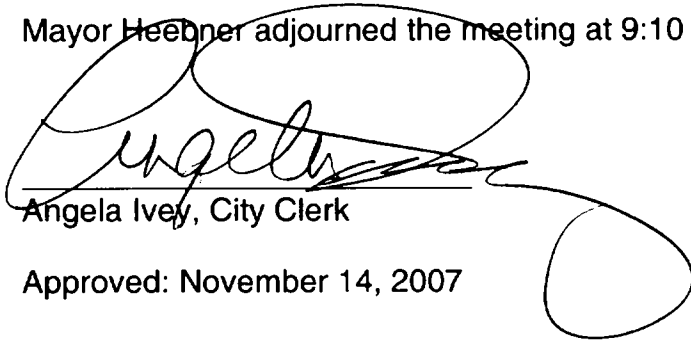
- 1. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 14, 2008 or at the California Coastal Commission adoption.**
- 2. Sand Replenishment Alternative Review - Kellejian, Campbell. Expires November 8, 2007.**
- 3. Views and Vegetation Subcommittee - Roberts, Nichols. Expires 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. La Colonia Park Master Plan Committee - Heebner, Roberts. Expires June 30, 2007.**

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

Council presented committee reports.

ADJOURN:

Mayor Heebner adjourned the meeting at 9:10 p.m.

A large, stylized handwritten signature in black ink, appearing to read 'Angela Ivey', is written over a horizontal line. The signature is highly cursive and loops around the line.

Angela Ivey, City Clerk

Approved: November 14, 2007