

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

JOINT **REGULAR** MEETING

MINUTES

**WEDNESDAY, SEPTEMBER 26, 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
Mary Blaise, Interim Comm. Dev. Dir.
Dennis Coleman, Finance Director
Park Morse, Interim Deputy City Mgr.
Chandra Collure, City Engineer
Steve Didier, Management Analyst

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS:

- 1. California Arts Day**

Mayor Heebner presented the proclamation for California Arts Council.

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip to the City Clerk (located on the back table). Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Items can be referred to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES as per SBMC . (Be aware of the timer lights on the Council dais.)

Ella Kothari stated that banning plastic bags was for environmental purposes and asked Council to ban retailers from disposing of plastic bags and distribute 5 reusable bags to each family. She said that she would be handing out bags at Vons.

Council and staff discussed the timeline for an upcoming ordinance around November of this year and that the purpose would be for landscape marketing bags at that time.

COMMUNITY ANNOUNCEMENTS:

Council presented their announcements.

COMMENTARY:

Council presented their commentary.

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.

MOTION: Moved by Roberts and seconded by Kellejian to approve with the exception of Item 3 which will be heard at the end of the meeting. **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 Kellejian to approve. **Motion carried unanimously.**

2. Minutes of City Council Meeting.

- A. Approve the Minutes of the City Council meeting held May 23, 2007 (Regular) and June 13, 2007 (Regular and Closed Session)

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

4. South Solana Sewer Assessment District Project - Approve Final Closing Change Order. (File No. 0400-10)

- A. Adopt Resolution 2007-143 approving a final closing change order in an amount of \$67,832 to the contract with Zondiros Corporation for payment of extra work in conjunction with the South Solana Sewer Assessment District.

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

5. Adopting the National Incident Management System. (File No. 0220-20)

- A. Adopt Resolution 2007-136 adopting the National Incident Management System as the all hazard incident response system for the City.

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

PUBLIC HEARINGS continued: (Items 6-10)

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. Building Valuation Table Update. (File No. 0800-90)

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15061 (b)(3) of the CEQA Guidelines; and
- B. Adopt Resolution 2007-139 amending the building valuation table for building related fees under the provisions of Title 15 of the Solana Beach Municipal Code.

David Ott, City Manager, introduced the item.

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

7. 241 Pacific Ave. North of Fletcher Cove (Case No.: 17-07-15; Applicant: Sharon A. Hawkins). (File No. 0610-10)

- A. Find the project exempt from the requirements of CEQA pursuant to 2007 State California CEQA Guidelines §15269(b) as a documented emergency exists; and
- B. Adopt Resolution 2007-097, which approves the project subject to the conditions stated therein.

Mayor Heebner opened the public hearing.

Bob Trettin, applicant representative, stated his concern about the sand mitigation fee for upper bluff program which was different than a seawall, that it was critical and an expensive project, and that he requested a short continuance to October 10, 2007.

Council and staff discussion ensued regarding the concern about the fee assessment, that the City felt the requirement was appropriate, that Council wanted more time to review the 45 page resolution, and reached consensus to allow the continuance to October 10, 2007.

MOTION: Moved by Roberts and seconded by Nichols to approve CONTINUING

the Item to October 10, 2007. **Motion carried unanimously.**

8. 1128 Solana Dr. (Case: 17-06-25 DRP/SDP; Applicant: Michael Hall). (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 2007-134 conditionally approving a Development Review Permit and Structure Development Permit to construct a new single-family residence at 1128 Solana Drive, subject to the conditions of approval stated therein.

David Ott, City Manager, introduced the item.

Russ Hunt, staff consultant, presented a powerpoint presentation.

Councilmember Roberts stated that he had complaints from three Homeowner's Association in the past of the northern area being a trash dump, that conditions should apply to all 7 acres not just to this site, and that it is dead brush with a fire hazard.

James Lough, City Attorney, said that it the condition could only apply to this individual project.

Council disclosed their familiarity with the project site.

Mayor Heebner opened the public hearing.

Mike Hall, applicant, said that he obtained a permit to build when he first bought the house but could proceed due to finances, that this request was for the similar project with some modernation, that he met the strictest criteria to make sure that the code was satisfied, that story poles were erected for many months, that the first negative input he had heard was today from a neighbor that his proposal was too big even though it was only 900 feet more than her home and that area footage was in the garage below.

Steve Cohen, neighbor, said that he lived in lot 9 of the map, that his house was 5000 sq. ft. and little taller than his house, that he would like to see the project move foward, that the trash was worse before the story poles were erected and that the applicant was cleaning up the dumping in the area.

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

James Lough, City Attorney, reviewed the section of the resolution regarding landscaping and said that it would be enforced by the owners and not by the City.

Council and staff discussion ensued regarding the open area that had some dumping of trash, that the area is open for plants, and that there was some enforcement abilities for standing trash.

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

9. 508 Glenmont Dr. (Case: 17-07-09; Applicant: John Lynch). (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 2007-135 conditionally approving the request for a Development Review Permit and Structure Development Permit to construct a first story addition, new second-story and attached garage to an existing single-family residence at a maximum height of 23.24 feet and requiring a total of 86.2 cubic yards of grading at 508 Glenmont Dr.

Mayor Heebner recused herself due to a conflict of interest living within 500 feet of the project.

David Ott, City Manager, introduced the item.

Kathy Johnson, Assistant Planner, presented a PowerPoint presentation.

Council reported their disclosures regarding their familiarity about the project site.

Council discussion ensued regarding questions about the presentation for clarity.

Deputy Mayor Kellejian opened the public hearing.

John Lynch presented a Powerpoint presentation, stated that he had met with his neighbors regarding his project and the issues regarding the trees' impact on views.

Gary Coad stated his concern with the removal of trees, that these are quite significant trees, and that he hoped that the solution would be one with total

renewal of the tree plan.

Phyllis Stover read her letter that she submitted earlier that was supportive of the keeping the tree.

Gary Martin (additional donated time by Nancy Brown) said that the View Assessment Commission does a good job of preserving views, that Solana Beach has a scenic corridor of trees, other cities have heritage tree programs, and that significant landmark trees can be modified by lancing to open up some view beneath them while preserving them.

Janet Nielson stating that the area is diverse with wildlife and passed out a letter submitted by Victoria Schall which said that she did not support any recommendation to remove healthy trees.

Torgen Johnson (additional time donated by Lucille Shanley) presented a Powerpoint presentation showing trees around the community of a large that scale that take a longtime to grow, and said that it was the wrong decision to remove the trees, that the branches can be thinned out to provide more view, he said that Lynch showed good faith to work with neighbors, and that it is easy to limb up these large mature trees.

Elizabeth Borst said that she agreed to preserve the trees.

Rich Hendlen (additional time donated by Julie Brown) said that he had served on the View Assessment Commission in the past, that it was a mistake to condition the project on the removal of the trees, that he supported Victoria Schall's letter, that they offer a shift in the horizontal and vertical dimension, and that in this property they offer a balance and frame of the house.

Tom Stephan (additional time donated by Eva Kerckhove) said that he was a resident of Ramona, that he had been operating a tree service for 26 years, that he was asked to look at the few trees and saw two conifers that were in good shape and mature, that the landscape value of this property would be from the trees, and that it was not practical to remove the trees.

Gene Walker read a letter by Charles France who was unable to attend which stated that the Star Pine was a national treasure, that the area was a habitat for hawks, that the Torrey Pines can put down roots at a depth of 150 ft. and that they are the rarest of the pines, and that any located outside the preserve can contribute to the genetic diversity of the Torrey Pine.

Christine Schindler said that the applicant was now talking to neighbors, that a significant tree was lost in the neighborhood due to disease, that the trees have significant impact on the neighborhood, and that she was surprised that they

were not protected in this community.

Paul Bishop said that he was in escrow with the Whechslers property, that they realized that the Lynch project and the Brummage property additions were in progress and held off to open escrow to find out that the View Assessment Commission had approved the project with a recommendation of removal, that they entered into escrow with the understanding of the removal but now hear the public support of the trees, that he will go ahead and move forward with escrow and would instead be open to the limbing up and lacing of the trees to maximize the view impact for his property.

Alan Whittleman (additional time donated by Chris Austin) said that he talked with the Lynch's and supported their proposal as long as he could gain his view back, that he loves the trees but it was agreed between neighbors to remove them, that they all agreed to remove the trees, to consider returning to the View Assessment Commission since they already paid for the assessment and worked towards an agreement, that Council have the project go back to View Assessment since he would have different issues due to his view impact, and he read a letter from the Stephensens, neighbors, who said that they supported the removal and trim of the trees and would improve many views.

Council disussion ensued regarding lacing of trees to thin out any view blockage and that he supported a height vegetation restriction.

Councilmember Campbell asked Mr. Whittleman if he was clear that Council had the final approval would be made by Council regardless of any agreement that was made between neighbors or the View Assessment Commission's recommendation.

Ken Whechsler said that it was a View Assessment issue and should return to the Commission. He presented a Powerpoint presentation and that his property value changed because of the loss of view.

Barbara Walker said that the neighborhood had been losing a lot of trees.

Jim Ratzer, View Assessment Commission member, said that he wanted to clarify that they did not order the removal of any tree in Solana Beach, that the Commission's process stopped once they knew that the neighbors had an agreement, that it was always stated by the applicant that he intended to remove the tree in order to build his project so it was an agreement between the neighbors and not directed by the View Assessment Commission, and that they have never used the took kit to order the removal of a tree.

Council and Mr. Ratzer's discussion ensued regarding the Commission discussing lacing or raising the lower limbs to clear some view, whether the

removal of the Star Pine was initiated by a member, that this discussion began among the Commission because it was already initiated by the applicant and the neighbor, and that the Commission could probably not assist in any further way regarding the project and view issues.

Carole Brummage said that the tree in question is located on a neighbors property but overhangs on her driveway, that it is a towering landmark visible from Cardiff, that the tree has many positive and negative impacts on her property, that the the positive qualities outweigh the negative, and that she supported keeping the tree if the owners wanted to keep it, that she had never suggested that it should be rmeoved, that she consulted with arborist last year regarding any future issues, and that she supported the option being left open to the Lynch's.

Mayor Kellejian stated that a request to have a letter read into the record was made. He called for Council's vote regarding the request, as required by the code.

Consensu was reached, 4/0/1 (Heebner absent), to read a letter into the record from Mr. Lyttle from Mar Vista Dr.

Deputy Mayor Kellejian recessed the meeting for a break at 8:44 p.m. Deputy Mayor Kellejian reconvened the meeting at 8:

Peter Lynch, applicant, said that he had tried to appease everyone, that the creation of the deal was to create a veiw for the neighbors and that he was willing to work with his neighbors.

Council and the applicant discussed whether to review the issue longer, whether Council needed to view the Mittleman's backyard themselves to make their own determination, and whether he required the removal of trees to build his house, and considering limbing and thinning instead of removal.

John Lynch said that he did not want to cut the trees down and that he would be comfortable limbing them up and keeping them in order to create some view for his neighbors.

Council discussion ensued regarding the project came to Council because of grading, that the neighbors should handle their own issues of the views, and not allowing any additional speakers at the next hearing unless considered an questioning by Council, and requested that the appellants and the property owner continue discussion.

MOTION: Moved by Campbell and seconded by Nichols to leave the public hearing open and continue the item to October 10, 2007. (Heebner recused living

with 500 ft. of the project area) . **Motion carried 3/1/1** (Noes: Roberts. Absent: Heebner.)

10. 421 North Granados Ave. (Case No. 17-06-26 DRP/SDP; Applicant: Kip Boatcher). (File No. 0600-40)

A. Continue this item to the October 10, 2007 City Council meeting.

MOTION: Moved by Roberts and seconded by Kellejian to continue the item to October 10, 2007. **Motion carried unanimously.**

STAFF REPORTS: (Item 11-13)

Submit speaker slips to the City Clerk.

11. Regional Winter Shelter System. (File No. 0270-75)

A. Adopt Resolution 2007-144 approving the City's participation in the North County Regional Winter Shelter System for the 2007/08 winter session; and

B. Authorize a contribution of \$2,888 to support the Regional Winter Shelter System.

David Ott, City Manager, introduced the item.

Steve Didier, Management Analyst, introduced Mr. Takahara, Salvation Army, and explained the program and the development of a regional solution for winter shelter needs for the community.

Laurin Pause said that they served 93 families last year and not one family of Solana Beach entered the program but could be on the verge of need due to loss of income or medical issues, and that she encouraged the City to participate joining nine other cities.

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

13. View Assessment Committee Appointment. (File No. 0120-90)

A. Make one appointment to the vacant position on the View Assessment Committee with a term expiration date of January 2008.

MOTION: Moved by Kellejian and seconded by Roberts to appoint Paul Stryker to the View Assessment Committee for a term until January 2008. **Motion carried unanimously.**

Council and Paul Stryker, applicant, discussed his perspective on the View Assessment process, the purpose of the Commission, that no one has a right to an unobstructed view, and that each case must be approached with the laws as well as common sense to compromise.

Councilmember Roberts left the meeting at 9:40 p.m.

3. Stipends for City Councilmembers. (File No. 0410-90) This item was pulled from the agenda.

- A. Discuss and provide direction regarding a vehicle allowance policy for Councilmembers.
- B. Direct staff to prepare an amended policy regarding reimbursement for actual expenses incurred by Council.

ORDINANCE INTRODUCTION: 1st Reading (Item 14)

Submit speaker slips to the City Clerk.

14. NPDES (National Pollution Discharge Elimination System) Declaration of the Mail Ballot Election Results. (File No. 1030-15)

- A. Adopt Resolution 2007-142 certifying the results of the NPDES Fee mail ballot election.

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

- B. If the results of the election are a simple majority approval of the NPDES Fee, introduce and conduct the first reading of Ordinance 362 updating the NPDES Fee.

MOTION: Moved by Roberts and seconded by Kellejian to introduce the Ordinance. **Motion carried unanimously.**

12. Interchange Project Appropriation of Funds. (File No. 0820-75)

A. Adopt Resolution No. 2007-145 authorizing:

1. Authorizing the City Manager to execute a contract with American Assets for the construction of improvements associated with the closure of Marine View Drive for an amount of \$1,798,981.
2. Authorizing the City Finance Director to fund the escrow account in the amount of \$1,798,981 plus a 20% contingency of \$359,796 per the agreement with American Assets executed on May 24, 2006.
3. Appropriation of \$141,000 to the TransNet revenue account (218-4680) and to the Lomas Santa Fe at I-5 Interchange Project, Budget Unit 218-9356-6510-6530, Project No. 9356.01-6661.
4. Transferring \$88,933, to be reimbursed by the San Elijo JPA, into the Reimbursement Agreement Revenue Account for Capital Projects (459-4870) and appropriating same amount into Budget Unit 459-9356-6510-6530 Project Number 9356.01-6661.
5. The City Treasurer to amend the Fiscal Year 2007/2008 Budget accordingly.

Councilmember Nichols recused himself due to a conflict of interest regarding his source of income. His employer worked on the medians with the Interchange project.

David Ott, City Manager, introduced the item.

MOTION: Moved by Campbell and seconded by Heebner to approve. (Nichols recused due to employers source of income from portion of project) . **Motion carried 3/0/2** (Absent: Roberts, Nichols.)

ORDINANCE ADOPTION: 2nd Reading NONE
Submit speaker slips to the City Clerk.

WORKPLAN COMMENTS: (Adopted June 27, 2007)
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.

Council presented their committee reports.

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 its' 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 & its' 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).

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.

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. Development Review - Heebner, Nichols. Expires November 29, 2007.
5. La Colonia Park Needs Assessment - Heebner, Nichols. Expires June 13, 2008.

6. Condo-Hotel - Heebner, Campbell. Expires October 24, 2007.

ADJOURN:

Mayor Heebner adjourned the meeting at 9:52 p.m. in honor of Sharon Garrow's son.



Angela Ivey, City Clerk
Approved: January 23, 2008