

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

JOINT **REGULAR** MEETING

**MINUTES**

**WEDNESDAY, OCTOBER 10, 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 Fallone, Deputy 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:**

Mr Marks led the flag salute.

**APPROVAL OF AGENDA:**

**MOTION:** Moved by Roberts and seconded by Nichols to approve removing Item #7 from the agenda. **Motion carried unanimously.**

**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.)

Veronica Seay stated that the City should have control over the landscape of the I-5 Interchange area, that the Public Arts Advisory Commission and Civic and Historical Society could help with landscaping ideas, and that it should be nice looking since it will be the gateway to the City.

Council and staff discussion ensued regarding a mosaic wall for this area, that a landcape plan was approved by Council 2-3 years ago, other landscaping issues on Caltrans site to be addressed, and that the Public Arts Advisory Commission had provided recommendations to the approved plan.

#### **PROCLAMATIONS:**

Mayor Heebner presented a proclamation to Dismas Abelman and the staff of the Fire Dept. in honor of Fire Prevention Week.

#### **PRESENTATIONS: None**

#### **COMMUNITY ANNOUNCEMENTS:**

Council presented their announcements.

#### **COMMENTARY:**

#### **CONSENT CALENDAR: (Action Items) (Items 1-8)**

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.**

Recommendation: That the City Council

- 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.**

Recommendation: That the City Council

- A. Approve the Minutes of the Regular City Council meeting held June 19, 2007.

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

**3. City Manager Contract. (0400-10)**

Recommendation: That the City Council

- A. Adopt Resolution 2007-151 establishing the City Manager's annual salary for a second year of the contractual employment agreement between the City of Solana Beach and Davit Ott of \$175,000.

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

**4. 2007 Street Repair and Slurry Seal Project, Bid No. 2007-04 Notice of Completion. (0400-10)**

Recommendation: That the City Council

- A. Adopt Resolution 2007-127:

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

**5. Denial of Development Review Permit and Structure Development Permit: 360 North Granados Avenue (Lot 10) (Case: 17-07-04)**

**DRP/SDP). (0600-40)**

Recommendation: That the City Council

- A. Adopt Resolution 2007-125 denying a Development Review Permit and Structure Development Permit for the construction of a new single-family residence at 360 N. Granados Avenue (Lot10)

**MOTION:** Moved by Roberts and seconded by Campbell (Nichols recused due to living within 500 ft of the project area) . **Motion carried 4/0/1** ( Absent: Nichols.)

**6. Monthly Investment Reports. (0350-45)**

Recommendation: That the City Council

- A. Accept and file the Cash and Investment Reports for the months of May through June 2007.

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

**7. Northbound Highway 101 Rubberized Asphalt Concrete Overlay Project Notice of Completion. (0400-10)**

This item was pulled from the agenda.

**This item was removed after the agenda was distributed. This item will NOT BE HEARD at this meeting.**

**8. Approve Parcel Map for 140 N. Rios Avenue. (0600-40)**

Recommendation: That the City Council

- A. Adopt Resolution 2007-149:

Councilmember Nichols resuced himself due to conflict of interest living within 500 ft. of the project.

**MOTION:** Moved by Roberts and seconded by Campbell . **Motion carried 4/0/1** ( Absent: Nichols.)

**ORDINANCE ADOPTION: 2nd Reading (Items 9-10)**

Submit speaker slips to the City Clerk.

**9. Revised National Pollutant Discharge Elimination System Pollution Management Fee Structure. (1030-15)**

Recommendation: That the City Council

- A. Adopt Ordinance 362 updating a solid waste fee for the collection of pollution not otherwise captured through franchise solid waste collection pursuant to Chapter 6.20 of the Solana Beach Municipal Code, and amending Section 6.20.295 relating to solid waste collection.

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

**10. Interim Condominium-Hotel ("Condotel") Moratorium to Prohibit Condominium Maps or Permits for Condo-Hotels during an Extended Study Period of 120 Additional Days. (0610-10)**

Recommendation: That the City Council

- A. Adopt Ordinance 369 extending and urgency measure prohibiting condominium hotel maps during a special study period for an additional 120 days to allow further study and preparation of permanent legislation and bring back a proposal to either ban or regulate condo hotel projects in the City of Solana Beach.

David Ott, City Manager, introduced the item.

James Lough, City Attorney, introduced the item stated that staff had been working with the Ad Hoc Committee and that this should be the last extension.

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

**PUBLIC HEARINGS continued: (Items 11-15)**

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.

**11. Tentative Subdivision Map for a Minor Subdivision at 755 South Cedros Avenue (Case No. 17-07-23 SUB; Applicant: Joseph Driscoll). (0600-10)**

Recommendation: That the City Council

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15315 of the State CEQA Guidelines; and
- B. Adopt Resolution 2007-147 conditionally approving a tentative subdivision map for a minor subdivision to create three residential lots out of a 26,337 square-foot property at 755 South Cedros Avenue located on the west side of the street across from Cofair Avenue.

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

David Ott, City Manager, introduced the item.

Kathy Johnson, Associate Planner, presented a powerpoint.

Mayor Heebner opened the public hearing.

Council reported their familiarity with the project.

Council and staff discussed the required bond for improvement if needed and that before approving a grading plan Engineering would require an erosion control plan.

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

**12. Fiscal Year 2008-2009 Community Development Block Grant Funds for Eden Gardens Master Plan Implementation. (0390-30)**

Recommendation: That the City Council

A. Adopt Resolution 2007-148:

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

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

**13. Development Review Permit and Structure Development Permit at 421 N. Granados Avenue (Case: 17-06-26 DRP-SDP; Applicant: Kip Boatcher). (0600-40)**

Recommendation: That the City Council

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- B. Determine if the proposed project to construct a new 5,566 square-foot two-story residence plus attached garage and basement is within the scale of residential structures in the surrounding LR zoned neighborhood.
- C. If so, adopt Resolution 2007-128 conditionally approving a Development Review Permit and Structure Development Permit to construct a new two-story residence and a basement at 421 N. Granados Avenue.

**MOTION:** Moved by Campbell and seconded by Kellejian to close the public hearing. **Motion carried 4/0/1 ( Absent: Nichols.)**

Councilmember Nichols recused himself due to conflict of interest living within 500 ft. of the project.

Kathy Johnson presented a powerpoint.

Mayor Heebner opened the public hearing.  
Council reported their familiarity with the project.

Kip and Loretta Boatcher, applicants, said that they worked to design a project that did not exceed 16 ft. or the original height.

Janet Nelson said said that landscaping was a work in progress, that she

hoped there would be a drainage plan in the next 45 days, that she was happy that they worked with the height, that the project was nicely situated on the property and not obtrusive, that from her backyard it looked larger like a small hotel, that this house was a double edged sword in that one side looked appropriate but one side was not ideal, and that she request that Council consider the review of bulk and scale from her point of view at 408 Barbara Ave.

Council and staff discussed the requirement for a drainage plan which would be included in the conditions of the resolution and that if the final drainage plan is not acceptable to the City Engineer it would not be approved.

Gary Martin said that he represented Charles Franz and spoke of the highest point regarding the inclusion of the chimney and that the vegetation request be withdrawn since there was an agreement with a view easement to lace.

Kip and Loretta Boatcher, applicants, said that the view from the Neilsens property was designed to allow them more privacy and that they will continue to work with the drainage to mitigate runoff.

**MOTION:** Moved by Roberts and seconded by Campbell Councilmember Nichols recused due to living within 500ft of project area. **Motion carried 4/0/1** ( Absent: Nichols.)

**14. Development Review Permit and a Structure Development Permit at 508 Glenmont Dr. (Case: 17-07-09; Applicant: John Lynch). (File No. 0600-40)**

Recommendation: That the City Council

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- B. Adopt Resolution No. 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 Drive.

**MOTION:** Moved by Roberts and seconded by Kellejian to close the public hearing. **Motion carried 4/0/1** ( Absent: Heebner.)

Mayor Heebner recused herself from the item due to the conflict of living within 500 ft. of the project.



David Ott, City Manager, introduced the item.

Deputy Mayor Kellejian opened the public hearing.

Council made their disclosures regarding their familiarity with the property.

John Lynch said that the trees attracted them to the property, that he met with the neighbors and have come to agreement to keep the trees, that he would work with an arborist to limb and lace for views as well as maintain the look of the trees, that their vegetation agreement states that the backyard will not exceed 9 ft. 6 in. unless agreed to, that he will remove the Chinese Elms and Lemon tree.

Alan Mittleman said that they agreed with the Lynch's and understood that the agreement will be attached to the deed.

Council and speaker discussion ensued to confirm the agreed terms.

**MOTION:** Moved by Roberts and seconded by Campbell to approve with modification. Mayor Heebner recused due to living within 500 ft. of project area.  
**Motion carried 4/0/1** ( Absent: Heebner.)

**15. Emergency issuance of a Conditional Use Permit for construction of an upper bluff retention system at 241 Pacific Avenue, Solana Beach, North of Fletcher Cove. (CUP Case No: 17-07-15; Applicant: Sharon A. Hawkins). (0610-60)**

Recommendation: That the City Council

- 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 approving a Conditional Use Permit for construction of a 50-foot long, caisson and tieback upper bluff retention system to support the upper bluff against failure and a shotcrete wall, subject to the conditions stated therein.

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

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a powerpoint.

Council, staff and consultants discussion ensued regarding the adjacent property owners unwillingness to join in the bluff restoration, that the restoration project would not last 75 years since the adjoining area did not give enough foundation, that the initial recommendation was to do a full restoration, but that the mid bluff can not be restored because the lower bluff failing would destroy it, that it would require adjoining properties to restore along the same line so that the sides are not undermined, that the current situation presents eminent danger and needs protection, that if it is not restored now it would erode causing the bluff to fail and then the vertical will increase to 50-60 ft. and make it less feasible in the future, and the precautions taken for safety workers, the public, and property owners.

Council, staff and consultants discussed the fact that the construction process requests precaution measure for construction, that the plan should hold and has never failed in the past, that the same plan had been installed in an Encinitas home, that caissons would not be removed if the house was gone but would be removed if they presented any danger, that the lower seawalls can be removed in 75 years but the upper bluffs are support systems, that a performance bond would be in place to cover the risk, and that staff relies on the engineers for their expert advice in order to make recommendations.

Mayor Heebner opened the public hearing.

Bob Trettin, representative for the applicant, said that one neighbor was not interested in doing anything about his current condition and the other owner has not been locatable and there is a deed restriction from the Coastal Commission, and that this project did not have the impact warranting the fee required for sand mitigation.

James Lough, City Attorney, said that the fee was determined at the June 13th meeting, that there could be some mitigating factors that could be considered to change that fee since each case can be considered on a case by case basis, but that the recent fee requirement could be utilized as is.

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

**STAFF REPORTS: (Item 16-20)**  
Submit speaker slips to the City Clerk.

**16. Upgrade of Pentamotion Financial Software to FinancePLUS.**  
**(File No.)**

Recommendation: That the City Council

## A. Adopt Resolution 2007-153

David Ott, City Manager, introduced the item.

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

**17. Near term Plaza Street area Improvements as part of Highway 101 Street Improvements and Traffic Calming. (File No.)**

Recommendation: That the City Council

## A. Adopt Resolution 2007-150

Chandra Collure, City Engineer, presented a powerpoint.

Councilmember Nichols disclosed that his employer did some work on the project before he took office.

David Ott, introduced the item.

Chandra Collure, City Engineer, presented a powerpoint

Council discussion ensued regarding adding more benches, combining the war memorial and storyboard, the palm tree height, sitting areas, and kiosk for a walking tour.

Gerri Retman said that she supported the design and suggested that more shade trees be added back to cover the bus stop and sitting areas.

Gary Martin stated that there was not any interim level trees to camouflage the cars and that the bus stop structure on Highway 101 near the train station had a more consistent style.

Council and staff discussion ensued regarding the clean up project, that workshops would follow for future improvements next year, the preference for ergonomic benches, making the lighting similar to the Fletcher Cove, to consult with NCTD regarding the purchase of the bus stops, that Highway 101 is a 12 million dollar project so this \$50,000 clean up will add momentum to the future project and encourage businesses participation in the larger project.

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

**unanimously.**

**18. Foothill South Toll Road Resolution of Support. (0480-70)**

Recommendation: That the City Council

- A. Receive the report and discuss the Foothill-South Toll Road project.
- B. Determine if the Council would like to adopt a resolution in support of or opposition to the Foothill-South Toll Road project.

David Ott, introduced the item.

Gerri Retman asked that Council oppose the project.

Ira Opper requested that Council oppose the project, that a road is not needed in this area, and that it is one of the last public beach access areas in the area.

David Zito said he agreed with the prior comments.

Gary Martin said that he opposed the road toll and that the position of Solana Beach sends a message.

**MOTION:** Moved by Campbell and seconded by Heebner to take a position of opposition to the project. **Motion carried unanimously.**

**19. Signalized Intersection on North Highway 101 at Cliff Street. (0860-50)**

Recommendation: That the City Council

- A. Adopt Resolution 2007-133:

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

**20. Stipends for City Councilmembers. (0410-90)**

Recommendation: That the City Council

- 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.

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

David Ott, introduced the item.

James Lough, City Attorney, said that general stipends are not allowed but a vehicle allowance could be allowed.

Council and staff discussion ensued regarding a flat rate for a vehicle allowance, that itemizing miles was difficult, that the City's Directors receive \$255 per month for car allowance and that Council's could be the same, and whether other cities' rates were comparable.

**ORDINANCE INTRODUCTION: 1st 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 disclosed their compensation and reimbursement.

**COUNCIL COMMITTEE REPORTS:**

Please state the committee you are speaking to before making each report.

Regional Committees: (outside agencies)

Council presented their committee reports.

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)**

Council presented their committee reports.

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)**

Council presented their committee reports.

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 10:50 p.m.

  
Angela Ivey, City Clerk  
Approved: February 13, 2008