

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

WEDNESDAY, JANUARY 9, 2008
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: Kellejian, Roberts, Nichols, Campbell, and Heebner.

Absent: None.

Also Present: David Ott, City Manager
Lisa Foster, Deputy City Clerk
Angela Ivey, City Clerk
Dennis Coleman, Finance Director
Park Morse, Interim Deputy City Mgr.
Chandra Collure, City Engineer
Steve Didier, Management Analyst
Tina Christiansen, Community Development Dir.

FLAG SALUTE:

Paul Thomplkins led the flag salut.

APPROVAL OF AGENDA:

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

PROCLAMATIONS: None

PRESENTATIONS:

1. Public Art at Fletcher Cove

Mayor Kellejian presented a proclamation to Betsy Schultz. Betsy Schultz, artist, presented a powerpoint.

2. Employee Recognition of Retiring City Engineer Chandra Collure

Mayor Kellejian presented an award to Chandra Collure, City Engineer, for his past service of 14 years to the City and his retirement.

David Ott, City Manager, presented a gift to Chandra and thanked him for this service.

Chandra Collure, retiring City Engineer/Director of Public Works, said that his experience at the City had been positive. He introduced his daughter and son. He recounted some history of his employment with the City and thanked Council, staff and residents.

Sean McLeod addressed Chandra and thanked the City for employing him over the years and spoke to his working relations.

Paul Thompkins, former Mayor, stated that he helped the City with many accomplishments including his contribution on the Fiesta del Sol and help with setting up the new City Hall.

Dr. Ed Seigel honored Chandra's work.

Chandra Collure's son said that he was proud of his father and said that if he did half of what he does at home, he knows that he was appreciated.

Councilmember Nichols said that Chandra was very professional and had enjoyed working with him.

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 (located on the back table) to the City Clerk. 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.)

Maureen Finkelstein said that she lives on S. Sierra, that there is a trailer park along Longs Drug Store where trailers appear to be unoccupied. She said that it affects her property value.

David Ott, City Manager, said that the City has addressed some issues over time and much of it is under the jurisdiction of the State of California and not the City. He said that some issues have been addressed and improved including concerns about safety and clean up.

Council and City Manager discussion ensued regarding that it is registered as a mobile home park with the state and until the current owner gets it de-certified other uses would not be possible, that there are some low income entitlements associated with the property that further complicate the matter, and that issues with the property are referred to the state and that the City has contacted the state on issues regarding utility lines falling down.

Marilyn Kalabsa asked council to consider allowed dogs to be off-leash during the off season. She said that she is a member of COOSA and they have decided to support the idea.

COMMUNITY ANNOUNCEMENTS:

Council made community announcements.

COMMENTARY:

Council made commentaries.

CONSENT CALENDAR: (Action Items) (Items 1-7)

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 slip (located on the back table) 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 Heebner . **Motion carried unanimously.**

2. Minutes of City Council meeting

Recommendation: That the City Council

- A. Approve the Minutes of the Special City Council meetings held June 27, 2007.

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

3. List of Demands. (File 0300-30)

Recommendation: That the City Council

- A. Ratify the List of Demands dated November 24 - December 7, 2007.

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

4. Animal Control Services Agreement Ninth and Tenth Amendment Ratifications. (File 0400-10)

Recommendation: That the City Council

- A. Adopt Resolution 2008-006

1. Authorizing the City Manager to ratify the ninth and tenth amendments to the agreement with the County of San Diego for Animal Control Services at their respective operating costs of \$69,600.
2. Authorizing staff to represent the City in negotiations with the County of San Diego for Animal Control Services for future years.

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

unanimously.

5. Approve Final Parcel Map for Three Unit Condominium at 228 S. Helix. (File 0600-20)

Recommendation: That the City Council

A. Adopt Resolution 2008-007

1. Approving the final parcel map for the three unit residential condominium minor subdivision at 228 S. Helix Avenue.
2. Authorizing the City Engineer, or other authorized representative, to sign the final parcel map as technically correct.
3. Authorizing the release of the final parcel map for recordation.

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

6. Proposed 2008 City Council Meeting Cancellations and Rescheduling. (File 0410-05)

Recommendation: That the City Council

- A. Adopt Resolution 2008-005 authorizing the cancellation and/or rescheduling of Council meetings for the 2008 calendar year.

MOTION: Moved by Roberts and seconded by Heebner to approve and choosing the October 15th additional meeting date. **Motion carried unanimously.**

7. Streetlight Installation on Barbara, Granados and Pacific Avenues and Circle Drive, Bid No. 2007-10. (File 0400-10)

Recommendation: That the City Council

A. Adopt Resolution 2008-004:

1. Awarding the contract to Lekos Electric, Inc., in the amount of \$56,460 for the Streetlight Installation Project on Barbara, Granados and Pacific Avenues and Circle

Drive, Bid No. 2007-10.

2. Approving an amount of \$7,540 for construction contingency.
3. Authorizing the City Manager to execute the construction contract on behalf of the City.

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

PUBLIC HEARINGS continued: (Items 8-10)

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 (located on the back table) to the City Clerk. 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.

8. Solana Beach Redevelopment Agency's (Agency) Five-Year Implementation Plan Mid Process Report. (File 0115-22)

Recommendation: That the Board of Directors/City Council:

- A. Open the public hearing and receive testimony regarding the progress of the Five-Year Implementation Plan.
- B. Close the public hearing and receive and file this report.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Director, presented a powerpoint.

Mayor Kellejain opened the public hearing.

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

9. Development Review Permit for 718 North Granados Avenue

**(Case 17-07-10 DRP; Applicant: Victor and Kyrsten Rosenthal)
(File 0600-40)**

Recommendation: That the City Council

A. Adopt Resolution 2008-02:

1. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
2. Conditionally approving a Development Review Permit to convert an existing 456 square foot garage to living space and construct a new 469 square foot garage for property at 718 North Granados Avenue, Solana Beach.

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

David Ott, City Manager, introduced the item. Corey Johnson, Associate Planner, presented a PowerPoint reviewing the project. Mayor Kellejian opened the public hearing.

Council reported their disclosures.

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

**10. Development Review Permit for Midori Court (Case 17-07-28
DRP; Applicant: Gregory Morris) (File 0600-40)**

Recommendation: That the City Council

A. Adopt Resolution 2008-03:

1. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
2. Conditionally approving a Development Review Permit to construct a single-story 1,153 square foot addition to an existing single-story, single-family residence at 705 Midori Court, Solana Beach.

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

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a PowerPoint reviewing the project.

Mayor Kellejian opened the public hearing.

Council reported their disclosures.

Councilmember Heebner stated that she would suggest the inclusion of the use of non-invasive planting due to the proximity of the lagoon.

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

STAFF REPORTS: (Item 11)

Submit speaker slips to the City Clerk.

11. City Council Committees (File 0120-05)

Recommendation: That the City Council

David Ott, City Manager, introduced the item.

A. Adopt Resolution 2008-008 dissolving the Traffic Transportation Standing Committee.

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

B. Adopt Resolution 2008-009 dissolving the CondoHotel Ad Hoc Committee.

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

C. Adopt Resolution 2008-011 establishing the Environmental Sustainability Ad Hoc Committee and appointing two Councilmembers.

Council discussed interest in serving on the committee.

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

- D. Adopt Resolution 2008-010 establishing the Army Corps of Engineers and Regional Beach Nourishment Projects Ad Hoc Committee and appointing two Councilmembers.

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

- E. Review and provide changes in appointments to the current Committee listings for Regional Boards, Commissions, and Committees and Council Standing and Ad Hoc Committees.

MOTION: Moved by Roberts and seconded by Heebner to approve current appointments except for changes to League of Ca Cities Coastal Issues Group (Kellejian, primary. Roberts, alternate). **Motion carried unanimously.**

Council discussed placements and changes to committees.

ORDINANCE INTRODUCTION: 1st Reading (Items 12-13)

Submit speaker slips to the City Clerk.

12. Construction and Demolition Debris Recycling Ordinance. (File 1030-75)

- A. Introduce Ordinance No. 377 requiring the recycling of Construction & Demolition debris from covered projects.

David Ott, City Manager, introduced the item.

Danny King, Environmental Specialist, presented a PowerPoint presentation.

Council and staff discussion ensued regarding that thresholds are different for other cities, that the 100 level was reached as a compromise of other cities' goals and staff time required, to review the levels at the next annual report, that the requirement applies to demolition that will include new construction, that clarification of what qualifies as demolition as it pertains to this ordinance, ensuring there is a mechanism to provide for meeting environmental requirements, communicating to the public the options available in terms of bins to meet the requirement, to provide clarification on demolition and what types of projects, that applicants for permits are required to meet this ordinance, to review with EDCO regarding container access, and that it will be

expanded later to include landscape projects to address waste.

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

13. Ordinance Repealing Section 14.04.010 - Self-Regenerating or Automatic Water Softeners Prohibited. (File 1040-85)

Recommendation: That the City Council

- A. Introduce Ordinance 373 repealing section 14.04.140 of the Solana Beach Municipal Code regarding water softeners.

David Ott, City Manager, introduced the item.

Council discussion ensued regarding the City's high water salt content which is an issue for the treatment facility, the ability to enforce the issue, that there are grant fundings to do studies, and that the City should work with the Joint Powers Authority and Santa Fe Irrigation District to start an educational campaign.

Lisa Foster, Interim City Attorney, read the title of the ordinance.

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

ORDINANCE ADOPTION: 2nd Reading (Items 14-16)

Submit speaker slips to the City Clerk.

14. Citizen Boards, Commissions and Committees Municipal Code Update. (File 0480-10)

- A. Adopt Ordinance 370 amending Chapters 2.60, 2.62, 2.64, 2.72, and 17.63 and adding Chapters 2.74 and 2.84 revising the five Citizen Commissions.

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

15. Ban the Use of Plastic Bags for Distribution of Solicitation Materials. (File 0390-45)

- A. Adopt Ordinance 375 amending Chapter 4.38 Solicitations to add a ban on the use of plastic bags for distribution of solicitation

materials.

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

16. Ban on Condominium Hotels and Similar Uses. (File 0610-10)

- A. Adopt Ordinance No. 376 amending sections 17.12.010(D)(8) and 17.12.020(A)(8) to define and disallow condominium hotel, timeshares (prospectively) and fractional ownership hotels.

Lisa Foster, Interim City Attorney, responded to the letter submitted to Council on the item stating that it is an innovative ordinance, however Solana Beach was a unique city, and that the ordinance would not be on the agenda if the legality was in question. She said that the letter made two points regarding whether the City had sufficient justification and whether the City would enact on the taking of property if unable to develop property. She responded that the main justification for the ordinance was to protect and enhance visitor accomodation facilities, which is highly protected under state law and the Coastal Act to ensure coastal access as opposed to private owenrship and to provide low cost accomodations. She said that these types of ownership limit public access because they give exclusive rights and therefore limit access and tend to be expensive since they are typically luxury resorts and not affordable for the majority. She said that she disagreed with their conclusion of taking property and said that the standard for the taking of property is extremely high and she read language from the case that the letter cited pointing out the high standards that would be required. She concluded stating that the ordinance would hold up to state law.

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

Lisa Foster, Deputy City Attorney, read the title of the ordinance.

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 reported disclosures.

COUNCIL COMMITTEE REPORTS:

Please state the committee you are speaking to before making each report.
Regional Committees: (outside agencies)

Council presented their committee reports.

Regional Committees:

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. **Highway 101 / Cedros Ave. Development Committee - Heebner, Nichols.**
3. **I-5 Construction Committee - Kellejian, Roberts.**
4. **Public Arts Committee - Roberts, Nichols.**
5. **School Relations Committee - Roberts, Campbell.**
6. **Traffic Transportation - Heebner, Kellejian.**

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

1. **Condo-Hotel - Heebner, Campbell. Expires October 24, 2008.**
2. **Development Review - Heebner, Nichols. Expires November 29, 2008.**
3. **Fletcher Cove - Heebner, Campbell. Expires November 28, 2008.**
4. **La Colonia Park Needs Assessment - Heebner, Nichols. Expires June 13, 2008.**
5. **Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 14, 2008 or at the California Coastal Commission adoption.**
6. **Sand Replenishment Alternative Review - Kellejian, Campbell.**

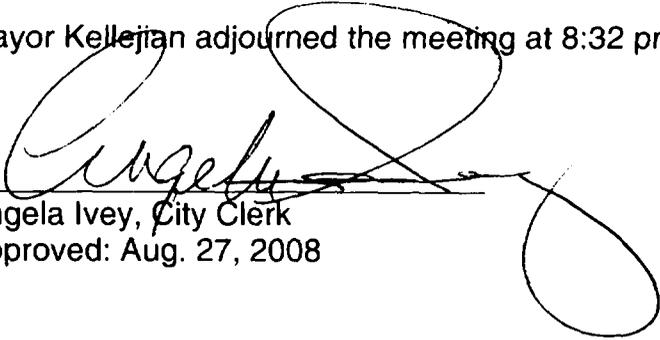
Expires January 25, 2008.

**7. Solana Beach Mixed-Use Train Station Project Ad Hoc Committee
- Heebner, Nichols.**

**8. Views and Vegetation Subcommittee - Roberts, Nichols. Expires
October 24, 2008.**

ADJOURN:

Mayor Kellerjan adjourned the meeting at 8:32 pm.



Angela Ivey, City Clerk
Approved: Aug. 27, 2008