

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **SPECIAL** MEETING

MINUTES

WEDNESDAY, NOVEMBER 19, 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:

Mayor Roberts called the meeting to order at 6:02 p.m.

Present: Roberts, Nichols, Campbell, Heebner, and Kellejian.

Absent: None.

Also Present: David Ott, City Manager
Johanna N. Canlas, City Attorney
Angela Ivey, City Clerk
Wendé Protzman, Dir. Admin. Services/Deputy City Mgr
Dennis Coleman, Finance Director
Tina Christiansen, Comm. Dev. Dir.
Mo Sammak, City Engineer

FLAG SALUTE:

Master Davis Prudent led the flag salute.

APPROVAL OF AGENDA:

David Ott, City Manager, announced that Item B.1. would be continued to December 9, 2008.

MOTION: Moved by Heebner and seconded by Campbell to approve and pulling Item A.6. from the agenda and continuing Item B.1. to December 9, 2008.
Motion carried unanimously.

PROCLAMATIONS: None

PRESENTATIONS:

1. Oktoberfest Check donation.

David Ott, City Manager, reviewed the Oktoberfest event.

John Chamberlain presented a check for \$58,772.63 to the Solana Beach Marine Services Department and acknowledged families who assisted the City.

Tim Sullivan thanked John and Becky Chamberlain who assisted with the majority and added that more finances would be coming.

Craig Miller, Captain, on behalf of the Lifeguard department, said that they had been shopping for a boat for a rescue resource.

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. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

COMMUNITY ANNOUNCEMENTS:

Council made community announcements.

COMMENTARY:

Council made commentary.

A. CONSENT CALENDAR: (Action Items)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker 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 Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Waive the reading of Ordinances.

Recommendation: That the City Council

1. Approve waiving the text reading of ordinances on this agenda pursuant to Solana Beach Municipal Code Section 2.04.460.

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

A.2. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the Regular City Council meeting held December 12, 2007.

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

A.3. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for October 11 - 24, 2008.

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

A.4. Re-establish the Fletcher Cove Council Ad Hoc Committee and Development Review Council Ad Hoc Committee. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2008-190 re-establishing the Fletcher Cove Ad Hoc Committee to expire on November 18, 2009.
2. Adopt Resolution 2008-191 re-establishing the Development

Review Ad Hoc Committee to expire on November 18, 2009.

3. Appoint two existing (Fletcher Cove: Campbell, Heebner and Development Review: Nichols, Heebner) or new Councilmembers to serve on the Committees.

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

A.5. Castro Street Improvements Phase 1 Notice of Completion. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2008-186:
 - a. Authorizing the City Council to accept as complete Castro Street Improvements Phase 1, Bid No. 2008-09, constructed by Portillo Concrete.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

A.6. Lomas Santa Fe at I-5 Interchange Artist Contract. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2008-189:
 - a. Accepting \$160,000 from Caltrans, via Coffman Specialties, for the installation of mosaic artwork on retaining walls constructed as part of the Interchange project and appropriating the same amount to Miscellaneous Income in the Lomas Santa Fe at I-5 Interchange Project (459-4850-9356.01-4850).
 - b. Appropriating \$160,000 to the Lomas Santa Fe at I-5 Interchange Project, Expenditure Budget Unit 459-9356-6510-6530, Project No. 9356.01-6661.
 - c. Authorizing the City Treasurer to amend the Fiscal Year 2008/2009 Budget accordingly.
 - d. Approving the contract with Mary Lynn Dominguez in an amount not-to-exceed \$159,400 for the installation of State-funded artwork, composed of four mosaic tile walls at the

- Lomas Santa Fe Drive at I-5 Interchange.
- e. Authorizing the City Manager to execute the contract with Mary Lynn Dominguez.

This item was pulled from the agenda.

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. Community Grant Program Fiscal Year 2008-09 Requests. (File 0330-25)

Recommendation: That the City Council

1. Receive presentations from grant applicants.

David Ott, City Manager, introduced the item.

Dennis Coleman, Finance Dir., presented a Powerpoint reviewing the criteria, applicants, and their requests.

The grant applicants made presentations:

Are You Ready Solana Beach
Boys & Girls Club
Community Resource Center
Casa de Amistad, Centro de Enseñanza
Kids Corps USA
Kiwanis Club of Greater Encinitas
Project Turnaround
Solana Beach P.T.A.
San Elijo Lagoon Conservancy
Little League
Solana Beach Soccer Club

Council questioned applicants regarding their programs.

Council and staff discussed missing criteria, whether all the criteria was required, how to prioritize and rank by criteria, and to consider choosing a program that was a new start up program rather than a return program.

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

B. PUBLIC HEARINGS:

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 designees 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 timer light on the Council Dais.

B.1. Emergency Request for Conditional Use Permit to reconstruct an infill and seawall at 365-371 Pacific Avenue, Case 17-08-16, Applicant: Bennett Bloom. (File 0610-60)

This item was pulled from the agenda and continued to December 9, 2008.

B.2. Development Review and Structure Development Permit request for 438 Rosa Street, Case 17-06-35, Applicant: Dennis Cramer). (File 0600-40)

Recommendation: That the City Council

1. Report Council disclosures.
2. Conduct the Public hearing: Open the Public Hearing, Receive Public Testimony, Close the Public Hearing.
3. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines.
4. Adopt Resolution 2008-193 conditionally approving a Development Review Permit and Structure Development Permit for the project to construct a new single-family residence at 438 Rosa Street.

David Ott, City Manager, introduced the item.

Rich Whipple, Principal Planner, presented a Powerpoint reviewing the project, recommendations, original proposed project, and the revised project with the View Assessment Commission (VAC) recommendations.

Council and staff discussion ensued regarding the lower level of the structure that did not qualify as a basement as defined by the Scaled Residential Overlay Zone standards, that the top floor was set back more than 10 ft. so it would not violate a 3 story issue since it was a part of another area that would not have 2 lower stories, and that walls outside of the setback within the fenced area could be as high as the structure.

Mayor Roberts opened the public hearing.

Council reported their familiarity with the project.

Dennis Cramer, applicant, stated that the presentation was laid out correctly and that the referenced pole was a retractable awning.

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

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

C. STAFF REPORTS: Cont'd
Submit speaker slips to the City Clerk

C.2. Introduce Ordinance 374 (1st Reading) Golf Carts on Local Highways. (File 0840-40)

Recommendation: That the City Council

1. Introduce Ordinance 374 amending Chapter 10.44 of the Solana Beach Municipal Code by adding Section 10.44.110 relating to operation of golf carts on local highways.
2. Adopt Resolution 2008-171 setting the fee for the golf cart permit.

David Ott, City Manager, introduced the item. Mo Sammak, City Engineer, presented a Powerpoint.

Council and staff discussion ensued regarding the route safety that was determined with the collaboration of the Sheriff's department, that the report documented the speed survey, traffic patterns, length and width of street would suffice for the record, that all routes and sites had been evaluated by Staff and the Sheriff's department, and regarding the current speed limit on Lomas Santa Fe.

Al Evans said he was a golf cart owner and thought that the ordinance was excellent, that it covered 95% of the issues, that the sidewalk was currently used and the cut out on the curb would help people who crossed farther away, and to consider offering to the west side of the freeway.

Tom Boardman stated that it had been an interesting process to be involved in and that what the City came up with was more and better than they expected and that Staff was responsive.

Lynn Farrar, general manager of Lomas Santa Fe Country Club, commended Council for making this availability a consideration and thanked Staff and the Sheriff's department for their joint vision. He expressed appreciation on behalf of the Club and its' members for accomodating the wishes of the public.

Council and speaker discussed the Club's policy for driving carts on it's paths which were for members only, whether non-members could cross through the Club and whether their legal department would allow it, that the Sheriff department would be highlighting the issue with the community and cart drivers before ticketing people right away.

Council and Randy Webb, Sheriff's department, discussed enforcement, when it was easiest to enforce either 1/2 hr. after or before twilight or rather have a time limit, that the term defined under the vehicle code would be used for when it was dark, that the charge was \$20.00 for a permit, that a renewal fee would have to be determined, that cost recovery would be the focus initially, and what streets were and were not included.

Council, Staff, and Seargent Webb discussed the efforts made to evaluate all the streets and crossings on the map and considered all the safety issues to ensure that they did not include streets that the speed limit was inappropriate for, that the proposed plan satisfied the Sherri's department's safety concerns, and that the evaluation of the conditions and the physical site visits verified that the ordinance was safe.

Johanna Canlas, City Attorney, read title and modifications.

MOTION: Moved by Roberts and seconded by Nichols to approve with modifications including looking at international signage for the signage to post, making corrections noted from page 11 of the staff report that were suggested, and looking at Los Banderas and San Andres in the future. **Motion carried unanimously.**

C.3. Request to extend Conditional Use Permit 17-01-03 for upper bluff completion seawall at 357 Pacific Avenue, Case 17-07-34,

Applicant: Mrs. Ninni Scism. (File 0610-60)

Recommendation: That the City Council

1. Find the project categorically exempt from the requirements of CEQA pursuant to 2008 State California CEQA Guidelines Section 15304, minor alteration of land.
2. Adopt Resolution 2008-109 approving a two year extension of the Conditional Use Permit to reconstruct and stabilize the existing upper bluff at 357 Pacific Avenue.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a Powerpoint reviewing the extension request.

Council and Staff discussed the 2002 approval with conditions, that a condition was placed but not followed, that there was a lack of a method of a process for future recourse when conditions were not followed, that the applicant had paid their fees for land use, whether they were required to pay fees for recreation, and that the direction of the walls was not contemplated in the fee structure.

Johanna Canlas, City Attorney, stated that the findings were made at the approval of the Conditional Use Permit (CUP). She said that the findings required for the extension would be any underlining changes in the General Plan or Zoning ordinance that would make a difference in this case and in the way of any health and safety concern for the public.

Council and Staff discussed the reference to the "character of the area" in the code and whether the changes of casings qualify.

Jim Noltan, Geopacific, City's third party review consultant, said that Council had stated that they wanted the bluff restored and that the bond was required and unfortunately released. He stated that normally at the inspection of the project if there were aspects not completed the bond would be called and a consultant would complete the work. He explained that the bluff restoration was on original plans and Council had placed into the conditions that a bond be placed on the project.

Council and Mr. Noltan discussed the difference in erosion that had taken place between then and now, the cross section in the staff report in 2001 and present, and that removing casings could be difficult and whether they could be removed without harming the bluff.

Bob Trettin, representative for the applicant, explained the cost of waiting for the property owners, reviewed the release of the bond, the issue with the permit expiration, and that their errors was in not understanding that the City's rules were different than other cities.

Council and Mr. Trettin discussed the chain link fence in the detail and that it would be replaced with something nicer for the proposed project.

Council, Staff, applicant and consultants discussed the disinterest in supporting a keystone wall, that the applicant would agree to sculpt the wall to look natural, and whether a keystone wall could be built but to sculpt it so that blocks were not seen.

MOTION: Moved by Heebner and seconded by Nichols to approve with modifications adding a condition to require that the entire wall be sculpted. **Motion carried unanimously.**

C.4. Conflict of interest Code Biennial Update Final Adoption. (File 0440-10)

Recommendation: That the City Council

1. Adopt Resolution 2008-144 adopting the amended Solana Beach Conflict of Interest Code which will take affect immediately.

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

Mayor Roberts recessed the meeting at 7:55 p.m. and reconvened at 8:00 p.m.

WORKPLAN COMMENTS:

(Adopted June 25, 2008)

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 compensation and reimbursements.

COUNCIL COMMITTEE REPORTS:

Regional Committees: (outside agencies)

- a. City Selection Committee - Kellejian (meets twice a year).
- b. County Service Area 17 - Campbell, Nichols (alternate).
- c. Escondido Creek Watershed Authority - Nichols, Roberts (alternate).
- d. League of Ca. Cities' San Diego County Executive Committee and its Subcommittees - Roberts, Kellejian (alternate).
- e. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Kellejian, Roberts (alternate).
- g. North County Dispatch JPA - Nichols, Campbell (alternate).
- h. North County Transit District - Roberts, Heebner (alternate).
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG & its' subcommittees - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
- l. San Dieguito River Valley JPA - Roberts, Nichols (alternate).
- m. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Campbell, Roberts.

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

- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Kellejian, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires January 9, 2009.
- b. Development Review - Nichols, Heebner. Expires November 29, 2008.
- c. Environmental Sustainability - Roberts, Heebner. Expires January 9, 2009.
- d. Fletcher Cove - Campbell, Heebner. Expires November 28, 2008.
- e. La Colonia Park Needs Assessment - Nichols, Heebner. Expires June 13, 2008.

- f. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 12, 2009 or at the California Coastal Commission adoption.
- g. Solana Beach Mixed-Use Train Station Project Ad Hoc Committee - Nichols, Heebner.
- h. View Assessment - Nichols, Heebner. Expires August 28, 2009

ADJOURN:

Mayor Roberts adjourned the meeting at 9:57 p.m.



Angela Ivey, City Clerk

Approved: 08-26-2009