

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

WEDNESDAY, DECEMBER 10, 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 meeting to order at 6:00 p.m.

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

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Leticia Fallone, Deputy City Clerk
Angela Ivey, City Clerk
Dennis Coleman, Finance Director
Wende Protzman, Dir Admin. Serv/Deputy City Mgr
Tina Christiansen, Community Dev. Dir.
Mo Sammak, City Engineer/Public Works Dir.

FLAG SALUTE:

Robert, Julian and Alex, sons of Mayor Roberts, led the flag salute.

APPROVAL OF AGENDA:

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

STAFF REPORTS:**C.1. CITY COUNCIL REORGANIZATION (File 0410-05)**

1. Administration of Oaths to Appointed Councilmembers for new terms December 2008 - December 2012
2. Recognition of Mayor Roberts for his service as Mayor from June 25 - December 2008.

Margaret Schleislinger, former Mayor, stated that she appreciated Mayor Roberts service, the column he wrote in the local paper, and his service on the River Valley JPA.

David Carroll, Chamber, presented a plaque to Mayor Roberts as a friend to the Chamber.

Mary Jane Boyd thanked council for their work and Mayor Roberts for his service as Mayor. She said that he always heard the public, was creative in finding solutions, and respectful.

David Ott, City Manager, presented a plaque and gift from the City to Mayor Roberts.

Deputy Mayor Nichols thanked Mayor Roberts for his service and presented him with a gift from the City Council.

Mayor Roberts thanked staff for their work, thanked his family, thanked Council, and stated that it was a pleasure to turn over the office of Mayor to Mike Nichols.

3. In accordance with the policies established by Resolution No. 96-17, appoint the Mayor and Deputy Mayor for the term of December 10, 2008 to December 9, 2009.
 - a. Nominations for Mayor by Motion and Second. Majority Vote.

MOTION: Moved by Roberts and seconded by Heebner to appoint Mike Nichols as Mayor December 10, 2008 - December 9, 2009.

Motion carried unanimously.

- b. Nominations for Deputy Mayor by Motion and Second. Majority Vote.

MOTION: Moved by Nichols and seconded by Kellejian to appoint Thomas Campbell as Deputy Mayor December 10, 2008 - December 9, 2009. **Motion carried unanimously.**

Angela Ivey, City Clerk, administered the oath to Councilmembers Roberts, Kellejian and Heebner.

PRESENTATIONS:

(Ceremonial items that do not contain in-depth discussion and no action/direction.)

Mayor Nichols stated that the office held no special powers but that he appreciated the opportunity to serve as Mayor and that being involved in community service was humbling and time consuming at times. He encouraged anyone to volunteer who could take the time. He thanked his wife and his employer, Michael Peltz, and Gerri Retman for their support.

Retirement Recognition

Mayor Nichols read an Acknowledgement of Recognition for Vic Johnson, Firefighter, for his retirement.

David Ott, City Manager and Public Safety Director, stated that the fire profession was a noble and selfless profession and that Vic made the Solana Beach Fire Department a better place.

Vic Johnson said that he appreciated all the support from past and current council and looked forward to his retirement.

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.

Margaret Schlesinger stated that there were three places on Pacific Ave that had ocean views, that the views had monetary value, that there was a light pole was placed in the ocean view at the end of Ocean st., that there was poor planning in placing the pole at that location, that it could've been put several feet to the south, and that she proposed that the fence on the vegetative area be moved

towards the bluff so a clear view could still be had without having a light pole in the line of sight.

Ira Opper welcomed Mayor Nichols on behalf of the Solana Beach surfing community and wished him luck.

Geri Retman stated that the Holiday Lighting event was a success, that she appreciated the hard work of the Parks and Recreation Commission and Kirk Wenger, Park and Recreation Supervisor, and the Public Works team. She thanked all donators for the event and the City Council for supporting all events and said that it was an honor to serve on the Park and Recreation Commission.

COMMUNITY ANNOUNCEMENTS:

Council made community announcements.

COMMENTARY:

CONSENT CALENDAR: (Action Items)

A.1. Waive the reading of Ordinances.

Recommendation: 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 Heebner and seconded by Kellejian. **Motion carried unanimously.**

A.2. List of Demands. (File 0300-30)

Recommendation: Recommendation: That the City Council

1. Ratify the List of Demands dated October 25 - November 7, 2008 and November 8 - November 21, 2008.

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

A.3. Monthly Investment Report. (File 0350-45)

Recommendation: Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Report for the months of July 2008 through September 2008.

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

A.4. Barbara/Granados Underground Utility District Undergrounding Construction Management Contract. (File 1010-90)

Recommendation: Recommendation: That the City Council

1. Adopt Resolution 2008-198 authorizing the City Manager to execute the second amendment to the Professional Service Agreement with Infrastructure Engineering Corporation in the amount of \$9,125 for construction management services associated with the Barbara/Granados Underground Utility District construction project.

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

A.5. Re-establish the Army Corps of Engineers and Regional Beach Nourishment Projects and the Environmental Sustainability Council Ad Hoc Committees. (File 0410-48)

Recommendation: Recommendation: That the City Council

1. Adopt Resolution 2008-196 re-establishing the Army Corps of Engineers (ACOE) and Regional Beach Nourishment Projects Ad Hoc Committee to expire on December 9, 2009.
2. Adopt Resolution 2008-197 re-establishing the Environmental Sustainability Ad Hoc Committee to expire on December 9, 2009.
3. Appoint two existing (ACOE: Kellejian, Campbell and Environmental Sustainability: Roberts, Heebner) or new Councilmembers to serve on the Committees.

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

A.6. Seascape Sur Access Stairway Pier Rehabilitation Notice of Completion. (File 0400-10)

Recommendation: Recommendation: That the City Council

1. Adopt Resolution 2008-199:

- a. Authorizing the City Council to accept as complete the Seascape Sur Access Stairway Pier Rehabilitation, Bid No. 2008-12, constructed by RMV Construction.
- b. Authorizing the City Clerk to file a Notice of Completion.

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

A.7. Year End Budget Adjustments Fiscal Year 2007-08. (File 0003-30)

Recommendation: Recommendation: That the City Council and the Redevelopment Agency Board of Directors:

1. Adopt Resolution 2008-194 revising appropriations in the Fiscal Year 2007-08 Budget.

MOTION: Moved by Heebner and seconded by Kellejian to approve the modified resolution. **Motion carried unanimously.**

2. Adopt Resolution 2008-195 revising revenue estimates and appropriations for the General Fund and Asset Replacement Fund.

This resolution was not adopted.

3. Adopt Resolution RDA 034 revising the appropriations in the Fiscal Year 2007-08 Budget.

MOTION: Moved by Heebner and seconded by Kellejian to approve the modified resolution. **Motion carried unanimously.**

PUBLIC HEARINGS:

B.1. Development Review Permit and Structure Development Permit

for 920 Avocado Place. (Case No.: 17-08-13; Applicants: Tony and Angie Chen) (File 0600-40)

Recommendation: 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. Adopt Resolution 2008-164:
 - a. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
 - b. Conditionally approving a Development Review Permit and Structure Development Permit to demolish the existing residence and construct a new residence of 5,090 square feet (including garage) with a detached guest house of 400 square feet at 920 Avocado Place.

David Ott, City Manager, introduced the item.

Corey Johnson, Assistant Planner, presented a Powerpoint.

Council reported their familiarity with the project.

Mayor Nichols opened the public hearing.

Dwight Patterson, Dominey Architects, said they had one concern regarding the widening condition on Avocado and felt that it was out of character for the neighborhood.

Council and staff discussion ensued regarding the City Engineer's concern for two way access for safety vehicles, that the analysis would require designing the road and the applicant did not want to go to the expense without knowing if they would get approval, that the applicant said that the widening was a burden so the City Engineer asked that the applicant investigate some engineering considerations, that asphalt would not be ideal due to the concern with current drainage and old drainage units across the street, that the road was not a private a road, and to condition it to meet the satisfaction of the Public Safety Director/Fire Chief.

Mayor Nichols recessed the meeting at 8:30 p.m. for a break and reconvened at 8:40 p.m.

Johanna Canlas, City Attorney, recited proposed additional language for condition 8. adding "or for the applicant to submit a road design in conformance with applicable codes to the satisfaction of the City Engineer of his designee to address the public safety and emergency access."

Dwight Patterson, architect, said that they would work with the conditions and that they were trying to save a Torrey Pine tree that would be jeopardized.

David Ott, City Manager, stated that financial would not play into safety codes but that City would work with it as much as they could.

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

MOTION: Moved by Heebner and seconded by Kellejian to approve with modifications. **Motion carried unanimously.**

B.2. Introduction (1st Reading) Ordinance 392 Amending SBMC 17.20.050 Density Bonus Regulations (File 0630-10)

Recommendation: 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. Introduce Ordinance 392 amending Solana Beach Municipal Code section 17.20.050.

Johanna Canlas, City Attorney, stated that the state density bonus law required cities to adopt an ordinance to comply with Government Code 65915, that the City's Municipal Code section on density bonus was revised in 2002, and that the state density bonus laws were revised in 2005 and 2008. She stated that state law required cities to grant density bonuses, incentives and concessions to developers for construction of affordable housing or senior housing, that incentives and concessions were defined by state law, that they included a reduction in site development standards, and modification of zoning codes or architectural design requirements that would result in cost reduction to the developer. She stated that the City had to provide density bonuses to applicants when projects met legal requirements and when requested by the applicant, that

Cities did not have discretion to provide lesser density bonuses or concessions than required by state law, that there was no reference to inclusionary housing in the state's density bonus law, that the ordinance would require the applicant to request density bonuses with the first application submitted for the discretionary approval, and that when applicants requested additional concessions they would be required to provide additional financial documentation to the City.

Council discussion ensued regarding that the law allowed developers to count units that were already required in the inclusionary housing ordinance and that the City should clarify what additional financial information would be required.

Johanna Canlas, City Attorney, stated that she would make changes to the ordinance based on Council's discussion in order to adopt the ordinance at this meeting.

Mayor Nichols opened the public hearing.

There were no public speakers for this item.

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

Councilmember Heebner made a motion to approve the staff recommendation with the modifications added by Councilmember Campbell of requiring the applicant to submit development proformas and supporting documentation for the proforma financials.

MOTION: Moved by Heebner and seconded by Roberts to approve with modifications of requiring the applicant to submit development proformas and documentation to support proforma financials. **Motion carried unanimously.**

STAFF REPORTS: cont'd

C.2. Community Grant Program Fiscal Year 2008-09 Requests. (File 0330-25)

Recommendation: Recommendation: That the City Council

1. Select the Fiscal Year 2008-09 Community Grant recipients and identify an award amount to each recipient.
2. Adopt Resolution 2008-200 authorizing the funding for the selected community grant recipients for financial assistance under the Fiscal Year 2008-09 Community Grant Program.

David Ott, City Manager, introduced the item and stated that some of the applicants did not meet all of the requirements and that they were notified.

Dennis Coleman, Finance Manager, presented a powerpoint chart of the Council allocation choices for the \$25,000.

Council and staff discussed missing financials, the due date, that the community center would be disqualified since it was ran by the church, that CERT was not an official 501(c)3 and that it had been financed separately in previous years, and considering organizations that the City had not helped in the past.

MOTION: Moved by Roberts and seconded by Campbell the following allocations:

Community Resource Center \$3,000

Casa De Amistad \$2,600

Kids Korps USA \$3,500

Project Turnaround \$2,500

Solana Beach PTA \$3,000

Solana Beach Little League Skyline/CDC Improvements \$2,000

Solana Beach Little League Solana Vista Improvements \$3,500

Solana Beach Soccer Club \$4,000

Virginia Ann Sheunmann Memorial Fund \$900 **Motion carried unanimously.**

C.3. Adopt (2nd Reading) Ordinance 374 Golf Carts on Local Highways. (File 0840-40)

Recommendation: Recommendation: That the City Council

1. Adopt (2nd reading) 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.

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

C.4. City Council Appointment Bi-Annual Review. (File 0410-05)

Recommendation: Recommendation: That the City Council

1. Review all Council appointments and provide any changes to the current listings chart.
 - a. Regional Boards, Commissions, and Committees

- b. Council Standing Committees
- c. Council Ad Hoc Committees

MOTION: Moved by Heebner and seconded by Roberts North County Dispatch
Motion carried unanimously.

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

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

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

MOTION: Moved by Nichols and seconded by Heebner San Elijo **Motion carried unanimously.**

MOTION: Moved by Nichols and seconded by 0 to maintain current status except for the following changes:
I-5 Construction Ad Hoc - Councilmember Heebner will take Councilmember Kellejian's place.
City Selection Committee (Council Outside Agency) - Councilmember Roberts will now serve. **Motion carried unanimously.**

C.5. Acceptance of Public Donations. (File 0160-15) Adjourned Item from December 9, 2008

Recommendation: Recommendation: That the City Council

1. Adopt Resolution 2008-201:

- a. Accept a donation of \$2,000 toward the Matching Grant from the Seth Sprague Educational and Charitable Foundation; and
- b. Accept the donation of \$19,476 from Peter House and Carol Childs toward the Sun Sculpture fountain and Plaza Street Improvement projects; and
- c. Accept the donation of \$15,000 from James Harker toward the Plaza Street Improvement project;-and

- d. Accept the donation of the reconstructed public counters at City Hall from Steigerwald-Dougherty, Peter House and Carol Childs; and
- e. Accept the Oktoberfest donation of \$58,772.63 to support the purchase of a replacement lifeguard boat for the Marine Safety Department.

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

**C.6. Voluntary Green Building Program. (File 0800-86)
Adjourned Item from December 9, 2008**

Recommendation: Recommendation: That the City Council

1. Adopt Resolution 2008-138:

- a. Adopting the Build it Green, Green Building Guidelines for New Homes, Existing Homes, and Multi-Family Homes as the City's green building reference documents for residential projects.
- b. Adopting Build it Green's GreenPoint Rated system as the City's recognized voluntary minimum standard for residential green building certification and City incentive qualification.
- c. Adopting the USGBC's LEED program as the City's green building reference documents for commercial and public projects.
- d. Adopting the USGBC's LEED-Silver criteria as the voluntary minimum standard for commercial green building certification and City incentive qualification.
- e. Adopting the USGBC's LEED-Silver criteria as the required minimum standard for City projects or projects that receive funding from the City or the City's Redevelopment Agency.

David Ott, City Manager, introduced the item.

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Steve Didier, Management Analyst, presented a PowerPoint Presentation.

Council and staff discussion ensued regarding the time incentive to an applicant who participated in the green program, that a time incentive would be specific to each project, that the applicant's application would be expedited for processing which could save the applicant months in the total application process.

Council and staff discussion ensued regarding their support of the project, whether there were incentives to achieve higher levels of the green program such as gold or platinum and whether a fee reduction could be offered, that other cities had incentive programs, that the city should review the program and then make additional incentives as needed, and whether there was a significant cost differential to building green.

Council discussion ensued regarding the point system of the green program, that some points could be gained without spending any money, that the standard should be set high for a year and then re-evaluate the program, that application fees would be refunded for a platinum level project, that there was an emphasis on community recognition, that it was a collaborative effort to get the projects certified, that designers should also get recognition for their part, that public projects should be mandatory to be green, that the City should evaluate each project and determine whether it was financially possible to do the project according to green standards, whether there should be a thousand dollar rebate for the first fifteen projects, and that the program should include 1) public recognition of the project designer, 2) an incentive of \$1,000 for LEED Silver, and an additional \$500 for LEED Platinum projects, and 3) expediting the application.

Councilmember Campbell stated that he would not support the motion of requiring the City to build all public projects under the green building program due to potential financial issues.

MOTION: Moved by Heebner and seconded by Roberts. **Motion carried 4/1** (Noes: Campbell.)

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 COMMITTEE REPORTS:

Council made committee reports.

Regional Committees: (outside agencies)

City Selection Committee - Kellejian (meets twice a year).

County Service Area 17 - Campbell, Nichols (alternate).

Escondido Creek Watershed Authority - Nichols, Roberts (alternate).

League of Ca. Cities' San Diego County Executive Committee and its' Subcommittees - Roberts, Kellejian (alternate).

League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).

League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Kellejian, Roberts (alternate).

North County Dispatch JPA - Nichols, Campbell (alternate).

North County Transit District - Roberts, Heebner (alternate).

Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).

SANDAG & its' subcommittees - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).

SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).

San Dieguito River Valley JPA - Roberts, Nichols (alternate).

San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).

22nd Agricultural District Association Community Relations Committee - Campbell, Roberts.

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

Business Liaison Committee - Roberts, Campbell.

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

I-5 Construction Committee - Kellejian, Roberts.

Public Arts Committee - Roberts, Nichols.

School Relations Committee - Roberts, Campbell.

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

Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires January 9, 2009.

Development Review - Nichols, Heebner. Expires November 18, 2009.

Environmental Sustainability - Roberts, Heebner. Expires January 9, 2009.

Fletcher Cove - Campbell, Heebner. Expires November 18, 2009.

La Colonia Park Needs Assessment - Nichols, Heebner. Expires June 10, 2009.

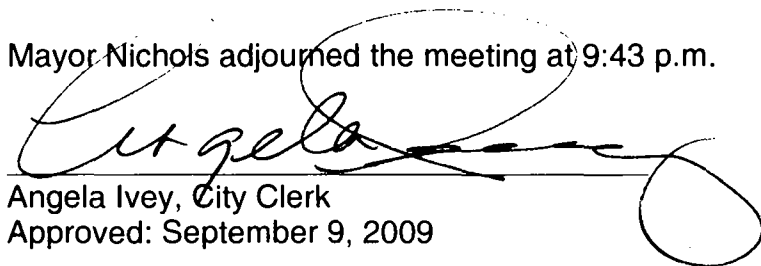
Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 12, 2009 or at the California Coastal Commission adoption.

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

View Assessment - Nichols, Heebner. Expires August 26, 2009

ADJOURN:

Mayor Nichols adjourned the meeting at 9:43 p.m.



Angela Ivey, City Clerk
Approved: September 9, 2009