SOLANA BEACH CITY COUNCIL REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT REGULAR MEETING

MINUTES

WEDNESDAY, APRIL 8, 2009 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:

Nichols, Campbell, Heebner, Kellejian, and Roberts.

Absent:

None.

Also Present: David Ott, City Manager

Johanna Canlas, City Attorney

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:

Captain Miller led the flag salute.

APPROVAL OF AGENDA:

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

PROCLAMATIONS:

1. Donate Life California

Mayor Nichols presented the proclamation to Donate Life California encouraging donation of organ and tissue.

Catherine and Randy Loftis, Solana Beach Firefighter, received the proclamation and spoke of their stories and the importance of the donation program.

2. Child Abuse Prevention Month

Mayor Nichols presented a proclamation for Child Abuse Prevention Month to Richard Randolf who spoke about the issues.

PRESENTATIONS:

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

1. "Every 15 Minutes" Program

Mayor Nichols introduced Tom Bennet, Matt Hannan and Mrs Z.

Matt Hannan, Principal, thanked Solana Beach for the partnership presenting the program to their students, reviewed the program which was designed to give an overview to teens of drinking and driving with the results of someone killed every 15 minutes in an auto related collision. He said that they applied for a grant many months ago, worked with many agencies to plan and coordinate the event, and began the program presenting scenerios showing the amount of young people affected by drunk driving accident.

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.

Elder Trenton Williams stated that he was serving a mission with the Church of Latter Day Saints. He stated that missionaries were 19-26 year old men and women, that they sought to improve communities, that he invited neighbors to Christ, that there were 52,000 missionaries throughout the world, that the

community had been supportive, and that there would always be missionaries to be of service to the community.

Doug Sutton asked the Council to support the Fire Department in its proactive efforts to keep the City safe from run-away fires and stated that there were palm trees in the City that needed trimming.

David Ott, City Manager, stated that the Fire Department should be contacted with information on specific areas that required tree trimming.

Doug Alden stated that the City should work towards an integrated traffic plan to address the travel of all ages and needs, that some City projects had not been planned well for all travelers such as the I-5 Interchange, that traffic calming on San Rodolfo Dr. was good, that bike riding brought freedom, and that the City should work with the community to ensure that travelers of all ages and needs were met.

David Carroll stated that he lived on Cedros Ave. for many years, that the speed on Cedros in the morning was an issue, that people ignored the speed limit, that there was not enough parking, that reverse angle parking was a solution for the area, that he and neighbors had posted "25 alive" signs on the street, and that a speed solution was needed on Cedros Ave.

COMMUNITY ANNOUNCEMENTS:

Council made community announcements.

COMMENTARY:

Council reported 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.

1. 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.

A.2. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the Regular and Special City Council meetings held April 9, 2008, Special Council Meeting June 11, 2008 and Regular Council Meeting July 9, 2008.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for February 28, 2008 - March 14, 2009.

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

A.4. Reprogramming of Transnet Funds. (File 0300-50)

Recommendation: That the City Council

- 1. Adopt Resolution 2009-036 approving the transfer of Transnet funding from an active RTIP project to other eligible Transnet projects by approving the transfer of \$169,424 of Transnet funds from the Lomas Santa Fe I/5 Interchange Project to the following projects in the amounts listed:
 - a. Coastal Rail Trail at Cliff Street Bridge \$37,888
 - b. Eden Gardens Master Plan 46,400
 - c. Cliff Street/Cedros Drainage 85,136

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

A.5. Purchase of an Emergency Rescue Boat. (File 0370-26)

Recommendation: That the City Council

- 1. Adopt Resolution 2009-034 to authorizing the City Manager to:
 - a. Purchase a Sea Skiff RIB emergency rescue boat and associated rescue equipment from Boulton Powerboats, Inc, in the amount of 54,078.72; and
 - b. Appropriate \$49,403 to Donations-Specific Projects and to Vehicles-Marine Safety in the Equipment Replacement Fund for the purchase of the Marine Safety boat.

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

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. Development Review (DRP) and Structure Development Permits (SDP) at Lomas Santa Fe Plaza Lifestyles Project, Applicant: American Assets, Case No. 17-05-29. (File 0600-40)

- 1. Report Council Disclosures.
- 2. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.

- 3. Find that the Initial Study and MND (Mitigated Negative Declaration) prepared for the Project (SCH# 2008091002) has been prepared consistent with CEQA and the 2008 State CEQA Guidelines and certify the Initial Study and MND as a subsequent Project identified in the 2003 Master EIR (Environmental Impact Report) (MEIR), as required by the California Environmental Quality Act (CEQA).
- 4. Adopt the Mitigation Monitoring and Reporting Program prepared for the Project.
- Adopt Resolution 2009-17 conditionally approving the request for a DRP and SDP to redevelop a portion of the existing Lomas Santa Fe Plaza.

Mayor Nichols recused himself due to a contractual relationship between his employer and the applicant.

Councilmember Heebner stated that due to Spring Break and other factors, residents may not have had been able to attend the meeting and that the public hearing would remain open and the item would return to the next meeting to allow additional residents to provide comment.

Deputy Mayor Campbell stated that the public who spoke at this meeting would not be allowed to speak at the subsequent meeting.

Council discussion ensued regarding the procedure of the public hearing, the traffic transportation issues of the project, whether the two issues could be discussed separately, and that the items should not be separated since they were both presented in the same staff report.

Council reached consensus to hear both the traffic issues and the project together.

Council disclosured their familiarity with the project.

Deputy Mayor Campbell opened the public hearing.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, Consultant, presented a powerpoint on the project.

Council discussion ensued regarding alternatives to reverse angle parking on Las Banderas and requested the City Engineer to comment.

Mo Sammak, City Engineer, showed a diagram of alternative parking options for consideration, that residents did not like reverse angle parking, that the applicant shifted the diagonal parking from the east side of Las Banderas to the west side, and that the street was wide enough to allow a 5 ft. area between the reverse diagonal parking and the lane.

Council, Consultant, and Staff discussion ensued regarding how the number of parking spaces were counted for the project, concerns of noise and dust of the construction project and the mitigation measures for them, that there would be short-term impacts of the noise and dust, that with the mitigation measures in the place the EIR concluded that the impacts would not be significant, the noticing of the project that was sent to residents within a 300 ft. radius, and that the notice was published in the North County Times, e-blasted, and posted on the City's website, and at City Hall, Discussion continued regarding the parking of the project, whether any surface parking would be removed, that there would be elevators and escalators in the parking garage, the increase in the daily average trips, that an estimated 1,500 cars daily would enter the project area, that the traffic would not overburden the current traffic, whether the project would restrict other uses in the future such as body shops or tire shops, and that there was a concern about noise that would be produced by those particular types of businesses due the closeness to neighborhoods.

Johanna Canlas, City Attorney, read the proposed condition in the record, "modifications to existing buildings in this project which could have the effect of the increase in noise projection to adjacent residential zones will require an amendment to the Development Review Permit (DRP), modifications requiring a DRP amendment include but are not limited to: openings of exterior walls, enlargement of or additional garage doors, or changes in configuration of a loading dock, any or enlarged exterior wall openings which open up areas not currently utilized for mechanical equipment activities such as forklifts or trucks, automotive repairs or related uses where mechanical noise would be projected from the buildings in a manner that is different than the current building configuration in and or inconsistent with the current existing uses."

Mr. Chamberlin, Applicant, presented a powerpoint presentation. He stated that they would eliminate the right-turn out at Starbucks, that there would be three lanes for exiting traffic, that the project would be hooked up to reclaimed water, that there would be escalators and elevators from the parking garage to the second level of the project, that the one-way entrance to the building was designed to reduce traffic congestion, and that he had no concerns regarding the new resolution language.

Council and Applicant discussion ensued regarding adding a pedestrian walkway from Baskin Robins to Vons, that the parking lot had already been

reconfigured, that a pedestrian path would be added from Lomas Santa Fe to San Andres, that the goal of the project was to be walkable, that an inspiration for the project was the Cardiff Seaside Market, whether there would be any changes to the back-end of the site near the Samauri restaurant, that renovations were not part of this project plan but there could be changes in the futue, that there would be solar panels on the building, that there would be recycling bins for conusmers and businesses, that the space that was currently available for community meetingswas rarely used and that it was a big financial obligation to provide a meeting space, that security was provided on an as-needed basis, that there was low crime at the property, that there would be a survalence camera and security guard, and that there could be an emergency call button installed in the parking garage.

Kathy Keehan, Executive Director, San Diego Bicycle Coalition, stated that there had been some opposition in the community to back-end diagonal parking, that the Bicycle Coalition supported back-end diagonal parking, that many other cities in the Country were using it, that there were several advantages to that type of parking such as easier and safer exits from the space and it was safer for children, and that the City should use back-end diagonal parking.

Council agreed to allow them to each to speak in this group under 15 minutes. Douglas Hopton, Sixth Green H.O.A., Rena Monge, and Judith Bradley.

Douglas Hopton stated that there were particular circumstances to Las Banderas that did not call for back-end parking, that City Staff reviewed the area, that there were safety concerns if reverse angle parking was impemented, and that they were not sure back-end diagonal parking was required for the area.

Judith Bradley stated that parking on Las Bandera was a concern, that 44 parking spaces could not fit on the street, whether emloyees would be parking on San Andres and Las Banderas, that the additional cars and people to the area would create congestion, that the amount of parking spaces should be limited on Las Banderas, and that bedrooms faced the parking area so headlights would interrupt residents and decrease property values.

Rena Monge stated that she was opposed to the reverse angle parking, that she was interested to learn more about the alternative parking that was presented by Staff.

David Ott, City Manager, clarified that there would be 13 parking spaces and not 44 spaces on Las Banderas.

Council and speaker discussion ensued regarding parking concerns on Las Banders, whether the street parking was visitor parking for the residents, the concern of traffic by large truck traffic having limited hours which would please the homeowners, and that they were pleased by traffic calming measures already completed in their area.

Council and City Manager discussion ensued regarding the advantages of reverse angle parking such as using it as a traffic calming measure, that narrowing the traffic lanes would slow down traffic in the area, and less noise would be produced by slower traffic.

Steve Goetsch stated that the Public Safety Commission had reviewed traffic calming measures, that the community should have input on the reserve diagonal angle parking, that traffic calming had to be reviewed for the project, and that a community room should be provided by the applicant.

Marilee McLean stated that she was on the City's Clean and Green Committee, that she was speaking on behalf of other residents, that she appreciated the efforts made by American Assets for a "green" shopping center, that the City's Municipal Code required commercial recycling, that the City recently signed the U.S. Mayors Climate agreement, that American Assets properties needed more efforts in recycling, that she visited 39 businesses on American Assets and only one business had a recycling bin, that American Assets current recycling policies should be reviewed.

Allen Frisch stated that he objected the project due to the increased traffic and noise, questioned who the upscale stores would benefit, that Cedros Ave. already had upscale stores, that the project would bring additional traffic congestion, that there was lack of public notification about the meeting and should have been handled as the Cedros Crossing project, that there were also parking concerns on Las Banderas and San Andres, that parking should be reviewed after the project had been built, and that parking should be taken off the table until a future time.

Mo Sammak, City Engineer, stated that there would be no change to the number of parking spaces on San Andres, that there would be an analysis on the number of parking spaces for Las Banderas, and that the information would be brought back at a future meeting.

Deputy Mayor Campbell recessed the meeting at 8:25 for break and reconvened the meeting at 8:30.

Deputy Mayor Campbell stated that the item would be continued to the April 22nd Council meeting.

Johanna Canlas, City Attorney, stated that since the public hearing was remaining open, Council should refrain from discussing the project with any members of the public, specifying what their decision on the project would be,

that the public hearing was on-going and the community could convey information to the City Manager and the information would be disclosed.

Council and City Attorney discussion ensued regarding combining the traffic and project portion of the item, that the Mayor had to recuse himself due to the contractual relationship between his employer and the applicant.

Council, Applicant, and Staff discussion ensued regarding over-flow parking, that the project will have more parking than it currently had, that the lowest level of the parking structure would be employee parking, the parking plan for construction workers, that there would be no impact to traffic during construction, that the applicant would be providing art for the site, that the applicant would be paying for funding of a traffic analysis around the project site, that adjusting the traffic signal timing could improve the flow of traffic in the area, and that there had been no new tenants that had leased a space in the building.

Council discussion ensued with Joe Foust, Austin Foust Associates, regarding the traffic study for the project, that there was a significant difference in traffic volume on the east and west side of the Lomas Santa Fe, the times when traffic counts were done, and whether the traffic counts were taken during school times.

Council and Staff discussion ensued regarding the notification process for the project, that there should be an expanded notification process for the continued public hearing on April 22nd and that it should be city-wide, that the residents attending on April 22nd would not have the advantage of hearing information presented at this meeting, that a link to the website could be added to the mailing postcard directing residents to review this meeting, that Staff could present a 15 minute summary at the April 22nd meeting that was presented at this meeting.

MOTION: Moved by Heebner and seconded by Roberts to approve and direct City Staff to notify residents by mailing out a citywide postcard of the April 22nd public hearing, to encourage residents to go to the City website, and notify the public to contact the City Staff regarding any questions on the open public hearing. **Motion carried 4/0/1** (Absent: Nichols.)

Council discussion ensued regarding cost of the city-wide mailer.

David Ott, City Manager, stated that the cost would be between \$3,000-4,000.

B.2. Development Review Permit (DRP) at 514 N. Granados Avenue, Applicant: Gerard Scarlato, Case: 17-08-29. (File 0600-40)

- 1. Report Council disclosures;
- 2. Conduct the Public hearing: Open the Public Hearing, Receive Public Testimony, Close the Public Hearing;
- 3. Find the project categorically exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- 4. Adopt Resolution 2009-030 conditionally approving a DRP for a residence of 3,521 square feet that includes converting the existing garage into living area, constructing a single-story addition and remodeling the existing home as well as constructing a new partially subterranean garage all of which requires approximately 200 cubic yards of grading and new retaining walls at 514 North Granados Avenue.

David Ott, City Manager,

Corey Johnson, Assistant Planner, presented a powerpoint.

Council disclosed their familiarity with the project.

Mayor Nichols opened the public hearing.

Council discussed potential spite fence from vegetation.

Johanna Canlas, City Attorney, said that the City would encourage citizens to address their private issues privately as it was done in this case.

Mr. Scarlato, applicant, said that he agreed with neighbor to trim the bamboo, that he had wanted to be cooperative, and that he wanted to not be forced and wanting to be respectful.

Council and applicant discussed that the applicant said that it had grown higher than he expected, that bamboo does grow faster than some and requires more management, that Council did not have any jurisidication over the issue, and that they appreciated the applicant's attitude.

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

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

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. Award Construction Contract for the Fletcher Cove Park Railing/Fence Replacement, Bid No. 2009-01. (File 0400-10)

Recommendation: That the City Council

1. Receive this report.

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer/Director of Public Works, presented a PowerPoint.

Council and Staff dicussion ensued regarding the height and aesthetic look of the fence, whether it was stainless steal, the paint color options, that the current look was galvanized, that the manufactuer stated that the aluminum post with stainless steal cable was the most marine friendly type of material, that the marine grade had the least amount of carbon to prevent rusting, and that a mat finish would be preferred over a shiny finish.

MOTION: Moved by Roberts and seconded by Heebner to approve the supplemental recommendation and report adopting Resolution 2009-032 awarding the bid submitted by Harris Steel Fence Company, Inc., in the amount of \$31,501.60 for the Fletcher Cove Park Railing/Fence Replacement, Bid No. 2009-01. **Motion carried unanimously.**

Mo Sammak, City Engineer/Director of Public Works, stated that the City would implement concrete bollards at the entrance of the park to prevent vehichles going into the park.

David Ott, stated that implenting these bollards would also be a safety factor.

Council discussion ensued regarding the bidding process, whether the City could implement an ordinance or policy that would allow the City to use local bidders rather than just the lowest bidder.

Johanna Canlas, City Attorney, stated that the City was limited to the Public Contracts Code and that she would research additional information to provide to Council.

C.4. Public Art Project - Gull Sculpture. (File 0910-45)

Recommendation: That the City Council

1. Consider the Public Art Advisory Commission's (PAAC's) recommendation to approve the new gull sculpture design and modified installation site.

David Ott, City Manager, introduced the item.

Steve Didier, Assistant to the City Manager, presented a powerpoint of some pictures of the renditions of gull sculpture.

Council and Staff discussed the concern about the potential conflicts with the signature of the park, that the pictures presented were not exact so it was difficult to visualize, and that it was approved at the last meeting to place the piece on a base of the same color to blend it into the landscape.

Councilmember Heebner said that he had an alternative motion to direct the Public Arts Advisory Commission was given direction to look at this area, that the direction was not followed properly, and direct them to look at the Community Center.

Mayor Nichols said that he agreed with Councilmember's idea.

Councilmember Heebner asked the motioner to consider withdrawing the motion and direct the Public Arts Advisory Commission to review it again.

MOTION: Moved by Roberts and seconded by Kellejian. **Motion carried** 3/2 (Noes: Heebner, Nichols.)

C.2. Award Construction Contract for the City_Hall Parking Lot Modifications, Bid No. 2008-16. (File 0400-10)

- 1. Adopt Resolution 2009-010
 - a. Awarding the revised bid submitted by Palm Engineering Construction Company, Inc., in the amount of \$69,880 for the City Hall Parking Lot Modifications, Bid No. 2008-16.
 - b. Approving an amount of \$9,302 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Authorizing the City Manager to execute Change Order No.

- 1, in the amount of \$6,480 for revisions to the concrete pedestrian access ramp leading from Highway 101 to the City Hall front entrance doors.
- e. Approving the use of \$42,500 from the capital project for ADA improvements (Budget Unit 459-9955-6510-6530 Project 9955.02-6661 and appropriating those funds into the capital project account established for the City Hall Parking Lot Improvements (Budget Unit 001-9446-6510-6530, Project Number 9446.00-6661).
- f. Transferring \$43,000 from the Reserves for Public Facilities (Budget Unit 001-3306) into the City's CIP Fund.
- g. Authorizing the City Treasurer to amend the Fiscal Year 2008-2009 Adopted Budget accordingly.

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer/ Dir. Public Works, presented a powerpoint.

Council and Staff discussed the plans showing an tapered condition of six inches.

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

C.3. Mid-Year 2008/09 Budget Amendments. (File 0330-30)

Recommendation: That the City Council

- 1. That the City Council adopt Resolution No. 2009-033, revising the revenue estimates and appropriations in the Fiscal Year 2008/09 Budget.
- 2. That the City Council adopt Resolution 2009-035, transferring \$280,000 from the Asset Replacement Fund to the General Fund.
- 3. That the Board of Directors of the Solana Beach Redevelopment Agency adopt Resolution RDA 035, revising the revenue estimates and appropriations in the RDA Fiscal Year 2008/09 Budget.

David Ott, City Manager, introduced the item. Dennis Coleman, Finance Director, presented a powerpoint. reviewing the revenue deficiencies for the current fiscal year.

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

C.5. Adopt (2nd Reading) Ordinance 394 Authorizing Mail Ballots. (File 0430-10)

Recommendation: That the City Council

1. Adopt (2nd Reading) Ordinance 394 amending the Solana Beach Election Code by adding Section 2.24.015.

Johanna Canlas, City Attorney, read the title of the ordinance.

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

C.6. Annual Sewer Charges for FY 2009/10. (File 1040-70)

Recommendation: That the City Council

1. Set a public hearing date on May 27, 2009 pursuant to Proposition 218 to consider an increase in the annual sewer charge not to exceed \$560 per EDU (equivalent dwelling unit).

David Ott, City Manager, introduced the item.

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

C.7. Adjusting the Fee Schedule for Parking Violation Enforcement and Adopt (2nd reading) Ordinance 395. (File 0390-23)

Recommendation: That the City Council

1. Adopt (2nd reading) Ordinance 395 amending Solana Beach Municipal Code Section 10.32.010.

Johanna Canlas, City Attorney, read the title of the ordinance.

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

C.8. Adopt (2nd Reading) Ordinance 396 Submittal Expiration. (File

0600-95)

Recommendation: That the City Council

- Make a finding that this action is not a "project" as defined under California Environmental Quality Act (CEQA) pursuant to Public Resource Code, section 21065.
- 2. Adopt Ordinance 396 amending SBMC section I7.72.010.F to clarify the City's policy for the closure of project case files after five months of inactivity or failure to bring the application into completion after five months.

Johanna Canlas, City Attorney, pointed out the change since the first reading that was made regarding the clarification of the Appeal in Section 5 with the addition of the word 'or inaction' and she read the title of the ordinance.

Deputy Campbell proposed changing the word 'may' to 'shall' and that if all requirements are met the case should be closed and not be left to the discretion of Staff so that the same should be applied to everyone.

David Ott, City Manager, stated that there are certain circumstances that may not make it mandatory to bring to to closure.

Johanna Canlas, City Attorney, stated that the word 'may' would afford some leeway for certain circumstances and that Staff would be more likely withdraw a case than to risk an appeal and therefore would not utilize this leeway often.

Council and Staff discussion ensured regarding Council's inability to currently close cases on their own since they do not come to Council for that purpose, that they could appeal the action or inaction of the Community Development Director but would not be able to actively monitor cases, that the word 'shall' would make it black and white, and that there were situations when the City asked for five requirements and one more is needed but the time would be almost up and the discretion to extend it for a short time would be warranted.

Mayor Nichols stated that he supported the revising the word from 'may' to 'shall.'

Councilmember Heebner stated that she supported the revising the word from 'may' to 'shall.'

Councilmember Roberts stated that he would support Staff recommendation.

Mayor Nichols asked what would happen with the two motions but the obvious

stated support for a different position then the current motion.

Johanna Canlas, City Attorney, stated that the option to vote the current motion in place now and then direction to bring back the revision with the word 'shall' could be addressed in two weeks.

Consensus was expressed by Nichols, Campbell and Heebner.

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

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 disclosures.

COUNCIL COMMITTEE REPORTS:

Council made community reports.

Regional Committees: (outside agencies)

- a. City Selection Committee Roberts (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 Roberts, Kellejian (alternate) and any subcommittees.
- 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 Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee Kellejian, Roberts

(alternate).

- 1. 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 Heebner, 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 December 9, 2009.
- b. Development Review Nichols, Heebner. Expires November 18, 2009.
- c. Environmental Sustainability Roberts, Heebner. Expires December 9, 2009.
- d. Fletcher Cove Campbell, Heebner. Expires November 18, 2009.
- e. La Colonia Park Needs Assessment Nichols, Heebner. Expires June 10, 2009.
- f. Local Coastal Plan Ad-Hoc Committee Roberts, Campbell. Expires February 10, 2010 or at the California Coastal Commission adoption.
- g. NCTD / Train Station Site Project Ad Hoc Committee Heebner, Nichols. Expires 1-13-2010
- h. View Assessment Nichols, Heebner. Expires August 26, 2009

ADJOURN:

Mayor Michols adjourned the meeting at 10:15 p.m.

Angela Ivey, City Clerk

Approved: November 18, 2009