

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

JOINT **REGULAR** MEETING

**MINUTES**

**6:00 P.M.  
WEDNESDAY, JULY 14, 2010**

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

**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.

Mayor Campbell called the meeting to order at 6:00 p.m.

Johanna Canlas, City Attorney, stated that there was no reportable action from Closed Session.

**FLAG SALUTE:**

Captian Fowler, Sheriff, led the flag salute.

**APPROVAL OF AGENDA:**

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

**PROCLAMATIONS:**

1. MiraCosta College

Mayor Campbell presented a proclamation to Rudy Fernandez. introduced the president of Mira Costa College

**PRESENTATIONS: None**

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

**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 reported community announcements.

**COMMENTARY:**

Council reported commentary.

David Ott, City Manager, announced that Captain Fowler, San Diego County Sheriff Department, was moving to a new job assignment and thanked him for all he had contributed to the community.

Captain Fowler said that he had enjoyed working with the City Manager and the Department Heads, he introduced Captain Sherri Sarro who would take his place and had a wealth of experience and enthusiasm.

Council thanked Captain Fowler for his work.

Captain Sherri Sarro said that she looked forward to providing quality public

safety to the community.

**A. CONSENT CALENDAR: (Action Items) (A.1. - A.15.)**

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 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 City Council meetings held February 24, 2010 and April 14, 2010.

**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 June 5 - 18, 2010.

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

**A.4. Section 125 Cafeteria Plan/Flexible Spending Account Agreement (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-074 approving and authorizing the City Manager to execute the agreement with WageWorks Company to administer the City's Cafeteria Plan and Flexible Spending Accounts.

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

**A.5. Community Development Department Agreements. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-064:
  - a. Authorizing the City Manager to execute a professional services agreement with Everest international Consultants, Inc.
  - b. Appropriate \$5,000 from the Transient Occupancy Tax (T.O.T.) Sand Replenishment Fund's Undesignated Reserves to the Sand Replenishment Project (Local Share).
  - c. Authorize the City Treasurer to amend the adopted FY 2010/2011 budget accordingly.
2. Adopt Resolution 2010-088 authorizing the City Manager to execute the First Amendment to the professional services agreement with Marlowe & Company.
3. Adopt Resolution 2010-090 authorizing the City Manager to execute a professional services agreement with Harvey-Meyerhoff Consulting Group.
4. Adopt Resolution 2010-092 authorizing the City Manager to execute a professional services agreement with Summit Environmental Group.
5. Adopt Resolution 2010-102 authorizing the City Manager to execute a professional services agreement with GeoPacifica, Inc.

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

**A.6. Shoreline Management LCP (Local Coastal Plan) - Professional Services Agreement with Pacific Municipal Consultants (PMC). (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-063:
  - a. Authorizing the City Manager to execute Amendment #1 to the professional services agreement with PMC.
  - b. Authorizing the expenditure of \$32,900 in the City's FY 2010/2011 Budget, CIP Project #9903, "Shoreline Management LCP" to pay for Amendment #1 to the PMC Agreement.

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

**A.7. Eden Gardens Sewer Pump Station, Bid No. 2008-01. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-100:
  - a. Authorizing the City Manager to execute a final change order with T.C. Construction Company for a cumulative amount of \$90,936 as itemized in Table 2.
  - b. Accepting as complete the Eden Gardens Sewer Pump Station, Bid No. 2008-01, constructed by T.C. Construction Company.
  - c. Authorizing the City Clerk to file a Notice of Completion.

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

**A.8. Vacate Utility Easement at Cofair east of Marsolan Avenue, adjacent to 766 Marsolan Avenue. (File 0820-50)**

Recommendation: That the City Council

1. Adopt Resolution 2010-068 authorizing the vacation of the utility easement over that portion of Cofair Avenue vacated by Resolution 94-88.

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

**A.9. June 8, 2010 Special Election Official Certification. (File 0430-20)**

Recommendation: That the City Council

1. Adopt Resolution 2010-104 reciting the fact of the Special Municipal Election held on June 8, 2010 declaring the result and other such matters as provided by law.

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

**A.10. November 2, 2010 General Municipal Election. (File 0430-20)**

Recommendation: That the City Council

1. Adopt Resolution 2010-096 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 2, 2010, for the election of certain officers as required by the provision of the laws of the State of California relating to general law cities.
2. Adopt Resolution 2010-097 requesting the Board of Supervisors of the County of San Diego to Consolidate the General Municipal Election to be held on November 2, 2010, with the Statewide General Election to be held on that date, pursuant to Section 10403 of the Elections Code.
3. Adopt Resolution 2010-099 adopting regulations for candidates for elective office pertaining to candidate's statements submitted to the voters at an election. (To be held on Tuesday, November 2, 2010).

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

**A.11. Extend Street Sweeping Contract for Fiscal Year 2010/11. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-086 authorizing the City Manager to execute Amendment #4 with CleanStreet for street sweeping services for Fiscal Year 2010/2011.

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

**A.12. Fletcher Cove Community Center ADA Improvements, Bid No. 2010-02. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-094
  - a. Awarding the construction contract, including the alternate bid item, for the Fletcher Cove Community Center ADA Improvements, Bid No. 2010-02, in the amount of \$71,724.61, to MJC Construction.
  - b. Approving an amount of \$14,275.39 for construction contingency.
  - c. 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.**

**A.13. Chamber of Commerce Visitor Center Agreement. (File 0400-10)**

Recommendation: That the City Council

1. Authorize the City Manager to execute the agreement between the City and the Solana Beach Chamber of Commerce on behalf of the City, and
2. Adopt Resolution 2010-091, authorizing funding in the amount of \$15,000 with the Solana Beach Chamber of Commerce for operation of the Visitor Center.

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

**A.14. Cannon Copier Machine Lease. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-111 authorizing the City Manager to enter into agreements with South Coast Copy Systems and Canon Financial Services, for a 60 month lease of a Cannon Image Runner 3245i Copier.

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

**A.15. Purchase of a Smoke Extractor Using Grant Funds. (File 0370-26)**

Recommendation: That the City Council

1. Adopt Resolution 2010-107 approving the purchase of a new smoke extractor from Best Way Laundry Solutions at a cost of \$18,489.09 and
2. Appropriating in the Public Safety Special Revenue fund \$19,950 to Federal Grant revenue, \$10,000 to Fire Revenue from Other Agencies, and \$26,715.09 to Equipment.

**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: (B.1. - B.2.)**

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. Introduce (1st Reading) Ordinance 418 to amend the Solana**

**Beach Floodplain Overlay Zone (Section 17.80.020) to comply with the National Flood Insurance Program. (File 0610-10)**

Recommendation: That the City Council

1. Report City Council disclosures;
2. Conduct the Public hearing: Open the Public Hearing, Receive Public Testimony, Close the Public Hearing;
3. If the Council could make the findings as required under SMBC section 17.76.070, introduce Ordinance 418 to amend the Solana Beach Floodplain Overlay Zone (Section 17.80.020) of the SBMC.

David Ott, City Manager, introduced the item and that the intent was to comply with the National Flood insurance program.

Mayor Campbell opened the public hearing.

**MOTION:** Moved by Campbell and seconded by 0 to open the public hearing. **Motion carried unanimously.**

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

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

**B.2. Mitigated Negative Declaration (MND) Public Hearing for the Fletcher Cove Community Center Project. (File 0730-30)**

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 2010-109
  - a. Adopting the Mitigated Negative Declaration and Initial Study prepared for the project, and the Mitigation Monitoring Program (Attachment 2) and finding that they are consistent with CEQA and the 2009 State CEQA Guidelines.

- b. Approving the project plans for Phases 1 and 2.

David Ott, City Manager, introduced the item.

Tina Christiansen, Community Development Dir., presented a powerpoint reviewing background, timeline, the need for public donations, and project phases.

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

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

Mayor Campbell thanked all members, community volunteers, and Staff, and all local foundation raising efforts.

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

**C. STAFF REPORTS: (C.1. - C.7.)**  
*Submit speaker slips to the City Clerk*

**C.1. Exclusive Negotiation Agreement with Hitzke Development Corporation for the Development of an Affordable Housing Project at the 500 block of South Sierra Avenue. (File 0040-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-110
  - a. Authorizing the City Manager to execute the Exclusive Negotiation Agreement between the City of Solana Beach, Solana Beach Redevelopment Agency and Hitzke Development Corporation for the development of an affordable housing project at the 500 block of South Sierra Avenue.
  - b. Appointing the City Manager as lead negotiator for the City during the negotiation period.
2. Adopt Resolution RDA-040
  - a. Authorizing the Executive Director to execute the Exclusive Negotiation Agreement between the City of Solana Beach, Solana Beach Redevelopment Agency and Hitzke

Development Corporation for the development of an affordable housing project at the 500 block of South Sierra Avenue.

- b. Appointing the Executive Director as lead negotiator for the Agency during the negotiation period.

David Ott, City Manager, introduced the item and said that the City received an unsolicited proposal from Hitzke Corp. regarding development that would include affordable housing. He said that during the negotiation time there would be no obligation to any outcome, and that it was an important effort since low income housing was need in the City as all cities have mandates to meet affordable housing requirements.

Ginger Hitzke, President and owner of Hitzke Corp, said that they specialize in developments that included affordable housing, introduced her team and said that they had recently completed a LEED platinum in San Marcos, and said that they were look forward to discussing potential options.

David Ott, City Manager, stated that this firm had done several of these projects, that the owner had an outstanding reputation in the field, and that the City looked forward to see what options were available.

Margaret Schlesinger said that she encouraged Council to go forward with the negotiations and potential project, that affordable housing was important to the City, that she would be open to having a market to walk to, that the 3 story aspect may be a concern to give up an open area, to keep in mind any issues of character, and that she trusted that Council and Staff would handle the negoatiations well.

Carl Turnbull stated that he had a concern about taking away an open parking area and replacing it with closed parking, that he managed two areas in town with closed parking and had issues with theft and crime, and that it would be more safe to maintain an open view.

Deputy Mayor Heebner stated that the regional housing needs assessment at SANDAG was coming up, that the City had a mandate of how many affordable housing it needed to meet which at the same time there were impediments to developing, that it was harder for the City to meet mandates, and that she was pleased that someone with an excellent reputation had come to the City with some proposals.

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

**C.2. I-5 Expansion Project Draft Environmental Impact Report Review Process and Agreement. (File 0830-30)**

Recommendation: That the City Council

1. Adopt Resolution 2010-095
  - a. Amending the FY 2010-11 Budget by an amount not to exceed \$75,000 from the General Fund Undesignated Reserve Account 001-3200 and appropriating this amount to the Engineering Professional Services account number 001-6500-6510-6530, to review the Interstate 5 freeway expansion project Draft EIR.
  - b. Authorizing the City Manager to negotiate and enter into professional services agreements, on behalf of the City, regardless of the amount of the agreements with various experts to assist for reviewing and commenting on the Draft EIR, provided that the total costs of all agreements do not exceed \$75,000.

David Ott, City Manager, introduced the item, and said that the EIR document was out for review, that Staff had met on the issue and was engaging consultants' assistance, and that the item was before Council requested funds for consulting.

Council and Staff discussion ensued that the process would be similar to the Del Mar Fairgrounds, to review for duplication and where possible to partner with other cities to avoid duplication, that some other cities were not as engaged as Solana Beach but that talks were in progress, that CalTrans was going to have a series of workshops that would really be open houses, to consider taping the workshop for reference, and that the request to tape had been denied but that public meetings could be taped.

Lane Sharman stated that some residents had an informal meeting to see how they could get a community meeting, that he urged Council to go beyond the review and include a detailed impact analysis including how it affects the individuals in the the City, region, visitors, impacts on reducing green house emissions, that the City Council was named in the EIR as a responsible party so the City had a legal responsibility to prepare a legal response, that he hoped that the consultant had the legal tools to provide a legal response to the impact of the project, and that ultimately the expansion of freeways was not the goal any longer.

Council and Staff discussed the goals of creating a sound legal record within the appropriate and adequate responses utilizing the various consultants, Staff and

legal team.

Jack Hegenauer said that as a member of the Clean and Green Group and a private citizen he asked Council to respond vigorously about the EIR's inadequacies, that 50-60 in SB are generated on these 2 miles of freeway, building out of grid lock and laying more concrete or spend on mass transportation, understand importance, that the City was left with the futility of the CalTrans proposal, and that he was assured that there would be excellent community involvement facilitated by Staff in coordinating the response comments.

Council and Staff discussion ensued regarding considering sending a roaming videographer to capture the essence of comments at the open house since it was not a typical presentation, that some surrounding cities were supporting the project,

Councilmember Roberts stated that he had been diagnosed with COPD and that one potential cause was breathing particulates from living too close to the freeway and that it would be helpful to obtain a report on how more freeway may contribute to this issue.

Council and Staff continued discussion regarding considering sending a letter to CalTrans regarding their disappointing response to the City's interest in wanting to tape the meeting or to alert them that the City would be sending a videographer, that surprise at the support by the City of Encinitas, that this project would come up at SANDAG, the taking of property of Solana Beach residents that show on boundary lines, and the importance to watch to see if any different properties are noted for taking than those already presented.

**MOTION:** Moved by Roberts and seconded by Heebner to approve and include adding a comment to study particulate matter including reaching out to the American Lung Association, and send a letter to Caltrans that the City will videotape the open house walk through of stations to capture the information.  
**Motion carried unanimously.**

**C.3. Annual Audit for the City of Solana Beach for Fiscal Years (FY) Ending June 30, 2010 through June 30, 2012. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-108, authorizing the City Manager to execute an agreement with Caporicci & Larson, Inc. for professional audit services.

David Ott, City Manager, introduce the item and stated that the City employs an

auditor every year, that Council approved an extension in June that had expired, and that this item was a result of an RFP (Request for Proposal).

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

**C.4. Various Traffic Related Matters. (File 0870-40)**

Recommendation: That the City Council

1. Adopt Resolution 2010-087 approving the restriping of angled parking spaces on South Sierra, in front of the Post Office and Las Brisas, to reverse angle back-in/head-out parking stalls.
2. Adopt Resolution 2010-093 approving the change from 2-hour parking to 3-hour parking on South Cedros, between Lomas Santa Fe Drive and approximately 300-feet north of Marsolan, where 2-hour parking is currently posted.

David Ott, City Manager, introduced the item.

Mo Sammak, Director of Public Works/City Engineer, presented a powerpoint on miscellaneous traffic related matters. He stated that solutions included reverse angle parking on S. Sierra, that the ideas were presented to the Public Safety Commission showing conceptual designs that would try to maintain same spaces but reversed, and addressed some site visibility initially at Las Brisas by creating additional striping to allow vision to the traffic so they could slowly merge and then look for approaching traffic.

Council and Staff discussed the steep drop off from the private driveway next to the post office, consideration of rubberized wheel stops that were more forgiving when people run into them, to introduce to the postmaster alternatives such as a channelized median, allowing a little more space for backing in and out such as 9 ft. that may ensure the program is successful, that the new stripes were much darker and visible, and consideration to expand the scope up the street to reduce confusion throughout the street block to block.

Council continued discussion to consult with Surfsong to review their entrance with the nearby parking spaces, and to remove them if needed, expand the scope to include Fletcher Cove, explore wheel dots, to go with 9 ft. stripes, consider more differentiation for ADA spaces such as a 9.6 ft., displaying signage about what was being proposed, and to bring back with these considerations and results of exploring suggestions.

Council discussion continued regarded expanding north , consider the low cost of a change if it eliminated a problem for Surfson, provide cost of medians, explore with the Post Master a potential islet to drop off from drivers side, and review non-impact on the curb and a catch basin that was there for the benefit of Fletcher Cove.

Mo Sammak, Public Works Dir., explained that discussion and consensus among the area was reached for parking time limit on S. Cedros and that signs would be installed for 3 hour parking.

**MOTION:** Moved by Nichols and seconded by Roberts to approve Resolution 2010-093 only at this time. **Motion carried unanimously.**

Mo Sammak, Public Works Dir., continued presentation of information items including No Parking on Highland Dr. where cars were jumping the curb, that a Change Order to the Pump Station project was prepared to build full height concrete curb and gutter, however, the unintended consequence was that people assumed that this was a parking area. He said that the narrowness of the road did not support parking in this area and therefore a No Parking sign was displayed in this area, and that the predominant users of this area were event parking to the fair. He said that the installation of an audible signal at the intersection of Lomas Santa Fe and Nardo was done as a result of a request from a resident that was visually impaired, that it was reviewed at the Public Safety Commission, and that Staff intended to install it. He explained that the signal provides an audible sound to alert a visually impaired person an indicator that it was ok to cross.

Councilmember Roberts said that the Lions Club may be interested in funding this type of enhancement and asked the City Manager to discuss with the Lions Club.

**C.5. Establish Three Ad Hoc Committees: General Plan Update, 25th Anniversary, Fire Department Management Governance and Organizational Evaluation Ad Hoc Committee. (File 0410-48)**

Recommendation: That the City Council

1. Adopt Resolution 2010-085 establishing a General Plan Ad Hoc Committee to expire on July 13, 2011.

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

David Ott, City Manager, introduced the item and stated that the General Plan Ad Hoc would probably be a 3 year commitment.

Mayor Campbell asked the City Manager if he had recommendations. David Ott, City Manager, stated that his recommendations, after discussions with Council, were to appoint Mayor Campbell and Councilmember Nichols to the General Plan Ad Hoc.

2. Adopt Resolution 2010-105 establishing the City's 25th Anniversary Ad Hoc Committee to expire on July 13, 2011.

David Ott said that he had talked with Deputy Mayor Heebner and Councilmember Kellejian expressed interest

Councilmember Kellejian said that he would be pleased to work on this Ad Hoc with his 25 years working on the Council.

Councilmember Roberts stated that he hoped that before proceeding that the Committees understood the cost implications.

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

Mayor Campbell stated that he wanted to remind everyone that all of these Ad Hocs would not be making decisions but would be bringing back recommendations to Council.

3. Adopt Resolution 2010-106 establishing the Fire Department Management Governance and Organizational Evaluation Ad Hoc Committee to expire on July 13, 2011.

David Ott, City Manager, stated that Councilmembers Roberts and Kellejian had expressed interest.

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

4. Appoint two Councilmembers to serve on each Committee.

**C.6. Application of Initiation Proceedings for Geologic Hazard Abatement District to the City. (File 0610-12)**

Recommendation: That the City Council

1. Receive the report and provide direction.

Johanna Canlas, City Attorney, explained how and under what provisions that Geological Hazard Abatement Districts (GHAD) are formed. She stated that what was before Council was the consideration of whether the Council wanted to opt in and declare itself subject to the state law provisions of GHADs and that petitions submitted could not be considered until the City had adopted state laws for GHADs. She stated that if these provisions were adopted that all GHADs would not automatically be adopted but that each request would come before Council for consideration. She said that a petition had been received but could not be acted on since the City had not opted to allow GHADs, to date, and that if Council decided to not proceed with the actions to allow GHAD formations, then the current petition received would be returned along with the processing fee. She explained that this decision was a policy decision by Council, and that the only consideration may be that GHADs would be new and its affect on the currently submitted Local Coastal Plan (LCP) was unknown but could delay Coastal Commission's review.

John Corn (time donated by Nancy O'Neal, Gary Garber) presented a powerpoint. He stated that voting in favor in preparing a resolution and would be the first of 3 public hearings providing public comment, that this GHAD could be beneficial to the City and specifically to those living along the bluff, that there were about 50 GHADs in the state, that it was an assessment district with the sole purpose of abating geological hazards within its defined zone, that a GHAD would have the same rights and responsibility as individuals do now, that a GHAD would be exempt from CEQA but that he suggested that the City require CEQA anyway, that the end result would be to provide maintenance and construction of existing and new BRDs (bluff retention devices), that it would provide or payment of mitigation fees, that the GHAD would assess back the benefit of the properties of the risk it undertakes on a per benefit basis, that it would provide coordinated monitoring and maintenance to ensure safety and aesthetics, that it would provide less burden on the City and/or Coastal, that he personally spoke to the Coastal Commission and that Lee Kepran responded positively because they prefer a uniform approach, that the plan was to have their proposed GHAD to potentially grow to include other public properties and include funds for sand replenishment, that a main reason for owners interest is to help them qualify for financing, that it complied with the LUP under policy 4.52, and that there was no reason not to direct Staff to draft a resolution for later consideration.

Councilmember Roberts and the speaker discussed why they believed it was consistent with the spirit of the compromise, since LUP is not approved and they did not yet know what alternative would be approved, that it was a tool to provide public and private benefits like the goals of the Coastal Commissions.

Councilmember Nichols and the speaker discussed that the merits would provide the potential benefit but was not included at this time since the specific

application was not being discussed at this premature date.

Council, Staff, and Mr. Corn discussion ensued regarding that the current \$10,000 deposit was for the specific application and not for the resolution to set up the provisions for GHADs, that it would be used if the City set up a GHAD allowance recognized by the state Controller and then proceeded with this specific application process which would include the review of the petition received.

Ron Lucker, Chairman of the BBC, said that they and COOSA Management both support this process, that 5 of the 10 owners wanting to form have a benefit in front of Council for seawalls, that having to wait for the LUP was lengthy and costly, and that he recommended proceeding.

Diane Garber said that she was an owner on the bluff, that they needed a GHAD approved, that neighbors on both sides of her were losing property rapidly, that one was deceased and the children were having financial trouble with the costs of saving it due to high fees, that a GHAD was needed to assist in securing financing rather than wealthy financiers to taking home, that a GHAD would fund the walls, provide uniformity, that Coastal had asked for this, and that as the GHAD would grow to include more homeowners along the bluff to maintain bluffs it would provide sand replenishment.

Jim Jaffe said he was speaking on behalf of Surfrider and Calbeach, that the Policy 4.52 says an assessment district could be considered but did not request it, that the submitted LUP contained careful language and had a logistics plan for sand replenishment, that he signed onto for the TOT that already provided funding, that a focus needs to be on getting the LCP approved, consider the definition of a private or city owned parcel on oceanfront, that section 444 of LUP had provisions that allow for acquisition of bluff property by the City which may be a public benefit, that the shoreline district account would provide funds for sand replenishment and property acquisition instead of getting them from a GHAD, and to stop paying lawyers and instead meet neighbors to address this logistics plan in the spirit of this compromise.

Council and Staff discussed the frustration among Council as well regarding approving the LCP, the monetary constraints that prevent additional resolutions, that GHAD or similar entity makes sense since it is an advantage to property owners for financing, that it could not be formed prior to the adoption of the LCP, that the City had been approving seawalls so there was no harm in waiting on consideration of GHADs since they can still be built, once the LCP is done then the Council could look at other entities to address the homeowners and City safety issues, that the LCP was high on the Workplan and would be concerned about any further delays, that the City already provided for uniformity in conditions, that the timing was not right for this type of GHAD at this

time, that Council could not do anything to upset the compromise that submitted a final LCP, that it did not help these 10 homeowners but that Council had to look at the best interest of everybody, that the adoption of a resolution to form GHADs could give Coastal a reason to reconsider the City's application and further delay the process, that Council understood the property owners difficulty but that Council had an obligation to do what was right for the entire City. Council reached consensus to not proceed at this time with the opportunity to create resolution for the formation of GHADs.

**C.7. Adopt (2nd Reading) Ordinance 420 - Election Code Revisions. (File 0430-20)**

Recommendation: That the City Council

1. Review proposed changes reached by consensus at prior meetings to amend the Solana Beach Election Code.
2. Adopt Ordinance 420 amending Solana Beach Municipal Code 2.24 regarding Elections.

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

Councilmember Kellejian stated that he wanted to reiterate that he was not supportive of a portion of the ordinance, for the record, regarding item B.12. allowing 60 days, and ultimately 75 total days, for candidate to provide missing information and that it could be returned earlier, but that he was in favor of all other aspects of the ordinance.

Council and Staff discussed that the 60 days that was reached by consensus was also the term used by ther Political Reform Act.

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

**WORKPLAN COMMENTS:**  
(Adopted June 24, 2009)

**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 reported committee information.

**Regional Committees: (outside agencies, appointed by this Council)**

- 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).
- 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 - 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 8, 2010.
- b. Development Review - Nichols, Heebner. Expires November 17, 2010.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 8,

2010.

- d. Fletcher Cove - Campbell, Heebner. Expires November 17, 2010.
- e. La Colonia Park - Nichols, Heebner. Expires May 11, 2011.
- 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 1-12-2011
- h. View Assessment - Nichols, Heebner. Expires August 25, 2010

**ADJOURN:**

Mayor Campbell adjourned the meeting at 9:15 p.m.



Angela Ivey, City Clerk

Approved: September 22, 2010