

## CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT  
AGENCY, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY

# MINUTES

JOINT **SPECIAL** MEETING  
Wednesday, November 20, 2013  
06:00 P.M.

City Hall Council Chambers, 635 S. Highway 101, Solana Beach, California  
Minutes contain a summary of the discussions and actions taken by the City Council during a meeting. City Council meetings are video recorded and archived as a permanent record. The video recordings capture the complete proceedings of the meeting and are available for viewing on the City's website.

### CALL TO ORDER AND ROLL CALL:

Mayor Nichols called the meeting to order at 6:05 p.m.

**Present:** Campbell, Heebner, David Zito, Peter Zahn, and Nichols.

**Absent:** None.

**Also Present:** David Ott, City Manager  
Johanna Canlas, City Attorney  
Angela Ivey, City Clerk  
Mo Sammak, Engin/Public Works Dir.  
Wende Protzman, Community Development Dir.  
Marie Berkuti, Finance Manager  
Dan King, Sr. Management Analyst

### CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, stated there was no reportable action.

### FLAG SALUTE:

### APPROVAL OF AGENDA:

**MOTION:** Moved by David Zito and seconded by Peter Zahn **Motion carried unanimously.**

### 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.

Steve Ostrow announced the holiday tree lighting event scheduled for Dec 8th.

**COUNCIL COMMUNITY ANNOUNCEMENTS / 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. USACE Solana Beach-Encinitas Coastal Storm Damage Reduction Project Update and Cost Share Agreement. (File 0400-10) - added 11/15**

Recommendation: That the City Council

1. Adopt Resolution 2013-142 to:

- a. Authorize the City Manager to approve the COA cost increase of \$222,000.
- b. Appropriate \$7,500 from the City's T.O.T sand funds into the current fiscal year budget (2013-14) for payment to the USACE to support the City's local cost share requirements to complete the Feasibility Study for remittal to the USACE.
- c. Authorize the City Treasurer to amend the FY 2013-14 Budget accordingly.

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

**C. STAFF REPORTS: (C.1.)**

*Submit speaker slips to the City Clerk*

**C.1. Community Grant Program Requests Fiscal Year 2013-14. (File 0330-25)**

Recommendation: That the City Council

1. Receive the Report and consider the presentations from the grant applicants.

David Ott, City Manager, introduced the item.

Dan King, Sr. Management Analyst, displayed the PowerPoint (on file) of grant applicants.

Applicants (handouts or Powerpoints on file):

Ship in the Woods, Bike Walk Solana, Boys and Girls Club of San Dieguito, Casa de Amistad, Community Resource Center, Del Sol Lions, Earl Warren MS PTSA, Kids KORPS USA, La Colonia De Eden Gardens Inc., North Coast Repertory Theater, Sea Weeders, St. James-St Leo's Medical Dental.

Mayor Nichols thanked Santa Fe Christian School for matching the funding allocation once again this year.

**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.4.)**

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 444 amending Title 15 of the Solana Beach Municipal Code, adopting the 2013 California Building and Fire Codes, Standards and Administrative Codes. (File 0150-55)**

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find that this action is exempt from CEQA pursuant to Section 15061 (b) (3).

3. Find that pursuant to Health & Safety Code Section 17958.7 that all of the proposed local amendments to the state fire and building codes are necessary due to local climatic, topographical and geological local conditions.
4. Introduce Ordinance 444 amending SBMC Title 15, "Buildings and Construction."

David Ott, City Manager, introduced the item.

Mo Sammak, Engineering/Public Works Director, presented a PowerPoint (on file).

Johanna Canlas, City Attorney, clarified that the sprinkler requirement left out of the staff report and noted in the presentation, was already in the code since 2010, and that numbering was changing in the code section.

Robert Scott, Fire Marshall, stated that the CA. Building Code now required sprinkler systems for all new remodels, the City's current policy regarding sprinkler systems, the requirement of applying the rule every 1,000 sq. ft. of addition or when 15% of the structure was affected, and that the code was modified to apply requirements in flexible ways so that more cost effective solutions could be used for certain projects, when appropriate.

Council and Staff discussed the green building code and the fee study, that 15% was a large cost for a project, that the larger cost is the additional meter, and that rules for additional meters could be changed by the water district or by state law.

Mayor Nichols opened the public hearing.

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

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

**B.2. Development Review Permit (DRP) and Structure Development Permit (SDP) for 742 North Granados Ave., Applicant: Ann Schall, Case No: 17-12-05. (File 0600-40)**

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2013-136 conditionally approving a DRP and an administrative SDP to remodel and construct a first- and second-story addition to an existing single-family residence, resulting in a residence with 3,328.5 square feet of living area, a 502.5 square foot attached garage, a covered 44 square foot porch, and a 124.5 square foot uncovered second-floor step-out deck, at 742 North Granados Avenue.

Mayor Nichols opened the public hearing. Council disclosed their familiarity with the project.

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

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

**B.3. Development Review Permit (DRP) for 1414 Highland Drive, Applicant: Bill and Kathy Warehall, Case No: 17-13-20. (File 0600-40)**

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2013-139 conditionally approving a DRP for a new 634 square foot detached guest house on an

existing lot developed with a single-family residence and attached garage at 1414 Highland Drive.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a PowerPoint (on file)

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

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

**B.4. SANDAG'S 2012 Regional Transportation Improvement Program Amendment. (File 0150-55)**

Recommendation: That the City Council

1. Conduct the Public Hearing: open the public hearing, report Council disclosures, receive public testimony, close the public hearing.
2. Adopt Resolution 2013-134 approving an amendment to the SANDAG 2012 Regional Transportation Improvement Program (RTIP) of projects for Fiscal Years 2013 through 2017, adding the TransNet debt financing to the Highway 101 Streetscape Project in the amount of \$5,454,370.

David Ott, City Manager, introduced the item.

Mo Sammak, Engineering/Public Works Director, presented a PowerPoint (on file).

Mayor Nichols opened the public hearing.

**MOTION:** Moved by Heebner and seconded by Peter Zahn to close the public hearing. **Motion carried 4/0/1** (Absent: Campbell)

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

**C. STAFF REPORTS: (C.2. - C.3.)**  
*Submit speaker slips to the City Clerk*

**C.2. Del Mar Shores Beach Stairway. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2013-140:
  - a. Awarding a construction contract to Blue Pacific Engineering, in the amount of \$936,780, for the Del Mar Shores Beach Access Stairway Replacement, Bid No. 2013-09.
  - b. Approving the amount of \$143,220 for construction contingency.
  - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
  - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
  - e. Appropriating \$1,173,373 into the Del Mar Shores Stair project in the City CIP fund from the following sources
  - f. Authorizing the City Treasurer to amend the FY 2013-14 Budget accordingly.
  
2. Adopt Resolution 2013-143:
  - a. Authorizing the City Manager to enter into a professional services agreement, in the amount of \$89,373, with Noble Consulting, Inc. for construction support services associated with the construction of the Del Mar Shores Beach Access Stairway Replacement.

**MOTION:** Moved by Peter Zahn and seconded by David Zito **Motion carried unanimously.**

Mayor Nichols recessed the meeting for a break at 8:19 p.m. and reconvened at 8:24 p.m.

**C.3. Discussion of Election Code Section 9212 Report on Citizen's Initiative Regarding the Use of Fletcher Cove Community Center for Special Events**

1. Discuss the item and provide direction as may be needed.

**MOTION:** Moved by Nichols and seconded by Heebner to direct the City Attorney to draft a response from Council to the preparer of the Report. **Motion carried unanimously.**

Council discussed that petitions could be with a voter percentage or timing order to reach a general election instead of forcing a special election, that council had responded to reports submitted to council when there is a difference of opinion, and to direct the City Attorney to draft a response from Council to the preparer of the report to share Council's opinion of information that was not addressed including fiscal impact, that a legal challenge of any issues with the ordinance contents would have to be defended by the City, and the fact that any

issues that arose could not be addressed by the City if the ordinance was adopted by Council or an election but only by a new vote.

### **WORKPLAN:**

Mayor Nichols stated that Councilmember Heebner and he were in the process of putting together meetings on Workplan items for public input including Highway 101 parking proposals to maximize parking for businesses and local citizen's input on the La Colonia proposed project.

### **COUNCIL COMMITTEE REPORTS:**

Council reported committee activity.

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

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

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

- a. Business Liaison Committee - Campbell, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Zito.

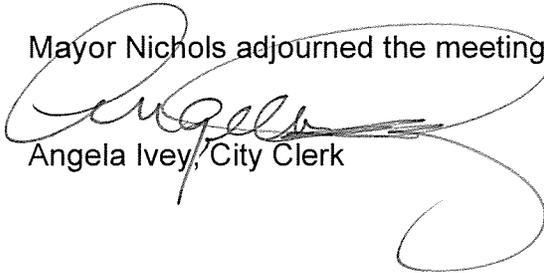
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee - Zito, Zahn.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Nichols, Zito. Expires December 5, 2013.
- b. Development Review - Nichols, Heebner. Expires October 22, 2014.
- c. Environmental Sustainability - Heebner, Zahn. Expires December 5, 2013.
- d. Fire Department Management Governance - Zito, Zahn. Expires July 09, 2014.
- e. Fiscal Sustainability - Campbell, Zito. Expires June 11, 2014.
- f. Fletcher Cove Community Center Ballot Measure - Heebner, Zito. Expires November 30, 2013.
- g. Gateway Property - Campbell, Heebner. Expires April 9, 2014.
- h. General Plan - Nichols, Zito. Expires July 09, 2014.
- i. La Colonia Park - Nichols, Heebner. Expires June 11, 2014.
- j. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 22, 2014 or at the California Coastal Commission adoption.
- k. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 8, 2014.
- l. View Assessment - Heebner, Zito. Expires June 11, 2014.

**ADJOURN:**

Mayor Nichols adjourned the meeting at 8:49 p.m.

  
Angela Ivey, City Clerk

Approved: January 22, 2014