

# CITY OF SOLANA BEACH



## **ACTION AGENDA**

The Action Agenda of the City Council Meeting is a document provided immediately following the Council Meeting in order for staff and the public to be aware of the business transacted and actions taken by Council. This is a preliminary draft and not a public record. The meeting's legal record is the Minutes approved by the City Council.

### **SOLANA BEACH CITY COUNCIL** **REDEVELOPMENT AGENCY and PUBLIC FINANCING AUTHORITY**

Joint **REGULAR** Meeting  
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.

### **NOTICE**

In compliance with the Americans with Disabilities Act, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office at (858) 720-2400 or by email at least 72 hours before the meeting.

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode and engage in conversations outside the Council Chambers.

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live on Cox Communications, Channel 19, and Time Warner, Channel 24. Council meetings are archived and available for viewing. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings.

A full City Council agenda packet with backup information is available at City Hall, at the Solana Beach branch of the San Diego County Library (157 Stevens Ave.), and online [www.ci.solana-beach.ca.us](http://www.ci.solana-beach.ca.us) at least 72 hours prior to the meeting. Agenda related writings or documents regarding an agenda item and that are received after the distribution of the agenda but at least 1 hour 30 minutes prior to the meeting will be available for public viewing at City Hall and posted online with the agenda.

### **CITY COUNCIL MEMBERS**

**MIKE NICHOLS, MAYOR**

**THOMAS M. CAMPBELL, DEPUTY MAYOR**  
**LESA HEEBNER, COUNCILMEMBER**  
**JOE G. KELLEJIAN, COUNCILMEMBER**  
**DAVID W. ROBERTS, COUNCILMEMBER**

DAVID OTT  
CITY MANAGER

JOHANNA N. CANLAS  
CITY ATTORNEY

ANGELAIVEY  
CITY CLERK

**SPEAKERS:**

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

**CALL TO ORDER AND ROLL CALL:**

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**COUNCIL ACTION: Approved 5/0**

**PROCLAMATIONS:**

1. Donate Life California
2. Child Abuse Prevention Month

**PRESENTATIONS:**

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

1. "Every 15 Minutes" Program

**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:**

**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 P-Ublic 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.

**COUNCIL ACTION: Approved 5/0**

**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.

Approved

Minutes <https://www.cityofsolanabeach.org/en/government/public-meetings/agendas-minutes-videos>

**COUNCIL ACTION: Approved 5/0**

**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.  
[Item A.3. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**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 1/5 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

[Item A.4. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

## **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.

[Item A.5. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**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)**

Recommendation: That the City Council

1. Report Council Disclosures.
2. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
3. Find 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.
5. Adopt Resolution 2009-17 conditionally approving the request for a DRP and SOP to redevelop a portion of the existing Lomas Santa Fe Plaza.

[Item B.1. Report \(click here\)](#)

**COUNCIL ACTION: Approved 4/0/1 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. (Recuse: Nichols.)**

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

Recommendation: That the City Council

1. Report Council disclosures;
2. Conduct the Public hearing: Open the Public Hearing, Receive Public Testimony, Close the Public Hearing;
3. Find the project 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.

[Item B.2. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0 to close the public hearing.**

**COUNCIL ACTION: Approved 5/0**

**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.

[Item C.1. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0 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.**

**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.

[Item C.4. Report \(click here\)](#)

**COUNCIL ACTION: Approved 3/2 (Noes: Heebner, Nichols.)**

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

Recommendation: That the City Council

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.

[Item C.2. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**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.

[Item C.3. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**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.

[Item C.5. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**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).

[Item C.6. Report \(click here\)](#)



**COUNCIL ACTION: Approved 5/0****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.

[Item C.7. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0****C.8. Adopt (2nd Reading) Ordinance 396 Submittal Expiration. (File 0600-05)**

Recommendation: That the City Council

1. 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 17.72.010.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.

[Item C.8. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0****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:****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).
- 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. 1-5 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:**