

# 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, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY**

**Joint REGULAR Meeting**

**Wednesday, May 9, 2012**

**6:00 P.M.**

City Hall / Council Chambers 635 S. Highway 101, Solana Beach, California and

Teleconference Location (Campbell) 15 Grindell Ave., Dennis Port, Massachusetts, 02639

### **PUBLIC MEETING ACCESS**

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live on Cox Communications-Channel 19, Time Warner-Channel 24 (*analog*) or Channel 131 (*digital*), and AT&T U-verse Channel 99. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's website.

### **AGENDA MATERIALS**

A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch Library (157 Stevens Ave.), La Colonia Community Ctr., Fletcher Cove Lifeguard station, and online [www.cityofsolanabeach.org](http://www.cityofsolanabeach.org). Agendas are posted at least 72 hours prior to the meeting. Writings and documents regarding an agenda of an open session meeting, received after the official posting, and distributed to the Council for consideration, will be made available for public viewing at the same time. In addition, items received at least 1 hour 30 minutes prior to the meeting time will be uploaded online with the courtesy agenda posting. Materials submitted for consideration should be forwarded to the City Clerk's department 858-720-2400. The designated location for viewing public documents is the City Clerk's office at City Hall during normal business hours.

### **SPEAKERS**

Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker's slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports.

### **AMERICAN DISABILITIES ACT TITLE 2**

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. 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 (858) 720-2400 at least 72 hours prior to 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.

**CITY COUNCILMEMBERS**

**Joe G. Kellejian, Mayor**

**David W. Roberts, Deputy Mayor**  
**Thomas M. Campbell, Councilmember**

**Mike Nichols,**  
**Councilmember**  
**Lesa Heebner,**  
**Councilmember**

David Ott  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
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:**

**CLOSED SESSION REPORT: (when applicable)**

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**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.

**COUNCIL COMMUNITY ANNOUNCEMENTS:**

**COUNCIL COMMENTARY:**

**A. CONSENT CALENDAR: (Action Items) (A.1. - A.8.)**

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 4/0/1 (Absent: Campbell)**

**A.2. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held October 21, 2011, January 11 and February 22, 2012.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

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

Recommendation: That the City Council

1. Ratify the list of demands for March 31 - April 20, 2012.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**A.4. General Fund Adopted Budget for Fiscal Year 2011-12 Changes. (File 0330-30)**

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2011-2012 General Fund Adopted Budget.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**A.5. Status Report on Major FY 2011/2012 Capital Improvement Projects. (File 0810-05)**

Recommendation: That the City Council

1. Receive Report from Staff.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**A.6. Implementation Contract with Chevron ES Lease Agreement. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2012-056 authorizing the execution and delivery of a lease agreement and site lease and authorizing and directing certain actions in connection therewith.
2. Adopt Resolution 2012-057 authorizing appropriations for the Chevron Contract costs, the cash contributions to the Project, and the financing.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**A.7. Housing Element Legal Services with Goldfarb & Lipman LLP Amendment. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2012-055 approving the First Amendment to Professional Services Agreement with Goldfarb & Lipman LLP.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**A.8. Local Coastal Program Advocacy Services with McCabe & Company. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2012-053:
  - a. Approving and Ratifying the Professional Services Agreement as previously executed by the City Manager.
  - b. Approving the transfer of \$33,500 from the NCTD Parking Study project to the Local Coastal Plan project in the City's CIP fund.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**C. STAFF REPORTS: (C.1. - C.5.)**  
*Submit speaker slips to the City Clerk*

**C.1. Audit Services Agreement Lance, Soll & Lundhard, LLP. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2012-058, authorizing the City Manager to execute an agreement with Lance, Soll & Lundhard, LLP, for professional audit

services.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**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.2. Development Review Permit (DRP) and Conditional Use Permit (CUP) at 712 Stevens Avenue, Applicants: City of Solana Beach and Boys & Girls Club of San Dieguito, Case 17-12-09 DRP/CUP. (File 0610-60)**

Recommendation: 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 CUP. Therefore, Staff recommends that the Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 and/or Section 15311 and the building lease exempt pursuant to Section 15327 of the State CEQA Guidelines; and
3. If the Council makes the requisite findings and approves the project, adopt Resolution 2012-052 conditionally approving a DRP and CUP to install a temporary building for the term of the lease as may be approved for La Goiania Park, located at 712 Stevens Avenue.
4. Authorize the City Manager to sign a lease agreement with the Boys and Girls Clubs of San Dieguito for a temporary building.

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

**COUNCIL ACTION: Approved 4/0/1 to close the public hearing. (Absent: Campbell)**

**COUNCIL ACTION: Approved 4/0/1 to approve with modifications. (Absent: Campbell)**

**B.1. Development Review Permit and Structure Development Review Permit amendment for 461 Marview Lane, Applicants: Brian and Laura Tauber, Case# 17-11-26. (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 an amendment to the ORP and SOP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, 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 2012-046 conditionally approving a ORP and an administrative SOP amendment to construct a new two-level, single-family residence on a vacant lot including a partially subterranean garage and basement at 461 Marview Lane.

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

**COUNCIL ACTION: Approved 3/0/1/1 to close the public hearing. (Absent: Campbell Recuse: Heebner.)**

**COUNCIL ACTION: Approved 3/0/1/1 (Absent: Campbell Recuse: Heebner.)**

**C. STAFF REPORTS: (C.1. - C.5.)**

*Submit speaker slips to the City Clerk*

**C.2. Adopt (2nd Reading) Ordinance 435 Related to Plastic Bag Use Reduction. (File 0230-55)**

Recommendation: That the City Council

1. Adopt (2nd reading) Ordinance 435 adding Chapter 5.01 of the Solana Beach Municipal Code, all related to plastic bag use reduction.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**C.3. Introduce (1st Reading) Ordinance 436 - Election Code Minor Revisions. (File 0430-10)**

Recommendation: That the City Council

1. Introduce Ordinance 436 amending Solana Beach Municipal Code 2.24 regarding Elections.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**C.4. Proposition 1B Funding from State Fiscal Year 2009/2010 Appropriation. (File 0390-34)**

Recommendation: That the City Council

1. Adopt Resolution 2012-050 accepting the 2009/2010 State Appropriation Prop. 1B funds, in the amount of \$19,508, and to identify these funds for use associated with the Highland Drive/Lomas Santa Fe Drive Improvement Project.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**C.5. Solid Waste Rate Review. (File 1030-50)**

Recommendation: That the City Council

1. Adopt Resolution 2012-051 setting the Solid Waste Rate Review Public Hearing protest vote for June 27, 2012.

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

**COUNCIL ACTION: Approved 4/0/1 (Absent: Campbell)**

**C.6. Parks and Recreation Commission Appointment - added 5/4/12**

Recommendation: That the City Council

1. Make one appointment to the vacant position on the Parks and Recreation Commission with a term expiration date of January 2013.

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

**COUNCIL ACTION: Approved 4/0/1 to appoint Elaine Lawless (Absent: Campbell)**

**WORKPLAN COMMENTS:**  
(Adopted June 23, 2010)

**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, appointed by this Council)**

- a. City Selection Committee (meets twice a year) - Roberts, Kellejian (alternate).
- 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, Nichols (1st alternate), Heebner (2nd alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Roberts (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
- l. San Dieguito River Valley JPA- Heebner, Nichols (alternate).
- m. San Elijo JPA- Campbell, Roberts (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Heebner, 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. Parks and Recreation Committee - Heebner, Nichols
- e. Public Arts Committee - Roberts, Nichols.
- f. School Relations Committee - Roberts, Nichols.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 6, 2012.
- b. Development Review - Nichols, Heebner. Expires November 15, 2012.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 6, 2012.
- d. Fire Department Management Governance-Kellejian,Roberts. Expires July 12, 2012.
- e. Fiscal Sustainability - Campbell, Roberts. Expires June 28, 2012.



- f. Fletcher Cove - Campbell, Heebner. Expires May 9, 2012.
- g. General Plan - Campbell, Nichols. Expires July 12, 2012.
- h. La Colonia Park - Nichols, Heebner. Expires May 10, 2012.
- i. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 7, 2013 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 10, 2013
- k. View Assessment - Nichols, Heebner. Expires October 21, 2012

**ADJOURN:**