

# 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 23, 2012**

**6:00 P.M.**

City Hall / Council Chambers

635 S. Highway 101, Solana Beach, California

### **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:**

**APPROVAL OF AGENDA:**

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

**PROCLAMATIONS/CERTIFICATES:**

1. National Public Works Week

**PRESENTATIONS:**

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

1. San Diego County Fair
2. Fiesta Del Sol

**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:**

**A. CONSENT CALENDAR: (Action Items) (A.1. -A.7.)**

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: Roberts)**

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

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held January 11, March 14, 2012.

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

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

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

Recommendation: That the City Council

1. Ratify the list of demands for April 21 - May 4, 2012.

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

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

**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: Roberts)**

**A.5. Building Department Services Agreement with EsGil Corporation. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2012-059, approving and ratifying the professional services agreement with EsGil Corporation for City Building Services for the period July 1, 2012 to June 30, 2013, as executed by the City Manager.

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

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

**A.6. Ocean Street, Seabright Lane and Access Road Storm Drain Facilities Project. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2012-054:
  - a. Authorizing the City Council to accept as complete the Ocean Street, Seabright Lane and Access Road Storm Drain Facilities Contract, Bid No. 2011-04, performed by Hunter General Engineering.
  - b. Authorizing the City Clerk to file a Notice of Completion.

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

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

**A.7. Emergency Generator for City Hall. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2012-062, authorizing the City Manager to execute all agreements related to the purchase and installation of a back-up generator for City Hall[a1].
2. That the City Council authorizes the appropriation of \$40,000 into the Equipment account in the Asset Replacement Fund (135-6500-6510-6640) and authorizes the City Treasurer to amend the FY2012 Adopted Budget accordingly.

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

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

**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. Time Extension Request of Amended Development Review Permit and Structure Development Permit for Solana Beach Self-Storage at 545 Stevens Avenue. Applicant: Proptech, David Bubnash, Case No. 17-10-04. (File 0610-12)**

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 2012-061, approving the request for a 12 month extension for the Amended DRP/SDP and setting the expiration date as June 9, 2013.

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

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

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

**B.2. Time Extension Request for Development Review Permit, Structure Development Permit, Conditional Use Permit at 233, 235 and 237 North Rios Ave. Applicant: Peter McNally, Case No. 17-07-18. (File 0600-40)**

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 2012-060, approving the request for a 12 month extension for DRP/SDP/CUP and setting the expiration date as June 10, 2013.

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

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

**COUNCIL ACTION: Approved 5/0**

**C. STAFF REPORTS: (C.1. - C.4.)**  
*Submit speaker slips to the City Clerk*

**C.1. Highway 101 West Side Improvement Project Construction Contract. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution No. 2012-067 authorizing the City Manager to enter into a professional services agreement, in the amount of \$109,679, with Nasland Engineering for construction support services during construction of the Highway 101 West Side Improvement Project.
2. Staff is still doing due diligence on the issues raised in the bid protest letter. All findings related to these issues, the result of the findings and the final recommendations on how to proceed with the possible awarding of a construction contract will be presented in a blue folder revision to this Staff Report.
3. Adopt Resolution 2012-066
  - a. Awarding a construction contract for the Highway 101 West Side Improvement Project, Bid No. 2012-01, in the amount of \$5,948,984, to Dick Miller, Inc.
  - b. Approving an amount of \$651,016 for construction contingency.
  - c. Authorizing the City Manager to execute the construction contract on behalf of the City.

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

**COUNCIL ACTION: Approved 5/0**

**C.2. Solana Beach Coastal Rail Trail Maintenance District for the Annual Levy and Collection of Assessments. (File 0495-20)**

Recommendation: That the City Council

1. Adopt Resolution 2012-063 initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District.
  2. Adopt Resolution 2012-064, approving the Engineer's Report for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
  3. Adopt Resolution 2012-065, declaring intention to provide for the annual levy and collection of assessments in Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for June 27, 2012.
- [Item C.2. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**C.3. Solana Beach Lighting District: Engineer's Report, annual levy and collection of assessments and setting time and date for public hearing. (File 0497-30)**

Recommendation: That the City Council

1. Adopt Resolution 2012-068 approving the Engineer's Report for proceedings for the annual levy of assessments within a special maintenance district.

2. Adopt Resolution 2012-069 declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing; and scheduling the public hearing for June 27, 2012.

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

**COUNCIL ACTION: Approved 5/0**

**C.4. Adopt (2nd Reading) Ordinance 436 - Election Code Minor Revisions. (File 0430-10)**

Recommendation: That the City Council

1. Adopt (2nd Reading) Ordinance 436 amending Solana Beach Municipal Code 2.24 regarding Elections.

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

**COUNCIL ACTION: Approved 5/0**

**WORKPLAN COMMENTS:**

(Adopted June 23, 2010)

**COUNCIL COMMITTEE REPORTS:**

**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.

**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:**