

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, JUNE 13, 2007
06:00 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 at least 48 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 2nd and 4th Wednesdays and are broadcast live on Cox Communications, Channel 19, and Time Warner, Channel 24.

A full City Council agenda packet with all backup information is available at City Hall and the Solana Beach branch of the San Diego County Library the Friday before each Council meeting and on the web at www.ci.solana-beach.ca.us.

CITY COUNCILMEMBERS

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

DAVID OTT
CITY MANAGER

JAMES P. LOUGH
CITY ATTORNEY

ANGELAIVEY
CITY CLERK

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of

the Item.

CALL TO ORDER AND ROLL CALL:

FLAG SALUTE:

APPROVAL OF AGENDA:

COUNCIL ACTION: Approved 5/0 to approve the agenda pulling Item #6 from the agenda.

PUBLIC HEARINGS

1. **Consider Adoption of the Fiscal Year (FY) 2007-08 Sewer Service Charges at \$508 per Equivalent Dwelling Unit (EDU) (File No. 1040-70)**
 - A. Following the Public Hearing, introduce Ordinance No. 365 amending Section 14.08.060 of Chapter 14.08 of the Solana Beach Municipal Code Relating to Annual Sewer Service Charge of \$508 per Equivalent Dwelling Unit and Adopt by Reference by the City of Solana Beach.

[Item 1 Report \(Click Here\)](#)

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

COUNCIL ACTION: Approved 5/0.

PROCLAMATIONS: None

PRESENTATIONS:

- A. **1-5 Interchange**

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 to the City Clerk (located on the back table). 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. Items can be referred to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES as per SBMC . (Be aware of the timer lights on the Council dais.)

COMMUNITY ANNOUNCEMENTS:

COMMENTARY:

CONSENT CALENDAR: (Action Items) (Items 1-12)

Items listed on the Consent Calendar are considered routine; however, any member of the public may address the City Council on an item of concern by submitting to the City Clerk a request to speak form 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 all other Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

2. **Waive text reading of ordinances.**

- A. 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.

3. Minutes of City Council meeting.

- A. Approve the Minutes of City Council meetings held March 10 (Special), March 14 (Regular and Closed) and March 17, 2007 (Special).

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

COUNCIL ACTION: Approved 5/0.

4. List of Demands. (File No. 0300-30)

- A. Ratify the List of Demands dated April 28 - May 25, 2007.

[Item 4 Report \(Click Here\)](#)

COUNCIL ACTION: Approved 5/0.

5. Support the San Dieguito Watershed Management Plan. (File No. 0140-90)

- A. Adopt Resolution No. 2007-064 supporting the San Dieguito Watershed Management Plan.

[Item 5 Report \(Click Here\)](#)

COUNCIL ACTION: Approved 5/0.

6. Authorize the Escondido Creek and San Elijo Lagoon Watershed Preservation Area Cooperative Agreement. (File No. 0400-10)

- A. Adopt Resolution No. 2007-066 authorizing the City to sign the Escondido Creek and San Elijo Lagoon Watershed Preservation Area Cooperative Agreement.

[Item 6 Report \(Click Here\)](#)

7. Authorize the City Manager to execute a contract with Koppel & Gruber Public Finance for Proposition 218 noticing services related to the proposed Solid Waste Fee Increases. (File No. 0410-10)

- A. Adopt Resolution No. 2007- 075 authorizing the City Manager to hire the firm of Koppel & Gruber to provide services, not to exceed \$18,290, related to the Proposition 218 noticing requirements and amending the FY 2006-07 Budget.

[Item 7 Report \(Click Here\)](#)

COUNCIL ACTION: Approved 5/0.

8. Authorize Purchase of Lomas Santa Fe Drive at Lomas Santa Fe Plaza Traffic Signal Poles Required for the 1-5 Interchange Project. (File No. 0820-75)

- A. Adopt Resolution No. 2007-062 authorizing the Finance Director's issuance of the purchase order in the amount of \$17,002.95 to Ameron Pole Products Division c/o Pacific Lighting Sales for the purchase of traffic signal poles on Lomas Santa Fe Drive at Lomas Santa Fe Plaza.

[Item 8 Report \(Click Here\)](#)

COUNCIL ACTION: Approved 5/0.

9. **Re-Establish the La Colonia Needs Assessment Ad Hoc Committee. (File No. 0120-90)**
 - A. Adopt Resolution No. 2007-063 re-establishing the La Colonia Needs Assessment Ad Hoc Committee.
 - B. Appoint Mayor Heebner and Councilmember Nichols to serve on the Committee.

[Item 9 Report \(Click Here\)](#)

COUNCIL ACTION: Approved 5/0.

11. **Adoption of the 2007-2008 Fire Benefit Fee. (File No. 0390-23)**
 - A. Adopt the Resolution 2007-069 setting the 2007-2008 Benefit Fee at \$10.00 per unit for levying on the tax roll.

[Item 11 Report \(Click Here\)](#)

COUNCIL ACTION: Approved 5/0.

12. **Adoption of FY 2007-2008 Municipal Improvements Districts Benefit (MID) Fees. (File No. 0495-20)**
 - A. Adopt Resolution No. 2007-070 setting the benefit charges for Municipal Improvement District #33 for Fiscal Year 2007-08. MID #33 - Highway 101/Railroad Right-of-Way (Fee \$3.12/unit -- Revenue \$11,500)

COUNCIL ACTION: Approved 5/0.

- B. Adopt Resolution No. 2007-071 setting the benefit charges for Municipal Improvement district Number 9C for Fiscal Year 2007-08. MID #9C - Santa Fe Hills (Fee \$232.10/unit -- Revenue \$94,700)

COUNCIL ACTION: Approved 5/0.

- C. Adopt Resolution No. 2007-072 setting the benefit charges for Municipal District Number 9E for Fiscal Year 2007-08. MID #9E - Isla Verde (Fee \$68.74/unit -- Revenue \$6,000)

COUNCIL ACTION: Approved 4/0/1 (Absent: Roberts recused due to living within the assessment area.) (Recused: Roberts)

- D. Adopt Resolution No. 2006-073 setting the benefit charges for Municipal Improvement District Number 9H for Fiscal Year 2007-08. MID #9H -San Elijo Hills #2 (Fee \$289.58/unit -- Revenue \$34,200)

COUNCIL ACTION: Approved 5/0.

[Item 12 Report \(Click Here\)](#)

10. **Establish Ad Hoc Interim Fee Program guidelines for Bluff Retention Device Projects under Chapter 17.62 of the Solana Beach Municipal Code. (File No. 0740-80)**

- A. Adopt Resolution 2007- 042, which approves the ad hoc fee guidelines contained therein.

[Item 10 Report \(Click Here\)](#)

COUNCIL ACTION: Approved 5/0 to approve with modifications: The recommended deposit shall be a one thousand dollars per linear foot of the longest portion of the bluff retention device approved, that the applicant shall be refunded any amount deposited in excess of the amount of the total fees assessed with interest. Interest shall be received based on the return as determined by the Finance Dir. on the money deposited.

PUBLIC HEARINGS continued: (Items 13-15)

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 to the City Clerk (located on the back table). 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 designee 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 three-minute timer light on the Council Dais.

13. Streetlight Assessment for Fiscal Year 2007/08 and Adoption of Resolution renewing the Solana Beach Lighting District and confirming the Engineer's Report. (File No. 0495-20)

- A. Accept public testimony.
- B. Adopt Resolution 2007-077 confirming the diagram and assessment; providing for the levy of the annual assessment in a special maintenance district; confirming the Engineer's Report; and ordering the transmission of charges to the County Auditor for collection.

[Item 13 Report \(Click Here\)](#)

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

COUNCIL ACTION: Approved 5/0.

14. Emergency Request for a Conditional Use Permit to construct a Bluff Retention Device consisting of a sea cave infill of an existing 20+ foot deep sea cave with concrete, and a 170-foot long, 35 foot high, free form, structural shotcrete tied back wall extending along the base of the bluffs for the properties and geogrid reinforced rebuilt sloping upper bluff located at 417 and 423 Pacific Avenue, Solana Beach (Case No:# 17-06-18); Applicant: Burns / Matchinske. (File No. 0610-60)

- A. Find the project exempt from the requirements of CEQA pursuant to 2007 State California CEQA Guidelines §15269(b) as a documented emergency exists; and
- B. Adopt Resolution 2007-084 which approves the project subject to the conditions state therein.

[Item 14 Report \(Click Here\)](#)

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

COUNCIL ACTION: Approved 5/0 to approve with modifications that will be brought back in a resolution for final confirmation.

15. **Emergency Request for a Conditional Use Permit to construct a seawall, 75 feet in length, from the elevation of 15-feet to the elevation of 35-feet to support the upper half of the sea cliff and the tow of the sloping upper bluff against failure for the properties located at 311 and 319 Pacific Avenue, Solana Beach (Case No: 17-06-17); Applicant: Hajjar Properties. (File No. 0610-60)**

- A. Find the project exempt from the requirements of CEQA pursuant to 2007 State California CEQA Guidelines §15269(b) as a documented emergency exists; and
- B. Adopt Resolution 2007-061, which approves the project subject to the conditions state therein.

[Item 15 Report \(Click Here\)](#)

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

COUNCIL ACTION: Approved 5/0 to approve with modifications that will be brought back in a resolution for final confirmation.

ORDINANCE INTRODUCTION: 1st Reading (Item #1 and 21-23)

Submit speaker slips to the City Clerk

21. **Report On Condo-Hotel Issue, Request for Direction on Permanent Regulations And Request To Extend The Interim Ordinance To Prohibit Maps Or Permits For Condominium Maps Or Permits For Condo-Hotels During An Extended Study Period For 120 Days. (File No. 0610-10)**

- A. Give Staff direction as to whether to process a regulatory ordinance to develop a ban of the condo-hotel ownership method for hotels in the Commercial Zone or allowing for restrictions on condo-hotel uses.
- B. Adopt Ordinance 364 extending the current moratorium an additional 120 days to the previously approved moratorium while the City Staff brings back a proposal to either ban or regulate condo-hotel projects in the City of Solana Beach.

[Item 21 Report \(Click Here\)](#)

COUNCIL ACTION: Approved 5/0.

STAFF REPORTS: (Items 16-20)

Submit speaker slips to the City Clerk.

16. **No item. Pulled from agenda after numbering was complete.**
17. **Award Solana Circle Guardrail, Bid No. 2007-05, to Area West Fence Company. (File No. 0350-80)**

- A. Adopt Resolution No. 2007-065:
1. Awarding the contract to Area West Fence Company in the amount of \$57,500 for the Solana Circle Guardrail, Bid No. 2007-05, and authorizing the City Manager to execute the construction contract on behalf of the City.
 2. Appropriating \$8,000 from Capital Projects Undesignated Reserves 459-3200 into Budget Unit Budget Unit 459-9370-6510-6530, Project 9370-6661.

3. Authorizing the City Treasurer to amend the Fiscal Year 2006/2007 Budget accordingly.

[Item 17 Report \(Click Here\)](#)

COUNCIL ACTION: Approved 5/0.

18. Adoption of City Investment Policy. (File No. 0350-80)

- A. Adopt Resolution No. 2007-068 approving the City's Investment Policy for fiscal 2007-2008.

Item 18 Document

19. Establish Fixed Dates for City Council Sub-Committees Meetings. (File No. 0410-20)

- A. Receive report, City Council discussion, and provide direction.

Item 19 Document

20. Establish the Appropriations Limit for Fiscal Year 2007/08. (File No. 0330-30)

- A. Adopt Resolution No. 2007-074 establishing the 2007/08 Appropriations Limit in accordance with Article XIII B of the California Constitution and Government Code Section 7910 to be 24,668,117.

Item 20 Document

ORDINANCE INTRODUCTION: CONT'D 1st Reading (Item #1 and 21-23)

23. Describing the Redevelopment Agency's Eminent Domain Powers, As Required By California Health and Safety Code Section 33342.7(A) (SB 53) (File No. 0115-22)

- A. Introduce Ordinance No. 366 describing the fact that there is not an eminent domain program to acquire real property in the Redevelopment Agency Project of Solana Beach, therefore it does not have the power of eminent domain.

[Item 23 Report \(Click Here\)](#)

COUNCIL ACTION: Approved 5/0.

22. State and City Video Franchises (File No. 1000-10)

Recommendation: This item was pulled from the agenda.

- A. Introduce Ordinance No. 363

1. Authorizing the City of Solana Beach to receive a franchise fee of 5% of gross revenues and an additional 1% of gross revenues for Public Education and Government purposes.
2. Authorizing the City of Solana Beach to audit the business records of a state video franchisee once annually.
3. Establishing customer service penalties.

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.

WORKPLAN COMMENTS: (Adopted June 28, 2006)

Material is located in front section of agenda binder.

COUNCIL COMMITTEE REPORTS:

Please state the committee you are speaking to before making each report.

Regional Committees: (outside agencies)

1. California Cities Contract Association (CCCA) - Roberts, Heebner (alternate).
2. City Selection Committee - Kellejian (meets twice a year)
3. County Service Area 17 - Campbell, Nichols (alternate).
4. Escondido Creek Watershed Authority - Nichols, Roberts (alternate).
5. League of Ca. Cities' San Diego County Executive Committee - Roberts, Kellejian (alternate).
6. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).
7. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Roberts, Kellejian (alternate).
8. North County Dispatch JPA- Nichols, Campbell (alternate).
9. North County Transit District - Roberts, Heebner (alternate).
10. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
11. SANDAG - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).
12. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
13. San Dieguito River Valley JPA- Roberts, Nichols (alternate).
14. San Elijo JPA- Campbell, Roberts (both primary members) (no alternates).
15. 22nd Agricultural District Association Community Relations Committee - Roberts, Campbell (alternate).

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

1. Business Liaison Committee - Roberts, Campbell.
2. School Relations Committee - Roberts, Campbell.
3. Public Arts Committee - Roberts, Nichols.
4. Traffic Transportation - Heebner, Kellejian.
5. Highway 101 / Cedros Ave. Development Committee - Heebner, Nichols.

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

1. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 14, 2008 or at the California Coastal Commission adoption.
2. Sand Replenishment Alternative Review - Kellejian, Campbell. Expires November 8, 2007.
3. Views and Vegetation Subcommittee - Roberts, Nichols. Expires November 8, 2007.
4. User Fee Ad-Hoc Committee - Roberts, Campbell. Expires June 30, 2007.
5. Development Review - Heebner, Nichols. Expires November 29, 2007.
6. La Goiania Park Needs Assessment - Heebner, Roberts. Expires June 30, 2007.
7. Condohotel - Heebner, Campbell. Expires October 24, 2007.

ADJOURN:

AFFIDAVIT OF POSTING
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF SOLANA BEACH

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that the Agenda for the June 13, 2007 Council Meeting as called by City Council, Redevelopment Agency, and the Public Financing Authority of the City of Solana Beach, California, was provided and posted on June 8, 2007 at 4:00 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., June 8, 2007, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk
City of Solana Beach, CA

UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled or Special Meetings that have been announced as of this Agenda Posting.

1. Budget & Finance Committee Thursday, July 21, 2007, 6:00 p.m. (Council Chambers)
2. Public Arts Advisory Commission Tuesday, July 10, 2007, 3:30 p.m. (Council Chambers)
3. Parks & Recreation Commission Thursday, June 14, 2007, 4:00 p.m. (La Colonia Park)
4. Public Safety Commission Tuesday, July 10, 2007, 6:30 p.m. (Council Chambers)
5. View Assessment Committee Tuesday, July 17, 2007, 6:00 p.m. (Council Chambers)