

# 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, MAY 14, 2008**  
**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 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 that are received after the distribution of the agenda and before 4:30 p.m. on the meeting day will be available for public viewing at City Hall and posted online with the agenda.

#### **CITY COUNCILMEMBERS**

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

DAVID OTT  
CITY MANAGER

JOHANNA N. CANLAS  
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.**

**PROCLAMATIONS:**

1. **Public Works Week**

**PRESENTATIONS:**

1. **Sheriff's Annual Report**
2. **San Diego County Fair**

**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:**

**CONSENT CALENDAR: (Action Items) (Items 1-5)**

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.

1. **Waive text reading of ordinances.**

Recommendation: Recommendation: That the City Council

- 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.**

## 2. Minutes of City Council meeting

Recommendation: Recommendation: That the City Council

- A. Approve the Minutes of the Special City Council meeting held January 17, 2008.

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

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

## 3. List of Demands. (File 0300-30)

Recommendation: Recommendation: That the City Council

- A. Ratify the List of Demands dated March 15 - April 11, 2008.

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

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

## 4. Solana Beach Employee's Association (SBEA) / Miscellaneous Unit Agency Shop Agreement. (File 0400-10)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-82 approving the Agency Shop agreement between the City of Solana Beach and SBEA / Miscellaneous Unit; and
- B. Direct the Director of Finance to begin the appropriate payroll deductions consistent with the Agency Shop agreement.

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

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

## 5. Major FY 2007/08 Capital Improvement Projects Status Report. (File 0810-05)

Recommendation: Recommendation: That the City Council

- A. Receive report from staff.

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

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

## **PUBLIC HEARINGS: (Items 6-8)**

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.

**6. Public Hearing for Ballot Tabulation on the Proposed Marsolan Underground Utility District. (File 1010-90)**

Recommendation: Recommendation: That the City Council

- A. Approve this report,
- B. Approve the final Assessment Engineer's Report, and
- C. Adopt Resolution 2008-073 declaring the results of the assessment ballot tabulation, confirming the assessment, ordering the construction of the improvements together with appurtenances, and approving the Engineer's Report.

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

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

**7. Introduce (1st Reading) Ordinance 386 - Sewer Service Charge of \$534 per Equivalent Dwelling Unit (EDU) for Fiscal Year (FY) 2008-09. (File 1040-70)**

Recommendation: Recommendation: That the City Council

- A. Introduce Ordinance 386 amending Section 14.08.060 of Chapter 14.08 of the Solana Beach Municipal Code Relating to Annual Sewer Service Charge of \$534 per Equivalent Dwelling Unit (EDU).

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

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

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

**6. Public Hearing for Ballot Tabulation on the Proposed Marsolan Underground Utility District. (File 1010-90) CONTINUED**

**COUNCIL ACTION: Approved 4/1. (Noes: Campbell)**

**8. Development Review and Structure Development Permits at 355 Pacific Avenue (Case No:17-05-37; Applicant: Don Totten). (File 0600-40)**

Recommendation: Recommendation: That the City Council

- A. Find the project categorically exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
- B. Adopt Resolution 2008-052 conditionally approving a Development Review Permit and Structure Development Permit to remodel an existing single-family residence on property at 355 Pacific Avenue.

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

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

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

**STAFF REPORTS: (Item 9-19)**

Submit speaker slips to the City Clerk.

**9. Public Arts Advisory Commission Member Appointment. (File 0120-80)**

Recommendation: Recommendation: That the City Council

- A. Make one appointment by the Council-at-large to the Public Arts Advisory Commission with a term expiration date of January 2009.

[Item 9 Report \(click here\)](#)

**COUNCIL ACTION: Approved 4/1 to appoint Allen Moffson. (Noes: Campbell)**

**10. Fiesta del Sol 2008 Event Appropriation of Funds. (File 0330-25)**

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-074 appropriating \$13,000 for the 2008 Fiesta del Sol event, and authorize the City Treasurer to adjust the budget accordingly.

[Item 10 Report \(click here\)](#)

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

**11. Award Construction Contract for the Eden Gardens Sewer Pump Station. (File 0400-10)**

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-077:
1. Approving a contract with Nolte Associates for construction management services for a not-to-exceed amount of \$328,645.
  2. Approving a contract with Ninyo & Moore for geotechnical, special inspection and material testing services for a not-to-exceed amount of \$55,713.
  3. Approving a contract with PBS&J for construction support services and direct costs for a not-to-exceed amount of \$185,690.
  4. Approving to amend the existing contract with Chandra Collure to add a not-to-exceed amount of \$24,400 for the Eden Gardens Sewer Pump Station.
  5. Authorizing the City Manager to execute the construction support service contracts on behalf of the City.
  6. Appropriating \$424,000 from Undesignated Reserves 509-3200 into Budget Unit 509-9824-6510-6530, Project Number 9824.00-6661.
  7. Authorizing the City Treasurer to amend the Fiscal Year 2007/2008 Budget accordingly.

[Item 11 Report \(click here\)](#)

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

**12. Exercising First Right of Refusal to Purchase 417 Pacific Avenue, Solana Beach (CUP 17-06-18). (File 0610-60)**

Recommendation: Recommendation: That the City Council

- A. Find the project exempt from the requirements of CEQA as the action does not qualify as a project under the CEQA Guidelines Section 15378; and
- B. Adopt Resolution 2008-075 which formalizes the City's decision to decline to exercise its First Right of Offer to purchase the residence at 417 Pacific Ave. under draft LUP Policy L.11.

[Item 12 Report \(click here\)](#)

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

**13. Adoption of Fiscal Services Specialist II and a New Senior Code Compliance Position. (File 0510-40)**

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-076 amending the FY 07/08 Salary and Classification Plan to include the adoption of the Fiscal Services Specialist II in the Confidential Salary Schedule and the adoption of the Senior Code Compliance Officer classification in the SBEA Miscellaneous Salary Schedule.

[Item 13 Report \(click here\)](#)

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

**14. General and Specialized Law Enforcement and Traffic Services with the County of San Diego. (File 0400-10)**

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-081 authorizing the Mayor to execute the Agreement for General Law and Traffic Enforcement Services between the City of Solana Beach and the County of San Diego for a five-year term beginning July 1, 2007 through June 30, 2012 commencing in the amount of \$2,792,929 with future cost increases capped at 5% for the next fiscal year and 5.5% for the three fiscal years afterwards.

[Item 14 Report \(click here\)](#)

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

**15. Plaza Street Interim Improvements, Bid No. 2007-11, Change Order No. 1. (File 0400-10)**

Recommendation: Recommendation: That the City Council

A. Adopt Resolution 2008-079:

1. Approving Change Order No. 1 to the construction contract with Palomar Grading & Paving, Inc. in the amount of \$29,922.50 for the Plaza Street Improvement Project, Bid No. 2007-11.
2. Authorizing the City Manager to execute the change order on behalf of the city.
3. Transferring \$17,000 from the capital project account for the Highway 101 Streetscape and Traffic Calming project and appropriating the funds into the capital project account established for the Plaza Improvement Project.
4. Authorizing the City Treasurer to amend the Fiscal Year 2007-2008 Adopted Budget accordingly.

[Item 15 Report \(click here\)](#)

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

**16. Adopt (2nd Reading) Ordinance 372 - Nonconforming Uses and Structures. (File 0610-10)**

Recommendation: Recommendation: That the City Council

- A. Adopt Ordinance 372 amending SBMC Chapter 17.16 Nonconforming Uses and Structures.

[Item 16 Report \(click here\)](#)

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

**17. Introduce (1st Reading) Ordinance 378 Providing Guidelines for the Placement of Utility Facilities in the Public Rights-of-Way. (File 1000-10)**

Recommendation: Recommendation: That the City Council

- A. Introduce Ordinance 378 amending Chapter 13.20 and creating Section 11.20.295 of the SBMC to provide reasonable regulations regarding the installation and placement of surface mounted utility facilities in City streets and rights-of-way.
- B. Adopt Resolution 2008-29 to establish a new Council Policy to create guidelines for the placement of utility facilities in the public rights-of-way.

[Item 17 Report \(click here\)](#)

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

**18. Adopt (2nd reading) Ordinance 385 amending the No Smoking Ordinance. (File 0270-30)**

Recommendation: Recommendation: That the City Council

- A. Adopt (2nd Reading) Ordinance 385 amending Title 11, Chapter 11.12 Section 11.12.020 EE of the Solana Beach Municipal Code.

[Item 18 Report \(click here\)](#)

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

**19. Adopt (2nd Reading) Ordinance 384 revising the municipal code 4 Graffiti Ordinance. (File 0230-80)**

Recommendation: Recommendation: That the city council

A. Adopt (2nd reading) Ordinance 384 amending Title 11, Chapter 11.14 relating to Graffiti.

[Item 19 Report \(click here\)](#)

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

**WORKPLAN COMMENTS: (Adopted June 27, 2007)**

Material is located in front section of agenda binder.

**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:**

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 and its' Subcommittees - Roberts, Kellejian (alternate).
6. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).
7. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Kellejian, Roberts (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 & its' subcommittees - 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 - Campbell, Roberts.

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

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



5. School Relations Committee - Roberts, Campbell.

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

1. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires January 9, 2009.
2. Development Review - Nichols, Heebner. Expires November 29, 2008.
3. Environmental Sustainability - Roberts, Heebner. Expires January 9, 2009.
4. Fletcher Cove - Campbell, Heebner. Expires November 28, 2008.
5. La Colonia Park Needs Assessment - Nichols, Heebner. Expires June 13, 2008.
6. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 12, 2009 or at the California Coastal Commission adoption.
7. Solana Beach Mixed-Use Train Station Project Ad Hoc Committee - Nichols, Heebner.
8. Views and Vegetation - Roberts, Nichols. Expires October 24, 2008.

**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 this Agenda for the May 14, 2008 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 May 8, 2008 at 1:00 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., May 27, 2008, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk  
City of Solana Beach, CA