

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 25, 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 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

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

COUNCIL REORGANIZATION:

1. Recognition of outgoing Mayor Kellejian
2. Recess - Reorganization of Seating, as appointed on December 12, 2007.
 - a. Mayor Roberts assumes the Chair (June 25, 2008 - December 10, 2008).
 - b. Deputy Mayor Nichols assumes the Deputy Chair (June 25, 2008 - December 10, 2008).

APPROVAL OF AGENDA:

COUNCIL ACTION: Approved 5/0.

PROCLAMATIONS:

PRESENTATIONS:

1. **Fletcher Cove Submerged Reef**

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. 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 1-8)

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 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 all other Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

COUNCIL ACTION: Approved 5/0.

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. List of Demands (File 0300-30)

Recommendation: Recommendation: That the City Council

- A. Ratify the List of Demands dated April 12 - May 9, 2008 and May 10 - June 6, 2008.

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

COUNCIL ACTION: Approved 5/0.

3. Adoption of City Investment Policy (File 0350-30)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-118 approving the City's Investment Policy for Fiscal Year 2008-09.

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

COUNCIL ACTION: Approved 5/0.

4. Highway 101 Tree Replacement Project, Bid No. 2007-14, Notice of Completion. (File 0400-10)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-119:

1. Authorizing the City Council to accept as complete the Highway 101 Tree Replacement Project, Bid No. 2007-14.
2. Authorizing the City Clerk to file a Notice of Completion.

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

COUNCIL ACTION: Approved 5/0.

5. Castro Street Improvement Construction Contract. (File 0400-10)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-117:

1. Rejecting Palm Engineering Construction bid as non-responsive.
2. Awarding the construction contract to Portillo Concrete, in the amount of \$180,665 for the Castro Street Improvements Phase 1, Bid No. 2008-09.
3. Approving an amount of \$27,000 for construction contingency and testing services.
4. Authorizing the City Manager to execute the construction contract on behalf of the City.

5. Appropriating \$46,400 from Transnet Undesignated Reserves into Budget Unit 218-9380-6510-6530, Project Number 9380.04-6661
6. Appropriating \$53,165 from CDBG Undesignated Reserves into Budget Unit 240-9380-6510-6530, Project Number 9380.04-6661
7. Authorizing the City Treasurer to amend the Fiscal Year 2007-2008 Budget accordingly.

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

COUNCIL ACTION: Approved 5/0.

6. Retirement Health Savings Plan for the Employees of Solana Beach Fire Association. (File 0520-10)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-110 to implement a Retirement Health Saving Plan for the Solana Beach Firefighters' Association.
- B. Adopt the Administrative Services Agreement between the City of Solana Beach and ICMA-RC in order to implement a Retirement Health Savings Plan.

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

COUNCIL ACTION: Approved 5/0.

7. Fiscal Year 2008-09 Appropriations Limit. (File 0330-30)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-112 establishing the 2008-09 Appropriations Limit in accordance with Article XIII B of the California Constitution and Government Code Section 7910.

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

COUNCIL ACTION: Approved 5/0.

8. Matching Funds for Public Art Donations. (File 0910-45)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-126:
 1. Approving the above listed donations as contributions toward the Matching Funds for Public Art Campaign; and
 2. Authorizing staff to utilize the \$5,000 donation from the Sprague Foundation and the \$1,200 from the Civic and Historical Society as requested for temporary art pads and the Arts Alive Banner program, respectively.

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

COUNCIL ACTION: Approved 5/0.**PUBLIC HEARINGS: (Items 9-12)**

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 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.

9. Development Review Permit at 234 Patty Hill Drive (Case: 17-08-10 DRP; Applicants: Bill and Gillian Gillies). (File 0600-40)

Recommendation: Recommendation: That the City Council

- A. Report Council Disclosures
- B. Conduct the public hearing: Open the public hearing, Receive public testimony, Close the public hearing.
- C. Find the project categorically exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- D. Adopt Resolution 2008-106 conditionally approving a Development Review Permit for the conversion of the existing garage space into living area and to construct a single-story addition totaling 708 square feet and to construct a new garage of 815 square feet which requires 292 cubic yards of grading and a new retaining wall to the existing single-story, single-family residence at 234 Patty Hill Drive.

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

COUNCIL ACTION: Approved 5/0 to close the public hearing.**COUNCIL ACTION: Approved 5/0 to approve with the condition the retaining wall is resolved.**

10. Development Review Permit for 583 Canyon Drive (Case # 17-08-12 DRP; Applicant: Marlo Milligan). (File 0600-40)

Recommendation: Recommendation: That the City Council

- A. Report Council Disclosures.
- B. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close Public Hearing.
- C. Adopt Resolution 2008-108:
 - 1. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15304 of the State CEQA Guidelines; and

2. Conditionally approving a Development Review Permit to fill the existing swimming pool with 125 cubic yards of soil and level out the rear yard by adding 343 cubic yards of fill and to construct two retaining walls along the property line at 583 Canyon Drive.

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

COUNCIL ACTION: Approved 4/0/1 to close the public hearing. (Recused: Kellejian)

COUNCIL ACTION: Approved 4/0/1. (Recused: Kellejian)

11. **Development Review Permit Amendment / Structure Development Permit at the southeast corner of Stevens Ave. and San Rodolfo Dr. / Solana Beach Corporate Center Building 5 (Case: 17-06-44; Applicant: American Assets, Inc., John Chamberlain). (File 0600-40)**

Recommendation: Recommendation: That the City Council

- A. Report Council disclosures.
- B. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
- C. Certify the Final Initial Study and Mitigated Negative Declaration prepared for the project as consistent with the requirements of the 2008 State CEQA Guidelines;
- D. Adopt the Mitigation Monitoring and Reporting Program prepared for the project; and,
- E. Adopt Resolution 2008-111 conditionally approving the request for a Development Review Permit and Structure Development Permit to construct a new 12,947 square foot, single story commercial retail/office building within the existing Solana Beach Corporate Center on Stevens Avenue.

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

COUNCIL ACTION: Approved 3/0/2 to close the public hearing. (Recused: Nichols, and Campbell)

COUNCIL ACTION: Approved 3/0/2 to approve and add the friendly request to work with the City and the Community where possible to fin the right tennants. (Recused: Nichols, and Campbell)

STAFF REPORTS: (Item 13-17)

Submit speaker slips to the City Clerk.

16. **Sale and Issuance of Limited Obligation Improvement Bonds For Assessment District No. 2008-1, Marsolan Undergrounding District. (File 0495-20)**

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-124 authorizing and providing for the issuance of Limited Obligation Improvement Bonds for Assessment District No. 2008-01 (Marsolan Undergrounding District), approving the form of bond indenture and bond purchase agreement and authorizing certain actions in connection therewith.

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

COUNCIL ACTION: Approved 5/0.

PUBLIC HEARINGS: (Items 9-12) cont'd

12. Five-Year Regional Transportation Improvement Program (RTIP) for Fiscal Years 2009 through 2013. (File 0840-30)

Recommendation: Recommendation: That the City Council

- A. Report Council disclosures.
- B. Public Hearing: Open the public hearing, receive public testimony, close the public hearing.
- C. Adopt Resolution 2008-097 adopting the TransNet Local Street Improvement Program of projects for Fiscal Years 2009 through 2013.

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

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

COUNCIL ACTION: Approved 5/0.

STAFF REPORTS: (Item 13-17) cont'd

13. General Municipal Election - November 4, 2008. (File 0430-20)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-114 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 4, 2008, for the Election of Certain Officers as required by the Provision of the Laws of the State of California Relating to General Law Cities.
- B. Adopt Resolution 2008-113 requesting the Board of Supervisors of the County of San Diego to Consolidate a General Municipal Election to be Held on November 4, 2008, with the Statewide General Election to be held on that date, pursuant to Section 10403 of the Elections Code.
- C. Adopt Resolution 2008-115 adopting regulations for Candidates for Elective Office pertaining to Candidate's Statements submitted to the voters at an Election. (To be held on Tuesday, November 4, 2008).
- D. Adopt Resolution 2008-116 providing for a procedure in the event of a tie vote at any Municipal Election.

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

COUNCIL ACTION: Approved 5/0.

14. Solana Beach Coastal Rail Trail Maintenance District Resolutions to Provide For the Annual Levy and Collection of Assessments. (File 0495-20)

Recommendation: Recommendation: That the City Council

- A. Adopt Resolution 2008-121, initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District.
- B. Adopt Resolution 2008-122, approving the Engineer's "Report" for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
- C. Adopt Resolution 2008-123, 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 July 9, 2008.

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

COUNCIL ACTION: Approved 5/0.

15. Adopt (2nd Reading) Ordinance 388 to Ban Alcohol Consumption on City Beaches. (File 0270-30)

Recommendation: Recommendation: That the City Council

- A. Adopt (2nd Reading) Ordinance 388 amending SBMC section 11.12.095(A) to ban alcohol year-round regardless of the time of day for a period of one year.

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

COUNCIL ACTION: Approved 5/0.

17. Introduce (1st Reading) Ordinance 389 to Increase the Amount of Monthly Compensation of the City Council. (File 0410-05)

Recommendation: Recommendation: That the City Council

- A. Introduce (1st Reading) of Ordinance 389 Amending Title 2, Chapter 2.04 of the Solana Beach Municipal Code increasing the monthly compensation paid to members of the City Council pursuant to Government Code Section 36516.

[Item 17 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 10, 2009.
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 June 25, 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 June 19, 2008 at 5:00 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 25, 2008, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California. Angela Ivey, City Clerk City of Solana Beach, CA