

## 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  
TUESDAY, SEPTEMBER 23, 2008  
**6:00 P.M.**  
SPECIAL

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 or by email at least 72 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 the 2nd and 4th Wednesdays and are broadcast live on Cox Communications, Channel 19, and Time Warner, Channel 24. Council meetings are archived and available for viewing. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings.

A full City Council agenda packet with backup information is available at City Hall, at the Solana Beach branch of the San Diego County Library (157 Stevens Ave.), 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 and that are received after the distribution of the agenda but at least 1 hour 30 minutes prior to the meeting 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

**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:**

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**COUNCIL ACTION: Approved 5/0 removing Item C.3. from the agenda.**

**PROCLAMATIONS:**

**PRESENTATIONS:**

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

1. San Diego County Treasurer-Tax Assessor's Office
2. Parks and Recreation Commission
3. C.E.R.T. Program

**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:**

**A. CONSENT CALENDAR: (Action Items)**

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.

**COUNCIL ACTION: Approved 5/0 to approve the Consent calendar except Item A.5.**

**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 5/0**

**A.2. Register Of Demands. (File 0300-30)**

Recommendation: That the City Council

1. Ratify the list of demands for August 16 - August 29, 2008.  
[Item A2 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**A.3. Professional Services Agreement with McCabe & Company. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2008-167:
  - a. Authorizing the City Manager to execute the Agreement with McCabe & Company for Local Coastal Program Advocacy Services not to exceed \$37,500 through June 30, 2009.

[Item A3 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**A.4 Professional Services Agreement with EsGil Corporation. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2008-165:
  - a. Authorizing the City Manager to execute an Agreement with EsGil Corporation to provide services for support of building & construction plan review and inspection services during the 2008/2009 Fiscal Year ending June 30, 2009 not to exceed seventy-five percent of the permit and plan check fees collected as established by the City.

[Item A4 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**A.6. Professional Services Agreement Amendment with Summit Environmental Group. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2008-166 authorizing the City Manager to execute Amendment No. 2 to the Agreement with Summit Environmental Group to provide professional planning project management services through the end of Fiscal Year 2009 in an amount not to exceed \$27,500; and
2. Authorize use of available funds in the Community Development Department, Professional Services, to the budget account to fund the Agreement.

[Item A6 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**A.7. Supplemental Law Enforcement State Funding (SLESF) Grant for FY 2008/2009 also known as the Cops Grant. (File 0390-34)**

Recommendation: That the City Council

1. Adopt Resolution 2008-174 approving the proposed expenditure plan for the SLESF (COPS) grant funds anticipated in the amount of \$100,000 for FY 2008/09.

[Item A7 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**A.8. Authorizing Expenditures to Time Warner Cable and AT&T. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2008-170 authorizing the City Manager to execute the Application for Custom Work with AT&T and authorizing payments to AT&T and Time Warner Cable for services for the Marsolan Undergrounding District.

[Item A8 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**A.9. Award Sanitary Sewer Maintenance and Video Inspection Agreement. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2008-172

- a. Awarding the contract to Affordable Drain Service, Inc., in the amount not to exceed \$224,988.85 in Fiscal Year 2008-2009 for the Sanitary Sewer Maintenance and Video Inspection, Bid No. 2008-14 and storm drain cleaning.
- b. Authorizing the City Manager to execute the contract on behalf of the City.
- c. Authorizing the City Manager to extend the agreement for up to three additional years, at the City's option.

[Item A9 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**A.5. Contractual Agreement for the Purchase of a Replacement Fire Truck for the Solana Beach Fire Department. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2008-173 approving the purchase of a new replacement fire truck for the Solana Beach Fire Department and authorize the City Manager to sign a contractual agreement with Pierce Manufacturing for the purchase of a fire truck in the amount of \$759,024.07

[Item A5 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**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:**

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. Appeal of the View Assessment Commission (VAC) Notice of Decision (NOD) for 645 Mar Vista Drive. (Applicant: Richard & Nicole Newman; Appellants: Shane & Kathy Noroozi and Dr. Frank Zalman; SDP #524). (File 0600-45)**

Recommendation: That the City Council

1. Report Council Disclosures
2. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the Public Hearing
3. Make a determination as to whether to approve or deny the Structure Development Permit based upon the findings required:
  - a. APPROVE the SOP:
    - Adopt Resolution 2008-155
  - Find that the project is categorically exempt from CEQA compliance as a single-family residence with the conditions of approval set forth in Resolution 2008-155, CEQA Guidelines 15300 & 15303(a).
    - Adopt the attached Resolution upholding the View Assessment Committee's Notice of Decision and approving the SOP. OR
  - b. DENY the SOP:
    - Provide direction as to which findings can not be made and direct the staff to prepare a resolution for denial of the SOP. Further, direct that the matter be docketed for final action at the next regularly scheduled City Council meeting.

[Item B1 Report \(click here\)](#)

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

**COUNCIL ACTION: Approved 5/0 to approve with modifications to the Resolution, Section 9. and removing Section 5. referring to conditions of a mutual vegetation agreement.**

**C. STAFF REPORTS:**

*Submit speaker slips to the City Clerk*

**C.1. United States Army Corps of Engineers (USACE) Solana Beach-Encinitas Shoreline Protection Project Federal Cost Share Agreement (FCSA) Amendment. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2008-139

- a. Executing USACE FCSA Amendment #5.
- b. Reimbursing the City of Encinitas for 50% of the direct costs associated with the preparation of technical studies necessary for completion of the USACE Shoreline Protection Project and EIR/EIS as outlined in the September 2008 Project Management Plan (PMP).

[Item C1 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**C.2. Community Grant Program for Fiscal Year 2008-09. (File 0330-25)**

Recommendation: That the City Council

1. Adopt Resolution 2008- 169 that authorizes the annual solicitation of grant proposals from community service organizations who meet the grant program guidelines for the Community Grant Program Fiscal Year 2008-09 for appropriations in the amount of \$25,000.

[Item C2 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0 to approve removing Item 2. under the Application Criteria and modifying language for clarification to be determined by the City Manager and Councilmember Heebner.**

**C.3. Introduce Ordinance 374 (1st Reading) Golf Carts on Local Highways and Set Permit Fee. (File 0840-40) This item will be pulled from the agenda.**

Recommendation: That the City Council:

1. Introduce Ordinance 374 amending Chapter 10.44 of the Solana Beach Municipal Code by adding Section 10.44.110 relating to operation of golf carts on local highways.
2. Adopt Resolution 2008-171 setting the fee for golf cart permits to operate within the City right-of-way.

[Item C3 Report \(click here\)](#)

**C.4. Introduce Ordinance 400 (1st Reading) amending the Municipal code establishing a Project Case File Closure Procedure. (File 0600-05)**

Recommendation: That the City Council:

1. Make a finding that this action is not a "project" as defined under California Environmental Quality Act (CEQA) pursuant to Public Resource Code section 21065.

2. Introduce Ordinance 400 to add section 17.72.010.F of the Solana Beach Municipal Code to codify the City's policy for the closure of project case files after six months of inactivity or failure to bring the application into completion after six months.
3. Set this matter for adoption at the next regularly scheduled City Council meeting.

[Item C4 Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0 to approve modifying the inactivity period from 6 months to 5 months.**

**C.5. SB 375 (Steinberg) (File 0480-70) No Action.**

Recommendation: That the City Council

1. Receive report and provide comments and direction for Mayor Roberts and Councilmember Heebner.

[Item C5 Report \(click here\)](#)

**WORKPLAN COMMENTS:**

(Adopted June 25, 2008)

**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)**

- a. City Selection Committee - Kellejian (meets twice a year).
- 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 and its' Subcommittees - Roberts, Kellejian (alternate).
- 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, Heebner (alternate).
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG & its' subcommittees - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
- l. San Dieguito River Valley JPA- Roberts, Nichols (alternate).



- m. San Elijo JPA- Campbell, Roberts (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Campbell, 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 - Kellejian, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires January 9, 2009.
- b. Development Review - Nichols, Heebner. Expires November 29, 2008.
- c. Environmental Sustainability - Roberts, Heebner. Expires January 9, 2009.
- d. Fletcher Cove - Campbell, Heebner. Expires November 28, 2008.
- e. La Colonia Park Needs Assessment - Nichols, Heebner. Expires June 13, 2008.
- f. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 12, 2009 or at the California Coastal Commission adoption.
- g. Solana Beach Mixed-Use Train Station Project Ad Hoc Committee - Nichols, Heebner.
- h. View Assessment - Nichols, Heebner. Expires August 28, 2009
- i. Views and Vegetation - Roberts, Nichols. Expires October 24, 2008.

**ADJOURN:**