

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, OCTOBER 8, 2008
6:00 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 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 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 to approve with the exception of Item 8.1. which was pulled from the agenda.

PROCLAMATIONS:

1. Fire Prevention Week

PRESENTATIONS:

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

1. County of San Diego Treasurer-Tax Collector's Office
2. San Diego County Water Authority
3. Budget & Finance Commission
4. Green Building Projects in Solana Beach

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 except for Items A.7. (pulled off of the agenda), A.10 (pulled by the public) and A.10 (pulled by Council).

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the Special City Council meeting held March 26, 2008.

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

COUNCIL ACTION: Approved 5/0

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

Recommendation: That the City Council

1. Ratify the list of demands dated August 30 - September 12, 2008.

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

COUNCIL ACTION: Approved 5/0

A.4. Professional Services Agreement for Marsolan Underground Utility District. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2008-176 authorizing a Professional Service Agreement with Infrastructure Engineering Corporation in the amount of \$44,510 for construction management services associated with the Marsolan Underground Utility District construction project.

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

COUNCIL ACTION: Approved 5/0

A.5. Janitorial Maintenance Agreement. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2008-178:
 - a. Awarding the janitorial maintenance agreement to Prizm Janitorial Services of San Diego in the amount of \$27,455.47 for one year.
 - b. Authorizing the City Manager to execute the agreement on behalf of the City.
 - c. Authorizing the City Manager to extend the agreement for up to four additional one year terms, at the City's option.

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

COUNCIL ACTION: Approved 5/0

A.6. Construction Contract for the Completion of the Coastal Rail Trail at the Cliff Street Bridge Project. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2008-168
 - a. Awarding the bid submitted by RMV Construction, Inc., in the amount of \$45,548.47 for the Completion of the Coastal Rail Trail (CRT) at the Cliff Street Bridge, Bid No. 2008-15.
 - b. Approving an amount of \$8,451.53 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.

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

COUNCIL ACTION: Approved 5/0

A.7. Vacation of a portion of Cofair Avenue. (File 0820-50)

Recommendation: That the City Council

1. Direct the City Clerk to record Resolution 94-88 authorizing vacation of a portion of Cofair Avenue.

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

A.8. Fiscal Year 2009-2010 Community Development Block Grant Funds. (0390-30)

Recommendation: That the City Council

1. Adopt Resolution 2008-179:
 - a. Finding that the funding request and project implementation are exempt from the California Environmental Quality Act pursuant to the State CEQA Guidelines.
 - b. Requesting Fiscal Year 2009-2010 Community Development Block Grant Funds for the Eden Gardens Master Plan.
 - c. Finding that all of Fiscal Year 2009-2010 CDBG funds, presently estimated at \$52,000 are designated to be used for the continued implementation of the Eden Gardens Master Plan design work and/or subsequent construction, which is anticipated to include curbs, gutters and sidewalks and additional drainage improvements specified in the Master Plan. The primary focus will be to use these funds to construct improvements on Castro and Gonzales Streets. Furthermore, the County is encouraged to advance future years CDBG funding to allow a more cost-effective and less community-impacting implementation.

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

COUNCIL ACTION: Approved 5/0

A.10. Shop Solana Beach First Campaign Agreement with Full Capacity Marketing, Inc. and Cost Sharing Agreement. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2008-182:
 - a. Authorizing the City Manager to execute an agreement with Full Capacity Marketing, Inc. in the amount of \$27,600 for research and marketing services for the Shop Solana Beach First Campaign; and
 - b. Authorizing the City Manager to execute a cost sharing agreement with the Shop Solana Beach First Campaign Team participants to support the cost of the professional services agreement with Full Capacity Marketing.

[Item A10 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. Development Review, Structure Development and Conditional Use Permit Request for 410-444 S. Cedros Avenue (Case # 17-08-06); Applicant: South Cedros Associates, LLC, The Greens on South Cedros Avenue. (File 0600-40)

Recommendation: That the City Council

1. Report Council Disclosures.
2. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close Public Hearing.
3. Certify the Final Initial Study and Mitigated Negative Declaration prepared for the Project by the City of Solana Beach (Lead Agency) pursuant to Sections 15070 to 15073 of the California Environmental Quality Act (CEQA) Guidelines (Attachment #4).
4. Adopt the Mitigation Monitoring and Reporting Program prepared for the Project; and,
5. Adopt Resolution 2008-68 conditionally approving a Development Review Permit, Structure Development Permit and Conditional's Use Permit to construct a new mixed-use Project located on three separate parcels totaling 2.53 acres of land and consisting of three (3) two-story buildings including ground-floor retail and second-floor office uses, one (1) building including three (3) two-bedroom rental (Live/Work) row homes and one building including five (5) two-bedroom affordable (Low-Income) rental units and one (1) market-rate residential unit, along with other related on-site parking and landscaping improvements, subject to the conditions of approval stated in Resolution 2008-68.
6. Authorize the City Manager to execute the Affordable Housing Agreement with the Applicant for the Project as described in Resolution 2008-68.

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

B.2. Development Review and Structure Development Permit Request for 438 N. Rios Avenue. (Case No. 17-08-14) Applicants: Deming / Gibson. (File 0600-40)

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. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines.
4. Adopt Resolution 2008-175 conditionally approving a Development Review Permit and Structure Development Permit for the project to demolish the existing structure and construct a new two-story, 4,089 square foot, single-family residence at 438 North Rios Avenue.

[Item 82 Report \(click here\)](#)

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

COUNCIL ACTION: Approved 5/0

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. Introduce (1st Reading) Ordinance 401 - Graffiti. (File 0230-80)

Recommendation: That the City Council

1. Introduce Ordinance 401 amending Title 11, Chapter 11.14 of the Solana Beach Municipal Code.

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

COUNCIL ACTION: Approved 5/0

C.2. View and Vegetation Ad Hoc Committee Report. (File 0410-48)

Recommendation: That the City Council

1. Direct the City Manager to complete the Good Neighbor Policy on Views and Vegetation Attachment 4, (Draft Policy) and distribute it within the Community within the next 60 days.

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

COUNCIL ACTION: Approved 4/1 to approve and direct staff to provide a report from staff in one year. (Noes: Campbell.)

C.3. Proposition 50 - Water Conservation Over-Irrigation Grant. (File 0390-30)

Recommendation: That the City Council

1. Receive report from staff.

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

COUNCIL ACTION: Approved 5/0

C.4. Concrete Pads to Display Temporary Art in the Public Right of Way. (File 0910-42)

Recommendation: That the City Council

1. Adopt Resolution 2008-177:
 - a. Approving the Public Arts Advisory Commission's recommendation to install temporary art pads at the eight proposed locations and fund the project; and
 - b. Authorizing the Finance Director to appropriate \$7,000 from available funds in the Public Art Reserve Account into the FY 2008/09 Operating Budget to support this project.

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

COUNCIL ACTION: Approved 5/0 to approve only locations 2. - 6. at this time and choose colored concrete in earth tones.

C.5. Adopt (2nd Reading) Ordinance 400 Establishing a Project Case File Closure Procedure. (File 0600-05)

Recommendation: That the City Council

1. Adopt 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 five months of inactivity or failure to bring the application into completion after five months.

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

COUNCIL ACTION: Approved 5/0

C.6. Conflict of interest Code Biennial Update. (File 0440-90)

Recommendation: That the City Council

1. Authorize the distribution of the Notice of Intention to Amend the Solana Beach Conflict of Interest Code and proceed with the public comment period, October 9, 2008 - November 12, 2008.

[Item C6 Report \(click here\)](#)

COUNCIL ACTION: Approved 5/0

A.9. Lease/Purchase Option of a Fire Truck. (File 0340-35) Pulled from the Consent Calendar for discussion.

Recommendation: That the City Council

1. Adopt Resolution 2008-180, authorizing the execution and delivery of a lease, in the amount of \$704,500, with option to purchase, and authorizing certain actions in connection therewith.

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

COUNCIL ACTION: Approved 4/0/1 to approve Staff Recommendation, if there were any changes to the item due to Staff's analysis, the item would return to Council (Abstain: Campbell)

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: