

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 27, 2009

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

MIKE NICHOLS, MAYOR

**THOMAS M. CAMPBELL, DEPUTY MAYOR
LESA HEEBNER, COUNCILMEMBER
JOE G. KELLEJIAN, COUNCILMEMBER
DAVID W. ROBERTS, 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 removing Item B.3. from the agenda.

PROCLAMATIONS:

1. Child Cancer Awareness Month

PRESENTATIONS:

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

2. Destination Lindberg
 1. 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:

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.

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 June 25, 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 0330-30)

Recommendation: That the City Council

1. Ratify the list of demands for April 18 - May 1, 2009.

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

COUNCIL ACTION: Approved 5/0

A.4. Destroy Obsolete Records. (File 0170-50)

Recommendation: That the City Council

1. Adopt Resolution 2009- 057 authorizing the destruction of obsolete records.

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

COUNCIL ACTION: Approved 5/0

A.5. Prequalified Geotechnical Consultants for Bluff Retention Devices. (File 0610-12)

Recommendation: That the City Council

1. Adopt Resolution 2009-060 accepting the list of geotechnical consultants that are prequalified for use by property owners that are processing applications for bluff retention devices. The list consists of the following firms: Hetherington Engineering, Inc., Leighton and Associates, Inc., Ninyo and Moore, Soil Engineering Construction, Inc., and TerraCosta Consulting Group, Inc.

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

COUNCIL ACTION: Approved 5/0

A.6. Re-establishing the La Colonia Needs Assessment Ad Hoc. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2009-058 re-establishing the La Colonia Needs Assessment Ad Hoc Committee until May 26, 2010.
2. Re-appoint the current Councilmembers serving on the committee, Councilmembers Nichols and Heebner or appoint new members.

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

COUNCIL ACTION: Approved 5/0

A.7. Environmental Compliance Inspection Services (ECIS) Agreement. (File No. 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-056 authorizing the City Manager to sign an amendment extending the agreement with ECIS for required National Pollutant Discharge Elimination System (NPDES) and Fats, Oils and Grease (FOG) inspections at commercial/industrial facilities.

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

COUNCIL ACTION: Approved 5/0

A.9. Support of Assembly Bill (AB) 715 - City Ordinance Publishing and Posting Requirements. (File No. 0480-70)

Recommendation: That the City Council

1. Authorize the Mayor to sign a letter of support for AB 715 authorizing the alternative publishing of ordinances on the City's website in lieu of costly newspaper advertising.

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

COUNCIL ACTION: Approved 5/0

A.8. Denial of a Development Review Permit (DRP) at 130 5. Granados Ave., Applicant: Tim & Ann McCormick, Case No. 17-08-17 (File No. 0600-40)

Recommendation: That the City Council

1. Adopt the Resolution 2009-062 denying the request for a Development Review Permit for a single family residence.

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

COUNCIL ACTION: Approved 4/1 (Noes: Kellejian.)

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. Introduce (1st Reading) Ordinance 402 - Annual Sewer Service Charge for Fiscal Year (FY) 2009-10 (File No. 1040-70)

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. Introduce Ordinance 402 amending Section 14.08.060 of Chapter 14.08 of the Solana Beach Municipal Code Relating to the Annual Sewer Service Charge of \$560 per Equivalent Dwelling Unit (EDU) and Adopt by Reference by the City of Solana Beach.

[Item B.1. Report \(click here\)](#)

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

COUNCIL ACTION: Approved 5/0

B.2. Introduce (1st Reading) Ordinance 399 - Noise Abatement and Storm Water Management. (File No. 0270-30)

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. Find that the project categorically exempt from the California Quality Environment Act (CEQA) pursuant to Section 15308 of the State CEQA Guidelines.
4. Introduce Ordinance 399 amending Title 7, Chapter 34 and Title 13, Chapter 10 of the Solana Beach Municipal Code.

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

B.3. Development Review Permit (DRP), Structure Development Permit (SDP), and Conditional Use Permit (CUP) at 233, 235 and 237 North Rios Avenue, Applicant: Peter C. McNally, Case: 17-07-18. (File No. 0600-40)

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

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. Introduce (1st Reading) Ordinance 398 - Ban on Alcohol Consumption at City Beaches. (File No. 0270-30)

Recommendation: That the City Council

1. Introduce Ordinance 398 amending the Solana Beach Municipal Code section 11.12.095(A) to extend the ban on alcohol consumption at city beaches year-round regardless of the time of day.

[Item C.1. Report \(click here\)](#)

COUNCIL ACTION: Approved 5/0 to approve Staff recommendation to set the alcohol ban year round.

C.2. Adoption of Preferred Bluff Retention Designs for Shoreline Protection Projects per the Local Coastal Program (LCP) Land Use Plan (LUP). (File No. 0610-12)

Recommendation: That the City Council

1. Adopt the Preferred Bluff Retention Designs for use by applicants seeking shoreline protection devices in the City of Solana Beach.

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

COUNCIL ACTION: Approved 5/0 to approve with modifications of notes to add to the plans regarding Slides 7, 8, and 10 of the presentation, as mentioned by Mayor Nichols.

C.3. Del Mar Shores Beach Access Stairway. (File No. 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-055:
 - a. Accepting the preliminary design plan submitted by Noble Consultants, Inc.
 - b. Authorizing the City Engineer to submit a Coastal Development Permit application to the California Coastal Commission.

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

**C.4. Extension Request for Conditional Use, Development Review and Structure
Development Permits at 838 Academy Drive, Applicant: Santa Fe Christian School, Case No. 17-04-07. (File 0600-40)**

Recommendation: That the City Council

1. Adopt Resolution 2009-061 to conditionally approve the request for an extension for the use of a 6,000 square foot interim athletic tent at 838 Academy Drive beginning on May 18, 2009 to set a final expiration date of May 18, 2011 subject to the completion of the Engineering Department's conditions.

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

COUNCIL ACTION: Approved 5/0

C.5. Introduce and Adopt Ordinance 404 - Business Tax License (File No. 0390-90)

1. Introduce and adopt Ordinance 404, adding Chapter 3.44 to the Municipal Code related to a Business Tax License.

Ordinance 404 is an exhibit to Resolution 2009-049. Please see the 5:30 p.m. Special Council meeting agenda for additional information.

This item was pulled from this agenda and not heard.

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 - Roberts (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 - Roberts, Kellejian (alternate) and any subcommittees.
- 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 - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate) and any subcommittees.
- 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 - Heebner, 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 December 9, 2009.
- b. Development Review - Nichols, Heebner. Expires November 18, 2009.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 9, 2009.
- d. Fletcher Cove - Campbell, Heebner. Expires November 18, 2009.
- e. La Colonia Park Needs Assessment - Nichols, Heebner. Expires June 10, 2009.
- f. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 10, 2010 or at the California Coastal Commission adoption.
- g. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires 1-13-2010
- h. View Assessment - Nichols, Heebner. Expires August 26, 2009

ADJOURN: