

# 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 24, 2009

**6:00 P.M.**

CITY COUNCIL CHAMBERS  
635 S. HIGHWAY 101,  
SOLANA BEACH, CALIFORNIA  
AND

Teleconference Location (Councilmember Campbell)  
15 Brindle Avenue, Dennis Sport, Massachusetts, 02369

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**

**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 except for Item D.4. (pulled from the agenda) and moving C.4. to the Consent calendar.**

**PROCLAMATIONS:**

**PRESENTATIONS:**

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

**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.

**PRESENTATIONS:**

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

1. 211 San Diego

**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**

Recommendation: That the City Council

1. Approve Minutes prepared for meetings held on May 14, 2008 (Special and Regular), August 20, 2008 (Special), and August 27, 2008 (Special and Regular).

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 for May 16 - 29, 2009.

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

**COUNCIL ACTION: Approved 5/0**

#### **A.4. Fiscal Year 2009-10 Salary and Compensation Plan for All Employees. (File 0510-40)**

Recommendation: That the City Council

1. Adopt Resolution 2009-078 approving the FY 2009-10 Salary and Compensation Plan for Appointive Management, Mid-Management, Confidential, Non-Represented, Represented Fire, Miscellaneous and Marine Safety Unit employees.

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

**COUNCIL ACTION: Approved 5/0**

**A.5. Monthly Investment Reports. (File 0350-45)**

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Reports for the months of April 2009 through May 2009.

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

**COUNCIL ACTION: Approved 5/0**

**A.6. Information Technology (I.T.) Technical Support Agreement with the City of Del Mar. (File 0400-10)**

Recommendation: That the City Council

1. Authorize the City Manager to sign an I.T. support agreement in the amount of \$15,600 with the City of Del Mar.

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

**COUNCIL ACTION: Approved 5/0**

**A.7. Annual City Investment Policy. (File 0350-45)**

Recommendation: That the City Council

1. Adopt Resolution 2009-077 approving the City's Investment Policy for Fiscal Year 2009-10.

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

**COUNCIL ACTION: Approved 5/0**

**C.4. Proposed State Action of Taking Local (City) Road Maintenance Gas Highway Users Tax Revenue. (File 0480-70)**

Recommendation: That the City Council

1. Adopt Resolution 2009-080 authorizing the City Attorney to cooperate with the League of California Cities and Counties in litigation challenging the constitutionality of any seizure by the State Government of the City Road Maintenance Gas Highway Users Tax Revenue

[Item C.4. 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. Solana Beach Lighting District Streetlight Assessment for Fiscal Year 2009-2010. (File 0497-30)**

Recommendation: That the City Council

1. Report Council disclosures.
2. Conduct the Public Hearing: Open the public hearing, receive public testimony and close the public hearing.
3. Adopt Resolution 2009-073 confirming the diagram and assessment; providing for the levy of the annual assessment in the amount of \$76,728 in a special maintenance district; confirming the Engineer's Report; and ordering the transmission of charges to the County Auditor for collection.

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

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

**COUNCIL ACTION: Approved 5/0**

**B.2. Solana Beach Coastal Rail Trail Maintenance District Annual Levy and Collection of Assessments. (File 0495-20)**

Recommendation: That the City Council

1. Open the public hearing, receive public testimony and close the public hearing.
2. Adopt Resolution 2009-074 amending and/or approving the Engineer's Report regarding the Coastal Rail Trail Maintenance District.
3. Adopt Resolution 2009-075, ordering the levy and collection of the annual assessments in the amount of \$67,890 regarding the Coastal Rail Trail Maintenance District for Fiscal Year 2009-2010.

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

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

**COUNCIL ACTION: Approved 5/0**

**B.3. Introduce (1st Reading) Ordinance No. 406 - Reduce Parking Requirement for Barber and Beauty Shops. (File 0610-10)**

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 finding that this action is not a "project" as defined under California Environmental Quality Act (CEQA) pursuant to Public Resource Code, section 21065.
4. Make a finding that Ordinance 406 is consistent with the General Plan, and that it is not detrimental to the public interest, health, safety, convenience, or welfare of the City.
5. Introduce Ordinance 406, amending Solana Beach Municipal Code section 17.52.040 A to reduce the parking requirements for barber and beauty shops to 1 space per 200 sq. ft. of gross floor area.

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

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

**COUNCIL ACTION: Approved 5/0**

**B.4. Introduce (1st Reading) Ordinance 408 - Affordable Housing. (File 0650-90)**

Recommendation: That the City Council

1. Report Council disclosures.
2. Conduct the Public Hearing: Open the Public Hearing; Receive public testimony; and Close the Public Hearing.
3. Make a finding pursuant to SBMC 17.76.070 that the amendments to Chapter 17.70 as set forth in Ordinance 408 are consistent with the General Plan, and they would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

4. Introduce Ordinance 408 amending Solana Beach Municipal Code Chapter 17.70.

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

**B.5. Fiscal Year 2009-10 Budget. (File 0330-30)**

Recommendation: That the City Council

1. Adopt Resolution 2009-081 approving a budget for Fiscal Year 2009-10. [Item B.5. Report \(click here\)](#)

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

**COUNCIL ACTION: Approved 5/0**

**B.6. Redevelopment Agency\_(RDA) Fiscal Year 2009-10 Budget. (File 0115-20)**

Recommendation: That the City Council

1. Adopt Resolution RDA 036 approving a budget for Fiscal Year 2009-10. [Item B.6. 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.2. Introduce (1st Reading) Ordinance 403 - Related to Smoking and Tobacco, Tobacco Retailer Licensing, and Public Property and Places. (File 0270-30)**

Recommendation: That the City Council

1. Introduce Ordinance 403 amending Chapter 6.16 of Title 6 of the SBMC to provide for the prohibition of smoking in outdoor dining areas, bars, playgrounds and tot lots, and farmer's markets as well as to update the chapter and reduce accessibility of tobacco products to minors; adding Chapter 6.17 to Title 6 of the SBMC to provide for the licensure of tobacco retailers in Solana Beach for regulatory purposes; and amending Chapter 11.12. of Title 11 of the SBMC to ban smoking within the boundaries of the Coastal Rail Trail.

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

**COUNCIL ACTION: Approved 5/0 with modifications including removing the one Whereas statement and adding entryways.**

**C.6. Introduce (1st Reading) Ordinance 407 -Extensions of Project Approvals. (File 0600-05)**

Recommendation: That the City Council

1. Make a finding that the proposed amendments to SBMC 17.72.110 is consistent with the general plan and would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.
2. Introduce Ordinance 407 amending SBMC section 17.72.110, all related to extensions of project approvals.

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

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

**C.1. Council Workplan for Fiscal Year 2009-2010. (File 410-08)**

Recommendation: That the City Council

1. Adopt proposed Fiscal Year 2009-2010 Workplan.

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

**COUNCIL ACTION: Approved 5/0 with modifications mentioned by Heebner.**

**C.3. Introduce (1st Reading) Ordinance 399 - Noise Abatement and Storm Water Management. (File 0270-30)**

Recommendation: That the City Council

1. Find that the project categorically exempt from the California Quality Environment Act (CEQA) pursuant to Section 15308 of the State CEQA



## Guidelines

2. Introduce Ordinance 399 amending Chapter 7.34 and Chapter 13.10 of the Solana Beach Municipal Code.

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

**COUNCIL ACTION: Approved 5/0**

**C.5. Year-End Budget Adjustments for Fiscal Year 2008-09. (File 0330-30)**

Recommendation: That the City Council

1. Adopt Resolution 2009- 079 revising appropriations in the Fiscal Year 2008-09 Budget and authorizing the City Treasurer to amend the budget accordingly.

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

**COUNCIL ACTION: Approved 5/0**

**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 May 26, 2010.
- 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:**