

## 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, APRIL 28, 2010

**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](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**

**THOMAS M. CAMPBELL, MAYOR**

**LESA HEEBNER, DEPUTY MAYOR**  
**JOE G. KELLEJIAN, COUNCILMEMBER**  
**DAVID W. ROBERTS, COUNCILMEMBER**  
**MIKE NICHOLS, 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**

**PRESENTATIONS:**

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

**SOLANA VISTA ELEMENTARY SCHOOL**

**PROCLAMATIONS:**

1. Law Enforcement Memorial Day

**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 A.1. - A.4.)**

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 Recommendation: That the City Council**

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

Recommendation: That the City Council

1. Ratify the list of demands for March 20 - April 2, 2010.  
[Item A.2. Document \(click here\)](#)

**COUNCIL ACTION: Approved 5/0 Recommendation: That the City Council**

**A.3. Solana Beach Sewer Pump Station Upgrade Preliminary Design. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010-045 authorizing the City Manager to execute a Professional Services Agreement with Dudek in the amount of \$81,680 for a preliminary Design Study and Report for the Solana Beach Pump Station upgrade project.  
[Item A.3. Document \(click here\)](#)

**COUNCIL ACTION: Approved 5/0 Recommendation: That the City Council**

**A.4. Legal Services with Hogan, Guiney, Dick LLP. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2010- 044 ratifying the Professional Services Agreement with Hogan, Guiney, Dick LLP for legal services and approving the First Amendment to the Professional Services Agreement.

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

**COUNCIL ACTION: Approved 5/0 Recommendation: That the City Council**

**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: (Items B.1. - B.2.)**

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. Conditional Use Permit (CUP) at 320 S. Cedros Ave, Suite 400, Applicant: Adam Carruth, Case No. 17-09-24. (File 0610-60)**

The proposed Project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a CUP.

Therefore, Staff recommends 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 the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
4. If the City Council makes the requisite findings and approves the Project, adopt Resolution 2010-036 conditionally approving a CUP for the project to allow for on- and off-site alcohol sales at 320 South Cedros Avenue.

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

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

**COUNCIL ACTION: Approved 5/0 to approve with modifications with the modifications as recited by the City Attorney.**

**B.2. Development Review Permit (DRP) for a Seawall Repair at 135 S. Sierra Ave., Applicant: Las Brisas Condominium Association, Case No. 17-10-08. (File 0610-60)**

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 the project consistent with the requirements and findings of Solana Beach Municipal Code 17.68.040;
4. Find the project exempt from the requirements of CEQA pursuant to 2010 State CEQA §21060.3 and CEQA Guidelines §15269(b) as a documented emergency exists; and
5. Adopt Resolution 2010-042 approving the project subject to the conditions stated therein.

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

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

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

**C. STAFF REPORTS: (Items C.1. - C.4.)**  
*Submit speaker slips to the City Clerk*

**C.1. Mid-Year 2009/10 Budget Amendments. (File 0330-30)**

Recommendation: That the City Council/Redevelopment Agency:

1. Approve Resolution 2010-046, revising revenue estimates and expenditures for the Fiscal Year 2009-10 Budget and authorize the City Treasurer to amend the budget accordingly; and

2. Approve Resolution RDA 038, revising revenue estimates and expenditures for the Fiscal Year 2009-10 Budget and authorize the Finance Officer to amend the budget accordingly.

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

**COUNCIL ACTION: Approved 5/0**

**C.2. Discussion Related to Smoking Tobacco and Public Property and Places. (File 0270-30)**

Recommendation: That the City Council

1. Discuss the item and provide direction to Staff.

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

**C.3. Sanitary Sewer Assessment, Repairs and Management Plan. (File 1040-26).**

Recommendation: That the City Council

1. Adopt Resolution 2010-039
  - a. Approving the "Solana Beach Red Flag Report, Project Number 1", prepared by RBF, that identifies eight sewer facilities that are in need of immediate repairs on the west side of Interstate 5.
  - b. Approving the "Assessment of Northwest and Southwest Quadrants, Project No. 2" (West Side Condition Assessment) Report, prepared by RBF, for the assessment of the City's sewer system on the west side of Interstate 5.
  - c. Authorizing the City Manager to execute an amendment to the Professional Services Agreement with RBF Consulting, in an amount not to exceed \$38,079, to review the closed circuit television information associated with the City's sanitary sewer pipeline system on the east side of Interstate 5 and prepare a report related to the findings that makes specific recommendations for each of the sewer lines identified in the report as needing repair.

**COUNCIL ACTION: Approved 5/0**

2. Adopt Resolution 2010-040
  - a. Awarding a construction contract for the 2010 West Side Sewer Pipeline Repair Project in the amount of \$72,305 to Scott Michael, Inc.
  - b. Approving an amount of \$11,695 for construction contingency.
  - c. Authorizing the City Manager to execute the construction contract on behalf of the City.

**COUNCIL ACTION: Approved 5/0**

3. Adopt Resolution 2010-041 approving the City of Solana Beach Sewer System Management Plan.

**COUNCIL ACTION: Approved 5/0**

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

**C.4. Adopt (2nd Reading) Ordinance 415 Regarding Establishing the Effective Dates for Permits and Approvals. (File 0600-95)**

Recommendation: That the City Council

1. Adopt Ordinance 415 amending Solana Beach Municipal Code (SBMC) Sections 17.72.040, 17.72.050, 17.72.060, 17.72.070 and 17.72.080 regarding establishing effective dates for permits and approvals.

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

**COUNCIL ACTION: Approved 5/0**

**WORKPLAN COMMENTS:**

(Adopted June 24, 2009)

**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, appointed by this Council)**

- 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 8, 2010.
- b. Development Review - Nichols, Heebner. Expires November 17, 2010.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 8, 2010.
- d. Fletcher Cove - Campbell, Heebner. Expires November 17, 2010.
- e. La Colonia Park - Nichols, Heebner. Expires May 26, 2010.
- f. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 9, 2011 or at the California Coastal Commission adoption.
- g. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires 1-12-2011
- h. View Assessment - Nichols, Heebner. Expires August 25, 2010

**ADJOURN:**