

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, JANUARY 12, 2011
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 COUNCIL MEMBERS

LESA HEEBNER, MAYOR

**JOE G. KELLEJIAN, DEPUTY MAYOR
DAVID W. ROBERTS, COUNCILMEMBER
MIKE NICHOLS, COUNCILMEMBER
THOMAS M. CAMPBELL, 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.)

1. AT&T Presentation to North Coast Repertory
2. San Elijo Lagoon Restoration Project Status Update

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) (A.1. -A.16)

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 City Council Meetings held June 9, June 23, July 12, and September 8, 2010.

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 November 6 - December 17, 2010.

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

COUNCIL ACTION: Approved 5/0

A.4. Proposed 2011 City Council Meeting Cancellations and Rescheduling. (File 0410-05)

Recommendation: That the City Council

1. Adopt Resolution 2011-007 authorizing the cancellation and/or rescheduling of Council meetings for the 2011 calendar year.

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

COUNCIL ACTION: Approved 5/0

A.5. Award 2010/11 Asphalt and Concrete Street Repair Project. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-005
 - a. Awarding the construction contract for the 2010/2011 Asphalt and Concrete Repair Project, Bid No. 2010-06, in the amount of \$168,772

to PAL General Engineering, Inc.

- b. Approving an amount of \$30,000 for construction contingency.
- c. Authorizing the City Manager to execute the construction contract on behalf of the City.
- d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
- e. Authorizing the Finance Director to transfer \$20,390 from General Fund to Budget Unit Project.

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

COUNCIL ACTION: Approved 5/0

A.6. Reject Bids for the Fletcher Cove Community Center Renovations. (File 0370-38)

Recommendation: That the City Council

1. Adopt Resolution 2011-013:
 - a. Authorizing the City Council to reject all construction bids for the Fletcher Cove Community Center Renovation Project, Bid No. 2010-05.
 - b. Authorizing the City Engineer to immediately re-advertise the project for construction bids.

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

COUNCIL ACTION: Approved 5/0

A.7. Castro Street Improvements Phase 3 and Appropriate Funding. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2010-002:
 - a. Awarding the construction contract to Team C Construction, in the amount of \$60,170 for the Castro Street Improvements Phase 3, Bid No. 2010-07.
 - b. Authorizing the City Manager to execute Change Order No. 1, in the amount of \$9,487 to extend the rolled curb and sidewalk an additional 92 lineal feet on the east side of Castro Street.
 - c. Approving an amount of \$6,965.70 for construction contingency.
 - d. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - e. Authorizing the City Manager to approve cumulate change orders up to the construction contingency amount.
 - f. Appropriating \$1,000 to the project account for estimated testing and inspection costs.

- g. Appropriating \$76,622.70 from CDBG Undesignated Reserves into the Project Fund.
- h. Authorizing the City Treasurer to amend the Fiscal Year 2010/2011 Budget accordingly.

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

COUNCIL ACTION: Approved 5/0

A.8. 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 October and November 2010.

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

COUNCIL ACTION: Approved 5/0

A.9. On-Call Storm Drain Engineering Services. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-004
 - a. Authorizing the City Manager to enter into an agreement with Construction Engineering and Testing Inc. for as needed storm drain engineering services for a term of one year with an option to renew the contract for three additional one year terms at an amount not to exceed \$30,000 annually.

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

COUNCIL ACTION: Approved 5/0

A.10. Landscape Maintenance Agreement. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-006:
 - a. Approving an agreement with Blue Skies Landscape Maintenance to provide City-wide landscape maintenance for calendar year 2011, in the amount of \$159,846 and authorize the City Manager to execute said agreement, and;
 - b. Authorizing the City Manager to renew the agreement for four additional one year periods, at his discretion.

[Item A.10 \(click here\)](#)

COUNCIL ACTION: Approved 5/0

A.11. Lomas Santa Fe at 1-5 Medians. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-003:
 - a. Awarding the construction contract to Palm Engineering Construction Company, in the amount of \$35,980 for the Lomas Santa Fe at 1-5 Interchange Medians, Bid No. 2010-08, and;
 - b. Approving an amount of \$3,598 for construction contingency, and;
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.

[Item A.11 \(click here\)](#)

COUNCIL ACTION: Approved 4/0/1 (Recuse: Nichols.)

A.12. Interchange Mosaic Artwork. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-001 accepting the Lomas Santa Fe at 1-5 Interchange mosaic artwork by Mary Lynn Dominguez as complete and authorizing final payment to the artist.

[Item A.12 \(click here\)](#)

COUNCIL ACTION: Approved 5/0

A.13. Status Report on Major Fiscal Year 2010/2011 Capital Improvement Projects. (File 0810-05)

Recommendation: That the City Council

1. Receive report from Staff.

[Item A.13 \(click here\)](#)

COUNCIL ACTION: Approved 5/0

A.14 California Department of Boating & Waterways for the USACE Solana Beach-Encinitas Shoreline Project Funding. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-08:
 - a. Authorizing the City Manager to enter into a contract with California Department of Boating and Waterways in the amount of \$153,500 for Fiscal Year (FY) 2010-2011.

- b. Utilizing these funds to reimburse the City of Encinitas for 50% of the direct costs associated with the preparation of technical studies necessary for completion of the USACE Project.
- c. Appropriating \$153,500 to Budget Unit for Department of Boating and Waterways - State Grants.
- d. Appropriating \$153,500 to Budget Unit for Project No. 9926-6661.
- e. Authorizing the City Treasurer to amend the FY 2010/11 Budget accordingly.

[Item A.14 \(click here\)](#)

COUNCIL ACTION: Approved 5/0

A.15. Employer Paid Member Contribution (EPMC) Rate under the New CalPERS Second Tier Retirement Formula. (File 0520-50)

Recommendation: That the City Council

1. Adopt Resolution 2011-011, approving the new EPMC rate of zero percent (0%) for Miscellaneous Employees hired on or after January 15, 2011 under the new CalPERS second tier retirement plan.
2. Adopt Resolution 2011-012 approving Miscellaneous Employees hired on or after January 15, 2011 to tax defer member paid contributions per provisions of section 414(h)(2) of the Internal Revenue Code.

[Item A.15 \(click here\)](#)

COUNCIL ACTION: Approved 5/0

A.16. Re-establish the North County Transit District (NCTD)/Train Station Site Ad Hoc Committee. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2011-010 re-establishing the NCTD/Train Station Site Ad Hoc Committee.
2. Re-appoint the two existing Councilmembers (Heebner, Nichols)

[Item A.16 \(click here\)](#)

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: (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. Development Review Permit (DRP) and Structure Development Permit (SDP) for 624 Mar Vista Drive, Applicants: Tony and Jasna Frakes, Case # 17-10-12. (File 0600-40)

Recommendation: That the City Council 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 DRP and administratively issue a SOP.

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2011-009 conditionally approving a DRP and an administrative SOP to demolish the existing residence and detached garage to construct a new two-level, single-family residence and detached garage at 624 Mar Vista Drive.

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

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

COUNCIL ACTION: Approved 5/0 to deny, without prejudice, relating to findings of land use and building structure.

B.2. Development Review Permit (DRP) and Structure Development Permit (SDP) for 461 Mar View Lane, Applicants: Patrick and Karen Hermsen, Case# 17-10-11. (File 0600-40)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2010-166 conditionally approving a DRP and an administrative SOP to construct a new two-level, single-family residence on a vacant lot including a partially subterranean garage and basement at 461 Mar View Lane.

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

COUNCIL ACTION: Approved 4/0/1 to close the public hearing. (Recuse: Heebner.)

COUNCIL ACTION: Approved 4/0/1 to approve with additional conditions including preventing the conversion of the U-shaped area into a covered patio and the primary use of the public street instead of the private street for construction transportation. (Recuse: Heebner.)

B.3. Introduce (1st Reading) Ordinance 427 Amending Chapter 17.70 related to Affordable Housing and Adopt an Affordable Housing Impact Fee. (File 0650-90) - Continued from November 10, 2010.

ACTION: This item was continued to February 23, 2011.

C. STAFF REPORTS: (C.1. - C.6.)

Submit speaker slips to the City Clerk

C.1. Fiscal Year 2009-10 Fund Financial Statements. (File 0310-22)

Recommendation: That the City Council

1. Accept and file the Fiscal Year 2009-10 Fund Financial Statements.

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

C.2. Highway 101 West Side Improvement Project Design Contract. (File 0400-10).

Recommendation: That the City Council

1. Adopt Resolution 2011-014 authorizing the City Manager to execute a professional services agreement with Nasland Engineering for final design of the Highway 101 West Side Improvement Project in an amount not to exceed \$455,008.

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

COUNCIL ACTION: Approved 5/0

C.3. Introduce (1st Reading) Ordinance 412 Related to Film Permits. (File 0910-50)

Recommendation: That the City Council

1. Introduce Ordinance 412 adding Solana Beach Municipal Code Chapter 11.10 as it relates to film permits.

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

COUNCIL ACTION: Approved 5/0

C.4. Memorandum of Understanding Between the North County Transit District the City of Solana Beach, and the City of Solana Beach Redevelopment Agency. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2011-16 and Resolution RDA-043 authorizing the City Manager to execute the Memorandum of Understanding between the City of Solana Beach, Solana Beach Redevelopment Agency and North County Transit District for the development of the Solana Beach Transit Center.
2. The City Council appoints the City Manager as lead negotiator for the City.

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

COUNCIL ACTION: Approved 5/0

C.5. Bi-Annual Review of Council Boards, Committees, & Commissions. (File 0410-05)

Recommendation: That the City Council

1. Appoint the City Selection Committee 2011 annual term.
2. Appoint positions for all Regional Committees for new two-year terms. In the event of changes to any of the Boards, Committees, or Commissions below, separate votes for each will be required to ensure that the motion maker is not the same person that is nominated, due to the fact that these

groups receive stipends. * North County Dispatch JPA * North Transit District* Regional Solid Waste Association* SANDAG * San Elijo JPA

3. Appoint positions for Council Standing Committees for new two-year terms.
4. Review positions for any changes desired to the Council Ad Hoc Committees.

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

COUNCIL ACTION: Approved 3/0/2 to appoint to North County Transit District as Primary-Roberts, 1st Alternate-Nichols, 2nd Alternate-Heebner. (Recuse: Heebner, Roberts.)

COUNCIL ACTION: Approved 3/0/2 to appoint to North County Dispatch as Primary Nichols, Alternate-Campbell. (Recuse: Campbell, Nichols.)

COUNCIL ACTION: Approved 3/0/2 to appoint to Regional Solid Waste Association as Primary-Nichols, Alternate-Kellejian. (Recuse: Kellejian, Nichols.)

COUNCIL ACTION: Approved 3/0/2 to appoint to Sandag as Primary-Heebner, 1st Alternate-Nichols, 2nd Alternate-Roberts (Recuse: Heebner, Nichols.)

COUNCIL ACTION: Approved 3/0/2 to appoint to San Elijo JPA (Joint Powers Authority) as Primary-Campbell, Alternate-Roberts. (Recuse: Campbell, Roberts.)

COUNCIL ACTION: Approved 5/0 to approve the following appointments:
 City Selection Committee: Roberts
 CSA17: Primary-Nichols, Alternate-Campbell
 Escondido Creek Watershed: Primary-Nichols, Alternative-Roberts
 League Ca. Cities-Exec. Committee SD County Division: Primary-Roberts, Alternate-Kellejian
 League Ca. Cities-Legislative Committee: Primary-Roberts, Alternate-Kellejian
 League Ca. Cities-Coastal Cities Issue Group: Primary-Kellejian, Alternate-Roberts
 SANDAG-Shoreline Preservation Group: Primary-Kellejian, Alternate-Roberts
 San Dieguito River Valley **JPA:** Primary-Roberts, Alternate-Nichols
 22nd Agricultural Assoc Community Relations: Heebner, Roberts

C.6. 22nd District Agricultural Association Community Relations Committee Update on Discussions with the City of Del Mar Regarding the Sale of the Del Mar Fairgrounds. (File 0150-85)

Recommendation: That the City Council

1. Discuss the item and provide direction to the 22nd District Agricultural Association Community Relations Committee as necessary.

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

WORKPLAN COMMENTS:

(Adopted June 23, 2010)

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 - Heebner, 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 7, 2011.
- b. City's 25th Anniversary - Heebner, Kellejian. Expires July 13, 2011.
- c. Development Review - Nichols, Heebner. Expires November 16, 2011.
- d. Environmental Sustainability - Roberts, Heebner. Expires December 7, 2011.

- e. Fire Department Management Governance-Kellejian,Roberts. Expires July 13, 2011.
- f. Fletcher Cove - Campbell, Heebner. Expires November 16, 2011.
- g. General Plan - Campbell, Nichols. Expires July 13, 2011.
- h. La Colonia Park - Nichols, Heebner. Expires May 11, 2011.
- i. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 9, 2011 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 12, 2011
- k. View Assessment - Nichols, Heebner. Expires February 24, 2011

ADJOURN: