

# 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, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY**

**Joint REGULAR Meeting**

**Wednesday, September 14, 2011**

**6:00 P.M.**

City Hall / Council Chambers  
635 S. Highway 101, Solana Beach, California

### **PUBLIC MEETING ACCESS**

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live on Cox Communications-Channel 19, Time Warner-Channel 24 (*analog*) or Channel 131 (*digital*), and AT&T U-verse Channel 99. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's website.

### **AGENDA MATERIALS**

A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch Library (157 Stevens Ave.), La Colonia Community Ctr., Fletcher Cove Lifeguard station, and online [www.cityofsolanabeach.org](http://www.cityofsolanabeach.org). Agendas are posted at least 72 hours prior to the meeting. Writings and documents regarding an agenda of an open session meeting, received after the official posting, and distributed to the Council for consideration, will be made available for public viewing at the same time. In addition, items received at least 1 hour 30 minutes prior to the meeting time will be uploaded online with the courtesy agenda posting. Materials submitted for consideration should be forwarded to the City Clerk's department 858-720-2400. The designated location for viewing public documents is the City Clerk's office at City Hall during normal business hours.

### **SPEAKERS**

Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker's slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports.

### **AMERICAN DISABILITIES ACT TITLE 2**

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. 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 (858) 720-2400 at least 72 hours prior to 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.

**CITY COUNCILMEMBERS**  
**Lesla Heebner, Mayor**

**Joe G. Kellejian, Deputy Mayor**  
**Mike Nichols, Councilmember**

**David W. Roberts,**  
**Councilmember**  
**Thomas M. Campbell,**  
**Councilmember**

David Ott  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
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:**

**CLOSED SESSION REPORT: (when applicable)**

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**COUNCIL ACTION: Approved 5/0**

**PROCLAMATIONS/CERTIFICATES:**

1. Ronald McDonald House Red Shoe Day
2. San Dieguito River Valley

**PRESENTATIONS:**

1. PAAC Presentation

**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.8.)**

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

Recommendation: That the City Council

1. Ratify the list of demands for July 29 - August 19  
[Item A.2. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0**

**A.3. Housing Authority Bylaws. (File 0115-50)**

Recommendation: That the Housing Authority

1. Adopt Resolution HA 001 adopting the by-laws for the Housing Authority and to appoint the Deputy Mayor as the Vice Chairperson of the Housing Authority.

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

**COUNCIL ACTION: Approved 5/0**

**A.4. Monthly Investment Reports. (File 0350-45)**

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Report for the month of May.

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

**COUNCIL ACTION: Approved 5/0**

**A.5. Award Fire Apparatus Maintenance Agreement. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2011-133 awarding NCEVS the maintenance and repair agreement for specific identified Fire Department apparatus not to exceed \$32,000.

2. Adopt Resolution 2011-137 awarding NCEVS the maintenance and repair agreement for ongoing Fire Department apparatus on an as-needed basis for the remainder of Fiscal Year 2011-2012 for an amount not to exceed \$14,360.

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

**COUNCIL ACTION: Approved 5/0**

**A.6. Cost Share Agreement: For Implementation of Total Maximum Daily Load Compliance Activities in the San Dieguito Hydrologic Unit. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2011-121 approving the Cost-Share Agreement for Investigative Order R9-2010-0001 for the San Dieguito Hydrologic Unit and authorize the City Manager to enter into the agreement.

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

**COUNCIL ACTION: Approved 5/0**

**A.7. Adoption of Fiscal Year 2011/2012 Salary and Compensation Plan for All Employees. (File 0520-10)**

Recommendation: That the City Council

1. Adopt Resolution 2011-136 (Attachment 8) approving the FY 2011/2012 Salary and Compensation Plan for Executive Management, Mid-Management, Confidential, Temporary Part-time non-represented, Miscellaneous represented employees, Marine Safety Unit employees, and Fire employees.

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

**COUNCIL ACTION: Approved 5/0**

**A.8. Approving an agreement with Paul, Plevin, Sullivan & Connaughton, LLP for special legal services and authorizing the Mayor to execute the agreement. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2011-138 Approving an agreement with Paul, Plevin, Sullivan & Connaughton, LLP for special legal services and authorizing the Mayor to execute the agreement

[Item A.8. 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: (8.1. - 8.2.)**

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), Structure Development Permit (SDP) and Conditional Use Permits (CUP) Time Extension Request & Minor Subdivision for 233, 235, and 237 North Rios Ave., Applicant: Peter McNally, Case# 17-07-18 & 17-11-08. (File 0600-40)**

Recommendation: That the City Council

1. Conduct the 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 15303 of the State CEQA Guidelines; and
3. If the Council approves the request for a 12 month extension for DRP/SDP/CUP (Case No. 17-07-18) setting the expiration date of June 10, 2012 and adopt Resolution 2011-132 approving a minor subdivision at 233, 235 and 237 North Rios Avenue.

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

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

**COUNCIL ACTION: Approved 5/0 to approve the time extension only and did not approve the Resolution approving the Minor Subdivision request.**

**B.2. Development Review Permit (DRP) and Structure Development Permit (SDP) for 347 South Rios Ave, Applicants: Marc Halpern and Heidi Dewar, Case# 17-11-14. (File 0600-40)**

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 ORP and administratively issue a SOP. Therefore, Staff recommends that the 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 15303 of the State CEQA Guidelines; and
3. If the Council makes the requisite findings and approves the project, adopt Resolution 2011-131 conditionally approving a ORP and an administrative SOP to remodel the existing residence to construct a multi-level home with a new partially subterranean garage and living area and a new second story at 347 South Rios Avenue.

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

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

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

**C. STAFF REPORTS: (C.1. - C.7.)**

*Submit speaker slips to the City Clerk*

**C.1. NCTD Train Station Parking Study. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2011-134:
  - a. Authorizing the expenditure of an amount, not to exceed \$33,500 to pay for the cost of third party consultants as the City's 50% share of the total cost of a parking study at the Solana Beach Transit Center consistent with the MOU executed with NCTO in February 2011.
  - b. Appropriating \$33,500 from General Fund Undesignated Reserves into the NCTO Train Station CIP project (459-9372-6510-6530 9372-6661)
  - c. Authorizing the City Treasurer to amend the Fiscal Year 2011/2012 Budget accordingly.

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

**COUNCIL ACTION: Approved 5/0**

**C.2. Sewer Assessments of Public Agency Buildings. (File 1040-70)**

Recommendation: That the City Council

1. Adopt Resolution 2011-096: Authorizing the City to assess sewer fees to public agencies that utilize City of Solana Beach sewer facilities.

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

**COUNCIL ACTION: Approved 5/0**

**C.3. ESCO RFP. (File 0400-10)**

Recommendation: That the City Council

1. Receive the report and provide direction.

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

**COUNCIL ACTION: Approved 5/0**

**C.4. Notice of Completion for the Fletcher Cove Community Center Building Renovation - Phase II, Bid No. 2011-01. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2011-120:
  - a. Authorizing the City Council to accept as complete the FCCC Renovation project - Phase 11, Bid No. 2011-01, constructed by Delta Builders.
  - b. Authorizing the City Clerk to file a Notice of Completion.
  - c. Accepting donations in the amount of \$43,000 from the Solana Beach Community Foundation, \$11,773 from the Solana Beach Civic and Historical Society and \$250 from a private donor.
  - d. Appropriating revenue in the form of \$55,203 in donations in the Capital Improvement Program Fund (459) for Donations - Specific Projects revenue account (459-4821 Project 9462-4821).
  - e. Appropriating expenditures in the form of \$55,203 in donations to the FCCC Renovation project - Phase 11 ( 459-9462-6510-6530 Project 9462-6661).
  - f. Reversing an appropriation in the form of a \$25,000 donation in the Capital Improvement Program Fund (459) for Donations - Specific Projects revenue account (459-4821 Project 9462-4821) and to the FCCC Renovation project - Phase 11 ( 459-9462-6510-6530 Project 9462-6661) that was mistakenly appropriated at the May 25, 2011 Council Meeting.
  - g. Authorizing the City Treasurer to amend the Fiscal Year 2010-2011 and the Fiscal Year 2011-2012 Adopted Budgets accordingly.

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

**COUNCIL ACTION: Approved 5/0**



**C.5. San Dieguito River Valley Joint Powers Authority (JPA) Re-Appointment of Members (File 0140-90)**

Recommendation: That the City Council

1. Appoint member(s) to the San Dieguito River Valley Joint Powers Authority [Item C.5. Report \(click here\)](#)

**COUNCIL ACTION: Approved 5/0 appointing Heebner as primary and Nichols remaining as the alternate.**

**C.6. Adopt (2nd Reading) Ordinance 432 Regarding Participation in the Alternative Voluntary Redevelopment Program, Subject to Certain Conditions and Reservations; Approve Resolutions Implementing the Transfer Agreement between the City and Redevelopment Agency Regarding the Transfer of Tax Increment Funds to the City to Make the Remittance Payments Under AB1X27; Approve the Resolution Reducing the Agency's Deposit to the Low and Moderate Income Housing Fund for 2011-2012 Fiscal Year. (File 0115-20)**

Recommendation: That the City Council

1. Adopt Ordinance 432 to participate in the Alternative Voluntary Redevelopment Program, subject to certain conditions and reservations; and

**COUNCIL ACTION: Approved 5/0 to adopt Ordinance 432.**

2. Adopt Resolution 2011-135 and Resolution RDA 050 approving the Transfer Agreement between the City and Redevelopment Agency regarding the transfer of tax increment funds to the City to make the remittance payments under AB1X 27; and
3. Adopt Resolution RDA 051 reducing the Agency's deposit to the Low and Moderate Income Housing Fund for 2011-2012 Fiscal Year.

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

**COUNCIL ACTION: Approved 5/0 to approve both resolutions.**

**C.7. 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 Ad Hoc Committee as necessary.

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



**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.
- f. Parks and Recreation Committee - Heebner, Nichols

**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. Fiscal Sustainability - Campbell, Roberts. Expires June 28, 2012.
- g. Fletcher Cove - Campbell, Heebner. Expires November 16, 2011.
- h. General Plan - Campbell, Nichols. Expires July 13, 2011.
- i. La Colonia Park - Nichols, Heebner. Expires May 10, 2012.
- j. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 8, 2012 or at the California Coastal Commission adoption.
- k. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 11, 2012
- l. View Assessment - Nichols, Heebner. Expires August 22, 2011

**ADJOURN:**