

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, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY

**Joint REGULAR Meeting
Wednesday, June 11, 2014
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., and online www.cityofsolanabeach.org. Agendas are posted at least 72 hours prior to at least 24 hours prior to special meetings. Posted agendas are subject to change up to the meeting's required posting deadline. Please check agenda postings for updates. Writings and documents regarding an agenda item of an open meeting, received after the official agenda posting, will be distributed to Council for consideration, and made available for public viewing. Items received at least 1 1/2 hours prior to the start of the meeting will be uploaded online with the agenda. Material received after this cut-off as well materials handed out at the meeting will become part of the record for filing. 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
Thomas M. Campbell, Mayor

Lesa Heebner, Deputy Mayor Peter Zahn, Councilmember	David A. Zito, Councilmember Mike Nichols, 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.

READING OF ORDINANCES AND RESOLUTIONS:

Pursuant to Solana Beach Municipal Code Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:

CLOSED SESSION REPORT: (when applicable)

FLAG SALUTE:

APPROVAL OF AGENDA:

COUNCIL ACTION: Approved 5/0

PRESENTATIONS:

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

- Boys & Girls Club
- Del Mar Shore Stairs

ORAL COMMUNICATIONS: None

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.

COUNCIL COMMUNITY ANNOUNCEMENTS/ COMMENTARY:

A. CONSENT CALENDAR: (Action Items) (A.1. - A.9.)

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held April 9 and 23, 2014.

Approved Minutes <https://www.cityofsolanabeach.org/en/government/public-meetings/agendas-minutes-videos>

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 May 3, 2014 through May 23, 2014.

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

COUNCIL ACTION: Approved 5/0

A.3. General Fund Adopted Budget for Fiscal Year 2013-14 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2013-2014 General Fund Adopted Budget.

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

COUNCIL ACTION: Approved 5/0

A.4. Fiscal Year 2014-15 Appropriations Limit. (File 0330-60)

Recommendation: That the City Council

1. Adopt Resolution 2014-077, establishing the FY 2014-15 Appropriations Limit in accordance with Article XIII B of the California Constitution and Government Code Section 7910 and choosing the County of San Diego's change in population growth to calculate the Appropriations Limit.

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

COUNCIL ACTION: Approved 5/0

A.5. Municipal Improvements Districts Benefit (MID) Fees. (File 0495-20)

Recommendation: That the City Council

1. Approve Resolution 2014-078, setting the Benefit Charges for MID No. 9C, Santa Fe Hills at \$232.10 per unit for FY 2014-15.
2. Approve Resolution 2014-079, setting the Benefit Charges for MID No. 9E, Isla Verde at \$68.74 per unit for FY 2014-15.
3. Approve Resolution 2014-080, setting the Benefit Charges for MID No. 9H, San Elijo Hills# 2 at \$289.58 per unit for FY 2014-15.
4. Approve Resolution 2014-081, setting the Benefit Charges for MID No. 33, Highway 101/Railroad Right-of-Way at \$3.12 per unit for FY 2014-15.

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

COUNCIL ACTION: Approved 5/0

A.6. Fire Benefit Fee Fiscal Year 2014-15. (File 0390-23)

Recommendation: That the City Council

1. Adopt the Resolution 2014-082:
 - a. Setting the FY 2014-15 Fire Benefit Fee at \$10.00 per unit, and
 - b. Approving the Fee for levying on the tax roll.

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

COUNCIL ACTION: Approved 5/0

A.7. Chamber of Commerce Visitor Center Agreement. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2014-059, authorizing the City Manager to execute the agreement between the City and the Solana Beach Chamber of Commerce in the amount of \$15,000 for operation of the Visitor Center.

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

COUNCIL ACTION: Approved 5/0

A.8. Re-establish Council Ad Hoc Committees. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2014-068 re-establishing the View Assessment Ad Hoc Committee until June 10, 2015.
2. Adopt Resolution 2014-069 re-establishing the Fiscal Sustainability Ad Hoc Committee until June 10, 2015.

3. Adopt Resolution 2014-070 re-establishing the La Colonia Park Ad Hoc Committee until June 10, 2015.
4. Re-appoint two existing Councilmembers to each of the respective Ad Hoc Committees. View Assessment (Heebner, Zito), Fiscal Sustainability (Campbell, Zito), La Colonia Park (Heebner, Nichols), or provide alternative appointments.

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

COUNCIL ACTION: Approved 5/0

A.9. Temporary Staff Funding To Fill City Clerk and Finance Department Positions. (File 0560-40)

Recommendation: That the City Council

1. Adopt Resolution 2014-087 ratifying expenditures to Apple One for temporary staffing coverage in the amount of \$41,200.

[Item A.9. 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: (B.1. - B.6.)

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. Streetlight Assessment for Fiscal Year 2014-15. (File 0495-20)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, report disclosures, receive public testimony and close the public hearing.
2. Adopt Resolution 2014-064 confirming the diagram and assessment; providing for the levy of the annual assessment in a special maintenance district; confirming the Engineer's Report; and ordering the transmission of charges to the County Auditor for collection.

3. Adopt Resolution 2014-065 ordering the levy and collection of annual assessments for Fiscal Year 2014-15.

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

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

COUNCIL ACTION: Approved 5/0 to approve.

B.2. Solana Beach Coastal Rail Trail Maintenance District. (File 0495-20)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report disclosures, Receive public testimony, Close the public hearing.
2. Adopt Resolution 2014-066, amending and/or approving the Engineer's Report regarding the Coastal Rail Trail Maintenance District.
3. Adopt Resolution 2014-067, ordering the levy and collection of the annual assessments regarding the Coastal Rail Trail Maintenance District for FY 2014-15.

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

COUNCIL ACTION: Approved 5/0 to approve.

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

B.3. Introduction (1st Reading) of Ordinance 452 for Fiscal Year 2014-15 Sewer Service Charge per Equivalent Dwelling Unit (EDU). (File 1040-70)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures. Receive public testimony, Report any protest(s) received, Close the public hearing.
2. Introduce Ordinance 452 amending Section 14.08.060 of Chapter 14.08 of the Solana Beach Municipal Code Relating to Annual Sewer Service Charge of \$603.06 per Equivalent Dwelling Unit (EDU) and Adopt by Reference by the City of Solana Beach.

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

COUNCIL ACTION: Approved 5/0

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

B.4. 390 Lomas Santa Fe Dr Development Review Permit (DRP), Minor Exception (MEC), and Structural Development Permit (SDP) Applicant: Zimmerman, Case 17-13-28. (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 DRP, MEC and administratively issue a SOP. Therefore, Staff recommends 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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2014-063 conditionally approving a DRP, MEC and an administrative SOP for a two-story, single family residence and two-story detached accessory structure located at 390 Lomas Santa Fe Drive.

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

COUNCIL ACTION: Approved 4/0/1 to reopen the Public Hearing. (Recuse: Nichols.)

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

COUNCIL ACTION: Approved 4/0/1 to approve with modification of the wall height conforming with existing regulations of 42 in. and that a reference to maintaining the current level of density. (Recuse: Nichols.)

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

B.5. Conditional Use Permit (CUP) Modification and Structure Development Permit (SDP) at 838 Academy, Applicant: Santa Fe Christian School, Case 17-14-09. (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 Modification and an administrative SOP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines, which exempts minor alterations of existing public or private structures; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2014-062 conditionally approving a CUP Modification and SOP to allow: 1) construction of a 178 square foot addition to the existing gym; 2) modifications to improve ADA accessibility; and 3) changes to the circulation pattern in the southeast parking lot to improve student drop-of and pick-up at 838 Academy Drive in Solana Beach.

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

COUNCIL ACTION: Approved 5/0 to approve.

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

B.6. California Coastal Commission Revised/Approved Amendments to the Local Coastal Program Land Use Plan (LUPA). (File 0610-12)

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 15265 of the 2013 State CEQA Guidelines. The LCP process is exempt because the criteria under the Coastal Act are the functional equivalent of the EIR process; and
3. Provide direction to the City Manager as to which option to proceed with and adopt Resolution 2014-060 as required.

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

COUNCIL ACTION: Approved 5/0 to approve.

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

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

C.1. Adopt (2nd Reading) Ordinance 449 - Dogs On City Beaches. (File 0730-80).

Recommendation: That the City Council

1. Adopt Ordinance 449, amending Section 11.12.020(x) and adding Section 11.12.035 and Section 11.12.210 of Chapter 11.12 of the Solana Beach Municipal Code relating to allowing dogs on City beaches.

COUNCIL ACTION: Approved 5/0 to approve adoption. Effective date July 11, 2014

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

C.2. Adopt (2nd Reading) Ordinance 451 - Increasing The Value Of Improvements Required For Dedications Or For Installation Of Public Improvements. (File 0800-90)

Recommendation: That the City Council

1. Adopt Ordinance 451, amending Sections 11.04.020(8), 11.04.030(8), and 11.04.040(C) of the Solana Beach Municipal Code to increase the value of improvements required for dedications and/or for installation of public improvements.

COUNCIL ACTION: Approved 5/0 to approve adoption. Effective date July 11, 2014

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

C.3. Adopt (2nd Reading) Ordinance 448 - Use Of City Seal And Other Official City Insignia . (File 0160-30)

Recommendation: That the City Council

1. Adopt Ordinance 448, amending SBMC Section 1.08.010(F) to include in the definition of the official City insignia, a modified Seal of the City of Solana Beach for a cultural, ceremonial, or other public event, and amending SBMC Section 1.08.030 clarifying that each and every unauthorized use constitutes a violation of this Chapter.

COUNCIL ACTION: Approved 5/0 to approve adoption. Effective date July 11, 2014

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

C.4. Adopt (2nd Reading) Ordinance 450 - Tobacco Sales Restrictions To E-Cigarette Purchases and Tobacco Retailer License For E-Cigarettes Vendors. (File 0270-30)

Recommendation: That the City Council

1. Find the Ordinance 450 exempt from the provisions of the California Environmental Quality Act ("CEQA") as an action where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment pursuant to 14 C.C.R. § 15061(b)(3).
2. Adopt Ordinance 450 to include the requirement that vendors of e-cigarettes and other similar devices be subject to the restrictions on the sale of tobacco products in Chapter 6.16 and to obtain a tobacco retailer license pursuant to Chapter 6.17 of the Solana Beach Municipal Code.

COUNCIL ACTION: Approved 5/0 to approve adoption. Effective date July 11, 2014

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

WORKPLAN COMMENTS:

Adopted June 26, 2013

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 (meets twice a year) - Nichols, Heebner (alternate).
- b. County Service Area 17 - Zahn, Campbell (alternate).
- c. Escondido Creek Watershed Authority - Zito.
- d. League of Ca. Cities' San Diego County Executive Committee - Nichols, Heebner (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Nichols, Heebner (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Nichols, Heebner (alternate).
- g. North County Dispatch JPA- Zahn, Nichols (alternate).
- h. North County Transit District - Nichols, Heebner (1st alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Zahn (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Zito (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Nichols, Heebner (alternate).
- l. San Dieguito River Valley JPA- Zito, Zahn (alternate).
- m. San Elijo JPA- Campbell, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Heebner, Campbell.

Standing Committees: (All Primary Members) (Permanent Committees)

- a. Business Liaison Committee - Campbell, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. 1-5 Construction Committee - Heebner, Zito.
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee - Zito, Zahn.

Ad Hoc Committees: (All Primary Members)(Temporary Committees)

- a. Army Corps of Engineers & Regional Beach Nourishment - Campbell, Nichols. Expires December 10, 2014.
- b. Development Review - Nichols, Heebner. Expires October 22, 2014.
- c. Environmental Sustainability - Heebner, Zahn. Expires December 10, 2014.
- d. Fire Department Management Governance - Zito, Zahn. Expires July 09, 2014.
- e. Fiscal Sustainability - Campbell, Zito. Expires June 11, 2014.
- f. Gateway Property - Campbell, Heebner. Expires April 8, 2015.
- g. General Plan - Nichols, Zito. Expires July 09, 2014.
- h. La Colonia Park - Nichols, Heebner. Expires June 11, 2014.
- i. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 21, 2015 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 21, 2015.
- k. View Assessment - Heebner, Zito. Expires June 11, 2014.

ADJOURN: