

**SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY**

JOINT **REGULAR** MEETING

MINUTES

**WEDNESDAY, JULY 9, 2008
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.

CALL TO ORDER AND ROLL CALL:

Mayor Roberts called the meeting to order at 6:00 p.m.

Present: Roberts, Nichols, Campbell, Heebner, and Kellejian.

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Dennis Coleman, Finance Director
Angela Ivey, City Clerk
Wende Protzman, Dir Admin. Serv/Deputy City Mgr
Tina Christiansen, Community Dev. Dir.
Mo Sammak, City Engineer/Public Works Dir.

FLAG SALUTE:

Mary Jane Boyd, President of the Friends of Solana Beach Library, led the flag salute.

APPROVAL OF AGENDA:

MOTION: Moved by Heebner and seconded by Kellejian to approve except Item 15 and 21 which will be pulled from the agenda. **Motion carried unanimously.**

PROCLAMATIONS:

PRESENTATIONS:**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. Items can be referred to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES as per SBMC . (Be aware of the timer lights on the Council dais.)

Dan Powell spoke of the tragic shark attack of David Martin. He acknowledge the City Manager, Assistant to the City Manager, Julie Walke, and staff for their response and protection of the family. He stated that he had organized an auction and received 91 items donated so far and read the names of those people in the community who had made the donations.

Michael Hetz said that someone brought in bag of cigarette butts at a prior Council meeting and that they could probably still collect the same amount of cigarette butts today. He asked if an officer could walk the area and enforce litter.

Council and City Manger discussed a need to further address the issue, that the City had ordered new receptacles for the area and had started cleaning public parking lots, and that it would be addressed further.

COMMUNITY ANNOUNCEMENTS:

Council presented community announcements.

COMMENTARY:**CONSENT CALENDAR: (Action Items) (Items 1-14)**

Items listed on the Consent Calendar are considered routine; however, any member of the public may address the City Council on an item of concern by submitting to the City Clerk a request to speak 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 all other Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

1. Waive text reading of ordinances

Recommendation: That the City Council

- A. Approve waiving the text reading of ordinances on this agenda pursuant to Solana Beach Municipal Code Section 2.04.460.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

2. List of Demands (File 0300-30)

Recommendation: That the City Council

- A. Ratify the List of Demands dated June 7 - June 20, 2008.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

3. Shoreline Newsletter Publishing Services. (File 0400-10)

Recommendation: That the City Council

- A. Authorize a one-year professional services agreement with three (3) additional one-year extension options, not to exceed \$22,000.00 in year one and \$25,000 per year in subsequent years with VIP Printing to design, publish, and deliver four (4) editions of the Shorelines City newsletter annually, effective July 9, 2008 through June 30, 2009.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

4. Jurisdictional Urban Runoff Management Program (JURMP). (File 0850-40)

Recommendation: That the City Council

- A. Receive report

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

6. Emergency Repairs to City Infrastructure and Facilities. (File 0400-10)

Recommendation: That the City Council

- A. Adopt Resolution 2008-091 authorizing the City Manager to execute necessary agreements for emergency repairs to City infrastructure and facilities.

MOTION: Moved by Nichols and seconded by Heebner. **Motion carried unanimously.**

7. Gull Sculpture Installation - Public Review. (File 0910-45)

Recommendation: That the City Council

- A. Approve the Public Arts Advisory Commission (PAAC) and Standing Committee recommendation to open the 45-day public review period for the proposed gull design and installation location.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

8. One Year Suspension of Assessment Fees for the Solana Beach Lighting District. (File 0495-20)

Recommendation: That the City Council

- A. Adopt Resolution 2008-125 approving a one time, one-year suspension of the collection of assessment fees for the Solana Beach Lighting District for the fiscal year of 2008-2009.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

9. Amendment to City Manager Contract. (File 0400-10)

Recommendation: That the City Council

- A. Adopt Resolution 2008-087 authorizing the Mayor to execute the Amendment to the Employment Agreement between the City of Solana Beach and David Ott.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

10. Amendment to Legal Services Agreement with McDougal, Love, Eckis, Smith, Boehmer & Foley. (File 0400-10)

Recommendation: That the City Council

- A. Adopt Resolution 2008-100 authorizing the Mayor to execute the First Amendment to the Agreement between the City of Solana Beach, Solana Beach Redevelopment Agency, Public Finance Authority and McDougal, Love, Eckis, Smith, Boehmer & Foley through June 30, 2010.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

11. Award Lomas Santa Fe at Stevens-Glencrest Median Reconstruction. (File 0400-10)

Recommendation: That the City Council

- A. Adopt Resolution 2008-132

1. Awarding the construction contract to Fox Construction in the amount of \$19,487 for the Lomas Santa Fe Drive at Glencrest and Stevens Median, Bid No. 2008-11.
2. Approving an amount of \$3,000 for construction contingency and testing services.
3. Authorizing the City Manager to execute the construction contract on behalf of the City.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

12. Eighth Amendment to the Emergency Services Agreement Between the County of San Diego and the City of Solana Beach. (File 0400-10)

Recommendation: That the City Council

- A. Adopt Resolution 2008-137 authorizing the City Manager to execute the Eighth Amendment and any subsequent amendments to the Emergency Services Agreement between the County of San

Diego and the City of Solana Beach.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

13. Plaza Street Improvements Notice of Completion. (File 0400-10)

Recommendation: That the City Council

A. Adopt Resolution 2008-120

1. Approving Change Order No. 2 to the construction contract with Palomar Grading & Paving, Inc. in the amount of \$34,604.05 for the Plaza Street Improvement Project, Bid No. 2007-11.
2. Authorizing the City Council to accept as complete the Plaza Street Interim Improvement Project, Bid No. 2007-11.
3. Authorizing the City Clerk to file a Notice of Completion.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

14. Designate Voting Representative for League of California Cities 2008 Annual Business Meeting. (File 0140-10)

Recommendation: That the City Council

- A. Appoint Mayor Roberts as the voting delegate and Councilmember Kellejian as voting alternate delegate for the 2008 Annual Business Meeting at the League of California Cities Annual Conference being held September 24-27, 2008 in Long Beach, Ca.
- B. Direct the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities.

MOTION: Moved by Kellejian and seconded by Heebner. **Motion carried unanimously.**

5. Sanitary Sewer Maintenance and Video Inspection Contract, Reject All Bids. (File 0400-10)

Recommendation: That the City Council

A. Adopt Resolution 2008-134

1. Rejecting all bids for the Sanitary Sewer Maintenance and Video Inspection contract, Bid No. 2008-06; and
2. Authorizing the City Engineer to re-advertise the maintenance contract for bids.

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer/Public Works Dir., said that after the bids were received it was discovered that a legal issue with several bids presented a problem in maintaining fairness and consistency so it was determined to reject all bids in the interest of the City and to have the project rebid.

Johanna Canlas, City Attorney, said that due to the specific mandates that were not included in the previous bid documents, a rebid was necessary to ensure that the City obtained the qualified pool of contactors for the mandates.

Ken Burtech stated that his father was the apparent low bidder, that he met with Steve Kerr, Public Works Supervisor, and Dan Goldberg, Principal Engineer, and that they had already made the decision to not award the contract, that there were some comments made regarding experience, that he bid according to the specifications, that he is a small business owner with over 20 years experience, that there should be a greater consideration given to smaller businesses, that he had a state license and knew all requirements to treat sewer water, and that his license was on the line when doing the work, that he would be doing the work himself, and that he did not receive any formal notice that this issue would be presented this evening.

Johanna Canlas, City Attorney, said that certain mandates should have been included and needed to be added so the project had to be rebid, that the problem was with the City's bid documents that required additional information, that there was not a mandate that a reason be provided to bidder, and that everyone is given a fair opportunity to rebid it with the revised requirements.

Council and staff discussed the issue of determining that the documents were incomplete, that the oversight was caught after the notice went out, that there appeared to be a valid reason, that there were not any allegations of the bidders work, that it was prudent to restart the process, and that he would be entitled to resubmit.

MOTION: Moved by Heebner and seconded by Campbell. **Motion carried**

unanimously.

NOTE: THE CITY COUNCIL MAY NOT BEGIN A NEW AGENDA ITEM AFTER 10:30 P.M. UNLESS UNANIMOUSLY APPROVED BY THE CITY COUNCIL.

PUBLIC HEARINGS: (Items 15-19)

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 designee 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 three-minute timer light on the Council Dais.

15. Development Review Permit /Structure Development Permit and Director Use Permit for 410-444 South Cedros Avenue (Case No. 17-08-06 DRP/SDP/DUP; Applicant: Sean M. MacLeod) (File 0600-40)

Recommendation: That the City Council

- A. Continue the item to a future agenda.

This item was pulled from the agenda.

16. Commercial Solid Waste Rate Increase for EDCO Waste and Recycling Services Fiscal Year 2008-09. (File 1030-15)

Recommendation: That the City Council

- A. Report Council disclosures, if applicable.
- B. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
- C. Following the Public Hearing, adopt Resolution 2008-130 approving EDCO's rate review request increasing commercial solid waste rates for Fiscal Year 2008-09 in accordance with the Franchise Agreement.

David Ott, City Manager, introduced the item reviewing the history and proceedings.

Angela Ivey, City Clerk, announced that there were 0 protests received.

Mayor Roberts opened the public hearing.

MOTION: Moved by Nichols and seconded by Heebner to close the public hearing. **Motion carried unanimously.**

Council and staff discussed whether the CPI in the contract was listed from the LA/Riverside/Anaheim area rather than San Diego because it is dumped up in that area and to re-negotiate a local area CPI next time.

MOTION: Moved by Heebner and seconded by Nichols. **Motion carried unanimously.**

17. Residential Solid Waste Rate Increase for Coast Waste Management, Inc. Fiscal Year 2008-09. (File 1030-15)

Recommendation: That the City Council

- A. Report Council disclosures, if applicable.
- B. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
- C. Following the Public Hearing, adopt Resolution 2008-131 approving Coast Waste Management's rate review request increasing residential solid waste rates for Fiscal Year 2008-09 in accordance with the Franchise Agreement.

David Ott, City Manager, introduced the item.

Angela Ivey, City Clerk, announced that 7 protests were received.

MOTION: Moved by Campbell and seconded by Heebner to close the public hearing. **Motion carried unanimously.**

MOTION: Moved by Campbell and seconded by Heebner. **Motion carried unanimously.**

18. Solana Beach Coastal Rail Trail Maintenance District Resolutions

to Provide For the Annual Levy and Collection of Assessments.
(File 0495-20)

Recommendation: That the City Council

- A. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
- B. Adopt Resolution 2008-135 amending and/or approving the Fiscal Year 2008-09 Engineer's Report regarding the Coastal Rail Trail Maintenance District.
- C. Adopt Resolution 2008-136 ordering the levy and collection of the annual assessments regarding the Coastal Rail Trail Maintenance District for Fiscal Year 2008-09.

David Ott, City Manager, introduced the item.

MOTION: Moved by Heebner and seconded by Nichols to close the public hearing. **Motion carried unanimously.**

MOTION: Moved by Heebner and seconded by Nichols. **Motion carried unanimously.**

19. Emergency Request for a Conditional Use Permit to construct a seawall and infill an existing seacave at 407 Pacific Avenue (Case No. CUP 17-08-11) Applicant: Chris Hamilton. (File 0600-40)

Recommendation: That the City Council

- A. Report Council disclosures, if applicable.
- B. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
- C. Find the project exempt from the requirements of CEQA pursuant to 2008 State California CEQA Guidelines Section 15269(b) as a documented emergency exists.
- D. Adopt Resolution 2008-133 conditionally approving an emergency request for a Conditional Use Permit to construct a seawall to support the lower- to mid-coastal bluff against significant failure along the bluff below 407 Pacific Avenue.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a Powerpoint.

Council and staff discussed the third party geotechnical engineer and how the factor of safety is calculated.

Mayor Roberts opened the public hearing.

Council disclosed their familiarity with the property.

Bob Tretin, owner's representative, reviewed the project presenting a picture of the bluff. He said that a portion of the bluff was approved to date from Coastal as emergency and that Coastal was going to approve the additional amount soon.

Council asked about the unapproved area, the notch infill that will be cut off and part that will be incorporated into the wall, that they were not anticipating any issues with the Coastal Commission as they are well versed with the project, and that the longer it takes to approve the infill the most costs rise.

MOTION: Moved by Heebner and seconded by Kellejian to close the public hearing. **Motion carried unanimously.**

Council, staff and City's consultant discussed the issue of the 70 feet between the proposed seawall and the end of the neighbor's current seawall, that the Coastal Commission had been supportive of filling in gaps rather than full seawalls since the gaps accelerate erosion, and that Coastal's definition of emergency is imminent with previous failure but it changes sometimes.

Councilmember Kellejian stated that he would make a motion with the understanding that the condition is not what Coastal saw in the past and what it is today and that he was confident that they would approve the project.

Councilmember Campbell seconded the motion with the understanding to add the condition that had been mentioned and stated that it was Council's job to ensure that they do not have to deal with this again in the future.

Johanna Canlas, City Attorney, recited the motion to conditionally approve the project with the condition that Coastal Commission approve the adjacent wall north of the property located at 415 Pacific, 20 feet not yet approved.

Leslea Meyerhoff, consultant, clarified the location of the condition to be 417 Pacifica and it would be the remaining 20 ft. continuous to 407 Pacific Ave.

MOTION: Moved by Kellejian and seconded by Campbell. **Motion carried**

unanimously.

STAFF REPORTS: (Item 20-22)

Submit speaker slips to the City Clerk.

20. Fiscal Year 2008/09 Salary and Compensation Plan for All Employees. (File 0520-10)

Recommendation: That the City Council

- A. Adopt Resolution 2008-129 approving the FY 2008/09 Salary and Compensation Plan for Appointive Management, Mid-Management, Confidential, Non-Represented, Represented Fire and Marine Safety Unit employees.

David Ott, City Manager, introduced the item.

Wende Protzman, Deputy City Manager, stated that the Marine Safety Unit and Fire Association concluded their negotiation for 2 year contracts, that Fire was approved for their retirement of 3.5 % and Marine Safety of 3%, that the City reopened their retiree health savings plan for both of their groups and that Fire implemented health savings plan with ICMA, both received increase of monthly health benefits of \$715, that the Miscellaneous group was unable to complete their negotiations and group has formed an agency and the City is currently in the process of continuing to complete the negotiations, that the non-represented were all in line with the 3%, and that the blue folder contained two minor modifications.

MOTION: Moved by Heebner and seconded by Campbell. **Motion carried unanimously.**

21. Brechtel/Nicholas Subdivision APN: 298-121-55 (File 0600-20)

Recommendation: That the City Council

- A. Do not adopt any proposed changes to the Solana Beach Municipal Code as outlined in Attachment 1 of the staff report.

This item was pulled from the agenda.

22. Adopt (2nd Reading) Ordinance 389 to Increase the Amount of Monthly Compensation of the City Council. (File 0520-10)

Recommendation: That the City Council

- A. Adopt (2nd Reading) Ordinance 389 amending Title 2, Chapter 2.04 of the Solana Beach Municipal Code increasing the monthly compensation paid to members of the City Council pursuant to Government Code Section 36516.

Johanna Canlas, City Attorney, read the title of the ordinance.

MOTION: Moved by Campbell and seconded by Nichols. **Motion carried unanimously.**

WORKPLAN COMMENTS: (Adopted June 25, 2008)

Material is located in front section of agenda binder.

COUNCIL COMMITTEE REPORTS:

Please state the committee you are speaking to before making each report.

Council presented their committee reports.

Regional Committees: (outside agencies)

1. **California Cities Contract Association (CCCA) - Roberts, Heebner (alternate).**
2. **City Selection Committee - Kellejian (meets twice a year).**
3. **County Service Area 17 - Campbell, Nichols (alternate).**
4. **Escondido Creek Watershed Authority - Nichols, Roberts (alternate).**
5. **League of Ca. Cities' San Diego County Executive Committee and its' Subcommittees - Roberts, Kellejian (alternate).**
6. **League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).**
7. **League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Kellejian, Roberts (alternate).**
8. **North County Dispatch JPA - Nichols, Campbell (alternate).**
9. **North County Transit District - Roberts, Heebner (alternate).**

10. **Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).**
11. **SANDAG & its' subcommittees - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).**
12. **SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).**
13. **San Dieguito River Valley JPA - Roberts, Nichols (alternate).**
14. **San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).**
15. **22nd Agricultural District Association Community Relations Committee - Campbell, Roberts.**

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 made their reports.

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

1. **Business Liaison Committee - Roberts, Campbell.**
2. **Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.**
3. **I-5 Construction Committee - Kellejian, Roberts.**
4. **Public Arts Committee - Roberts, Nichols.**
5. **School Relations Committee - Roberts, Campbell.**

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

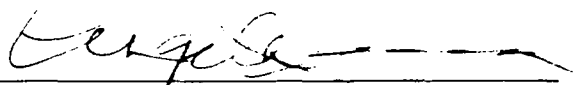
1. **Army Corps of Engineers & Regional Beach Nourishment -**

Kellejian, Campbell. Expires January 9, 2009.

- 2. Development Review - Nichols, Heebner. Expires November 29, 2008.**
- 3. Environmental Sustainability - Roberts, Heebner. Expires January 9, 2009.**
- 4. Fletcher Cove - Campbell, Heebner. Expires November 28, 2008.**
- 5. La Colonia Park Needs Assessment - Nichols, Heebner. Expires June 10, 2009.**
- 6. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 12, 2009 or at the California Coastal Commission adoption.**
- 7. Solana Beach Mixed-Use Train Station Project Ad Hoc Committee - Nichols, Heebner.**
- 8. Views and Vegetation - Roberts, Nichols. Expires October 24, 2008.**

ADJOURN:

Mayor Roberts adjourned the meeting at 7:45 p.m. in the memory of long time resident Jesus Granados.



Angela Ivey, City Clerk
Approved: April 8, 2009