

CITY OF SOLANA BEACH
SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC
FINANCING AUTHORITY, & HOUSING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

6:00 P.M.
Wednesday, June 27, 2012

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:

Present: Kellejian, Roberts, Nichols, Campbell, and Heebner.
Absent: None.
Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Wende Protzman, Deputy City Mgr/Community Development Dir.
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Dan King, Sr. Management Analyst

Mayor Kellejian called the meeting to order at 6:03 p.m.

CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, stated that there was no reportable action on Items 2 and 3.

David Ott, City Manager, stated that on Item 1 Council formed a subcommittee to perform the City Attorney's evaluation.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

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.

Cynara Velazquez, representative for Citizens for Patient Rights, handed out a packet (on file) and stated that her group was circulating a petition in the City that they were planning on filing the next Monday, they wanted to introduce the initiative in Solana Beach since the City had a high support of Prop 19, and cited statistics, legality, and guidelines of the ordinance.

COUNCIL COMMUNITY ANNOUNCEMENTS:

COUNCIL 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 public 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.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for May 19 - June 1, 2012.

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

A.3. General Fund Adopted Budget for Fiscal Year 2011-12 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2011-2012 General Fund Adopted Budget.

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

A.4. City Investment Policy. (File 0350-30)

Recommendation: That the City Council

1. Adopt Resolution 2012-093 approving the City's Investment Policy for Fiscal Year 2012-13.

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

A.5. Fiscal Year 2012-13 Appropriations Limit. (File 0330-60)

Recommendation: That the City Council

1. Adopt Resolution 2012-094, establishing the FY 2012-13 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.

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

A.6. Investment Reports. (File 0350-44)

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Report for the quarter ending March 31, 2012.

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

A.7. Fire Benefit Fee. (File 0390-23)

Recommendation: That the City Council

1. Adopt the Resolution 2012-092:
 - a. Setting the FY 2012/2013 Fire Benefit Fee at \$10.00 per unit, and
 - b. Approving the Fee for levying on the tax roll.

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

A.8. Installation of Emergency Lighting, Radios and Command Module in Fire Department Staff Vehicle. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-102 authorizing the City Manager to execute a Professional Service Agreement with the Johnson Equipment Company in the amount of \$25,200 for the installation of emergency lighting, radios and a command module.

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

A.9. La Colonia Park and Fiscal Sustainability Ad Hoc Committees. (File 0410-48)

Recommendation: That the City Council

1. Adopt Resolution 2012-083 re-establishing the La Colonia Park Ad Hoc Committee until June 12, 2013.
2. Adopt Resolution 2012-104 re-establishing the Fiscal Sustainability Ad Hoc Committee until June 12, 2013.
3. Re-appoint two existing Councilmembers (La Colonia Park: Heebner, Nichols) (Fiscal Sustainability: Roberts, Campbell).

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

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.)

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. Budget for Fiscal Year 2012-13. (File 0330-30)

Recommendation: That the City Council

1. Adopt Resolution 2012-106 approving a budget for Fiscal Year 2012-13.

David Ott, City Manager, introduced the item.

Marie Berkuti, Finance Manager, presented a powerpoint (on file) reviewing the proposed budget.

Council and Staff discussed that budget including increasing the City's reserves, new lights for La Colonia park were not currently in the budget but would come up at a future meeting and would come from lighting reserves, and that the Coastal Rail Trail would have some planned work addressed in the mid-year adjustments.

Mayor Kellejian opened the public hearing.

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

Councilmember Nichols recused himself from the N. Granados sewer repair project item since he lived within 500 feet of the project.

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

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk

C.1. Workplan Fiscal Year 2012-13. (File 0410-08)

Recommendation: That the City Council

1. Adopt the Fiscal Year 2012-13 Workplan.

David Ott, City Manager, introduced the item and stated that the changes from the last meeting had been incorporated.

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

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.2. - B.5.)

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.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 2012-088, amending and/or approving the Engineer's Report regarding the Coastal Rail Trail Maintenance District.
3. Adopt Resolution 2012-089, ordering the levy and collection of the annual assessments regarding the Coastal Rail Trail Maintenance District for FY 2012-13.

David Ott, City Manager, introduced the item.

Mayor Kellejian opened the public hearing.

Angela Ivey, City Clerk, stated that no protests were received on the item.

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

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

B.3. Solana Beach Lighting District. (File 0497-00)

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 2012-090 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 2012-095 ordering the levy and collection of annual assessments for Fiscal Year 2012-13.

David Ott, City Manager, introduced the item.

Mayor Kellejian opened the public hearing.

Angela Ivey, City Clerk, stated that no protests were received on the item.

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

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

B.4. Solid Waste Rate Increase for Commercial Waste and Recycling Services. (File 1030-15)

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. Following the Public Hearing, adopt Resolution 2012-096 approving EDCO's rate review request increasing commercial solid waste and recycling rates for FY 2012-13 in accordance with the Franchise Agreement.

David Ott, City Manager, introduced the item.

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

Mayor Kellejian opened the public hearing.

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

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

B.5. Solid Waste Rate Increase for Residential Waste and Recycling. (File 1030-15)

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. Following the Public Hearing, adopt Resolution 2012-097 approving CWM's rate review request increasing residential solid waste and recycling rates for FY 2012-13 in accordance with the Franchise Agreement.

David Ott, City Manager, introduced the item.

Angela Ivey, City Clerk, stated that 3 protests were received on the item.

Mayor Kellejian opened the public hearing.

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

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

C. STAFF REPORTS: (C.2. - C.5.)
Submit speaker slips to the City Clerk

C.2. Sewer Repairs, Bid No. 2012-03. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-091:
 - a. Awarding the contract to Sancon Engineering Inc., in the amount of \$163,991, for the 2012 Sewer Pipeline Repairs Project, Bid No.

2012-03.

- b. Approving the amount of \$24,009 for construction contingency.
- c. Authorizing the City Manager to execute the construction contract on behalf of the City.

Davdi Ott, City Manager, introduced the item.

Mo Sammak, Public Works Dir., presented a powerpoint (on file).

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

C.3. Sewer Maintenance Contract. (File 0400-10)

Recommendation: That the City Council

- 1. Adopt Resolution 2012-103:
 - a. Awarding the contract to Affordable Pipeline Service, Inc. in the amount not to exceed \$241,950, in Fiscal Year 2012-13, for the Sewer and Storm Drain Maintenance and Video Inspection Agreement.
 - b. Authorizing the City Manager to execute the contract on behalf of the City.
 - c. Authorizing the City Manager to extend the agreement for up to four additional years, at the City's option, at an amount not to exceed the amount identified and budgeted for each subsequent year.

David Ott, City Manager, introduced the item.

Mo Sammak, Public Works Dir., presented a powerpoint (on file) including the review the bidding options and process.

Johanna Canlas, City Attorney, stated that clauses would be added including the waiving of formal bidding requirements, a flexible contracting process provided more efficient and convenient management of City affairs, and more effective method of choosing a contractor for this service, and that the waiving of the formal bid process provided for more effective method for hiring a higher level of this service.

Council and Staff discussed Stevens Creek inspection and that it was referring to the concrete calvert and not the bed itself, and that it would be walked from one opening to the opening, and that the contractor was chosen based on this specialized certification to do this type of service.

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

C.4. Adopt (2nd Reading) Ordinance 438 for the Fiscal Year 2012-13 Sewer Service Charge of \$574 per Equivalent Dwelling Unit (EDU). (File 1040-70)

Recommendation: That the City Council

1. Adopt Ordinance 438 related to the Sewer Service Charge for Fiscal Year 2012-13.

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

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

C.5. General Municipal Election - November 6, 2012. (File 0430-20)

Recommendation: That the City Council

1. Adopt Resolution 2012-099 Calling and Giving Notice of the Holding of a General Municipal Election to be held on Tuesday, November 6, 2012, for the Election of Certain Officers as required by the Provision of the Laws of the State of California Relating to General Law Cities.
2. Adopt Resolution 2012-098 requesting the Board of Supervisors of the County of San Diego to Consolidate a General Municipal Election to be held on November 6, 2012, with the Statewide General Election to be held on that date, pursuant to Section 10403 of the Elections Code.
3. Adopt Resolution 2012-100 adopting regulations for Candidates for Elective Office pertaining to Candidate's Statements submitted to the voters at an Election.
4. Adopt Resolution 2012-101 providing for a procedure in the event of a tie vote at any Municipal Election.

David Ott, City Manager, introduced the item.

Angela Ivey, City Clerk, reviewed the purpose of the item. She stated the candidate filing period would be from July 16th through August 10, 2012, and that if an incumbent did not file by August 10th, the filing period for non-incumbents would be extended to August 15, 2012.

Councilmember Roberts stated that he was not allowed to run for re-election on the City

Council because he was a primary for a different office that he was running for.

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

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 (meets twice a year) - Roberts, Kellejian (alternate).
- 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, Nichols (1st alternate), Heebner (2nd alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Roberts (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
- l. San Dieguito River Valley JPA - Heebner, 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. I-5 Construction Committee - Heebner, Roberts.
- d. Parks and Recreation Committee - Heebner, Nichols

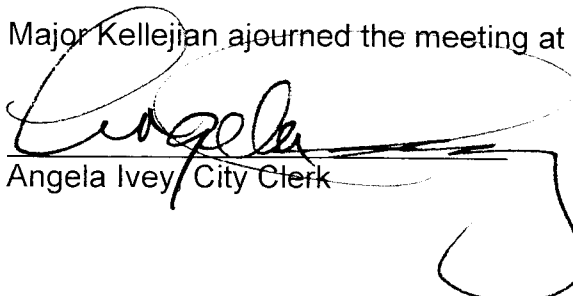
- e. Public Arts Committee - Roberts, Nichols.
- f. School Relations Committee - Roberts, Nichols.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 6, 2012.
- b. Development Review - Nichols, Heebner. Expires November 15, 2012.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 6, 2012.
- d. Fire Department Management Governance-Kellejian,Roberts. Expires July 12, 2012.
- e. Fiscal Sustainability - Campbell, Roberts. Expires June 28, 2012.
- f. General Plan - Campbell, Nichols. Expires July 12, 2012.
- g. La Colonia Park - Nichols, Heebner. Expires May 10, 2012.
- h. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 7, 2013 or at the California Coastal Commission adoption.
- i. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 10, 2013
- j. View Assessment - Nichols, Heebner. Expires October 21, 2012

ADJOURN:

Major Kellejian ajourned the meeting at 7:00 p.m.



Angela Ivey, City Clerk

Approved: August 22, 2012