

CITY OF SOLANA BEACH

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

MINUTES

JOINT **REGULAR** MEETING

Wednesday, June 26, 2013

06:00 P.M.

Minutes contain a summary of the discussions and actions taken by the City Council during a meeting. City Council meetings are video recorded and archived as a permanent record. The video recordings capture the complete proceedings of the meeting and are available for viewing on the City's website.

CALL TO ORDER AND ROLL CALL:

Present: Heebner, Campbell, Nichols, Zahn, and Zito.

Absent: None.

Also Present: Dan Goldberg, Principal Engineer
Mo Sammak, City Engineer/Public Works Dir.
Angela Ivey, City Clerk
Dan King, Sr. Management Analyst
Lisa Foster, Deputy City Attorney
Wende Protzman, Deputy City Mgr/Community
Development Dir.
Jeanette Brown, Deputy City Clerk
Johanna Canlas, City Attorney
David Ott, City Manager
Marie Berkuti, Finance Manager
David Kloz, Accountant

Mayor Nichols called the meeting to order at 6:02 p.m.

CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, stated that there was no reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PRESENTATIONS:

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

1. Highway 101 Project Westside Improvement Project Update

Mo Sammak, Public Works/Engineering Director, presented a powerpoint (on file) reviewing the status of the project.

Council discussed traffic flow plans as well as the maintenance plan for the canary island date palms to prevent cross contamination of a virus by using a separate saw for each tree and each branch.

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.5.)**

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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for May 22 - 31, 2013.

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

A.2. General Fund Adopted Budget for Fiscal Year 2012-13 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2012-2013 General Fund Adopted Budget.

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

A.3. League of California Cities 2013 Annual Business Meeting Voting Delegates. (File 0140-10)

Recommendation: That the City Council

1. Appoint Mayor Nichols, voting delegate, and Councilmember Heebner, 1st alternate delegate, and City Manager Ott, as 2nd alternate, for the 2013 Annual Business Meeting of the League of California Cities Annual Conference being held September 18th - 20th, or provide alternative appointments.
2. Direct the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities.

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

A.4. 2012 Street Light Repairs Notice of Completion. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2013-070:
 - a. Authorizing the City Council to accept, as complete, the 2012 Street Light Repairs Project, Bid No. 2012-03, performed by CTE Inc.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

C. STAFF REPORTS: (C.2.)

Submit speaker slips to the City Clerk

C.2. General Plan Update and Discussion. (File 0630-10)

Recommendation: That the City Council

1. Receive the report regarding the General Plan Update and provide direction to Staff.

David Ott, City Manager, introduced the item.

Planning Consultants presented a PowerPoint (on file) reviewing the purpose of the General Plan as a state mandated document, containing statements, maps, etc. and that updates needed to be consistent with state law.

Nilmini Silva-Send, Consultant, EPIC, climate action planning, presenting a PowerPoint (on file).

Wende Protzman, Community Development Director, presented a PowerPoint (on file) reviewing considerations for the municipal code as it relates to the General Plan amendments.

Council and Staff discussed items for further consideration including limiting certain businesses portion of rental of dentists and doctors to 50% or to allow certain flexibility or discretionary by the Council, that the City's revenue from retail was critical for the City's financial and economic stability, establishing a time period for story poles to remain standing, kiosk businesses regarding definition, fixed/mobile, and hours of operation, regulating mobile vendors on streets and private parking lots, to define signage including robot, twirling, flags, and awnings containing signage. Discussion continued to consider addressing boats and RV's parked on streets and driveways, maintaining yards on empty lots, sales of food prepared within a home in residential zones, temporary structures such as tents used as garages, whether to limit 'chain' or size of businesses to ensure that the City did not contain businesses that were located around the U.S. to maintain unique businesses, but to not create difficulties for property owners to rent, limit frontage of a business, and consider having an Ad Hoc Committee to review the issue.

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.3.)

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. Solid Waste Rate Increase for Fiscal Year (FY) 2013-14 - EDCO Waste and Recycling Services. (File 1030-15)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing; Report Council Disclosures; Report written protests received; Receive Public Testimony; Close the Public Hearing.
2. Adopt Resolution 2013-075 approving EDCO's rate review request increasing commercial solid waste and recycling rates for FY 2013-14 in accordance with the Franchise Agreement.

David Ott, City Manager, introduced the item.

Dan King, Sr. Management Analyst, presented a PowerPoint (on file).

Mayor Nichols opened the public hearing.

Angela Ivey, City Clerk, confirmed there were no public speakers and no protests were received.

MOTION: Moved by Heebner and seconded by Zito to close the public hearing. **Motion carried 4/0/1** (Absent: Campbell)

MOTION: Moved by Zito and seconded by Zahn. **Motion carried 4/0/1** (Absent: Campbell)

B.3. Solid Waste Rate Increase for Fiscal Year (FY) 2013-14 - Coast Waste Management, Inc. (File 1030-15)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing; Report Council Disclosures; Report written protests received; Receive Public Testimony; Close the Public Hearing.
2. Adopt Resolution 2013-076 approving CWM's rate review request increasing residential solid waste and recycling rates for FY 2013-14 in accordance with the Franchise Agreement.

David Ott, City Manager, introduced the item.

Dan King, Sr. Management Analyst, presented a PowerPoint (on file).

Mayor Nichols opened the public hearing.

Angela Ivey, City Clerk, confirmed there were no public speakers and no protests were received.

MOTION: Moved by Heebner and seconded by Zito to close the public hearing. **Motion carried 4/0/1** (Absent: Campbell)

MOTION: Moved by Heebner and seconded by Zito. **Motion carried 4/0/1** (Absent: Campbell)

Council and Staff discussed addressing service disruption by Coast Waste Management with no collection and whether the service would go to bid for fiscal considerations, that they were multi-year contracts, that they had both gone through two 4 year cycles with one year renewals, that multi-year contracts provides for the better pricing, that it could go out to Request for Proposal (RFP) process in January and would come to Council for consideration.

Mayor Nichols recessed the meeting at 7:50 p.m. for a break and reconvened at 7:55 p.m.

C. STAFF REPORTS: (C.3., C.1., C.4.)
Submit speaker slips to the City Clerk

C.3. Citywide Landscape Maintenance Agreement with Nissho of California, Inc. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2013-073
 - a. Authorizing the City Manager to execute a one year agreement with Nissho of California, Inc., in an amount not to exceed \$193,000, for Citywide Landscape Maintenance effective July 1, 2013.
 - b. Authorizing the City Manager to extend the agreement for four additional years at the City's option per the terms of the bid.

David Ott, City Manager, introduced the item.

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

Mayor Nichols stated that he sat in on the final 3 interviews with the contractors, that there was specific conversations regarding the City's community character and their understanding of the area, organic and holistic approaches before chemical, and that the final selection was a reputable company.

MOTION: Moved by Nichols and seconded by Heebner. **Motion carried 4/0/1** (Absent: Campbell)

C.1. Council Adoption of Fiscal Year 2013- 14 Workplan. (File 0410-08)

Recommendation: That the City Council

1. Adopt the Fiscal Year 2013-14 Workplan.

David Ott, City Manager, introduced the item.

Council discussed adding a city donation policy, changing the language under economic development fiscal sustainability and reword 'release of RFP' for 'potential release of RFP' for clarification, whether the sidewalk project could be added to the CIP list since the funding was more optimistic now, preliminary look and discussion at the distillery lot but that it was already required within the Housing Element, and replacing the Mayor's Climate Protection Agreement to now say an overall heading like Green house Gas Emissions.

MOTION: Moved by Heebner and seconded by Zahn. **Motion carried 4/0/1** (Absent: Campbell)

C.4. This item # left blank.

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.)

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B.1. Budget Adoption Fiscal Year 2013-14. (File 0330-30)

Recommendation: That the City Council

- 1.

Adopt Resolution 2012-079 approving a budget for Fiscal Year 2013/2014.

David Ott, City Manager, introduced the item.

Marie Berkuti, Finance Manager, presented a PowerPoint (on file) reviewing adjustments, potential new items including employee group negotiations, the new landscape maintenance contract, Fire management agreement, Arts Alive funds that will come from the General Fund going to the TOT fund resulting in a savings, a finance cashiering counter construction additional costs due to bid, Highway 101 MID fund water costs, and the City of Encinitas conveyance from the sanitation fund.

Mayor Nichols stated that the Budget & Finance Commission submitted a letter to the Council regarding this proposed budget, in the blue folder.

MOTION: Moved by Heebner and seconded by Zito. **Motion carried 4/0/1** (Absent: Campbell)

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

C.5. Adopt (2nd Reading) Ordinance 442 - Transient Lodging Facilities. (File 0260-00)

Recommendation: That the City Council

1. Adopt Ordinance 442 related to transient lodging facilities.

David Ott, City Manager, introduced the item.

Johanna Canlas, City Attorney, presented a PowerPoint (on file).

Councilmember Zahn stated that he had talked to the local hotels and was told that they did not copy photo IDs or retain them, that registered guest information was collected including how many adults and kids, but that they were not asking for or tracking names of people unless they issued them an additional key to the room, that children's names were not being taken and tracked, that the information they did collect was kept for 3-5 years, that it was difficult to collect information since many people get into rooms quickly without must front desk communication, that it would not be easy to capture, they had concerns that it would affect their business due to privacy concerns, that guests already expressed concerns about privacy, and that he was still concerned about the privacy, the information begin retained, and that the ordinance was a burden on local business to collect, retain, and photocopy information.

Council and Staff discussed that the same ordinance had been introduced in

the City of Del Mar and City of Encinitas, and that the fact that if the correct information was not provided that it was not the hotel's responsibility.

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

MOTION: Moved by Zito and seconded by Heebner. **Motion carried 3/1/1** (Noes: Zahn. Absent: Campbell)

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 - Heebner, Nichols (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. I-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, Zito. Expires December 5, 2013.
- b. Development Review - Nichols, Heebner. Expires October 23, 2014.
 - c. Environmental Sustainability - Heebner, Zahn. Expires December 5, 2013.
 - d. Fire Department Management Governance - Zito, Zahn. Expires July 10, 2013.
 - e. Fiscal Sustainability - Campbell, Zito. Expires June 11, 2014.
 - f. Gateway Property - Campbell, Heebner. Expires April 9, 2014.
 - g. General Plan - Nichols, Campbell. Expires July 10, 2013.
 - h. La Colonia Park - Nichols, Heebner. Expires June 11, 2014.
 - i. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 22, 2014 or at the California Coastal Commission adoption.
 - j. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 8, 2014.
 - k. View Assessment - Heebner, Zito. Expires June 11, 2014.

ADJOURN:

Mayor Nichols adjourned the meeting at 8:42 p.m.


Angela Ivey, City Clerk

Approved: August 28, 2013