

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, January 24, 2018 * 6:00 P. M.

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

Teleconference: 1307 Country Club Dr., Wilmington, NC 28403 (Nichols)

- City Council meetings are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

CITY COUNCILMEMBERS

Ginger Marshall, Mayor

David A. Zito, Deputy Mayor

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Mike Nichols, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

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

Present: Ginger Marshall, David A. Zito, Jewel Edson, Judy Hegenauer, Mike Nichols

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Corey Andrews, Principal Planner
Dan King, Assistant City Manager

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to approve. **Approved 5/0.** 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.

Judy Strang spoke about the Del Mar Fairgrounds' considering a marijuana event and asked Council to send a letter opposing it.

Peggy Walker spoke about the Del Mar Fairgrounds as a public state property did not command 'pot' events and asked Council to oppose it.

Kelsey Holohan asked about the story poles on Dalia St. and Highway 101 and requested an update on the project.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.6.)

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 December 23, 2017 through January 5, 2018.

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

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Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve.

Approved 5/0. Motion carried unanimously.

A.2. General Fund Adopted Budget for Fiscal Year 2017-2018 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2017-2018 General Fund Adopted Budget.

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

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Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve.

Approved 5/0. Motion carried unanimously.

A.3. Enhancement to the Junior Lifeguard Program by Adding an Elite Junior Lifeguard Session. (File 0270-30)

Recommendation: That the City Council

1. Adopt **Resolution 2018-010** to add the Elite Junior Lifeguard sessions to the Junior Lifeguard program.

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

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Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve.
Approved 5/0. Motion carried unanimously.

A.4. Destruction of Obsolete Records. (File 0170-50)

Recommendation: That the City Council

1. Adopt **Resolution 2018-006** authorizing the destruction of officially obsolete records.

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

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Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve.
Approved 5/0. Motion carried unanimously.

Item pulled by the public for discussion.

A.6. Consideration of Opposition of New Offshore Oil and Gas Drilling. (File 0480-60)

Recommendation: That the City Council

1. Approve **Resolution 2018-007** opposing any new offshore oil drilling and to support any legislation that opposes this proposed plan by the federal administration.

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

[A.6. Supplemental Documents \(1-24-18 updated 4:10pm\) - R](#)

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Greg Wade, City Manager, introduced the item.

Lori Mendez spoke of her support for the item.

Neils Lund said he was from the Solana Beach Eco Rotary Club for environmental sustainability and supported the ban.

Torgen Johnson spoke of his support for the ban and that only the public speaks up about disastrous decisions to demand accountability.

Glen Vickory spoke of his support.

Ira Opper spoke of his support and a reminder of an oil spill in Santa Barbra and how long it took to clean up.

Mayor Marshall stated that she would not be taking a position on the item.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve. **Approved 4/0/1 (Abstain: Marshall).** Motion carried.

C. STAFF REPORTS: (C.1. - C.2.)

Submit speaker slips to the City Clerk.

C.1. 2018 Annual Citizen Commission Appointments. (File 0120-06)

Recommendation: That the City Council

1. Appoint two (2) members to the **Budget and Finance** Commission nominated/appointed by *individual* Councilmembers Marshall and Nichols for two-year terms.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to appoint Sharon Gross (by Nichols) and Judy Hamilton (by Marshall). **Approved 5/0.** Motion carried unanimously.

2. Appoint five (5) members to the **Climate Action** Commission nominated/appointed by *Council-at-large for the following positions:*

Jeff Martin spoke and expressed interest in serving on the Climate Action Commission.

- a. Three (3) *Resident* appointments:
 - Three (3) vacancies for two years terms.
- b. One (1) *Professional* appointment for member of the environmental and/or scientific community (*resident or non-resident*):
 - One (1) position for a two-year term.
- c. One (1) *Councilmember* appointment OR resident or professional, as determined by Council for a two-year term.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to appoint Mary Yang, Jonathan Goodmacher, and Heidi Dewar (a. residents), Jeff Martin b. professional or resident), and Sarah Richmond (c. professional). **Approved 5/0.** Motion carried unanimously.

3. Appoint three (3) members to the **Parks and Recreation** Commission nominated/appointed by *Council-at-large* for two-year terms.

Motion: Moved by Mayor Marshall and second by Deputy Mayor Zito to appoint Jolene Koester, Linda Swindell, and Tracy Richmond. **Approved 5/0.** Motion carried unanimously.

4. Appoint four (4) members to the **Public Arts** Commission nominated/appointed by *Council-at-large* for a two-year term.

Motion: Moved by Mayor Marshall and second by Deputy Mayor Zito to appoint Sharon Klein, Brad Auerbach, and Nancy Pfeiffer. **Approved 5/0.** Motion carried unanimously.

5. Appoint four (4) members to the **View Assessment** Commission:
 - a. Two (2) nominated/appointed by *individual* Councilmembers Marshall and Zito, for two-year terms.
 - b. Two (2) nominated/appointed by Council-at-large for two-year terms.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to appoint Gary Garber (by Marshall), Molly Fleming (by Zito), Paul Bishop, and Pat Coad. **Approved 5/0.** Motion carried unanimously.

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

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C.2. Public Comments on Fire Station Art and Landscape Project. (File 0910-42)

Recommendation: That the City Council

1. Consider the responses and comments received during the 45-day public comment period, receive additional input from the public, provide additional direction as needed and consider adoption of **Resolution 2018-005** which would:
 - a) Approve the "Fire Wall" proposal for the art and landscape project at the Fire Station.
 - b) Authorize the City Manager to negotiate a contract with Betsy Schulz and VDLA for the construction of the Fire Station Art and Landscape Project.

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

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Greg Wade, City Manager, introduced the item

Dan King, Assistant City Manager, presented a PowerPoint (on file).

Council, Staff, and Consultants discussed minor grading proposed with no additional soil, use of a treated wire for the light to match the appearance of the rest of the project, the Public Arts Commission review and input, and maintenance.

Mary Jane Boyd said that she liked the proposed piece with the fire wall concept, colored glass and internal lighting, wondered what maintenance would be needed to keep it clean over time, that it was pedestrian oriented and required extended attention but could create a safety distraction for drivers heading west on Lomas Santa Fe, and that the funds should go directly to the art piece rather than landscaping which could come from another budget.

Cindy Neptune said that she was the co-Chair of the Public Arts Commission and had admiration for Betsy Schultz's work, that she did not feel this was the best piece for this site, that she was one of two people that voted against this project, the site already had two rectangular objects, utility boxes, that the internal lighting 24/7 could pose problem with an electronic malfunction, that maintenance should be addressed, that the openness would easily attract debris from pine needles and dirt from the street, and that she contacted artists out of the area and asked why they did not submit a proposal and they replied that it was due to the budget and the combination of the landscape and art.

Naomi Nussbaum said that she was involved in the Public Art Commission when it was initially established and proud of the program, that she adored Betsy's work, found the Request for Proposal (RFP) confusing, that she was told that the collaboration with landscape was not necessarily required, that sculptures should be dynamic and welcoming and resonate with this fire station, that she submitted a piece on behalf of an artist and was rejected because there was no landscape component, that she liked Betsy's work and the piece but did not think it was appropriate for the area, and recommended to start over.

Irene de Watteville said she was an artist, that the proposal looked like rubies and topaz and would be beautiful at night but was not sure how it would look during the day, what it might look like when it was dusty and wet, whether the palm trees would be kept or not, that a stronger bold sculpture was ideal for this location, to increase the budget for Betsy to increase the boldness, or conduct a new RFP with an increased budget.

Nellie High said she had an art background, had served on the Public Arts Commission, that Betsy was constrained by the proposed budget, and that the RFP was not clear on what was being requested.

Betsy Schultz spoke about maintenance, that LED lights were on a ladder for access and replacement from the top, that it could be sprayed down with water from a hose that would go through it since there was mesh both sides, that pine needles would be a problem so it would recommended to move it away from a location that would not be under pine trees, and that the materials would be metal laser cut with solid glass reminiscent of water.

Council, Staff, and Consultants discussion included whether increasing the budget would trigger a new RFP, that all but one proposal included landscaping based on the budget of \$70,000, whether a mockup of the project would be helpful, that the base would be concrete and was standard colors due to the budget, to consider widening it for more presence, that an increase in budget could allow for a more 3 dimensional look, the glass represented fire, and that Council had discretion to make changes to the piece and budget.

Motion: Moved by Councilmember Nichols and second by Deputy Mayor Zito to approve with input and direction for modifications. **Approved 5/0.** Motion carried.

This Item was pulled by the Council for discussion.

A.5. Consideration of Supporting Legislation to Protect Net Neutrality. (File 0480-70)

Recommendation: That the City Council

1. Approve **Resolution 2018-008** supporting legislation to protect net neutrality.

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

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Greg Wade, City Manager, introduced the item.

Peter Zahn spoke about the diminishment of democracy, that everything could be manipulated, that it could be argued that the Federal Communication Commission (FCC) had authority over internet regulation, that the issue to protect net neutrality was in the interest of residences and businesses and was a local issue, a vote for it would be against local residents and businesses, and that it could affect City government and the fees paid for the operation of government.

Council discussion included that unless one could purchase bandwidth one could not be competitive, that neutrality was a way to ensure that everyone had equal access for small organizations like most in Solana Beach, and that it was a critical impactful issue with high potential of damage to local businesses.

Mayor Marshall said that she felt it was a political grandstanding and that she would not be weighing in on this issue and focusing on City issues.

Motion: Moved by Councilmember Edson and second by Deputy Mayor Zito to approve. **Approved 4/0/1 (Abstain: Marshall).** Motion carried.

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

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)

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

ADJOURN:

Deputy Mayor Marshall adjourned the meeting at 7:45 p.m.

Angela Ivey, City Clerk

Approved: October 10, 2018