

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



# MINUTES

**Joint REGULAR Meeting**  
**Wednesday, May 08, 2019 \* 6:00 p.m.**

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

- 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**

**David A. Zito, Mayor**

**Jewel Edson, Deputy Mayor**

**Judy Hegenauer, Councilmember**

**Kristi Becker, Councilmember**

**Kelly Harless, Councilmember**

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

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**CALL TO ORDER AND ROLL CALL:**

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

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Kristi Becker

Absent: Kelly Harless

Also Present: Greg Wade, City Manager  
Johanna Canlas, City Attorney  
Angela Ivey, City Clerk,  
Dan King, Assistant City Manager  
Mo Sammak, City Engineer/Public Works Dir.  
Marie Berkuti, Finance Manager  
Joseph Lim, Community Development Dir.

**CLOSED SESSION REPORT:** None

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**PROCLAMATIONS/CERTIFICATES:** *Ceremonial*

Bike Month

Mayor Zito presented a proclamation to Doug Jensen for Bike Month and announced two events on May 8<sup>th</sup> and May 16<sup>th</sup>.

## **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.

Ashely Mazanec spoke about the City's CCA, SEA, and its one-year anniversary and an event the San Diego Energy District was holding.

## **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.12.)

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. General Fund Adopted Budget for Fiscal Year 2018-2019 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2018-2019 General Fund Adopted Budget.

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

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

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

Recommendation: That the City Council

1. Ratify the list of demands for April 06 – April 19, 2019.

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

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

#### **A.3. Del Mar Building Services Agreement.** (File 0820-20)

Recommendation: That the City Council

1. Adopt **Resolution 2019-053** authorizing the City Manager to execute an agreement with the City of Del Mar to license space at Solana Beach City Hall for Del Mar building permit and plan check services

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

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.4. Firehouse Subs Grant** (File 0260-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-048:**
  - a. Accepting the awarded equipment from Firehouse Subs Public Safety Foundation grant program.
  - b. Appropriating \$34,098 to Grant Revenue and Fire Department Equipment in the Public Safety Special Revenue fund.
  - c. Authorizing the City Treasurer to amend the Fiscal Year 2018/19 Adopted Budget accordingly.

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

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.5. Emergency Storm Drain Repair Report - Update No. 2** (File 0840-50)

Recommendation: That the City Council

1. Receive Update No. 2 and provide further direction, if necessary.

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

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.6. Quarterly Investment Report.** (File 0350-44)

Recommendation: That the City Council

1. Accept and File the Cash and Investment Report for the quarter ended March 31, 2019.

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

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.7. Community Grant Program Fiscal Year 2019/20.** (File 0330-25)

Recommendation: That the City Council

1. Approve **Resolution 2019-056** authorizing the Fiscal Year (FY) 2019/20 Community Grant Program.

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

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.8. Americans with Disability (ADA) Pedestrian Ramps.** (File 0820-20)

Recommendation: That the City Council

1. Adopt **Resolution 2019-051**:
  - a. Authorizing the City Council to accept as complete the ADA Pedestrian Ramps Project, Bid No. 2018-05, constructed by LC Paving & Sealing.
  - b. Authorizing the City Clerk to file a Notice of Completion.

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

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.9. City Streets Concrete Repairs Project, Bid 2019-02.** (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2019-050**:
  - a. Awarding the construction contract to Dick Miller Inc, in the amount of \$71,081, for the 2019 City Streets Concrete Repairs Project, Bid 2019-02.
  - b. Approving an amount of \$10,000 for construction contingency.
  - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
  - d. Authorizing the appropriation of \$76,161 to the project budget unit in the Gas Tax fund.
  - e. Authorizing the appropriation of \$3,800 in developer deposits into the project budget unit in the City CIP fund.
  - f. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

[Item A.9. Report \(click here\)](#)

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.10. As-Needed, Repair Services Agreement for City-wide Facilities.** (File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2019-055**:

- a. Authorizing the City Manager to execute an agreement with Lalley Construction, in the amount of \$14,000, for on-call, as-needed repair services for Fiscal Year 2019/2020.
- b. Authorizing the City Manager to renew the agreement, on a yearly basis, for the next four years at the City's option.

[Item A.10. Report \(click here\)](#)

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.11. Traffic Signal Modification Improvements at the Lomas Santa Fe/Nardo Intersection.** (File 0860-55)

Recommendation: That the City Council

1. Adopt **Resolution 2019-045**:
  - a. Approving an amendment to the Professional Service Agreement with STC Traffic, Inc. to increase the agreement by \$10,000, for preparation of design plans, specifications and cost estimate for signal and intersection modifications to improve pedestrian safety at Lomas Santa Fe and Nardo, for a not-to-exceed agreement amount of \$20,000 for the 2018/2019 fiscal year.
  - b. Authorizing the City Manager to execute the amendment to the Professional Services Agreement on behalf of the City.

[Item A.11. Report \(click here\)](#)

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.12. Fire Replacement Vehicle for the Fire Department.** (File 0370-26)

Recommendation: That the City Council

1. Adopt **Resolution 2019-047** authorizing the purchase of a Ford F-250 XLT Four-Wheel Drive Pickup Truck, including outfitting of the vehicle, for an amount not to exceed \$92,800 for use by the Fire Battalion Chief.

[Item A.12. Report \(click here\)](#)

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**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**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 designee(s) 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. Public Hearing: 221 North Acacia Avenue, Applicant: Thompson, Case 17-18-27.** (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, could be found to be consistent with the General Plan and may be found to be 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 (Development Review Permit) and administratively issue a SDP (Structure Development Permit). 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 2019-052** conditionally approving a DRP and an SDP to remodel the existing single-family residence, construct a first floor addition, and new second story and perform associated site improvements 221 N. Acacia Avenue, Solana Beach.

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

[Item B.1. Supplemental Docs \(Updated 5-8 at 5:30pm\)](#)

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Greg Wade, City Manager, introduced the item

Regina Ochoa, Assistant Planner, presented a PowerPoint (on file).

Mayor Zito opened the public hearing.

Council disclosures.

Gary Cohen, Applicant representative, reviewed the project's features, compatibility with many homes in the area, plans to install charging station for electric cars, and adding solar iF it fit within the budget or adding it in the future.

Scott Thompson, applicant, spoke about his family, his family's background in the community, and their interest in this home.

Council and Applicant discussed the tandem garage and the couple's schedules working fine with that design, the incorporation of EV chargers and solar panels, the design of a flat front, considering pushing back the master bedroom portion to fit better with the setbacks of the adjacent homes, the significant costs along with the grading in order to build a second-story addition outside of the footprint of the existing structure, issues of integrating

a remodel with existing walls and footprint, pushing back or removing the roof covering over the second-story, and a gable that hung out over it.

**Motion:** Moved by Councilmember Edson and second by Councilmember Becker to close the public hearing. **Approved 4/0/1** (Absent: Harless). Motion carried.

Council discussed that the good design, environmentally smart, some lack of articulation, cost of some changes, and the Applicant's willingness to reduce the overhang over the patio.

**Motion:** Moved by Councilmember Edson and second by Councilmember Becker to reopen the public hearing. **Approved 4/0/1** (Absent: Harless). Motion carried.

Council and the Applicant discussed whether they would be open to reducing the overhang to a standard overhang over the patio, that the gable projects out 1 – 1 ½ ft., and that the Applicant would agree to do a standard two feet.

**Motion:** Moved by Councilmember Edson and second by Councilmember Hegenauer to close the public hearing. **Approved 4/0/1** (Absent: Harless). Motion carried.

**Motion:** Moved by Councilmember Edson and second by Councilmember Becker to approve with additional condition reducing the second story overhang to a standard overhang of 2 ft. **Approved 4/0/1** (Absent: Harless). Motion carried.

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

**C.1. Shared Mobility Pilot Program Operator License Agreement with Gotcha Mobility, LLC.** (File 0840-40)

Recommendation: That the City Council

1. Adopt **Resolution 2018-059** authorizing the City Manager to enter into the Shared Mobility Device Pilot Program Operator License Agreement with Gotcha Mobility, LLC.

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

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Greg Wade, City Manager, introduced the item and said that Gotcha Mobility is a combined effort for shared mobility of bikes within the cities of Oceanside, Del Mar, Encinitas, and Solana Beach, and was working with Camp Pendleton and NCTD.

Dan King, Assistant City Manager, presented a PowerPoint (on file) reviewing the meeting of cities and the goal to select one vendor for the north region, to be more orderly and consistent with the connecting cities of Del Mar and Encinitas which had approved an operator license, possible issues that may occur, the program starting with 100 bikes in Solana Beach, a requirement of geo-fencing and rapid response from the vendor if issues did

arise, sponsorship, and liability.

Stefan Winkler, Gotcha Mobility, presented a PowerPoint (on file) reviewing the purpose and history of the company, bike design, system of storage, maps and guidelines, responsibility, addressing issues raised, and how they differ from other companies.

David Townsend, Gotcha, spoke about hiring a community manager, brand ambassadors, and fleet mechanics to rebalance bikes among hubs for availability and recharge batteries, what determines the size of needed staffing, reserving bikes, age requirements, ride data, riders using the bikes without smartphones, and a timeline for implementing the program.

Council and Staff discussed the use of SEA green power, modifying the language regarding sold data, and the number of bikes to start with.

**Motion:** Moved by Councilmember Edson and second by Councilmember Hegenauer to approve with modified language. **Approved 4/0/1** (Absent: Harless). Motion carried.

Mayor Zito recessed the meeting at 7:51 p.m. for a break and reconvened at 7:56 p.m.

## **C.2. Solid Waste Rate Review Prop 218 Notification.** (File 1030-15)

Recommendation: That the City Council

1. Adopt **Resolution 2019-057** setting the Solid Waste Rate Review Public Hearing protest vote for June 26, 2019.

### [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) explaining the rate increase would be for a recycling program of organic/food waste in order to comply with mandatory state requirements. He spoke about the goals to reduce landfill waste by 50% for 2020 and 75% for 2025, third party haulers could also dispose of this type of waste through EDCO's anaerobic digester, which still have to be built.

Steve South, EDCO, CEO, said that the program would be implemented through 2025, starting with commercial generators who service residential and commercial recycling since these already had a green waste container in their program, and that those without a source separator program would be transitioned in later.

Council, Staff and Mr. South discussed processes for commercial and restaurant waste, the approximate 3,300 single family residents and 114 business would be impacted for the required participation, how a customer could begin participating, whether those without any green waste would receive the rate increase, self-haulers will be more difficult to manage, that there were 1,383 goals of reducing methane from landfills, that community educational



workshops would be useful, and that the provider would have videos, tools, tracking of the building of the facility, and that this time was to set the public hearing date.

**Motion:** Moved by Councilmember Edson and second by Councilmember Hegenauer to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

### **C.3. Fiber Optic Cables in Public Right-of-Way Construction.** (File 1000-10-05)

Recommendation: That the City Council

1. Receive the report and provide feedback on the terms of the proposed Template Agreement for Fiber Optic Cables in the Public Right of Way.

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

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Greg Wade, City Manager, introduced the item related to fiber optic networks within the City, and stated that it was for a framework encroachment agreement, that when a request is made to encroach in the city's public right-of-way, the City utilizes an agreement to protect the right-of-way and what is placed in it, and the Public Utilities Commission or the Federal Communications Commission issues a certificate to these carriers, the City needs to review whether it should have a more in depth agreement strictly regulating time, place, and manner. He said that this issue came up due to a recent request submitted by a provider and another provider was preparing to submit a request, that much discussion had taken place with the current requestor in terms of details to ensure the right-of-way is maintained in an appropriate manner and not impaired by the placement of these facilities, that the agreement would allow some flexibility to negotiate the appropriate placement including zoning, pedestrian walkways, etc.

Elizabeth Mitchell, Deputy City Attorney, stated that the City would be exerting reasonable control over the right-of-way, which was required under the law, that whatever agreement is chosen to apply to the first provider would be applied to all future providers to make the treatment of all of them similar.

Council and Staff discussed the City could not prohibit providers from using the right-of-way for these services, the definition of the right-of-way is in the California Government Code, the reference to a 5 yr. period as a starting point was because it would be the first and a local example and maybe based on size of the provider and their funding, the provider was concerned about the short length of a 5 yr. term, law changes rapidly, whether the SEC (Securities Exchange Commission) would give local government more control in the future, exert responsible manner and measures to regulate time, place, manner, that the standard used could not be an effective prohibition, that the fiber optic agreement would apply somewhat to 5G but not necessarily, the cross trenching in the street and how they are all required to meet the same rules, notification requirement of at least a two weeks could be added, and the concern to ensure the work was high quality and done well. Council reached some consensus to direct Staff to include the noticing requirement and a 5-year period.

**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:** [Council Committees](#)

**REGIONAL COMMITTEES: (outside agencies, appointed by this Council)**

**STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)**

**ADJOURN:**

Mayor Zito adjourned the meeting at 9:03 p.m.

Angela Ivey, City Clerk

Approved: September 16, 2019