

# 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 28, 2017 \* 6:00 P. M.

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

Teleconference Location: Monterey Marriott, 350 Calle Principal, Monterey, CA 93940 (Edson)

- 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

Mike Nichols, Mayor

Ginger Marshall, Deputy Mayor

David A. Zito, Councilmember

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

### CALL TO ORDER AND ROLL CALL:

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

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

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  
Bill Chopyk, Community Development Dir.  
Dan King, Assistant City Manager

### CLOSED SESSION REPORT: (when applicable)

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

### FLAG SALUTE:

### APPROVAL OF AGENDA:

**Motion:** Moved by Councilmember Zito and second by Deputy 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.

Nelly Cervantes said she was the Hispanic representative from the San Diego County Fair and invited the community to the event.

## **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.10.)

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.** This Item was left blank.

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

Recommendation: That the City Council

1. Ratify the list of demands for May 27, 2017 through June 9, 2017.

#### **Item A.2. Report (click here)**

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

**Approved 5/0.** Motion carried unanimously.

**A.3. General Fund Adopted Budget for Fiscal Year 2016-2017 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2016-2017 General Fund Adopted Budget.

#### **Item A.3. Report (click here)**

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

**Approved 5/0.** Motion carried unanimously.

**A.4. League of California Cities' 2017 Annual Business Meeting Voting Delegates Designees.** (File 0140-10)

Recommendation: That the City Council

1. Appoint Mayor Nichols, primary voting delegate, Councilmember Edson, 1<sup>st</sup> alternate, and City Manager, Gregory Wade, 2<sup>nd</sup> alternate, as the voting delegates for the 2017 Annual Business Meeting of the League of California Cities Annual Conference being held September 13-15 in Sacramento, or provide alternative appointments.
2. Authorize the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities by September 1, 2017.

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

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

**A.5. City Hall Passenger Elevator Upgrades.** (File 0710-35)

Recommendation: That the City Council

1. Adopt **Resolution 2017-089**:
  - a. Authorizing the City Engineer to accept as complete the City Hall Passenger Elevator Upgrades, Bid No. 2016-07, constructed by 24 Hour Elevator, Inc.
  - b. Authorizing the City Clerk to file a Notice of Completion.

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

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

**A.6. Wastewater Bond Refunding Professional Services Agreements.** (File 0340-45)

Recommendation: That the City Council

1. **Resolution 2017-108** authorizing the City Manager to execute a Professional Services Agreement with Del Rio Advisors, LLC for Municipal Advisors services in connection with the possible refinancing of the 2006 Bonds.
2. **Resolution 2017-109** authorizing the City Manager to execute a Professional Services Agreement with Kronick Moskovitz Tiedemann & Girard for Bond Counsel services in connection with the possible refinancing of the 2006 Bonds.
3. **Resolution 2017-110** authorizing the City Manager to execute a Professional Services Agreement with Quint & Thimmig, LLP for Disclosure Counsel services in connection with the possible refinancing of the 2006 Bonds.

4. **Resolution 2017-111** authorizing the City Manager to execute a Professional Services Agreement with Hilltop Securities for Underwriting services in connection with the possible refinancing of the 2006 Bonds.

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

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

**Approved 5/0.** Motion carried unanimously.

**A.7. Special Legal Services – Nossaman LLP.** (File 0400-05)

Recommendation: That the City Council

1. Adopt **Resolution 2017-102** approving the Professional Services Agreement for Legal Services with Nossaman LLP and to authorize the City Manager to execute the agreement.

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

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

**Approved 5/0.** Motion carried unanimously.

**A.8. Sewer and Storm Drain Maintenance and Video Inspection.** (File 1040-48)

Recommendation: That the City Council

1. Adopt **Resolution 2017-097:**
  - a. Waiving the formal construction bid process because the Request for Proposals (RFP) process provides a more efficient, effective, and convenient method for hiring a sewer maintenance contractor that would provide the higher level of service required pursuant to Solana Beach Municipal Code section 3.08.140(G).
  - b. Awarding a contract to Affordable Pipeline Service, Inc. in the amount not to exceed \$431,170, in Fiscal Year (FY) 2017-18, for the Sewer and Storm Drain Maintenance and Video Inspection Agreement.
  - c. Authorizing the City Manager to execute the contract on behalf of the City.
  - d. Authorizing the City Manager to extend the agreement for up to four additional one year terms, at the City's option, at an amount not to exceed the amount identified and budgeted for each subsequent year.

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

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

**Approved 5/0.** Motion carried unanimously.

**A.9. Debt Management Policy.** (File 0340-80)

Recommendation: That the City Council

1. **Resolution 2017-107** approving the City of Solana Beach's Debt Management Policy.
2. **Resolution SA-019** approving the Successor Agency's Debt Management Policy.
3. **Resolution PFA-004** approving the Solana Beach Public Financing Authority's Debt Management Policy.

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

[A.9. Updated Report #1](#)

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

**A.10. City of Solana Beach's Commitment to the Paris Climate Agreement.** (File 0230-25)

Recommendation: That the City Council

1. Reaffirm the City's commitment to the goals of the Paris Climate Agreement by confirming the decision to sign on to the "We Are Still In" Open Letter and consider signing on to the U.S. Climate Mayors commitment.

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

[A.10. Supplemental Documents - R](#)

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This item was pulled for discussion by the public.

Greg Wade, City Manager, introduced the item.

Kristi Becker said she served on the Climate Action Commission and shared her support.

Councilmember Hegenauer said that this was a stronger commitment than before and that it was the most critical danger of the time and for future generations to come.

Councilmember Zito said that City had been involved with this for a long time and that he would suggest that it include having the Mayor sign in on the Mayor's Commitment as a meaningful additional step.

Deputy Mayor Marshall said that everyone wanted clean air and water, she had solar on her house, that she supported Trump's pulling out of the Climate Agreement because it was an unfair agreement loaded with spending funds without accountability from other counties, that she was in support of Solana Beach doing what it could to reduce greenhouse gases but was not in favor of the Paris Agreement.

Mayor Nichols stated that the community had made a decision to support this in the past, to be a leader in the region because the community believed the environment was something worth protecting, and that it was important that the leaders of the community put it in writing so it was clear.

**Motion:** Moved by Councilmember Zito and second by Mayor Nichols to approve. **Approved 4/1** (Noes: Marshall). Motion carried.

**B. PUBLIC HEARINGS:** (B.1. – B.4.)

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. Public Hearing: Introduce (1st Reading) Ordinance 479 Authorizing a Transportation Impact Fee Program – Establishing the Transportation Impact Fee.** (File 0840-10)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Introduce **Ordinance 479** establishing the Transportation Impact Fee.
3. Adopt **Resolution 2017-018**:
  - a. Accepting the Transportation Impact Fee Program Nexus Study, dated June 2017.
  - b. Establishing the TIF and determining that the TIF shall be paid based upon the use of land set forth in the fee rate table included in the Transportation Impact Fee Program Nexus Study, dated June 2017.
  - c. Establishing that the TIF shall become effective upon the effective date of Ordinance 479.

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

[B.1. Updated Report #1](#)

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Greg Wade, City Manager, introduced the item.

Mo Sammak, Public Works/Engineering Dir., presented a PowerPoint (on file).

Skip Shank, EFS Engineering (subcontractor to CRA), author of the Nexus study, presented a PowerPoint (on file) and discussed analysis of improvements, total mobility network, cost of duplicative facilities and TIF program costs.

Council, Staff and Stephen Cook, Chen Ryan Associates, discussed the projections from SANDAG, possible exemptions such as accessory dwelling units, and fees.

### Public Speaker

Michael McSweeney said that he was a senior advisor with San Diego Building Association, that developer fees were not justified since they were essentially paid by residents and that that it would be a negative effect on attracting future development in the City.

Council, Staff and Consultant discussed the Nexus study's outlined benefits, burdens, and how they were apportioned, funding and cost mechanisms, and how the residential fees were calculated

**Motion:** Moved by Councilmember Edson and second by Councilmember Zito to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Council and Staff discussed that this an identified mitigation for 2014 General Plan Amendment and that Accessory Dwelling Units were given preference removing constraints to ensure affordability.

Deputy Mayor Marshall said that she reviewed the 2015 San Diego Door to Lower Housing Study and that she was not supportive of a \$15,000 or \$3,900 fee on an ADU (Accessory Dwelling Unit) on a new property.

Council discussion continued that the mitigation fee was created to give the City flexibility to use the funds based on the community's needs and input and consideration in the future regarding waiving the impact fee for an Accessory Dwelling Units.

**Motion:** Moved by Councilmember Zito and second by Mayor Nichols to approve. **Approved 4/1** (Noes: Marshall). Motion carried.

### **B.2. Public Hearing: Streetlight Assessment for Fiscal Year 2017-18.** (File 0497-30)

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. Adopt **Resolution 2017-100** 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 2017-101** ordering the levy and collection of annual assessments for FY 2017-18.

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

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Greg Wade, City Manager, introduced the item.

Angela Ivey, City Clerk, reported that no protests were received.

**Motion:** Moved by Councilmember Zito and second by Deputy Mayor Marshall to close the public hearing. **Approved 5/0.** Motion carried unanimously.

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

**B.3. Public Hearing: 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 Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt **Resolution 2017-098**, amending and/or approving the Engineer's Report regarding the Coastal Rail Trail Maintenance District.
3. Adopt **Resolution 2017-099**, ordering the levy and collection of the annual assessments regarding the Coastal Rail Trail Maintenance District for Fiscal Year 2017/18.

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

[B.3. Updated Report #1](#)

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Greg Wade, City Manager, introduced the item.

Angela Ivey, City Clerk, reported that no protests were received.

**Motion:** Moved by Councilmember Zito and second by Deputy Mayor Marshall to close the public hearing. **Approved 5/0.** Motion carried unanimously.

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

**B.4. Public Hearing: Commercial Solid Waste Rate Increases Fiscal Year (FY) 2017-18.** (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. Following the Public Hearing, if the City does not receive written protests against the proposed increases to the rates for the trash collection fees by a majority of



owners of the parcels within the City, adopt **Resolution 2017-104** approving EDCO's rate review request increasing commercial solid waste and recycling rates for FY 2017-18 in accordance with the Franchise Agreement.

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

[B.4. Updated Report #1](#)

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Greg Wade, City Manager, introduced the item and said that an increase had not been proposed for the last 3 years.

Angela Ivey, City Clerk, reported that no protests were received.

**Motion:** Moved by Deputy Mayor Marshall and second by Councilmember Zito to close the public hearing. **Approved 5/0.** Motion carried unanimously.

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

### **C. STAFF REPORTS:** (C.1. - C.3.)

*Submit speaker slips to the City Clerk.*

#### **C.1. General and Specialized Law Enforcement and Traffic Services Agreement.**

(File 0250-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-112** authorizing the City Manager to execute the Agreement for General and Specialized Law Enforcement and Traffic Services between the City of Solana Beach and the County of San Diego for a five-year term beginning July 1, 2017 through June 30, 2022.

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

[C.1. Updated Report #1](#)

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Greg Wade, City Manager, introduced the item and presented a PowerPoint (on file).

Council, Staff, and Captain Brown discussed that the contract did not include pension funding for sheriff, legal fees, settlement payments, and that liability insurance is a payment made into an escrow account which has not changed for a decade, that many fees of running an independent law enforcement department are included in this contract providing savings to the City.

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

**C.2. Refunding Of Solana Beach Public Financing Authority, Subordinate Wastewater Revenue Bonds, Series 2006.** (File 0340-45)

Recommendation: That the City Council

1. Approve **Resolution 2017-105** authorizing the issuance and sale of Wastewater Revenue Refunding Bonds and approving certain other actions in connections therewith.

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

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Greg Wade, City Manager, introduced the item

Ken Dieker, Del Rio Advisors, presented a PowerPoint (on file).

**Motion:** Moved by Councilmember Zito and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

**C.3. Adopt (2nd Reading) Ordinance 477 Subjecting the City of Solana Beach to the California Uniform Public Construction Cost Accounting Act.** (File 0370-28)

Recommendation: That the City Council

1. Adopt **Ordinance 477** that details the formation of the Solana Beach Uniform Public Construction Cost Accounting Policies and Procedures.

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

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Johanna Canlas, City Attorney, read title of ordinance.

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

**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)**

- a. City Selection Committee (meets twice a year) – Nichols (Edson, alternate).
- b. County Service Area 17 – Marshall (Nichols, alternate).
- c. Escondido Creek Watershed Authority – Marshall/Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee – Nichols (Edson, alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee – Nichols (Edson, alternate)
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) – Nichols (Edson, alternate)
- g. North County Dispatch JPA – Marshall (Edson, alternate).
- h. North County Transit District – Edson (Nichols, alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols (Hegenauer, alternate).
- j. SANDAG – Zito (Primary), Edson (1<sup>st</sup> alternate), Nichols (2<sup>nd</sup> alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee – Zito (Hegenauer, alternate).
- l. San Dieguito River Valley JPA – Hegenauer (Nichols, alternate).
- m. San Elijo JPA – Marshall, Zito (City Manager, alternate).
- n. 22<sup>nd</sup> Agricultural District Association Community Relations Committee – Marshall, Edson.

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

- a. Business Liaison Committee – Zito, Edson.
- b. Highway 101 / Cedros Ave. Development Committee – Edson, Nichols.
- c. Fire Dept. Management Governance & Organizational Evaluation – Edson, Hegenauer
- d. I-5 Construction Committee – Zito, Edson.
- e. Parks and Recreation Committee – Nichols, Zito
- f. Public Arts Committee – Marshall, Hegenauer.
- g. School Relations Committee – Nichols, Hegenauer.

## **ADJOURN:**

Mayor Nichols adjourned the meeting at 7:50 p.m.

Angela Ivey, City Clerk

Approved: October 11, 2017