

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



MINUTES

Joint REGULAR Meeting

Wednesday, October 11, 2017 * 6:00 P. M.

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

Hyatt Regency Atlanta, 265 Peachtree Street NE, Atlanta, GA 30303 (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](#).

PUBLIC MEETING ACCESS

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live on Cox Communications-Channel 19, Time Warner-Channel 24, and AT&T U-verse Channel 99. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's website.

AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch Library (157 Stevens Ave.), La Colonia Community Ctr., and online www.cityofsolanabeach.org. Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings. Writings and documents regarding an agenda of an open session meeting, received after the official posting, and distributed to the Council for consideration, will be made available for public viewing at the same time. In addition, items received at least 1 hour 30 minutes prior to the meeting time will be uploaded online with the courtesy agenda posting. Materials submitted for consideration should be forwarded to the City Clerk's department 858-720-2400. The designated location for viewing public documents is the City Clerk's office at City Hall during normal business hours.

SPEAKERS

Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker's slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports.

AMERICAN DISABILITIES ACT TITLE 2

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office (858) 720-2400 at least 72 hours prior to the meeting.

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode
and engage in conversations outside the Council Chambers.

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
Corey Andrews, Principal Planner
Danny 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.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

- Great Shakeout

Mayor Nichols presented a proclamation to Fire Chief Mike Stein. Chief Stein reviewed basic tips for earthquakes and reported on local fire fighters assisting in hurricane relief and current California wildfires.

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

- San Elijo Restoration

Doug Gibson, title, San Elijo Lagoon Conservancy, presented a PowerPoint (on file).

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.

Assemblyman Todd Gloria reviewed the passage of SB1 (Legislative Transportation Package) for transportation projects for the San Diego region, the Cap-and-Trade program extension until 2030, and support for the CCA (Community Choice Aggregation).

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.4.)

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 September 9 – 22, 2017.

Item A.1. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

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

Approved 5/0. Motion carried unanimously.

A.3. 2016 Sewer Pipeline Repairs Notice of Completion. (File 1040-36)

Recommendation: That the City Council

1. Adopt Resolution 2017-142
 - a. Authorizing the City Council to accept as complete the 2016 Sewer Repair Project, Bid No. 2016-04, performed by Sancon Technologies.
 - b. Authorizing the City Clerk to file a Notice of Completion.

Item A.3. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

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

Approved 5/0. Motion carried unanimously.

A.4. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held June 28, 2017.

See Approved Minutes http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC

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

Approved 5/0. Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1. – B.2.)

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. 246 Barbara Avenue, Applicants: Kristin Brinner & Chris Novak, Case 17-16-07. (File 0600-40)

Recommendation: The proposed project meets the minimum zoning requirements under the SBMC, 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. Therefore, Staff recommends 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. 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 2017-069** conditionally approving a DRP to demolish the existing residence and construct a new 2,857 square foot, two-story, single-family residence with an attached carport and associated site improvements at 246 Barbara Avenue, Solana Beach.

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

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

[B.1. Supplemental Documents \(as of 10-11-17, 1:30pm\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Kristin Brinner, applicant, stated that they updated the landscape plan to remove a tree and shrubs that the neighbor had objected to, that they had come to an agreement with the neighbors to not increase the bulk, size, and scale of the home, install the solar panels so that they were flat on the roof minimizing any increase in height.

Randy Howell said he lived adjacent to the property, that the story poles helped provide visual evidence that was needed by the neighbors, and that the opposing neighbors had come to an agreement with the applicants.

Council discussed that the revised landscape plan that was certified by the City's 3rd party

consultant, would have lower water use than before, that the story poles helped with a better understanding of the project, and that solar panels would be a condition as governed by state law.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Marshall to close the public hearing. **Approved 4/0/1** (Recused: Nichols) Motion carried.

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

B.2. Introduce (1st Reading) Ordinance 481 Related to Regulations for Wireless Communication Facilities and Consider Revisions to Council Policy 21. (File 0610-10)

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. Introduce **Ordinance 481**
 - a. Finding the project exempt from the California Environmental Quality Act pursuant to Sections 15378 and 15061(b)(3) of the State CEQA Guidelines; and
 - b. Amending SBMC §17.60.120(G)
3. Adopt **Resolution 2017-151** approving revisions to Council Policy No. 21

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

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

Mayor Nichols opened public hearing.

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.

C. STAFF REPORTS: (C.1. - C.5.)

Submit speaker slips to the City Clerk.

C.1. Community Choice Aggregation (CCA) Development and Implementation. (File 1010-40)

Recommendation: That the City Council

1. Authorize the City to move into Phases 2 and 3 of CCA program development and implementation.

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

[C.1. Supplemental Documents \(as of 10-11-17, 5:45pm\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item and stated that this had started around 2010-2011 with a lot of work being done over time including putting together a feasibility or technical study to look carefully at options there were for the City to embark on this opportunity. He said that several models were studied and the focus was to proceed with a cost effective option without putting any costs on the tax payers or exposing the City's general fund to risk, that Joint Powers Authorities (JPAs) could be expensive to fund and start up so the best opportunity for the City to pursue was to look at a City-only CCA, leaving open the possibility of a JPA or a hybrid JPA that could be pursued with other cities within the county of San Diego in the future.

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

John Putz, The Energy Authority, TEA, continued the same PowerPoint (on file)

Dan King, Assistant City Manager, continued the PowerPoint

Jim Wang said he was with the Encinitas Environmental Committee but was speaking for himself, that he encouraged Solana Beach to go ahead with implementing Phases 2 and 3, that 13% revenue retention was large and would allot funding to parks, home efficiency upgrades, rebates, and that residents should be able to choose the type of power they desired (solar, wind, coal, etc.).

Patti Larchet said she was a resident and Board Member of the Climate Action Campaign, that 70 cities and 9 counties already had experience in this area, and asked Council to pass Phases 2 and 3.

Al Evans said that things were moving too fast and there were many unknowns, that he wanted to know the down side and risks to the City and rate payers, why the City was not working with other north county cities, and how it would impact SDG&E costs.

Dave Clemmons (time donated by Cindi Clemmons) said that choice was good, that other choices were available through Sempra and SDG&E eco choices, that he supported forming a CCA but did not support it at this time, to let the City of San Diego forge their CCA against SDG&E first and monitor their success and learn from their lessons, to consider forming a regional CCA alliance with other north county cities to share the risks, and to hold off until next summer to allow the PCIA ruling to be settled and determine that impact.

Lane Sharman (time donated by Erica Morgan) said that he moved to Solana Beach in 2008 and joined the Clean & Green Committee, that he was the co-founder of San Diego Energy District, that Marin Clean Energy launched the first CCA in 2010, to resolve who

would be the banking resource handling the lock box, and asked Council to approve with unanimous vote.

Nicole Capretz, Climate Action Campaign, said that she was in favor of Community Choice that the City should not delay.

Lindsey Bazzet read a letter from her husband Torgen Johnson that said that public was stuck with huge expenses and risks of a nuclear power plant delivered by power utilities, to give the community a voice and a choice, and recommended that Council proceed.

Mary Yang said that she was trained as a PhD Scientist and was Co-Founder of a Bio-Tech Company and that she had attended a Science and Policy discussion at Scripps Institute regarding climate change, that solution to avert a catastrophe was to scale up community plans which included CCA's, that the City did not need to wait for San Diego, and urged Council to move forward.

Ty Tosdal said that he urged Council to move forward with CCA program, that he looked forward to being a customer, that moving forward now would not preclude forming an alliance with other cities or counties in the future.

Kelly Harless stated that this was not a fast tracked process and that the City and community had been talking about it for a long time in a transparent fashion, that she did not have the expertise to recommend approval or postponement but that she was confident with the research completed and data gathered, and that Council would make the right decision.

Mayor Nichols recessed the meeting for a break at 8:05 p.m. and reconvened at 8:16 p.m.

Council and Staff discussed PCIA, updated annual basis, IOUs, that Phase 2 would involve the City paying for consultants up to \$156k, that additional costs would be absorbed by the CCA and not by the City, that Staff costs had been factored into the proforma which could be adjusted down, planning for risks, that it was fiscally conservative as the City's general funds were not at risk, and that all CCA's had been successful so far so the lock box had not been legally tested.

Discussion continued regarding other capital outlay, that Lancaster took a loan from the City to start and was paid back quickly due to operational revenue, that energy markets were very liquid, that the City was large enough, that the consultant was a nonprofit designed to service public entities, that it was the right move for the City, and that SDG&E now offered 100% because CCA's had formed.

Deputy Mayor Marshall said that she still had some concerns about PCIA charges, to partner up with a JPA format of other cities, that she had solar panels, and that she could not support it at this time.

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

C.2. Lomas Santa Fe / I-5 Pedestrian and Bicycle Improvements. (File 0820-75)

Recommendation: That the City Council

1. Receive this report and provide further direction if necessary.

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

[C.2. Supplemental Documents \(as of 10-10-17, 12pm\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item

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

Council discussion.

C.3. Marine Safety Center Preliminary Design Request for Proposals. (File 0730-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-146** authorizing the City Engineer to issue a Request for Proposals for preliminary engineering and discretionary permit processing for the Marine Safety Center at Fletcher Cove Park.

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

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed the size of the project.

C.4. Glencrest Drive Emergency Storm Drain Relocation and Drainage Easement Vacation. (File 0850-40)

Recommendation: That the City Council

1. Adopt **Resolution 2017-144**:
 - a. Receiving this report detailing the specifics of the emergency nature of this project;
 - b. Making a finding, based on substantial evidence set forth in the Staff Report, that an emergency existed in the City due to the public safety hazard posed by the sink hole and potential roadway impacts from diverting the storm runoff onto the roadway, that the emergency did not permit a delay resulting from a competitive solicitation for bids, and that the action was necessary to respond to the emergency;
 - c. Ratifying the City Manager's decision for the emergency storm drain repairs located at 473 and 521 Glencrest Drive and relocating the storm drain system into the street right-of-way under the authority of Section 3.08.060 of the Solana Beach Municipal Code (SBMC) which states that the City Manager may make emergency purchases that exceed \$25,000 in response to conditions

- that endanger life, health or safety and that those emergency purchases are free from the provisions of Chapter 3.08 of the SBMC;
- d. Authorizing the City Manager to pay all invoices associated with the emergency storm drain repairs located at 473 and 521 Glencrest Drive and relocating the storm drain system into the street right-of-way;
 - e. Authorizing the City Council to accept as complete the Glencrest Drive emergency storm drain repairs performed by PAL General Engineering and authorizing the City Clerk to file a Notice of Completion.

2. Adopt **Resolution 2017-150**:

- a. With respect to the drainage easement vacation described in the legal description marked as Exhibit "A," and shown on Exhibit "B," finding:
 - i) The easement has been superseded by relocation and there are no other public facilities located within the easement.
 - ii) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.
- b. Approving the Drainage Easement Vacation, more particularly described in the legal description marked as Exhibit "A," and shown on Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.
- c. Authorizing the City Clerk to record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

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

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Greg Wade, City Manager, presented a PowerPoint (on file).

Joe Kellejian said that the sink hole was between his neighbor's garage and his home, that he supported the resolutions, it was important that the City have a list of what is owned by the City and the properties' conditions to prevent something like this, and asked what the composition of the walk way would be, and if the City was going to maintain the pedestrian walkway on this corner.

Staff said that the plan was to install decomposed granite and that the area would be maintained by the City.

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

C.5. City Manager Employment Contract. (File 0530-15)

Recommendation: That the City Council

- 1. Adopt **Resolution 2017-152** authorizing the Mayor to execute the Second Amendment to the employment agreement between the City of Solana Beach and Gregory Wade to reflect the three percent increase in base salary and the additional two thousand dollars towards deferred compensation.

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

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Johanna Canlas, City Attorney, recited the resolution content.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Marshall to approve and remove the term limit on this contract and add a clause that outlines severance in a separation agreement. **Approved 5/0.** Motion carried unanimously.

ADJOURN:

Mayor Nichols adjourned the meeting at 9:45 p.m.

Angela Ivey, City Clerk

Approved: January 10, 2018