

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, November 8, 2017 * 6:00 P. M.

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

Teleconference Location: 401 E 13th Street, Vancouver, WA. 98660 (Zito)

- 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, said that the City Council authorized the City Manager to execute an agreement for the settlement of the case that the City of Solana Beach filed against the 22nd Agricultural District Association. The settlement agreement will be available once it has been executed.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

1. Red Ribbon Week

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

1. Sheriff's Captain Update - John Maryon, Sheriff's Captain.

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.

Susan McEachern – Friends of the Library

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.7.)

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held July 12, 2017, August 23, 2017, and September 12, 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 Edson and second by Deputy Mayor Marshall to approve. **Approved 5/0.** Motion carried unanimously.

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

Recommendation: That the City Council

1. Ratify the list of demands for September 23 – October 20, 2017.

Item A.2. 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 Edson and second by Deputy Mayor Marshall to approve. **Approved 5/0.** Motion carried unanimously.

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

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

A.4. Housing Successor Annual Report for Fiscal Year 2015-16. (File 0115-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-155** approving the Housing Successor Annual Report for Fiscal Year 2015/16 as submitted and directing City Staff to file the report with a resubmittal of the 2016 Annual Housing Element Progress Report with the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

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

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

A.5. Other Postemployment (OPEB) Actuarial Valuations Agreement. (File 0350-55)

Recommendation: That the City Council

1. Adopt **Resolution 2017-154** authorizing the City Manager to approve a Professional Services Agreement with Bartel Associates for a three year term to provide actuarial valuation services for Fiscal Year 2016-17 through Fiscal Year 2018-19 for an amount not to exceed \$33,000.

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

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

A.6. Stevens & Valley Avenues Corridor Improvement Project Notice of Completion. (File 0820-15)

Recommendation: That the City Council

1. Adopt **Resolution 2017-162:**
 - a. Authorizing the City Council to accept as complete the Stevens and Valley Avenues Street Improvements, Bid No. 2016-09, constructed by Dick Miller Inc.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

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

A.7. Sewer System Inflow Study Agreement with Infrastructure Engineering. (File 1040-44)

Recommendation: That the City Council

1. Adopt **Resolution 2017-160** authorizing the City Manager to execute a Professional Services Agreement with Infrastructure Engineering Corporation (IEC), in the amount of \$24,805, to conduct sewer system inflow smoke testing of the Eden Gardens area.

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

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Motion: Moved by Councilmember Edson 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. Public Hearing: Solana Beach Public Recreation Impact Fee Study and Related Local Coastal Program (LCP) Land Use Plan (LUP) Amendment. (File 0610-12)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
2. Adopt **Resolution 2017-156** providing direction on the City's Public Recreation Impact Fee Study and Local Coastal Program Land Use Amendment as modified by the California Coastal Commission on May 11, 2017.

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

[B.1. Supplemental Documents \(11-8-17 updated 405pm\) - R](#)

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Greg Wade, City Manager, introduced the item.

Leslea Meyerhoff, Staff Consultant, presented a PowerPoint (on file).

Arie Spangler asked Council to not adopt this resolution and to continue in order to reach an acceptable compromise.

Chandra Slaven said that she was speaking on behalf of Jon Corn, who could not attend, and said that the City had the right to additional time to review this issue before adopting it, that the Coastal Commission gave themselves an additional year to review this decision, and that he would ask Council not to adopt this resolution at this time.

David Winkler (time donated by Ron Lucker) said that the California Coastal Commission had issued a number of modifications and was doing it again, that the City had spent \$120k looking at this matter carefully and made recommendations that were reached as a compromise, the City conducted a study that Coastal ignored, and that the City should reject the 3 new modifications. He said that the study was regarding the number of people on the beach but should include the factor of the beach area and population recounts, and to not adopt this resolution at this time.

Jim Jaffee said that north of Fletcher Cove the bluffs were owned by the City and seawalls were built on City property, that south of Fletcher Cove the majority had been granted easements for public recreation and were controlled by the City, and that seawalls were being built on public property to protect private property. He said that the BBC and property owners had filed multiple law suits and would not be happy with any fee, they sued the City on the bases of fees, and that it should be adopted with the suggested modifications.

Robert Shoecraft said he was the lawyer representing Mr. Steinberg, to take advantage of the time and continue the review of this matter, and that this was not the first time that the Coastal Commission had tried to force this issue on the City.

Chris Hamilton said he was the Chair of Beach and Bluff Conservancy, that they had sued over what was being discussed tonight, the suggested modifications from the coastal commission, and that it if was approved this time again, that it was likely there would reluctantly be another suit filed, and that the money spent fighting over this issue would be used for other items that the City needed.

Jack Mariani said that he had a house on the bluff, that he did not understand any of the legal matters discussed tonight, that he felt that the beach should be open to everyone, and that they were being assessed heavily for the property they bought on behalf of everyone.

Council disclosures.

Council discussed geographic segmentation possibility for the LCP, that the City had to balance constituents' needs and public access, that Coastal was doing their own study with NOAA as a statewide study that may not take into account the local issues, that it might even result in a higher number, that it was important to maintain local control, and move forward with geographic segmentation and one-year extension.

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

Motion: Moved by Mayor Nichols and second by Deputy Mayor Marshall to approve to neither accept nor decline the suggested modifications, trigger the one-year extension, work with Coastal Staff to analyze the data (33% v. 67%), continue the collection of fees for \$1,000 per linear foot, move forward with geographical segmentation, and proceed with preparing the LIP (Local Implementation Plan). **Approved 5/0.** Motion carried unanimously.

B.2. Public Hearing: Introduce (1st Reading) Ordinance 482 Related to Minimum Average Workspace. (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 482** adding Section 17.60.200 to the SBMC to establish a minimum average workspace of at least 125 square feet per employee working in a business space.

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

[B.2. Updated Report #1](#)

[B.2. Supplemental Documents \(11-8-17 updated 300pm\) - R](#)

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Greg Wade, City Manager, introduced the item and said about a year ago this issue came up and imposed a similar condition on a commercial/mixed-use project and subsequent discussion lead to this item.

Katie Benson, Associate Planner, presented a PowerPoint (on file).

Mayor Nichols opened the public hearing.

Louise Abbott said that this ordinance confused her, that she did not understand the need to have a specific square footage in place for every employee, that if the issue was office space parking that it should be the topic, and that this was too restrictive of square footage per person in a given office space.

Brad Jacobs said that the Wedbush building employees parked in front of his house all the way to top of Nardo all day, that the building was jamming more and more people into their spaces, and that it should be related to parking.

Ira Opper said that most of Granados is old style streets without sidewalks and curbs so parking is all over, that the Wedbush building started putting in call centers and parking was now all up and down the neighborhood streets, that a parking study on Granados and Rios resulting in posting No Parking signs which forced parking along Lomas Santa Fe, and that he supported the ordinance to reduce the parking issue and cost to the City.

Michael Cornell said that he had seen a parking increase all the way up Hilmen and Hilmen Dr. up to the cul-de-sac, that some enforcement was needed for the density and quality of life and mail box access, and that he supported the ordinance.

Bert Neilson said that he supported an ordinance for the excessive overflow of automobiles.

Kristin Ruscetta said that employees from Cedros were parking on the street and walking to their businesses so there was no place for residential visitors or workers to park, and to consider increasing it to 200.

Tracy Richmond said he supported the effort, that he had 18-20 employees at his business but under the new ordinance he could have up to 42 employees, and that the proposal was generous.

Council and Staff discussed parking ordinance vs. this type of ordinance, that many old buildings did not have adequate parking, that every building would have to be rebuilt in order to accommodate the parking, that the ordinance would address both existing buildings and new development, 200 v. 125 business worker space, that Del Mar had something similar in place for 10 years and did not seem to have many problems, that a past issue with Health Fusion had brought up the issue, and that the objective was to have it as a tool for development, that noncompliance would be handled by code complaints.

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

Motion: Moved by Mayor Nichols and second by Councilmember Edson to approve and clarify the definition of employee and provide additional information at the 2nd reading of the ordinance. **Approved 4/1.** (Noes: Marshall) Motion carried.

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

Submit speaker slips to the City Clerk.

C.1. Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accepts and files the attached Cash and Investment Report for the quarter ended September 30, 2017.

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

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Greg Wade, City Manager, introduced the item.

Genny Lynkiewicz, Chandler Asset, presented a PowerPoint (on file).

C.2. View Assessment Commission Appointment. (File 0120-06)

Recommendation: That the City Council

1. Make one appointment (by Mayor Nichols) to the vacant position on the View Assessment Commission with a term expiration date of January 2019.

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

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Greg Wade, City Manager, introduced the item.

Mayor Nichols nominated Peter Lambrou.

Motion: Moved by Mayor Nichols and second by Councilmember Edson to appoint Peter Lambrou. **Approved 5/0.** Motion carried unanimously.

C.3. Adopt (2nd Reading) Ordinance 481 Related to Regulations for Wireless Communication Facilities. (File 0610-10)

Recommendation: That the City Council

1. Adopt **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)

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

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Johanna Canlas, City Attorney, read title of Ord

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

COMPENSATION & REIMBURSEMENT DISCLOSURE:

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:

Councilmembers reported Committee activities.

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 (1st alternate), Nichols (2nd 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. 22nd Agricultural District Association Community Relations Committee – Marshall, Edson.

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

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

Citizen Commission (served by Council)

- a. Climate Action Commission – Hegenauer

ADJOURN:

Mayor Nichols adjourned the meeting at 8:30 p.m. in the memory of Jack Hegenauer.

Angela Ivey, City Clerk

Approved: January 10, 2018