

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, March 28, 2018 * 6:00 P. M.

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

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

- 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

Vacant, 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 6:37 p.m.

Present: 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,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Corey Andrews, Principal Planner

APPROVAL OF AGENDA:

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to approve.
Approved 4/0. Motion carried.

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

1. Encinitas Half Marathon

Bob Nichols and Board Members presented a check for \$20,000 for the La Colonia Skate Park from their proceeds of their event.

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.

Dan Chambers said that he saw the letter from Shenkman and Hughes regarding changing the City's elections from at-large to voting districts and encouraged Council to consider putting it on the next agenda.

Roger Boyd invited the City Council to the semiannual Solana East Side Community Group next Wednesday evening, October 4th, at the Lomas Santa Fe Country Club.

Jill McDonald stated that one of the largest homes in their quiet neighborhood was bought by an investor who was renting it out week to week on Airbnb and other sites, that it has become a problem in the City, and that she would be glad to serve on a committee to address the issue.

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.5.)

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. Community Grant Recipient Financial Expenditure Report Fiscal Year 2016-17.
(File 0330-25)

Recommendation: That the City Council

1. Accept and file this report.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to approve.
Approved 4/0. Motion carried.

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

Recommendation: That the City Council

1. Ratify the list of demands for February 24, 2018 - March 9, 2018.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to approve.
Approved 4/0. Motion carried.

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.

A.4. Active Transportation Grant Application Submittal to SANDAG for the Preparation of Final (100%) Construction Drawings for the Lomas Santa Fe Corridor Active Transportation Improvement Project. (File 0820-15)

Recommendation: That the City Council

1. Adopt **Resolution 2018-026**:
 - a. Authorizing and ratifying the City Manager's decision to submit an application to SANDAG for the *TransNet* Active Transportation Grant Program (for Capital Projects) funding in the amount of \$684,500 for the preparation of final (100%) construction drawings for the Lomas Santa Fe Corridor Active Transportation Improvement Project of which \$616,050 is a request for grant funds and the remaining \$68,450 would be matching funds provided by the City.
 - b. Agreeing that if a grant award is made by SANDAG to fund the preparation of final (100%) construction drawings for the Lomas Santa Fe Corridor Active Transportation Improvement Project, the City of Solana Beach commits to providing \$68,450 in matching funds.
 - c. Agreeing that if a grant award is made by SANDAG to fund the preparation of final (100%) construction drawings for the Lomas Santa Fe Corridor Active Transportation Improvement Project, the City of Solana Beach authorizes the City Manager to accept the grant funds, execute the grant agreement with no exceptions in substantially the same form as attached, and complete the Project.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to approve. **Approved 4/0.** Motion carried.

A.5. San Diego Association of Governments Regarding the Regional Shoreline Monitoring Program. (File 0610-12)

Recommendation: That the City Council

1. Adopt **Resolution 2018-033** authorizing the City Manager to enter into a Memorandum of Understanding with the San Diego Association of Governments regarding the Regional Shoreline Monitoring Program.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to approve. **Approved 4/0.** Motion carried.

C. STAFF REPORTS: (C.1.)

C.3. Policy Related to Gun Safety and Regulation. (File 0250-70)

Recommendation: That the City Council

1. Discuss, review, and consider **Resolution 2018-036** opposing legislation such as the Concealed Carry Reciprocity Act of 2017 and urging Federal and State representatives to enact responsible gun safety regulations.

Greg Wade, City Manager, introduced the item.

Max Granholm said he was in 7th grade at Earl Warren Middle School and asked the Council to pass Resolution 2018-036, that he did not believe a kid under 21 should ever be allowed to purchase a gun, that it increased the probability of an underage shooter on a school campus, that no one needed a military style rifle or large amounts of ammo for self-protection, that all owners of guns should have safety training, and to consider passing the resolution for common sense gun laws to keep him and his friends safe.

Alyssa Verheem said she was a junior at Fusion Academy, that her best friend was an hour away from the recent school shooting at Parkland, that it was harder to get a driver's license than a gun, that the Del Mar gun shows did not reflect the values of the local family oriented community, to join Del Mar in opposing gun shows at the Del Mar Fairgrounds, that she agreed with the resolution asking the federal government to oppose conceal carry reciprocity, and urged Council to pass it.

Cindi Clemons said she was a member of the newly formed grassroots group Never Again CA to end gun violence through legislation, education and activism, urged Council to pass the resolution opposing conceal carry reciprocity with an amendment opposing gun shows on public property in Del Mar, that the Del Mar Fairgrounds should be a venue for family friendly events, that a cannabis show was recently banned, that her nephew heard gun shots at Kelly School in Carlsbad where two of his classmates were shot seven years ago, that it was a policy decision for the 22nd Agricultural District to allow gun shows, the contract manual governing the Fairgrounds Board allowed children under 18 to attend a gun show if accompanied by an adult, that AR15s were not permitted to be displayed but that an attendees told her there was one on display, and asked the Council to join the Del Mar City Council in opposing the Del Mar gun shows.

Dwight Worden, Mayor of City of Del Mar, said he was giving support and encouraging Council to adopt the resolution, that the culture needed to change like the Mothers Against Drunk Driving (MADD) model, that Del Mar was sponsoring legislation that would change the state law prohibiting the Fairgrounds from allowing gun shows if the hosting city in which the Fairgrounds lies opposes it, and hoped the Council will join them in supporting it.

Adele Josepho said she supported the item, that better gun safety laws in the country were needed, suggested that the resolution be amended to include an opposition to all future gun shows at the Del Mar Fairgrounds, and that the City actively work with the Fair Board to discontinue gun shows.

Sofia Kwee said she is a junior from Canyon Crest Academy High School, that she recently walked out of the classroom to protest gun violence, that last week a student heard an explosion in the chemistry lab and the police arrived and students are taught to assume the worst, that students should feel safe at their school and not have to worry about the possibility of a shooting, that promoting guns at the Del Mar Fairgrounds did not represent the view of adolescents in the community, the gun show brings more guns and ammunition to the neighborhood, that California should take a leadership role in protecting children and not be forced to abide by other states' rules, and asked Council to consider the adolescents in the community.

Andi MacLeod (time donated by Jill Cooper) said she was devastated by what had happened, supported sensible and responsible gun ownership, went to the gun show for the first time and the first thing she saw was AR15s, that she saw a demonstration of aftermarket devices that would make adjustments to guns, that there was misinformation communicated at the gun show regarding laws, that a stun gun was sold to someone underage to purchase it, and asked that Council advocate for resolutions like this return to a safer community.

Michaela said she was a senior at Canyon Crest Academy, that gun shows did not reflect the family oriented values of the community, that no one could be silent and must unite in peaceful protest, that the conceal carry reciprocity act of 2017 and the Del Mar gun show encouraged an obsession with firearms, that no one wanted to risk what happened in Parkland to happen to local neighborhoods, and that her high school had received threats of shootings.

Kelly Harless said she supported the resolution to oppose the conceal and carry reciprocity bill that recently passed, asked the Council to oppose the gun shows at Del Mar fairgrounds, cited Section 6.25 of the contract manual for the District Agricultural Association states "whether or not a fair rents out their facility for gun shows is a policy decision to be made by the fair board and their community," that Solana Beach residents wanted common sense gun laws and that the gun shows at the Del Mar fairgrounds did not meet the values of many of Solana Beach residents, that hundreds of Solana Beach students joined their local schools on the March 14th National School Walkout demanding that legislators take action against school violence, more than 150 people on March 17th protested the gun shows at the Del Mar Fairgrounds, asked Council to pass the resolution and to include an amendment opposing the gun shows at the Del Mar Fairgrounds, and asked Mayor Marshall to comment regarding her endorsement by the Gun Owners Association of San Diego and on her communications with the agricultural board about the Del Mar gun shows.

Priya Garcia said she was an alumni of Torrey Pines High School, that she opposed the conceal and carry reciprocity, asked Council to add an amendment banning the gun shows at the Del Mar Fairgrounds, and that gun shows were not reflective of the community.

Council discussed appreciation for the speakers, some initial pause about the resolutions because of the First Amendment considerations and free speech, that the resolution should include the language that was adopted by the City of Del Mar to oppose gun shows, that it was a well-documented fact that no other developed nation came close to the rank of U.S. gun violence, and that there appeared to be an obvious and overwhelming support for the resolution.

Mayor Marshall stated that she was a Second Amendment supporter, appreciated the First Amendment, and that if one did not want to go to a gun show or a horse race they did not have to attend.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve. **Approved 3/1** (Noes: Marshall). Motion carried.

Mayor Marshall recessed the meeting at 7:28 p.m. for a break and reconvened at 7:34 p.m.

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 – Tax Exempt Fiscal Responsibility Act (TEFRA) Hearing for Conduit Financing for the Pearl Apartments Affordable Housing Project located in the 500 Block of South Sierra Avenue, Solana Beach. (File 0600-40)

Recommendation: That the City Council

1. Conduct the TEFRA Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt **Resolution 2018-034** in favor of the issuance of the bonds by the CMFA.

Greg Wade, City Manager, introduced the item.

Council, Staff, and Developer discussed that the City would be under no obligation to pay these and they were completely the developers responsibility, that is the developer was gone that the City still would own the property, that it would be a long term lease and that the City's ownership would not be affected, and anticipated issuance fees.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to close the public hearing. **Approved 4/0.** Motion carried.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to approve. **Approved 4/0.** Motion carried.

B.2. Public Hearing: 708 Castro Street, Applicants: Casey, Behfar, Case 17-17-12.
(File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is 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 and administratively issue a SDP. 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 2018-025** conditionally approving a DRP and an administrative SDP to construct a new second-story addition to an existing one-story, single-family residence with an attached two car garage at 708 Castro Street.

Greg Wade, City Manager, introduced the item.

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

Council disclosures.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to close the public hearing. **Approved 4/0.** Motion carried.

Motion: Moved by Councilmember Edson and second by Councilmember Edson to approve. **Approved 4/0.** Motion carried.

B.3. Introduction (1st Reading) Ordinance 482 Establishing a Minimum Average Workspace of per Employee Working in a Business Space. (File 0610-10)

This item was removed from this agenda.

B.4. Approving the Housing Element Annual Progress Report and Housing Successor Annual Report for Fiscal Year 2016/17 and Directing Submittal to the California Department of Housing and Community Development and the Governor's Office of Planning and Research. (File 0630-10)

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. Find the project exempt from the California Environmental Quality Act pursuant to Section 21065 of the State CEQA Guidelines; and
3. Adopt **Resolution 2018-024** approving the 2017 Housing Element Annual Progress Report and the 2016/17 Housing Successor Annual Report as submitted and directing City Staff to file the report with the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

Greg Wade, City Manager, introduced the item.

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

Mayor Marshall opened the public hearing.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to close the public hearing. **Approved 4/0.** Motion carried.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to approve. **Approved 4/0.** Motion carried.

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

C.1. Consideration of the City Council Vacancy Created by the Resignation of Former Councilmember Mike Nichols. (File 0410-85)

Recommendation: That the City Council

1. Discuss the options outlined above in filling the vacancy and provide Staff with direction.

Johanna Canlas, City Attorney, introduced the item.

Peter Zahn stated that he would suggest that given the tight time frame to consider providing as much transparency as possible.

Council discussed supporting a brief application period for appointment and a transparent process, the need to return to a full council, to avoid the cost of a special election, to ask the appointee to not run for the seat in the November election to preserve a fair and competitive election, and that an experienced former Councilmember may be a benefit due to the many issues coming before Council.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve with the application process beginning March 29th at noon and ending on April 5th at 5:00 p.m. **Approved 4/0.** Motion carried.

C.2. Council Boards, Committees, & Commissions Appointments to Fill Vacancies.
(File 0410-05)

This item was removed from this agenda.

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)

Councilmembers reported Committee activities.

ADJOURN:

Mayor Marshall adjourned the meeting at 8:10 p.m.

Angela Ivey, City Clerk

Approved: September 11, 2018