



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

ACTION AGENDA

The Action Agenda of the City Council Meeting is a document provided immediately following the Council Meeting in order for staff and the public to be aware of the business transacted and actions taken by Council. This is a preliminary draft and not a public record. The meeting’s legal record is the Minutes approved by the City Council.

Joint REGULAR Meeting
Wednesday, November 28, 2018 * 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](#).

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, Spectrum(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 [Public Meetings](#) webpage.

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 of hard copies 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.

SPECIAL ASSISTANCE NEEDED

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.

<u>CITY COUNCILMEMBERS</u>		
David A. Zito, Mayor		
Jewel Edson, Deputy Mayor	Judy Hegenauer, Councilmember	
Lesa Heebner, Councilmember	Peter Zahn, Councilmember	

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

SPEAKERS:

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

READING OF ORDINANCES AND RESOLUTIONS:

Pursuant to [Solana Beach Municipal Code](#) Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:

CLOSED SESSION REPORT: (when applicable)

FLAG SALUTE:

APPROVAL OF AGENDA:

COUNCIL ACTION: Approved 5/0

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.

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held May 30, 2018, June 13, 2018, June 26, 2018 and June 27, 2018.

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.

COUNCIL ACTION: Approved 5/0

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

Recommendation: That the City Council

1. Ratify the list of demands for October 20 - November 09, 2018.

[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.

COUNCIL ACTION: Approved 5/0

A.3. 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.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.

COUNCIL ACTION: Approved 5/0

A.4. Public Safety 800 MHz Radios Purchase. (File 0260-40)

Recommendation: That the City Council

1. Adopt **Resolution 2018-144**:
 - a. Authorizing the purchase of 800 MHz radios from Motorola Solutions in the amount of \$146,696.
 - b. Authorizing an appropriation of \$12,243 to the Grant Revenue and the Marine Safety Equipment expenditure accounts in the Public Safety Special Revenue Fund for the use of SHSP funds.
 - c. Authorizing an appropriation of \$11,274 to the CSA-17 Revenue and the Fire Equipment expenditure accounts in the Public Safety Special Revenue Fund for the use of CSA -17 funds.
 - d. Authorizing an appropriation of \$3,483 and \$18,096 in the Marine Safety and Fire Equipment expenditure accounts, respectively, in the Asset Replacement Fund.
 - e. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

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

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COUNCIL ACTION: Approved 5/0

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. Solana Energy Alliance Activities and Operational Results Quarterly Report
(File 1010-40)

Recommendation: That the City Council

1. Receive and file report on Solana Energy Alliance (SEA) Activities and Operations and provide comment and/or direction; and
2. Consider adoption of **Resolution 2018-150** authorizing the City Manager to enter into a Professional Services Agreement with Tosdal Law Firm for legal services not to exceed \$75,000 in support of SEA.

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

[Item C.1. Updated Report #1 \(Updated 11-28 5:30pm\)](#)

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COUNCIL ACTION: Approved 5/0

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

B. PUBLIC HEARINGS: (B.1. – B.3.)

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: Fire Mitigation, Park and Public Use Facilities Development Impact Fees. (File 0390-23)

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 492** establishing the Fire Mitigation Impact Fee (FMIF).
3. Introduce **Ordinance 493** establishing the Park Development Impact Fee (PDIF).
4. Introduce **Ordinance 496** establishing the Public Use Facilities Impact Fee (PUFIF).
5. Adopt **Resolution 2018-147**:
 - a. Accepting the 2018 Development Impact Fee (DIFs) Nexus and Calculation Report (Nexus Report) dated July 2, 2018.

- b. Establishing the FMIF and determining that the FMIF shall be paid based upon the use of land set forth in the Summary of Development Impact Fee Rates table included in the Nexus Report, dated July 2, 2018.
- c. Establishing that the FMIF shall become effective upon the effective date of Ordinance 492.
- d. Establishing the PDIF and determining that the PDIF shall be paid based upon the use of land set forth in the Summary of Development Impact Fee Rates table included in the Nexus Report, dated July 2, 2018.
- e. Establishing that the PDIF shall become effective upon the effective date of Ordinance 493.
- f. Establishing the PUFIF and determining that the PUFIF shall be paid based upon the use of land set forth in the Summary of Development Impact Fee Rates table included in the Nexus Report, dated July 2, 2018.
- g. Establishing that the PUFIF shall become effective upon the effective date of Ordinance 496.

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

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COUNCIL ACTION: Approved 5/0 to close the public hearing.

COUNCIL ACTION: Approved 5/0 with modifications.

B.2. Public Hearing: City's Schedule of Fees Update Fiscal Year 2018-19. (File 0390-23)

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 2018-148** updating the Fiscal Year 2018-19 Schedule of Fees.

[Item B.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.

COUNCIL ACTION: Approved 5/0 to close the public hearing.

COUNCIL ACTION: Approved 5/0 with modifications.

B.3. Public Hearing: Mixed Use Development Northwest Corner of Highway 101 and Dahlia Drive, Applicant: Zephyr Partners, Case 17-14-08. (File 0610-60)

This Item was been removed from the Agenda and was not heard.

C. STAFF REPORTS: (C.2. - C.6.)

Submit speaker slips to the City Clerk.

C.2. Adopt (2nd Reading) Ordinance 489 – Mayoral Duties. (File 0410-90)

Recommendation: That the City Council

1. Adopt **Ordinance 489** adding Section 2.04.015 to the Solana Beach Municipal Code which would codify Mayoral duties as set out in state law.

[Item C.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.

COUNCIL ACTION: Approved 5/0 to Re-Introduce the Ordinance with modifications.

C.6. Adopt (2nd Reading) Ordinance 491 adding Subsection 17.72.110(E) to the Solana Beach Municipal Code to Exempt City and City-Sponsored Projects. (File 0600-95)

Recommendation: That the City Council

1. Adopt **Ordinance 491** adding subsection 17.72.110(E) to make the expiration and extension requirements of section 17.72.110 inapplicable to City and City-sponsored projects.

[Item C.6. 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.

COUNCIL ACTION: Approved 5/0

C.3. Introduce (1st Reading) Ordinance 495 – Shared Mobility Program. (File 0840-40)

Recommendation: That the City Council

1. Introduce **Ordinance 495** establishing the guidelines for the Shared Mobility Plot Program.

[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.

COUNCIL ACTION: Approved 5/0

C.4. Introduce (1st Reading) Ordinance 497 – Sidewalk Vending. (File 0390-45)

Recommendation: That the City Council

1. Find this action is exempt from the CEQA pursuant to Sections 15061(b)(3) and 15378(b)(5) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
2. Introduce **Ordinance 497** adding Chapter 4.52 “Sidewalk Vending” to the Solana Beach Municipal Code.

[Item C.4. 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.

COUNCIL ACTION: Approved 5/0

C.5. Citizen's Initiative Petition for a Proposed Ordinance Regarding Commercial Cannabis (Marijuana) Retailers in Non-Residential Zones and Deliveries/Cultivation in All Zones. (File 0430-15)

Recommendation: That the City Council

1. Provide direction on Council's course of action regarding the eligible petition:
 - a. Adopt **Ordinance 494** relating to use of the Commercial Cannabis (Marijuana) Retailers in Non-Residential Zones and Deliveries/Cultivation in All Zones Retailers in Non-Residential Zones and Deliveries/Cultivation in All Zones; or
 - b. Submit Ordinance 494 to the voters at the next general election, November 3, 2020; or
 - c. Order a report and return within 30 days to a City Council meeting.

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

[Item C.5. Supplemental Docs \(Updated 11-28 at 3pm\)](#)

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.

COUNCIL ACTION: Approved 5/0 to send the proposed ordinance to a vote at the November 2020 election.

WORK PLAN COMMENTS:

Adopted June 13, 2018

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: [Council Committees](#)

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

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

- n. 22nd Agricultural District Association Community Relations Committee: Primary-Heebner, Alternate-Edson

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

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

ADJOURN: 10:09 p.m.

***A Special Meeting is scheduled for December 5, 2018
Next Regularly Scheduled Meeting is December 12, 2018***

*Always refer the City's website Event Calendar for updated schedule and special meetings
or contact City Hall. 858-720-2400 www.cityofsolanabeach.org*

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO } §
CITY OF SOLANA BEACH }

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the November 28, 2018 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on November 20, 2018 at 5:50 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., November 28, 2018, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk
City of Solana Beach, CA

UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled, or Special Meetings that have been announced, as of this Agenda Posting. Dates, times, locations are all subject to change. See the [Citizen Commission's Agenda webpages](#) or the City's Events Calendar for updates.

- **Budget & Finance Commission**
Thursday, December 20, 2018, 5:30 p.m. (City Hall)
- **Climate Action Commission**
Wednesday, December 19, 2018, 5:30 p.m. (City Hall)
- **Parks & Recreation Commission**
Thursday, November 29, 2018, 8:30 a.m. (Fletcher Cove Park)
- **Public Arts Commission**
Tuesday, November 27, 2018, 5:30 p.m. (City Hall)
- **View Assessment Commission**
Tuesday, December 18, 2018, 6:00 p.m. (Council Chambers)