

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, January 11, 2017 * 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.
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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

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:

Mayor Nichols called the meeting to order at 6:18 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.
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 Deputy Mayor Marshall and second by Councilmember Edson.

Approved 5/0. Motion carried unanimously.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

1. Supervisor Dave Roberts

Mayor Nichols presented a proclamation to Supervisor Dave Roberts for his service as County Supervisor.

Mary Jane Boyd acknowledged Dave Roberts and thanked Council for acknowledging him and all of the things he had done for the City, District 3, and the County. She said that he was responsible for helping Solana Beach library obtain \$400,000, an additional \$15,000 the Friends of the Library bookstore, and that what impressed her most about him was that he spoke for those who had no voice in government and that his leadership would be missed in Solana Beach.

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

1. San Diego Foundation

Mayor Nichols introduced The San Diego Foundation. Shannon Casey, the Vice President of Cleantech San Diego and Mario Larach, CEO of HydroSmart Technologies, were asked to come forward.

Mario Larach presented a PowerPoint (on file) of his program, HydroSmart Technologies and said that the participants were Solana Beach, Cleantech San Diego, SenseOps as well as in-kind contributions and support. He stated that the project goals were to deploy multiple monitoring units within the city, enabling homeowner's awareness of their water use by providing quantifiable information to translate water consumption to kilowatt hours which would help water agencies and the City of Solana Beach with its Climate Action Plan.

Shannon Casey said that she was with Cleantech San Diego which was a non-profit business association formed to support the greater San Diego's region Clean Tech industry, that she came to support HydroSmart, that her association wanted to further the San Diego region's position in the smart cities movement, and thanked the City of Solana Beach for its forward thinking and efforts.

Council and speakers discussed that the company dealt with privacy data by teaming up with SenseOps to handle the cloud where the PII would not be sent while Hydrosmart

handled the local water analytics, that the water usage was algorithm based, that the real time monitoring of water flow and pressure by the device placed on the meter would enable them to detect leaks that were between the meter and the home that would help prevent water damage by allowing water to shut off, that a leak would not be detected if it was not between the mainline and the meter, and that City Hall would be participating as a business case study, .

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.

Jessie Irene Young said that she was an Eden Gardens homeowner and that she had concerns regarding the Stevens Avenue road improvement project that prevented parking near her property, that she met with Staff and the City Manager to discuss her concerns, and that she would be willing to work with the City. She handed in a drawing (on file) that she said showed parking suggestions drawn by her husband.

Mayor Nichols stated that Greg Wade, City Manager, left a voicemail for Ms. Young and that there would be efforts made to work with her to accommodate her needs and public safety.

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.9.)

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 November 19, 2016 through December 23, 2016.

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

A.2. 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.

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

A.3. City Council Meeting Schedule 2017. (File 0410-05)

Recommendation: That the City Council

1. Review, edit, and/or approve a 2017 interim schedule with proposed cancellations and/or additional meetings.

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

A.4. 2016 Street Maintenance and Repair Project. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2017-006:**
 - a. Authorizing the City Council to accept, as complete, the 2016 Street Maintenance & Repair Project, Bid No. 2016-05, performed by ATP General Engineering Contractors.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

A.5. Local Agency Investment Fund (LAIF). (File 0350-50)

Recommendation: That the City Council

1. Adopt **Resolution 2017-001** authorizing City Officers for the City of Solana Beach for the investment of surplus funds in the Local Agency Investment Fund.

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

A.6. Palmitas Street Storm Drain Project, Bid 2016-11. (File 0850-40)

Recommendation: That the City Council

1. adopt **Resolution 2017-003:**
 - a. Awarding the construction contract to Miramar General Engineering, in the amount of \$77,481, for the Palmitas Street Storm Drain Project, Bid 2016-11.
 - b. Approving an amount of \$12,000 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.

- d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.

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

A.7. Americans with Disabilities Act (ADA) Pedestrian Ramps, Bid 2016-10 (File 0820-20)

Recommendation: That the City Council

1. Adopt **Resolution 2017-002:**

- a. Awarding the construction contract to Miramar General Engineering, in the amount of \$39,450, for the ADA Pedestrian Ramps, Bid 2016-10.
- b. Approving an amount of \$13,949 for construction contingency.
- c. Authorizing the City Manager to execute the construction contract on behalf of the City.
- d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
- e. Appropriating \$53,399 to the Federal Grants revenue account and Professional Services expenditure account in the CDBG fund for the ADA Pedestrian Ramps CIP project for FY 2016/17 (9355.04).
- f. Authorizing the City Treasurer to amend the FY 2016/17 Adopted Budget accordingly.

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

A.8. Community Grant Recipient Financial Expenditure Report Fiscal Year 2015-2016. (File 0330-25)

Recommendation: That the City Council

- 1. Accept and file this report.

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

A.9. TransNet Funds Allocation. (File 0390-35)

Recommendation: That the City Council

- 1. Adopt **Resolution 2017-007** approving the transfer of \$373 of TransNet funds from the Pavement Resurfacing Project to the Traffic Calming Improvements Project.

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

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. Comprehensive Annual Financial Report (CAFR) Fiscal Year 2015-2016. (File 0310-22)

This Item was pulled from the Agenda.

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: 200 Marine View, Applicant: AT&T, Case 17-16-35. (File 0610-60)

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 15301 of the State CEQA Guidelines; and
3. Adopt **Resolution 2017-008** conditionally approving a Conditional Use Permit (CUP) modification to modify an existing Wireless Communications Facility (WCF) located on the existing residence at 200 Marine View Avenue as mandated by the Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

Greg Wade, City Manager, introduced the item.

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

Council and Tripp May, consultant with Telecom Law Firm, discussed that during an onsite test a wand was waived that received all signals, that the signals were from everywhere not just from the antennas, that the report received from the applicant used a theoretical model that showed it would probably comply, that a post site installation test would show for certain if it was compliant and from that point additional steps could be taken to ensure actual compliance was met.

Council disclosures

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

B.2. Public Hearing: 310 S. Rios Ave., Applicant: Blake, Case 17-15-39. (File 0600-40)

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 Development Review Permit (DRP) and administratively issue a Structure Development Permit (SDP). 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 2017-004** conditionally approving a DRP and an SDP to demolish an existing single family residence, construct a new two-story, single-family residence with an attached three-car garage, and perform associated site improvements at 310 S. Rios Avenue, Solana Beach.

Greg Wade, City Manager, introduced the item and stated that the blue folder was provided.

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

Council and Staff discussed that the proposed chimney was no longer wood burning which allowed it to be lowered, that a project immediately to the south that was under construction had a similar front yard swimming pool area, and that the Zoning Code allowed 5 feet fence because it was a swimming pool fence. Discussed continued regarding soil removal that would be needed to achieve a two-story design and to preserve their neighbor's views, and that the retaining wall would create the pad needed for the construction of this project.

Mayor Nichols opened the public hearing.

Council disclosures.

Applicant

James Blake, applicant, introduced himself and stated that they wanted to build a forever home for their family.

Trace Welsone, architect, showed two renderings of the proposed project (on file).

Public Speaker

Kim Ballard, neighbor directly east of the project, thanked the applicants and the architect for working with her and the neighbors to address any view impacts, for keeping the roof heights within of other homes and maintaining an existing roof line. She stated that her main concern was that some of the proposed trees were in excess of 30 feet and appreciated that the applicant made changes to their selection, that she fully supported the project otherwise, and that the applicants' collaborations with the neighbors should be applauded and used as an example for others.

Council, Staff, and architect discussed that the olive trees would be replaced with a crepe myrtle, that the revised plans submitted would have to be reviewed with the architect to ensure that the overall water usage complied with the landscape plan, the applicant acknowledged maintaining the trees that was noted on the plans, and confirmed that there was a gate on the pedestrian entry and on the front driveway.

Discussion continued regarding that the neighbors to the north were aware of the plans, that they contacted the applicant's agent regarding a different issue but they did not express any concerns regarding the fill area or any privacy issues, the applicant's interest but inability at this time to install solar turf as opposed to all grass, and the site was pushed down to accommodate the height and that the backyard was now flatter than previously intended.

Johanna Canlas, City Attorney, stated that regarding some notes that the City received from the neighbors it appeared that the applicant reached independent agreements with their neighbors and such agreements would not be enforced by the City. She said that plans were approved based on the assertions and the commitments included on the plans made by the applicant. She stated that enforcement was driven by complaints and that future enforcement would depend on whether the issue was a private matter or if it was a violation of the conditions of the approved project.

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

Councilmembers stated their appreciation for the applicant's communications and accommodations with the neighbors.

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

Mayor Nichols recessed the meeting for a break at 7:45 p.m. and reconvened at 7:50 p.m.

C. STAFF REPORTS: (C.2. - C.4.)
Submit speaker slips to the City Clerk.

C.2. Council Boards/Commissions/Committees Appointments. (File 0410-05)

Recommendation: That the City Council

1. Review the Regional Boards/Commissions/Committees.

- a. Determine the City Selection Committee 2017 annual term appointment.
 - b. Make appointments, or re-appointments, to all other agencies for a new two year term.
2. Review the Council Standing Committees and make appointments, or re-appointments, to all Standing Committees for new two year terms.

Council discussed appointments and rearranged appointments as necessary for new two year terms.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Marshall the following appointments:

City Selection: Nichols, Edson(Alternate); CSA 17: Marshall, Nichols(Alternate); Escondido Creek Watershed Alliance: Marshall, Staff; League Ca Exec, Legislative SubComm, & Coastal Cities: Nichols, Edson(Alternate); North County Dispatch: Marshall, Edson(Alternate); North County Transit: Edson, Nichols(Alternate); Regional Solid Waste: Nichols, Hegenauer(Alternate); SANDAG: Zito, Edson(1st Alternate), Nichols(2nd Alternate); SANDAG Shoreline: Zito, Hegenauer(Alternate); San Dieguito River: Hegenauer, Nichols(Alternate); 22ndAg District: Marshall, Edson(Alternate); / Citizen Climate Action Commission: Hegenauer, Edson.

Approved 5/0. Motion carried unanimously.

C.3. Introduce (1st Reading) Ordinance 472 – Storm Water Management. (File 0850-40)

Recommendation: That the City Council

1. Introduce **Ordinance 472** modifying the Storm Water Management section of the Solana Beach Municipal Code in order to comply with the San Diego Regional Water Quality Control Board Order 2013-0001.

Greg Wade, City Manager, introduced

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

Council and Staff discussed that it did include salt water and certain regulations, that most swimming pools used chlorine, that intent was to minimize impact to the environment and that everything that touched the ground that flowed to directly to ocean would be clean.

Mikael Ogawa, Mikael Ogawa Consultants, stated that if there was residual chlorine that it should be cleaned first from the point of discharge to enter the system so that no debris or chemicals enter the waterways.

Council, Staff, and Consultant discussed that the BMP was a county document and that the City had adopted its own BMPs from the County of San Diego, and that the City had a supplemental manual to the county.

Discussion continued regarding that the City reviews its manual periodically for any updates and that any new requirements had been incorporated in the BMP design manual and the Municipal Code to allow the City to enforce it.

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

C.4. 2016 Pavement Condition Assessment Program Update. (File 0820-50)

Recommendation: That the City Council

1. Accept the 2016 Pavement Condition Assessment Program Update prepared by Infrastructure Management Services.

Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed the Pavement Condition Index (PCI) and the Backlog category levels, different option scenarios, that this funding allocation consisted of Gas Tax and Transnet funds, and that the future CIP adjustments presented to the City Council would include the Pavement Condition Assessment Program's strategy options.

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 reported on Committee activity.

Regional Committees: (outside agencies, appointed by this Council)

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

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

- a. Business Liaison Committee – Zito, vacant.
- b. Highway 101 / Cedros Ave. Development Committee – vacant, Nichols.
- c. I-5 Construction Committee – vacant, Zito.

- d. Parks and Recreation Committee – vacant, Nichols.
- e. Public Arts Committee – Nichols, Zito.
- f. School Relations Committee – Marshall, vacant.

ADJOURN:

Mayor Nichols adjourned the meeting at 8:35 p.m.

Angela Ivey, City Clerk

Approved: February 22, 2017