

# CITY OF SOLANA BEACH

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



## MINUTES

### Joint REGULAR Meeting

Wednesday, April 12, 2017 \* 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

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

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#### CALL TO ORDER AND ROLL CALL:

Mayor Nichols called the meeting to order at 6:00 p.m.

Present: Mike Nichols, David A. Zito, Jewel Edson, Judy Hegenauer

Absent: Ginger Marshall

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:

Johanna Canlas, City Attorney, stated that there was no reportable action.

#### FLAG SALUTE:

#### APPROVAL OF AGENDA:

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson. **Approved 4/0/1** (Absent: Marshall). Motion carried.

#### 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.

Julia Knoka stated that she was the new owner of Yogurt 101, invited the community to her ribbon cutting ceremony tomorrow from 4:00-6:00 p.m. and said that she left corporate America to support the Solana Beach community by using her yogurt shop to support schools, sports teams, camps and other entities. She offered buy-one get-one free coupons.

Jim McMenemy stated he was with Zephyr Partners located in Encinitas and that their current projects included a park at Banker's Hill, a 60 luxury-home community in a building next to Balboa Park, South Coven, 168 new homes across from Dana Point Harbor and Doheny State Beach in Dana Point, and a 35 unit community in Carlsbad. He said that they had recently acquired 16.6 acres on the bluff top for a planned resort and villas with trails to the Preserve and Dog Beach in Del Mar. He stated that they had tentatively planned two outreach events on the property scheduled for May 6<sup>th</sup> and May 13<sup>th</sup> from 10:00 a.m. - 2:00 p.m. to solicit community feedback and input and that they would be sending out letters and E-blast notifications to invite Solana Beach and Del Mar residents.

Council and Mr. McMenemy discussed that they planned to mail out letters to many Solana Beach residents, but not all, and that interested parties could sign up on the company's E-blast list at Walter Communications.

Robert Green stated that he was Zephyr's partner on the project, a San Diego native and lived nearby in Olivenhain, that he had been developing high quality hotels in the Western United States for 18 years, had started the Four Seasons Aviara, now Park Hyatt in Carlsbad and started the Robert Green Company. He said that he had built Four Seasons Hotels in Jackson Hole, WY and Palo Alto, CA, and the Pendry Hotel in San Diego. He stated that these hotels were a dream come true for his company, to develop world class resorts and he had a lot of pride in what he did.

Ed Siegel stated that he lived on Hill Street and had an office in town, that he wanted to increase the sense of community of Solana Beach by changing the name of Lomas Santa Fe to Solana Beach Dr., that there was confusion for those going toward the Belly Up and are directed to get off on Lomas Santa Fe but instead get off on Santa Fe in Encinitas.

Councilmember Zito stated that a similar request was made twice before, that a proposal was voted on by the City in the late 80's and did not pass 75% to 25% and that, because of this history and the prior vote, a public vote would be required for reconsideration.

### **COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

*An opportunity for City Council to make brief announcements or report on their activities. These items are not agendaized 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 March 8, 2017.

See Approved Minutes [http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B\\_BASIC](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 Councilmember Zito. **Approved 4/0/1** (Absent: Marshall). **Motion carried.**

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

Recommendation: That the City Council

1. Ratify the list of demands for March 4, 2017 through March 24, 2017.

**Motion:** Moved by Councilmember Edson and second by Councilmember Zito. **Approved 4/0/1** (Absent: Marshall). **Motion carried.**

#### **A.3. 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 Councilmember Edson and second by Councilmember Zito. **Approved 4/0/1** (Absent: Marshall). **Motion carried.**

#### **A.4. Short Term Vacation Rentals (STVR's) - Voluntary Collection Agreement with Airbnb to Collect and Submit Transient Occupancy Tax (TOT).** (File 0610-15)

Recommendation: That the City Council

1. Adopt **Resolution 2017-055** authorizing the City Manager to execute the Voluntary Collection Agreement with Airbnb.

**Motion:** Moved by Councilmember Edson and second by Councilmember Zito. **Approved 4/0/1** (Absent: Marshall). **Motion carried.**

#### **A.5. Coastal Rail Trail DG (Decomposed Granite) Path Restoration.** (File 0840-37)

Recommendation: That the City Council

1. Adopt **Resolution 2017-054:**

- a. Awarding a construction contract for the DG Path Restoration on the Coastal Rail Trail, Bid No. 2017-04, in the amount of \$78,300, to Blue Pacific Contracting and Paving.
- b. Approving an amount of \$12,700 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 Councilmember Edson and second by Councilmember Zito. **Approved 4/0/1** (Absent: Marshall). **Motion carried.**

**A.6. Lithocrete Cleaning and Sealing of Various Concrete Locations.** (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2017-050**:
  - a. Rejecting all bids for the Clean and Re-Seal Concrete Lithocrete Project, Bid No. 2017-03.
  - b. Authorizing the City Manager to modify the bid documents as may be necessary and then re-advertise the project for construction bids.

**Motion:** Moved by Councilmember Edson and second by Councilmember Zito. **Approved 4/0/1** (Absent: Marshall). **Motion carried.**

**A.7. Legal Services with Troutman Sanders, LLP for the Negotiations and Development of the City's Community Choice Aggregation Program.** (File 0400-05)

Recommendation: That the City Council

1. Adopt **Resolution 2017-057** approving the Professional Services Agreement with Troutman Sanders, LLP.

**Motion:** Moved by Councilmember Edson and second by Councilmember Zito. **Approved 4/0/1** (Absent: Marshall). **Motion carried.**

**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 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: 502 Mar Vista Dr., Applicant: Petosa, Case No: 17-16-26** (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 Development Review Permit (DRP). 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 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2017-051** conditionally approving a DRP for a 748 square foot addition to an existing two-story, single-family residence located at 502 Mar Vista Drive.

Councilmember Hegenauer recused herself due to owning property within 500 ft. of the project.

Greg Wade, City Manager, introduced the item.

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

Mayor Nichols opened the public hearing.

Council disclosures.

Applicant

Stacey Matthews, project designer, stated that they did not have a formal presentation, thanked Planning Staff, City Manager and Mayor Nichols for their direction and help on the project.

Council and Staff discussed the height of the wooden deck in the front yard, that the plans were in conformance with the regulations for front yard set-backs, the deck and landscaping planters were in accordance with regulations, most of the deck was within the buildable area, and that the deck and retaining walls measured approximately 2 ft. so handrails were not required.

Council, Staff, and Applicant discussed that the 18 ft. rear yard hedgerow could be problematic for views in the future and should be lowered to meet the height of the 8 ft. fence, and that the new lowered height of the hedges would be added as a condition of approval, and that the 8'x16' retaining seat wall shown on the plans had a typo and should read 8"x16".

Discussion continued regarding why the site plan read 2 ft. from the set-back for the proposed deck and the landscape plan read that the existing deck was 3 ft. from the set-back, that the 2 ft. dimension was measuring the amount that the deck encroached into the set-back, which was the allowed 2 ft. which the plans exhibited, provided that it was

supported at or behind the setback, and that the landscape plans 3 ft. dimension was measuring the property line to the deck, which would total the 5 ft. required set back.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to close the public hearing. **Approved 3/0/2** (Recused: Hegenauer, Absent: Marshall). **Motion carried.**

**Motion:** Moved by Councilmember Zito and second by Mayor Nichols. **Approved 3/0/2** (Recused: Hegenauer, Absent: Marshall). **Motion carried.**

**B.2. Public Hearing: Introduction (1<sup>st</sup> Reading) of Ordinance 476 – Establishing the Open Space/Preserve Zone and Corresponding Regulations and Request for a General Plan Amendment and Rezone to Change the Designation of a Vacant Property Located at 640 North Highway 101 and Adjacent to the San Elijo Lagoon Ecological Reserve From General Commercial to Open Space/Preserve, Case # 17-17-03, Applicants: San Elijo Lagoon Conservancy, APN: 263-011-32. (File 0630-30)**

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. Find the project exempt from the California Environmental Quality Act pursuant to Section 15061 of the State CEQA Guidelines; and
3. Introduce **Ordinance 476** (1st Reading) adding Chapter 17.42 “Open Space/Preserve” to the Solana Beach Municipal Code and Establishing the Open Space/Preserve Zone and Corresponding Regulations; and
4. Consider whether to approve **Resolution 2017-049**, a change to the General Plan Land Use Map and City of Solana Beach Official Zoning Map as recommended by Staff

Greg Wade, City Manager, introduced the item.

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

Council disclosures.

Applicant

Doug Gillingham said he was a resident of Solana Beach and was the applicant and the representative and current President of the San Elijo Lagoon Conservancy. He stated that they were glad to be in the final steps of establishing the Harbaugh Seaside Trails Reserve that many in the community and beyond had worked for a long time and that it would preserve nature and connect communities since it was at the end of the Coastal Rail Trail and NCTD would be constructing a pedestrian path underneath the railroad tracks. He said that in 2011, the Conservancy had an opportunity to purchase it for four million dollars, and several generous supporters in the community contributed including a \$1.5 million donation from the George and Betty Harbaugh Charitable foundation and a million dollars from

Caltrans funding that the City helped coordinate. He said that a conservation easement was already in place restricting the usage to passive open space recreational uses. He said that a letter that came in on this item suggested looking into an economic opportunity to provide a view deck so that the public could enjoy the property and that they were adding a deck at the edge of the property and that this location would draw people to the area for the Highway 101 corridor restaurants and shops along the way indirectly benefiting the area economically. He stated that this was a quality of life opportunity providing economic benefit, and that instead of drinks the sunsets would be just as glorious.

### Public Speakers

Ed Seigel passed out a letter (on file) and said that he saw the item 10 days ago and that he felt strongly about the City, that when he moved to Solana Beach in 1976 Fletcher Cove was a parking lot and Mike changed that, that the Coastal Rail Trail was a dirt path and Lesa changed it, that Jack Moore was the father of the City's incorporation and that many had prevented massive developments at the north end of the property, that he wished that this consideration had more community input, that instead of designating it Open Space, that it could have a tasteful element including a veranda where citizens and visitors shared and purchased refreshments overlooking the lagoon, and that such an arrangement could bring in funds for the Conservancy and the City and bring a greater sense of community.

Mayor Nichols said that the Conservation easement was placed on the property in 2014, that there was plenty of opportunity for community to be involved in this, and that this action was only a formality for the General Plan's consistency.

Gerri Retman stated that over a 20 year quest to save this property that she had met with a number of developers that were willing to donate the northern end in exchange for a small area for themselves but that was not what the public wanted, that the first Council's actions at the City's incorporation made it clear that they agreed that open space should be preserved, that it had been six years since the community and City initiated efforts to purchase the property, that the late Margaret Schlesinger and Roy Warden were both supporters long before and were involved in these efforts and thanked the members of the Council over time who had supported this property.

Ira Opper said that he supported this zone change, that every time he and Gerry drove by she would say that it should be a park, along the way there were many setbacks, that his dad quote was always in his head "what would it matter in 100 years?" and that this was one thing that would matter in 100 years. He said that he was born in southern California, had seen development of the area, and that to have a piece of open space in that view area was a credit to all because it did not happen very often, and thanked Council and his wife Gerri for all of their efforts.

Council discussion ensured regarding that the community made this effort work, that Doug Gibson, applicant, had done a lot over time and had the Conservancy take a lead, that Gerri and Ira worked on it for two decades, that community members David Winkler and Tom Golich put significant amounts of capital on the line, Joe Balla and his group put the last bit of financing, and that Gary Martin spent hundreds of hours crafting legal documents to solidify the process.

Council continued, stated that it was a major milestone for the City, that some of the things that drove the formation of the City was former nightclub, now City Hall, as well as the property at the lagoon, that during past proposed developments 100's of comments were received against developing this space, that it was once a gas station and fruit station, and that this evening was just a formality and that the funds have been received with that intent for this area.

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

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson. **Approved 4/0/1** (Absent: Marshall). Motion carried.

**B.3. Public Hearing: Consideration of Modifying Summer Day Camp Fees.** (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 2017-046** to increase the fees of the Summer Day Camp program.

Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed the comparison to other cities and comparable camp contents, that Encinitas and Carlsbad had a wide variety of programs, so they were used to compare prices of their comparable programs, that an advanced email data base could be alerted of the upcoming rate increase prior to the opening day of registration, and that two comments were already received from the public which was included in the Staff Report.

Discussion continued regarding that the City was currently providing a financial assistance scholarship program for financially needy families at 50% off, that the City did not receive many requests annually but had been able to accommodate those that were submitted.

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

Council discussion continued regarding that nothing but good things were heard about this program, that Staff ran a great program, that the program filled up so fast that a current price increase was not a problem, that it was hard to secure spots in this program because it was one of the lowest priced programs in the area, that having financial aid helped make up the difference to lessen the blow for those that may need it, that because the rate was so low that many people from outside of the City signed up before residents, that the financial aid program was only for residents, and that it did not appear that this would price



anyone out of the program and the City would not lose interest or money from raising the rate.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson. **Approved 4/0/1** (Absent: Marshall). Motion carried.

**C. STAFF REPORTS:** (C.1. - C.2.)  
*Submit speaker slips to the City Clerk.*

**C.1. Adopt Ordinance 475 (2<sup>nd</sup> Reading) regarding Renewal of Public, Education, and Government (PEG) fees for State Franchises.** (File 1000-10)

Recommendation: That the City Council

1. Adopt **Ordinance 475** amending Section 13.20.020(B) of Solana Beach Municipal Code to renew the PEG fee for State franchisees.

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

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson. **Approved 4/0/1** (Absent: Marshall). Motion carried.

**C.2. Adopt Ordinance 474 (2<sup>nd</sup> Reading) regarding California Public Employees Retirement System's (CalPERS) Contract Amendment.** (File 0520-50)

Recommendation: That the City Council

1. Adopt **Ordinance 474** to amend its CalPERS contract in order to implement California Public Employees Retirement System's Government Code Section 20516 (Employees Sharing Additional Cost) for fire employees and to authorize the City Clerk to execute all necessary certifications to effectuate the CalPERS contract amendment.

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

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson. **Approved 4/0/1** (Absent: Marshall). Motion carried.

**COMPENSATION & REIMBURSEMENT DISCLOSURE:** None

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

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

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

**ADJOURN:**

Mayor Nichols adjourned the meeting at 7:22 p.m. in honor of all the citizens of Solana Beach who have contributed financially through their efforts or participation in the meetings in saving the Harbaugh Trails and thanked everyone, including those who may have passed and did not get to see this final day.

Angela Ivey, City Clerk

Approved: May 10, 2017