

# 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 10, 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

Mike Nichols, 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: 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

**CLOSED SESSION REPORT:** (when applicable)

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**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.

Dr. Ed Siegel said that as a former Public Arts Commission member he was instrumental in moving Council pictures to the Council Chambers, wondered why the NCTD project did not proceed as expected, that he was not opposed that Mike Nichols and Lesa Heebner may have worked on the NCTD project, and that the Gateway property did not have any parking or outside amenities and did not provide right of enjoyment that was deserved by the community.

Mary Yang stated that a 5 year federal leasing proposal to open coastal areas for offshore drilling and fracking would put marine life, ocean economy and health at risk, that the plan was proposed simultaneously with the removal of safety regulations, and asked the City to consider passing an opposing resolution.

Deputy Mayor Zito asked to add this item to the next meeting agenda.

**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.*

Council reported community announcements, events, and commentary.

**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. Register Of Demands.** (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for November 25, 2017 through December 22, 2017.

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

**A.2. 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.

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

**A.3. 2018 City Council Meeting Schedule Planning.** (File 0410-05)

Recommendation: That the City Council

1. Review, edit, and/or approve a 2018 interim schedule with proposed cancellations and/or additional meetings.

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

**A.4. Circle Drive Sewer Pipeline Replacement, Bid 2017-10.** (File 1040-36)

Recommendation: That the City Council

1. Adopt **Resolution 2018-002:**
  - a. Awarding the construction contract to Burtech Pipeline, Inc., in the amount of \$532,226.20, for the Circle Drive Sewer Pipeline Replacement, Bid 2017-10.
  - b. Approving an amount of \$80,000 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.
  - e. Authorizing an appropriation of \$130,540 from the Sanitation Fund into the project budget unit.
  - f. Authorizing the City Treasurer to amend the Fiscal Year 2017/18 Adopted Budget accordingly.

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

**A.5. Administrative Budget and Recognized Obligation Payment Schedule (ROPS) Approval.** (File 0115-30)

Recommendation: That the Successor Agency

1. Receive the Successor Agency's enforceable obligations payment information and administrative budget for the period July 1, 2018 to June 30, 2019.
2. Adopt **Resolution SA-020** approving the SA Administrative Budget for July 1, 2018 to June 30, 2019.
3. Adopt **Resolution SA-021** approving the ROPS 18-19 for July 1, 2018 to June 30, 2019.

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

**A.6. Temporary Staff Funding.** (File 0560-40)

Recommendation: That the City Council

1. Adopt **Resolution 2018-001** ratifying total expenditures for temporary staffing coverage in the amount of \$45,000 with Apple One.

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

**A.7. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held October 11, 2017, November 8, 2017 and November 15, 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 Deputy Mayor Zito and second by Councilmember Edson 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: 201 Lomas Santa Fe, Applicant: AT&T Mobility, Case 17-17-15.**  
(File 0610-60)

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 DRP (Development Review Permit). 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 15301 of the State CEQA Guidelines; and
3. Adopt **Resolution 2017-167** conditionally approving a CUP (Conditional Use Permit)/DRP/SDP (Structure Development Permit) for a new WCF (Wireless Cell Facility) and associated equipment located on the roof of an existing commercial

office building at 201 Lomas Santa Fe, Solana Beach and provide direction to Staff as to which project alternative the Council is approving.

Greg Wade, City Manager, introduced.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) and stated that the applicant submitted an alternative design today.

#### Council disclosures

Council and Staff discussed the planting in the right-of-way for which Staff works with the property manager on trimming to provide access, that no information was provided regarding the replacement of the tree that was proposed to be moved and that that provide did not trigger a landscape plan, that the applicant had stated that it was diseased but that there was not official analysis to verify it, and the tree provided softening to the architecture.

Gerri Retman (time donated by Ira Oppen) said that her family owned property with equipment placed on it and that she was not opposed to the equipment but instead to the design, that it was now taller and deeper than the elevator shaft, that the poles erected did not allow the public enough time to review, that AT&T was focused on one site rather than alternative sites, that the tree did bloom annually, that alternative sites were dismissed without any substantiated reasons, that the proposed design would negatively impact the neighborhood and the building and set a precedence for other sites in the future, and to deny or send the applicant back to the drawing board for a multi-site location.

Tim Henion, applicant's representative, said that they went back to review, considered moving antennas to the side of the building, moved sectors eliminating the block of the view of a residence, reached out to the residence several times and never received a returned call, proceeded with drawing and installed story poles on Sunday, did a pre-application meeting with Staff to be sure they were going in right direction to meet codes, would have to ask for a variance, that the proposal met Council's Policy 21 requirements, and showed a sample blue wood of the material that would shield the equipment.

Council, Staff, and Mr. Henion discussed that the proposal appeared to be popping out on all sides and whether it could be reduced, that a reduction in size would not accommodate the main equipment, that in response to Kaufman's input today the antennas were relocated on a new proposal which was submitted, that they erected story poles up in July without opposition until December 13<sup>th</sup>, and that the public hearing notice went out October 23<sup>rd</sup>.

Discussion continued regarding the mention of removing a tree due to disease that had not been assessed by an arborist, a new planting that would replace it, and that 3 east facing panel antennas were removed and placed in a different location by 4 shorter antennas and equipment would be reconfigured to make it all fit that would eliminate the box on the east side.

Discussion continued regarding the number of antennas and RRU's (remote radio units) being decommissioned at 505 Lomas Santa Fe and being proposed at 201 Lomas Santa Fe, that the City's ability to regulate qualified co-locations is limited and a new site afforded the

City more discretion, that co-location in the future could go higher if not substantial which would be debatable, that conditioning additional height in the future would not be allowed by federal law, that other locations considered had issues with rooflines and height limits for the zone which would require a request for a variance, no view assessment claims were received in the time frame allotted,

Tripp May, Telecom Law Firm, the City's third party consultant, said that he wanted to disclose that Gerri Retman's family was a client of the firm, but that all recommendations were objective.

Council and Mr. May discussed alternative locations mentioned in his October 14<sup>th</sup> report that were viable as a standalone facilities but would raise aesthetic concerns in height, some could be multi-height solutions but they would not achieve the coverage they were aiming for with this one location, and that AT&T declined to consider multi-site locations.

Council discussed that there were no view claims, some complaints, not a huge view impairment, that alternative 2 was preferred, that the downside of a multi-sites location was that there would be multiple sites that could be collocated in the future, not sure this was the more minimum impact, to get a better grounding on the visual impact,

Council and Mr. Henion discussed that there was no way to get it to be the same height as the same parfait due to the antennas height and they were using the smallest height antenna which was 4 ft. in this area but had to have them see over the building to attain coverage, and that lowering them by 6-8 inches would be ideal.

Council and Mr. Mail discussed that they were using the smallest antenna possible for this site and topography and not sure if there was another solution on another area of the roof.

Council and Staff discussed that there were both 6ft. and 4ft. antennas, that the tree being removed was 40 ft. and proposed to be replaced with an 11 ft. tall but should meet the height of the building, that landscaping was conducted on the edge of this building in the right-of-way not by the City,

Mr. Henion stated that this was the better location because it allowed the antenna to reach more east than the 505 Lomas Santa Fe location.

Council discussed the interest in a better aesthetics and less obstructiveness, that a drop of 6 inches would be better, reduce the dimension of one of the boxes, the aesthetic enclosure below, the tree replacement, have many same concerns, have the 3<sup>rd</sup> party consultant review the change, that the aesthetics be detailed out regarding enclosure surface, block wall, stucco, match of existing architecture, and materials.

Mr. Henion agreed that he would be willing to extend the tolling agreement, and work on any other possible designs to be less obtrusive, and return on February 14<sup>th</sup>.

**Motion:** Moved by Deputy Mayor Zito and second by Councilmember Edson to continue the public hearing to a date certain of February 14, 2018. **Approved 5/0.** Motion carried unanimously.

**B.2. Public Hearing: 809 Seabright Lane, Applicants: Kadia / Parekh, Case 17-17-23.** (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 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, 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 2018-003** conditionally approving a DRP and an SDP to demolish an existing single-story, single-family residence and construct a new two-story, 4,442 square foot single-family residence, remove and replace the roof on the existing detached 514 square foot garage and perform associated site improvements at 809 Seabright Lane, Solana Beach.

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

Mayor Marshall opened the public hearing.

Council disclosures.

Craig Frieauf, architect, stated that he did not have a presentation and was available for questions.

Council and Mr. Frieauf discussed that there was a neighborhood agreement, that the garage was lowered to maintain a view corridor for the neighbor, whether the applicant would agree to a condition of no roof decks, that it would require a return to Council if they did want to add one since it would exceed the 16 ft. height maximum,

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

**Motion:** Moved by Deputy Mayor Zito and second by Mayor Marshall to approve with modifications conditioning no roof top decks. **Approved 5/0.** Motion carried unanimously.

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

**C.1. Adopt (2<sup>nd</sup> Reading) Ordinance 484 – Amending Section 17.80.020 of the Solana Beach Municipal Code Related to the Solana Beach Floodplain Overlay Zone to Comply with the National Flood Insurance Program. (File 0850-20)**

Recommendation: That the City Council

1. Adopt **Ordinance 484** amending the Solana Beach Floodplain Overlay Zone (Sections 17.80.020, 17.80.090 and 17.80.120) of the Solana Beach Municipal Code.

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

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

**C.2. Council Boards, Committees, & Commissions Mid-Term Review. (File 0410-05)**

Recommendation: That the City Council

1. Review the Regional Boards/Commissions/Committees.
  - a. Determine the City Selection Committee 2018 annual term appointment, if any changes.
  - b. Make alternate appointments, if necessary.
2. Review Council Standing Committees and make alternate appointments, if necessary.

Discussion and no changes to existing appointments.

**COUNCIL COMMITTEE REPORTS:**

**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. 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.

**ADJOURN:**

Mayor Marshall adjourned the meeting at 8:20 p.m.

Angela Ivey, City Clerk

Approved: February 28, 2018