

# 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 14, 2018 \* 6:00 P. M.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California  
And Teleconference Location (Zito): Courtyard by Marriott Bengaluru, Outer Ring Rd.,  
Marathahalli Sarjapur Rd., Bellandur, Bengaluru, Karnataka 560103, India

**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

Vacancy

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 6:06 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

Mayor Marshall stated that four council members were present and that Councilmember Nichols had tendered his resignation as of March 12<sup>th</sup> and that at the next meeting Council would be reviewing how to proceed with replacing the position.

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

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

#### FLAG SALUTE:

#### APPROVAL OF AGENDA:

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

Jill Cooper asked Council to pass a resolution promoting common sense gun safety in the community, urged the Council to call on elected officials to pass federal legislation to promote gun safety, support strict background checks and waiting periods, and to repeal the conceal and carry reciprocity bill.

Latha Sundar said that preventing violence in society was more important than Second Amendment rights.

Simone MacLellen said she was with NeverAgainCA.org, a grass roots organization to end gun violence through legislation, education and activism, and asked Council to write to the US House of Representatives about the concealed carry reciprocity bill, and adopt a resolution opposing U.S. House Bill 38 and U.S. Senate Bill 446.

Cindi Clemons asked Council to adopt a resolution in opposition to U.S. Senate Bill 446 to protect California's gun control laws, that law enforcement agencies across the country had opposed the bill, including former San Diego City Police Chief, and that the City of San Diego and the San Diego Unified School District have drafted resolutions opposing the bill, and said her heart goes out to the victims of the mass shooting in Florida. Said that thoughts and prayers are not enough and that we're called to action and now is the time.

Sharon Rosen Leib said she is a former Deputy Attorney General of California and worked at the department of justice when she was seven months pregnant and a weapon was slipped to her on the floor when a co-worker was getting a drink of water, stating that he said he had a conceal and carry permit and that the safety was on, and that she is asking Council to take a firm stand against conceal and carry reciprocity for personal safety and the safety of our children.

Dave Clemons said California has been a leader in common sense gun control reform and our laws are some of the strongest nationwide, asked Council to draft a resolution opposing conceal and carry reciprocity, said that US Senate Bill 446 calls for laws that would circumvent California's tight laws in exchange for privileges between states, stated that California currently requires a permit from a local law enforcement agency to carry a concealed gun, applicants must have completed a course and have a valid reason to carry a concealed gun, and asked elected officials to please stand up and preserve the progress that has been made on this issue before more lives are lost.

Kelly Harless asked Council to add a voice to reasonable gun laws in California and nationwide and to oppose the conceal and carry resolution. She said that she has a 14-year-old daughter and two other children and that on February 15 for the first time, one of

her children told her she was too scared to go to school and a week later told her that she developed a safety plan—where to run before school, during class and after school. She said a loud sound occurred on campus a week later and caused a panic, and everybody thought it was a gun. She said she wants to stop the gun show at the Del Mar Fairgrounds from occurring every year and said that she does not want children attending gun shows and the glorification of weapons without reasonable gun laws.

Dave Rolland gave an update on California Senator Tony Atkins, that she will be sworn in on March 21<sup>st</sup> as the 48<sup>th</sup> President Pro Temp, she is making history as the first woman to hold that position and the first president pro temp from San Diego County in nearly 40 years, said that the bills she is carrying have a theme of breaking down arbitrary barriers, that bill SB945 removes a barrier blocking underinsured women with breast or cervical cancer from treatment, said that SB 1005 makes sure survivors of domestic violence don't have to choose between a safe home and a beloved pet, said that SB1086 ensures access to certain death benefits for families of public safety officers who died from certain job related illnesses, said that SB 1125 removes barriers blocking access to mental health treatment at community centers, and that currently health care centers can't bill Medicare for mental health treatment if it happens on the same day as another visit, said that SB970 requires hotels to train employees to spot the signs of human trafficking, said that SB1367 gives the San Diego River Conservancy authority to provide assistance to non-profit groups or local governments to enhance local rivers, and lastly, said that the California Competes Tax Credit Application ends March 26 and that if someone has a company and wants to expand to go online and apply and that San Diego usually does very well.

Mary Yang added support to the previous speakers on gun control, said that she is here to bring to attention the issue of straws and disposable plastics, said that this week there is the 6<sup>th</sup> international marine debris conference in San Diego and that one of the topics to discuss is plastic pollution, said that studies show plastics will outweigh fish pound for pound in the ocean by 2050, that some plastics concentrate toxins, that only 9% of world plastics are recycled and much of it ends in our oceans and waterways, that straws are the 4<sup>th</sup> most common form of plastic pollution in the U.S., that we use on average 1.6 straws per person per day and in Solana Beach this equates close to 22,000 straws per day, that other cities throughout the U.S. have passed ordinances requiring restaurants to provide straws on request only, that other cities have banned not only straws, but plastic utensils and stirrers altogether, and she asked Council to explore restrictions on all single-use disposable plastics, and thanked Council for launching the County's first Community Choice Aggregation and commended City Staff and consultants for their hard work and efforts.

Councilmember Edson supported the speakers tonight and asked Staff put discussion of gun issue on a future agenda, and that Staff research the plastic pollution issue as well.

Councilmember Zito thanked everyone for coming out tonight and asked Staff to bring back the conceal and carry reciprocity and consider and resolution in opposition, will be have a work plan meeting to discuss the plastics pollution.

Councilmember Hegenauer said she chairs the School Relations Committee and this week discussed evacuation plans for the various school districts in the area and they have a good plan and she was grateful to the Florida students for being the adults that they were.

Mayor Marshall said she knows this is a raw topic regarding the gun show and said there will be an area for people to protest this weekend, that there will be a place for people to protest in a specified area to exercise their freedom of speech.

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

Recommendation: That the City Council

1. Ratify the list of demands for February 10-23, 2018.

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

**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 Councilmember Edson and second by Mayor Marshall to approve. **Approved 4/0.** Motion carried.

**A.3. Stormwater Program Management Services.** (File 0850-40)

Staff recommends the City Council:

1. Adopt **Resolution 2018-023** authorizing the City Manager to amend the Professional Services Agreement with Mikhail Ogawa Engineering for Stormwater Program Management Services to increase the total cost of the agreement by \$22,000 for an amount not exceed \$107,000.

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

**A.4. Replacement Vehicle for the Marine Safety Department.** (File 0370-26)

Recommendation: That the City Council

1. Approve **Resolution 2018-012:**
  - a. Authorizing the purchase of a replacement vehicle for the Marine Safety Department.
  - b. Authorizing appropriations of \$7,650 from the Asset Replacement Reserve Fund to the Asset Replacement-Marine Safety Vehicle Expenditure account.
  - c. Authorizing the City Treasurer to amend the FY 2017/2018 Adopted Budget accordingly.

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

**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: Establishing Solana Energy Alliance.** (File 1010-40)

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. Adopt **Resolution 2018-027** establishing the rate schedule for Solana Energy Alliance
3. Adopt **Resolution 2018-028:**
  - o Approving the Energy Risk Management Policy
  - o Approving the Privacy and Confidentiality policies
4. Adopt **Resolution 2018-029** authorizing the City Manager to execute the amendment to Task Order 2 Section 2.1 of Agreement with The Energy Authority
5. Approve Selection of River City Bank as banking institution and authorize the City Manager to execute all documents

6. Adopt **Resolution 2018-032** authorizing the City Manager to execute the amendment to the Master Professional Services Agreement with Calpine Energy Solutions

Greg Wade, City Manager, introduced the item.

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

Mayor Marshall opened public hearing.

Council disclosures.

Council and Staff discussed the credit rating, River City Bank was not traded on the open market so they have a corresponding bank as a backup, public notification via mail to opt-out and a joint rate comparison for information, and the proforma numbers of anticipated reserves.

**Motion:** Moved by Councilmember Edson and second by Councilmember Hegenauer to close the public hearing. **Approved 4/0.** Motion carried.

Mayor Marshall said that she felt the same as before, that she had solar panels, a hybrid vehicle, that she thought clean energy was great, that she had never heard of River City Bank, that she felt there were many risks that were not known, unsure of how many people would participate, that she would be more comfortable shouldering overhead and costs with other cities and that the door would be kept open for that.

Council discussed support, that it contributed to the goal of providing competitive and cheaper rates and provide a higher percentage of renewable energy than IOUs, that Staff had conducted ongoing research since 2011, if the City had waited it would have been delayed with what the CPUC (California Public Utilities Commission) had recently put in place.

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

**B.2. Public Hearing: 520 Pacific Avenue, Applicant: Beck, Case 17-17-38.** (File 0600-40)

The proposed project meets the 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) 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 15301 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2018-035** conditionally approving a DRP and an administrative SDP to remodel an existing single-family home with attached garage at 520 Pacific

Greg Wade, City Manager, introduced the item

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

Mayor Marshall opened public hearing.

Council disclosures.

Gary Cohn, architect, said that this was an interior remodel for more efficient use of the space with three bedrooms and a master instead of two bedrooms and a master, accommodate 2 cars, an elevator, and exterior decks, reducing the square footage of the structure, had not receive any negative input, and worked with the view assessment process to accommodate the neighbor's interests.

Steve Beck, Applicant, stated that he moved from northern California and that working with Staff had been a good experience.

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

Greg Wade, City Manager, said that a Fire Department condition of approval was the addition of a fire suppression system, that a remodel would not require a fire suppression system if the automated system valuation exceeded 15% of the project valuation and therefore would be determined as the project progressed, and to modify the condition in the resolution state that a fire suppression system would be provided per fire and building codes.

Applicant representative said that the change would be acceptable.

**Motion:** Moved by Mayor Marshall and second by Councilmember Hegenauer to approve with clarification on the Fire condition. **Approved 4/0.** Motion carried.

**B.3. Public Hearing: 609 Glencrest Place, Applicants: Venable, Case 17-17-28.** (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 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2018-020** conditionally approving a DRP to construct a 1,351 square foot first floor addition and perform associated site improvements to an existing, one-story, single-family residence with an attached two-car garage at 609 Glencrest Place.

Greg Wade, City Manager, introduced the item

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

Mayor Marshall opened the public hearing.

Council disclosures.

Jenifer Venable, Applicant, said that they lived in Solana Beach for 14 years and chose the area to raise their family so they were expanding to accommodate the growing family as well as visitors as well as space to work at home, that they kept the aesthetics in line with the other homes in the area and talked to their neighbors about their concerns.

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

**Motion:** Moved by Councilmember Edson and second by Councilmember Hegenauer to approve with clarification on the Fire condition. **Approved 4/0.** Motion carried.

**B.4. Public Hearing: 439 S. Cedros Avenue, Applicant: 439 Cedros LLC, Case 17-17-29.** (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). 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 2018-014** conditionally approving a DRP to convert 1,291 square feet of an existing commercial building to a café, construct a new 540 square foot outdoor seating area and a new parking lot to provide 16 new parking spaces at 439 S. Cedros Avenue.

Greg Wade, City Manager, introduced the item.



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

Council disclosures.

Council and Staff discussed the restriping, on-street parking, narrowed driveway approach, and that two parking spaces were one foot short of the required length.

Applicant stated that the end parking spaces could be shorter because it would be easier to pull in and out of the spaces on the end, that they used a suburban in the spaces for design.

Council and applicant discussed whether they had considered making changes in other areas of the building to accommodate more spaces, that the other areas with existing leases had established front entrances, the shortage of parking spaces for both options, the preference for option B, and adding a condition to return to Council if they wanted to add entertainment in the future.

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

**Motion:** Moved by Mayor Marshall and second by Councilmember Edson to approve with option B and modify the condition for a CUP to be approved for live entertainment. **Approved 4/0.** Motion carried.

Mayor Marshall recessed the meeting at 7:50 p.m. for a break and reconvened at 8:00 p.m.

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

**C.1. Pilot North County Coastal Regional Bikeshare Program.** (File 0840-40)

Recommendation: That the City Council

1. Adopt **Resolution 2018-030:**
2. Authorizing the City Manager to enter into a MOU with the cities of Del Mar, Encinitas, Carlsbad, and Oceanside, as well as Camp Pendleton, the San Diego Association of Governments (SANDAG), and North County Transit District (NCTD) to develop and implement a one-year pilot regional bikeshare program.
3. Authorize the City to participate in a Request for Information (RFI) to seek information from vendors with the resources to pilot a bikeshare program.

Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed the regional approach v. local effort, costs of programs in other jurisdictions, considering only programs where the vendor bore all of the costs, and pilot it for a year and get public feedback.

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

**C.2. Request for Proposals for an Affordable Housing Development Opportunity at 635 S. Highway 101, Solana Beach.** (File 0490-20)

Recommendation: That the City Council

1. Adopt **Resolution 2018-031** authorizing the City Manager to issue a Request for Proposals for an affordable housing development on City-owned property located at 635 S. Highway 101, Solana Beach (City Hall).

Greg Wade, City Manager, introduced the item. He stated that the item was a request for potential proposals for the site of City Hall to accommodate mixed-use with affordable housing.

Council and Staff discussed that the proposal could be with City Hall or without it, that all options were of interest, and encouraged flexibility of all possible ideas.

Joel Junker stated that there was a lengthy discussion 4-5 years ago on a proposed affordable housing at 500 S. Sierra and that it was stated at that time that City Hall was not a site that could be considered instead of 500 S. Sierra, that this property did not qualify, and what was different now than five years ago.

Johanna Canlas, City Attorney, stated that in 2010 the Housing Element had an RFP for City properties and a developer reached out the City for the 500 S. Sierra location, it was approved for 10 units, that a complaint of the approval resulted in a litigation that the City prevailed up to the appeals court, that the developer did evaluate whether they could consider an alternative location with the required parking and could not find an economically feasible way to make it work at this site, that the Housing Element was in a new cycle now, the State had declared an affordable housing shortage statewide, that more mandates were being formed for local agencies to find new ways to create new units, and that before Council at this time was to put out the opportunity to see if any opportunities were provided.

Deputy Mayor Zito said he was on Council at that time, that the project approved at the time was designed to meet the requirements for certain configuration, that it was not financially feasible for the developer to do it on City Hall site, that the City would have to show by 2021 the required efforts and meet the City's current Housing Element requirements.

Mayor Marshall said that she would like to see these not concentrated, that there may be better sites such as the train station or Solana Highlands site, that if it was built in place of City Hall then a new City Hall would have to be found or built, and that there was a lot of opposition to the S. Sierra affordable housing project.

Deputy Mayor Zito stated that it was the City's responsibility to put the projects were they could be added, that the train station is also a location, and that there was already one in the train station area containing 3 units.

Greg Wade, City Manager, said that the economics of affordable housing were difficult, that all City owned property had been identified, that most projects were looking for free land and a large subsidy, that this was the effort to issue the RFP and see if any proposals would be submitted, that the City was provided the regional housing need totals today, that the region would need 171,685 housing units between June 2020 and April 2029, that the next task was to allocate those units throughout the county, and the City was complying with HCD (Department of Housing and Community Development) and the housing laws.

Deputy Mayor Zito stated that the City of Encinitas did not have a Housing Element and could not apply for grants such as the one the City received for Stevens, that the City was trying to stay compliant short of having the state start implementing it for the City.

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

**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 8:29 p.m.

Angela Ivey, City Clerk

Approved: September 11, 2018