

# CITY OF SOLANA BEACH

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



## MINUTES

### Joint REGULAR Meeting

Wednesday, September 28, 2016 \* 6:00 P. M.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

- City Council meetings are video recorded and archived as a permanent record. The [video recording](#) captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

#### CITY COUNCILMEMBERS

David A. Zito, Mayor

Peter Zahn, Deputy Mayor

Mike Nichols, Councilmember

Ginger Marshall, Councilmember

Lesa Heebner, Councilmember

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

#### CALL TO ORDER AND ROLL CALL:

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

Present: David A. Zito, Peter Zahn, Mike Nichols, Ginger Marshall, Lesa Heebner

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 Zahn and second by Councilmember Heebner.  
Approved 5/0 **Motion carried unanimously.**

#### 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.

Torgen Johnson presented a PowerPoint (on file) that reviewed an expedition of a Swiss family traveling around the world by sail and human powered bicycles called Top to Top Global Climate Expedition. He stated that the family would be back later that year to discuss the expedition and the visible climate changes that were seen around the world.

Bill Stoops said that the CCA (Community Choice Aggregation) was a forced process and not a choice, that he would be forced to join or opt out through an unknown process and fee, Council would be voting on it in October or November, that the cost aspect was the concern, the contracts should be looked over carefully since it could set the city up for financial ruin, property damage, or incur debt if a JPA was established. He said that there were several technical difficulties that would require a professional that he believed the city did not have the funds to pay for, that he felt the city would force him to choose its option and impose a fee and an unknown process to opt out, and that it should be a choice up front instead.

Council and Staff stated that the City was not ready with all communications and that there will be plenty of meetings for discussion and opportunities for the public to voice their opinion on that topic, that 4 or 5 CCAs had been established in the state already, that several CCAs offered options at a lesser cost than the current utility in those areas, that the cost would depend on the percentage of renewable energy used, that the City would be looking into partnering with other cities who had formed CCAs and work with knowledgeable professionals in the field.

Catherine Dickerson said that she was a 14 year resident of Solana Beach, that there were a lot of issues that caused concern with a CCA specifically the issue of choice, there was only one supplier of energy, SDGE, and that if she wanted to put in her own generator that she would have to get permission from the county after filing out 3 pages of paperwork for permits, that she advocated several sources of energy for the community to choose from based on each individual's needs and judgment, but that instead the City planned on imposing a heavily controlled and flawed program where the community would have no choice but to opt in since a CCA would fail unless everyone participated, and that she objected to the City forming a CCA.

Linda Swindell and Lenore Dale thanked the City for their support for the Solana Beach Skate for a Day event and urged everyone to attend, that they had received a lot of support from within the community and outside of the community, including the Tony Hawk Foundation that would be donating helmets and gear, that the skate boarding world had grown greatly over the years and Solana Beach had been a big part of the growth, the event would provide lessons for those who have never skated before and encourage those who currently skate, that they had worked closely with the Parks and Recreation Commission to make the event happen, showed a display flyer and sponsor information, and that more information could be found on the City website and several social media outlets.

Peggy Walker said she was a Solana Beach resident and that that she represented citizens against marijuana and other organizations against Proposition 64, the Adult Marijuana Act, and asked Council to join several organizations against the Proposition. She said that it would take away local control by allowing residents to grow up to 6 plants, which could produce 6,000 joints over a life time with a street value of \$12k-\$50k, and each plant would consume about 6 gallons of water each day.

Judi Strang stated that she worked with San Dieguito Alliance and she was concerned about Proposition 64 and encouraged Council to sign a list opposing it either individually or as a collective Council. She said that she commended City Council on being an active part of the community when it came to many issues such as schools, tobacco ordinances, NCTD, and believed they could make an impact when it came to this Proposition, she believed that it was flawed when it came to cities to cultivate marijuana, manage edibles, and not addressing advertising.

Diane Harp said that the government came up with ideas such as CCA and implemented them onto people with no input from the people, that examples such as Obama Care imploded because they did not take the time to do the proper research or understand it, that she wanted to make sure that there would be proper research and input from professionals in the field with extensive experience and understanding and that she was also concerned that parents would have a difficult time teaching their kids not to do drugs if they were legal.

#### **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.2.)

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 August 27, 2016 through September 9, 2016.

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

**C.3. North County Transit District Request for Proposals (RFP) Solana Beach Train Station Joint Development Status Update** (File 0150-75)

Recommendation: That the City Council

1. Receive the information on the proposed conceptual design and provide direction to City staff as may be needed.

Greg Wade, City Manager, introduced the item and stated that this was an informational item.

Joe Balla, Strategic Assets Group Inc, introduced the Cedros Market, his partner John DeWald and design team that included Torgen Johnson, Christopher Mercier, and Scott Novick.

Torgen Johnson, Christopher Mercier, and Scott Novick presented a PowerPoint (on file) which showed a two-phase project that would include restaurants, retail space, office space, residential units, a boutique hotel and a three-story parking garage.

Johanna Canlas, City Attorney, clarified that opinions can be expressed but Council had to keep an open mind when the item is presented at the future public hearing.

Council, Staff, and Consultants discussed the phased timetable, collaboration, the improved relationship with North County Transit District (NCTD) and Mike Tucker, the goal of increased parking for increased ridership of mass transit, the open space design, appreciation for NCTD's outreach with the public, the goal and ethics to be an all-inclusive project, sensitivity to context, character, required parking, traffic, and design, and thanks to former City Manager David Ott for his time and input on the review committee.

Mayor Zito recessed the meeting at 7:10 p.m. for a break and reconvened at 7:20 p.m.

**C.1. State / Legislative Budget Update.** (File 0150-30)

Recommendation: That the City Council

1. Receive Assembly Speaker Emeritus Atkins' address and legislative update and provide comment and feedback as desired.

Assembly Speaker Emeritus Toni Atkins said that her staff attends Council Meetings and reports back to her, that she was on a legislative recess and was waiting for the governor to sign some of her bills, that she had some healthcare bills that had been signed at the state level, she represented the district and sponsored district bills, and

that she worked a lot with the County, Port Authority, Airport Authority, and cities. She stated that affordable housing and infrastructure were her passion but that it had proved difficult to do so, the state was still reeling from the accidental death of redevelopment, the last five years were spent trying to put back tools to mimic tax exempt financing, and that hard work had gone into undoing the damage to resources for inner-city redevelopment and affordable housing. She said that the budget had turned around and the biggest problems were public safety and education, that she credited the citizens and the governor for the 8 billion dollar surplus, which was a rainy day fund surplus, the intent was to not drastically cut services any further, and that more money would go back to the schools. She stated that the big issues were education funding, water sustainability, climate change, and cap and trade resources. She said that local issues were the agricultural district, energy issues, sustainability and putting resources into local coastal plans. She said that the biggest disappointments were affordable housing and transportation infrastructure, that there were tax credits available to small businesses and middle class scholarships and grants to help with increased tuition costs in California.

Council and Assembly Speaker Emeritus Toni Atkins discussed how the state could help to reduce the cost of home entitlements, that the governor tried a proposal that had to do with regulatory reform to help developers streamline projects and cut through regulations if they followed the community plan, the proposal did not get far due to outdated community plans and opposition from the League of California Cities, that AB900 streamlined projects such as stadiums, arenas and large office complexes, that the bond rating for California would be effected due to a lack of housing which would impact California's ability to borrow and the fiscal stability of the state. Discussion continued regarding the underfunded pension liability, that the governor had been renegotiating with each union group to have employees pick-up more of the cost, and that the rainy day fund could be used for pension repayment but that it would be small compared to the liability. Discussion continued regarding recycled water and the definition of the middle class pertaining to the state scholarships for the middle class.

## **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 Ave., Applicants: Verizon Wireless, Case 17-16-19.** (File 0610-60)

Recommendation: Because the Act mandates that the project be approved, 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. Adopt **Resolution 2016-109** conditionally approving a CUP to modify an existing 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).

Paul Gerst, applicant, said that they reviewed conditions of approval and they were in agreement with them all.

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

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

**B.2. Public Hearing: Partial Street Vacation of El Viento and North Granados Avenue.** (File 0820-73)

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 2016-120:**
  - a. Approving that the portion of the public street right-of-way described and shown on Exhibits A, B, C and D of Resolution 2016-120 shall be vacated.
  - b. Approving that there is reserved and excepted from this vacation a water facilities easement in favor of Santa Fe Irrigation District as described and shown on Exhibits A and B of Resolution 2016-120.
  - c. Authorizing the City Clerk to certify a copy of this resolution and have it recorded at the County of San Diego Recorder in accordance with Section 8325 of the Streets and Highway Code.

Councilmember Nichols recused himself due to the project residing within 500 ft. of his residence.

Mayor Zito opened the public hearing.

Greg Wade, City Manager, introduced the item.

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

The applicant stated that the way that the property was configured and that when they bought it they thought that the area was part of the property and discovered that the yard area and the garage was actually not on their property, and that they offered to provide 10 ft. wide easement instead of a current 6 ft. wide.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Heebner to close the public hearing. Approved 4/0/1 (Recused: Nichols) **Motion carried.**

**Motion:** Moved by Councilmember Heebner and second by Deputy Mayor Zahn to close the public hearing. Approved 4/0/1 (Recused: Nichols) **Motion carried.**

**C.2. Breeder's Cup Presentation.** (File 0150-85)

Recommendation: That the City Council

1. Receive the report and presentation on the 2017 World Championship Breeders' Cup and provide direction and feedback to Staff.

Greg Wade, City Manager, introduced the item.

Bing Bush submitted a handout (on file) and introduced the World Championship Breeder's Cup event, presented a video (on file) and presented a PowerPoint (on file).

**WORKPLAN COMMENTS:**

*Adopted June 8, 2016*

**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.

**ADJOURN:**

Mayor Zito adjourned the meeting at 8:40 p.m.

Angela Ivey, City Clerk

Approved: October 26, 2016