

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 25, 2017 * 6:00 P. M.

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

- City Council meetings are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
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CITY COUNCILMEMBERS

Mike Nichols, Mayor

Ginger Marshall, Deputy Mayor

David A. Zito, Councilmember

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

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

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

Absent: None

Also Present: Greg Wade, City Manager

Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Bill Chopyk, Community Development Dir.
Danny King, Assistant City Manager

CLOSED SESSION REPORT: (when applicable)

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

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zito and second by Councilmember Edson. **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.

Dana Roberts said that she was a volunteer with the Trauma Intervention Program that was known as TIP, that TIP volunteers arrive on the scene of an incident such as a sudden death of a child, to provide support, answer questions, explain the process, and ensure that the person in crisis was not alone, that they stated in 2016 and had responded to 1,550 calls, assisted 4,896 citizens, and provided 95,000 volunteer hours, and thanked the City for allowing TIP to serve the community.

Lane Sharman stated that he wanted to thank the City for the continued involvement and leadership in clean energy and a clean energy economy, that California was making progress by having energy community cooperative aggregations and encouraged the City of Solana Beach as a leader in the County of San Diego to reach out to the other Cities, and invited the City to the Community Choice Energy and Aggregation conference being held in Rancho Bernardo March 10, 2017.

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.5.)

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 December 14, 2016.

See Approved Minutes http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC

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

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

Recommendation: That the City Council

1. Ratify the list of demands for December 24, 2016 through December 30, 2016.

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

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

A.4. La Colonia Community Center Exterior Painting Project, Bid No. 2016-08. (File 0720-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-011:**
 - a. Rejecting all bids for the La Colonia Community Center Exterior Painting Project, Bid No. 2016-08.
 - 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 Deputy Mayor Marshall and second by Councilmember Zito. **Approved 5/0** Motion carried unanimously.

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

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

Recommendation: That the City Council

1. Accept and file the City of Solana Beach Comprehensive Annual Financial Report (CAFR) for the fiscal year July 1, 2015 – June 30, 2016.
2. Accept and file the Communication of Internal Control Related Matters Identified in an Audit letter.
3. Accept and file the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets letter.
4. Accept and file The Auditor's Communication With Those Charged with Governance letter.
5. Accept and file the Report on Compliance for the Housing Successor.

Greg Wade, City Manager, introduced the item.

Marie Berkuti, Finance Mgr, presented a PowerPoint (on file)

Brian Gruber, LSL, presented a PowerPoint (on file) reviewing highlights of the document.

B. PUBLIC HEARINGS: (B.1.)

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: 707 Fresca Court, Applicant: John Modesitt, Case 17-16-28.
(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) 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, 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 2017-009** conditionally approving a DRP and SDP to construct an eight (8) square foot first-floor addition and a new 828 square foot, second-floor addition to an existing one-story, single-family residence with an attached two car garage located at 707 Fresca Court.

Greg Wade, City Manager, introduced the item

Regina Ochoa, Associate Planner, presented a PowerPoint (on file)

Council disclosures

John Modesitt, applicant, stated that he was an artist and that they had run out of space to expand.

Council and the applicant discussed the applicant's agreement to the conditions regarding the exterior staircase, that the new addition would be an art studio, that the applicant had no future plans to use the studio as an accessory dwelling unit and that he had considered solar panels for his home and would like to have them in the future.

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

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

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

C.2. Citizen Commission Appointments. (File 0120-06)

Greg Wade, City Manager, introduced the item and stated that one Councilmember could not serve on the Climate Action Commission due to scheduling conflicts and some alternative options including reducing the number of members or having an alternative person fill this position until a Councilmember could fill it in the future.

Public Speakers

Rachel Friedman stated that she currently served on the Parks and Recreation Commission and would look forward to serving another term. She said that she was also representing Ashley Sammis, who was ill and could not attend, to share her interest in the appointment and that she worked with Ashley in her office and that she found her to be enthusiastic, organized, and a real go-getter and that she would be a good addition to the Commission.

Chris Hohn stated that was currently the Chair of the Parks and Recreation Commission and loved serving on it, that he and other Commission members had similar mindset that if anyone wanted to serve that they would like to have them all and would like to expand the Commission for all those interested to volunteer, that it would make Solana Beach civic community better, and that he loved serving and would ask that Council consider expanding the Commission.

Katherine Timm stated that she was interested in serving on the Public Arts Commission, that she had lived in Solana Beach for 25 years, and with her husband raised two children in the community, that she had been active in the community volunteering with several organizations, and that now she was retired she would love to become more involved especially in the arts to share her passion for Solana Beach and love of the arts to serve to help Solana Beach become a destination for public art.

Kelley Harless stated that she was interested in serving on the View Assessment Commission, that she was a passionate community member and cared a lot about the growth and development of the community, that she was committed to enforcing the view ordinance considering the interests of both the builder and impacted neighbors.

Recommendation: That the City Council

1. Appoint three (3) members to the **Budget and Finance** Commission nominated/appointed by *individual* Councilmembers Zito, Edson and Hegenauer for a two year term (ending January 2019).

Motion: Moved by Councilmember Zito and second by Councilmember Edson to appoint Ed (Kevin) Murphy, Jeff Lyle, and Gordon Johns. **Approved 5/0** Motion carried unanimously.

2. Appoint five (5) members to the **Climate Action** Commission nominated/appointed by *Council-at-large for the following positions:*
 - a. Three (3) *Resident* appointments:

- Two (2) vacancies (term ending January 2019).
 - One (1) vacancy (term ending January 2018).
- b. One (1) *Professional* appointment for member of the environmental and/or scientific community (*resident or non-resident*):
- One (1) position (term ending January 2019).
- c. One (1) *Councilmember* appointment. The second Council position was appointed to Councilmember Hegenauer at the January 11th meeting.

Council discussed that since Councilmember Edson could not fill the 2nd council position that no other Councilmember was available to do so at this time, and consider allowing this position to be filled by an alternate person among the applicants.

Councilmember Zito said that he would recommend Goetsch, Zahn, Seipel, Becker, and Koblinsky.

Deputy Mayor Marshall stated that she would recommend Zahn and Kingsley.

Councilmember Edson said that she would recommend Zahn, Seipel, Dewar, Becker, and Koblinsky.

Mayor Nichols stated that he would recommend Zahn, Seipel, Dewar, Koblinsky, and Becker.

Councilmember Hegenauer said that she would recommend Goetsch, Zahn, Kingsley, Dewar, and Koblinsky.

Councilmember Edson stated that she would suggest that Heidi Dewar be placed in Judy Hegenauer's resident position since she applied for resident or professional.

Motion: Moved by Councilmember Edson and second by Councilmember Zito. There was consensus reached for the nominates of residents Peter Zahn and Kristi Becker for a term until 2019, resident Heidi Dewar for a term until 2018 (replacing Judy Hegenauer's resident position), professional Chester Koblinsky for a term until 2019, and resident Melissa Seipel to a term until 2018 that will be an alternative appointment filling a vacant Councilmember seat, until Council determines otherwise. **Approved 5/0** Motion carried unanimously.

3. Appoint four (4) members to the **Parks and Recreation** Commission nominated/appointed by *Council-at-large* for a two year term (ending January 2019).

Council shared their suggestions and consensus was reached for McConville, Friedman, and Roberts. The next two consensus suggestions were Hartnack and Sammis. Council agreed to flip a coin to determine between the two finalists. Mayor Nichols stated that Hartnack would be heads.

Angela Ivey, City Clerk, flipped a quarter and it landed on Tails, resulting in Sammis.

Motion: Moved by Councilmember Edson and second by Deputy Mayor Marshall to appoint Rachel Friedman, Peter McConville, Dave Roberts, and Ashley Sammis. **Approved 5/0** Motion carried unanimously.

4. Appoint three (3) members to the **Public Arts** Commission nominated/appointed by *Council-at-large* for a two year term (ending January 2019).

Council shared their recommendations for appointments and those receiving the highest votes were named in the motion.

Motion: Moved by Mayor Nichols and second by Councilmember Zito to appoint Cindy Neptune, Steve Ostrow, and Deborah Ann Sweet. **Approved 4/1** (Noes: Marshall). Motion carried.

5. Appoint three (3) members to the **View Assessment** Commission nominated/appointed by *individual* Councilmembers Nichols, Hegenauer and Edson for a two year term (ending January 2019).

Mayor Nichols stated that he would nominate Jack Hegenauer.

Councilmember Hegenauer stated that she would like to nominate Kelly Harless.

Councilmember Edson stated that she would like to nominate Dean Pasko.

Deputy Mayor Marshall said that she saw an obvious conflict of interest being related to Councilmember Hegenauer.

Johanna Canlas, City Attorney, stated that Mr. Hegenauer requested an opinion from her office, and that based on the conflict rules that there was no legal conflict of interest, and that she did mention to him that the perception may appear to be a conflict but it was not a legal issue and that she advised Councilmember Hegenauer that if Mr. Hegenauer was nominated that she should recuse herself for the vote for his nomination.

Deputy Mayor Marshall stated that had been on Council for two years and did not remember any project from the View Assessment Commission coming to Council, that the View Assessment Commission had an inherent power, that both a Councilmember and a Commission member serving was unethical and was like a 6th Councilmember, that it was a powerful Committee appointment, and that she strongly opposed this appointment.

Mayor Nichols stated that during his tenure on the Council that a View Assessment Commission project coming to the Council had occurred, and if the project was referred to Council that his vote on the project would not seem to be a conflict since this Council would hear the entire project again.

Councilmember Zito stated that he had served on the View Assessment Commission with Mr. Hegenauer for five years, that he was an incredibly valuable member with a lot of knowledge, depth, and impartiality, that he understood the rules, part of the subcommittee that made recommendations to the City for updating the rules, that his level of knowledge and leadership would be valuable, that he did not see the same level of conflict because most project don't make it to Council for reviewing those decisions.

Motion: Moved by Mayor Nichols and second by Councilmember Zito to appoint Jack Hegenauer (Nichols' appointment). **Approved 3/1/1** (Noes: Marshall, Recused: Hegenauer). Motion carried.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to appoint Kelly Harless (Hegenauer's appointment) and Dean Pasko (Edson's appointment). **Approved 4/1** (Noes: Marshall). Motion carried.

C.3. Adopt (2nd Reading) Ordinance 472 – Storm Water Management. (File 0850-40)

Recommendation: That the City Council

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

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

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

C.4. Council Standing Committee. (File 0410-05)

Recommendation: That the City Council

1. Adopt **Resolution 2017-012** establishing the Fire Department Governance and Organizational Evaluation Council Standing Committee
2. Appoint two Councilmembers to serve on the Standing Committee.

Motion: Moved by Councilmember Zito and second by Mayor Nichols appointing Councilmembers Edson and Hegenauer. **Approved 5/0** Motion carried unanimously.

A.5. Solana Beach Firefighters Association Memorandum of Understanding (MOU).
(File 0530-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-014** approving the Memorandum of Understanding between the City and the Solana Beach Firefighters Association agreement.

Councilmember Zito pulled from the Consent and wanted to report out for the benefit of the public and to provide an overview of the Memorandum of Understanding.

Greg Wade, City Manager, introduced the item and presented the PowerPoint (on file) highlighting the two year agreement terms.

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

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)

- 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 (1st alternate), Nichols (2nd 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. 22nd 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 – Zito, Vacant
- 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 7:50 p.m.

Angela Ivey, City Clerk

Approved: March 8, 2017