

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, July 12, 2017 * 6:00 P. M.

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

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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 6:08 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 to approve.
Approved 5/0. Motion carried unanimously.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

Parks Make Life Better

Mayor Nichols presented the proclamation to Kirk Wenger, Supervisor of Parks and Recreation.

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.

Morgan Peterson and Pat Tirona, Solana Beach Library, said that construction was going well, that the library was still open during construction, and that free e-books and digital books were now available with online search and no fines.

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.10.)

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 May 10, 2017.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to approve.
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 June 10 - 23, 2017.

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

A.3. Decomposed Granite Path Restoration on the Coastal Rail Trail. (File 0840-37)

Recommendation: That the City Council

1. Adopt **Resolution 2017-114**
 - a. Authorizing the City Engineer to accept as complete the DG Path Restoration on the Coastal Rail Trail, Bid No. 2017-04, constructed by Blue Pacific Contracting and Paving.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

A.4. Clean and Reseal Concrete Lithocrete Clean and Reseal. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2017-116:**
 - a. Awarding a construction contract for the project to Clean and Reseal Concrete Lithocrete at Various Locations, Bid No. 2017-05, in the amount of \$36,904.50, to Miramar General Engineering.
 - b. Approving an amount of \$5,000 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.

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

A.5. City Sidewalk Repair Project. (File 0820-45)

Recommendation: That the City Council

1. Adopt **Resolution 2017-117:**
 - a. Awarding a construction contract for the City Sidewalk Repair Project, Bid No. 2016-06, in the amount of \$20,400, to Miramar General Engineering.
 - b. Authorizing the City Manager to execute the construction contract on behalf of the City.

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

A.6. La Colonia Community Center Exterior Painting. (File 0720-20)

Recommendation: That the City Council

1. Adopt **Resolution 2017-118:**
 - a. Authorizing the City Engineer to accept as complete the La Colonia Community Center Exterior Painting Project, Bid No. 2017-01, constructed by Lunar Painting.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

A.7. Seascape Sur Beach Access Stairway – Maintenance and Repairs. (File 0740-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-115:**

- a. Awarding a construction contract for the Seascape Sur Beach Access Stairway – Maintenance and Repairs, Bid No. 2017-06, in the amount of \$202,690, to Conan Construction, Inc.
- b. Approving an amount of \$40,000 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.

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

A.8. Approving and Adopting a Letter of Intent to Enter Into a Memorandum of Understanding with Solana Beach Employees’ Association-Miscellaneous Unit (SBEA-MISC). (File 0530-30)

Recommendation: That the City Council

1. Adopt Resolution **2017-126:**

- a. Approving and adopting the Letter of Intent to enter into a Memorandum of Understanding with Solana Beach Employees’ Association-Miscellaneous Unit (SBEA-MISC).
- b. Approving an appropriation of \$53,600 to the General Fund and \$13,400 to non-General Fund funds allocated between salary and benefits as determined by the Finance Department.
- c. Authorizing the City Treasurer to amend the FY 2017-2018 Adopted Budget accordingly.

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

A.9. Memorandum of Understanding between the City and the Solana Beach Employees’ Association–Marine Safety Unit. (File 0530-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-122:**

- a. Approving a Three-Year Memorandum of Understanding (MOU) between the City and the SBEA-MSU for Fiscal Years 2018-2020.
- b. Approving an appropriation of \$11,340 to the General Fund and \$2,160 to the Camp Program fund allocated between salary and benefits as determined by the Finance Department.

- c. Authorizing the City Treasurer to amend the FY 2017-2018 Adopted Budget accordingly.

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

A.10. Salary and Compensation Plans for Fiscal Year 2017-2018. (File 0520-10)

Recommendation: That the City Council

1. Adopt **Resolution 2017-123**
 - a. Approving FY 2017-2018 Salary and Compensation Plans for Executive Management, Mid-Management, Confidential, Marine Safety (SBEA/MSU), Miscellaneous (SBEA-MISC), Fire(SBFA), City Manager, Part-Time/Seasonal/ Temporary employees and Elected Officials.
 - b. Approving an appropriation of \$75,500 to the General Fund and \$17,200 to non-General Fund funds allocated between salary and benefits as determined by the Finance Department.
 - c. Authorizing the City Treasurer to amend the FY 2017-2018 Adopted Budget accordingly.

Councilmember Nichols stated that as required by state law the information regarding City Employee's compensation was a health care benefit amount of \$1,231.74 and a 3% increase salary adjustment for all employees with the exception of the City Manager.

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

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. City of Solana Beach's Climate Action Plan. (File 0220-10)

Recommendation: That the City Council

1. Adopt **Resolution 2017-119** finding the CAP exempt from CEQA and adopting the City of Solana Beach Climate Action Plan.

Greg Wade, City Manager, introduced the item

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

Mayor Nichols opened public hearing.

Council disclosures.

Public Speakers

Peter Zahn (time donated by Rachel Zahn, Sandy Mills) presented a PowerPoint (on file) and said that he was the Vice Chair of the Commission working with the change related project group associated with Al Gore, that 110 million tons of manmade global warming pollutions entered the atmosphere every 24 hours, global temperatures had been on the rise since 1980, the hottest year in the last 17 years was 2016, that global wind energy capacity was on the rise along with world solar cells, and that more car manufactures were moving toward electric vehicles to remove gas driven cars in the near future.

Cindi Clemons stated that she was a strong supporter of the Climate Action Plan and its implementation, and that she supported more roof top solar panels on additional business in the City and the reduction of the City's greenhouse gases.

Sofie Wolfram said she supported the CCA to get to 100% clean energy. She shared a statement from Nichole Capretz that said she encouraged the City to make it a binding plan in order to take accountability for the plan.

Jim Wong said that the Encinitas Council had a draft for their final plan and would move on it in November, that a checklist for environmental review of a new project could be developed in lieu of CEQA qualification.

Bruce Bekkar said that he supported the measure, that his duty as a physician was first to protect public health, that promoting electrical vehicles would replace gas burning vehicles, and that there were more emergency room visits and premature deaths in San Diego County.

Jill Cooper said it was most important to reduce greenhouse gases and that the City would serve as a model for other cities to follow, quoted Jonas Salk "Are we being good ancestors?", and that it was necessary to stand up for the children and grandchildren of future generations around the world.

Torgen Johnson said that he supported the Climate Action Plan, that San Onofre currently had high radioactive waste and was a reason to implement a CAP, that transportation needed to go electric in the community, and that the Arctic's many issues were due to the continued use of fossil fuel.

Greg Brown said that he supported the Climate Action Plan.

Lane Sharman said that Sonoma County energy retained \$16 million and Lancaster retained \$3 million in surplus money for their communities and that no surplus was exported to a

parent company such as SDGE but instead retained for the benefit of the community.

Scott Thacher said that everyone needed to reduce their carbon footprint, the plan was economically feasible and provided many opportunities for job growth, there was tremendous public support, the City was joining a world community that was constantly moving forward on this issue, and that he brought a petition of Solana Beach residents that supported the CAP.

Mary Yang said that she served on the Climate Action Commission, that Encinitas made their Climate Action Plan legally binding and would like Solana Beach to do the same, that the Paris Accord was signed by 195 counties, that President Trump removed the United States from it on June 7th and that the City signed a support letter on June 11th that intended to continue to meet the goals of the Paris Accord, and that she supported the City's efforts in confirming its commitment and leadership on environmental issues in the region.

Kelly Harless said she was supportive for all measures in the Climate Action Plan addressing factors that contribute to climate change, that it was a requirement mandated by the state of California and a CCA was a good start, and that there was wide support for the CCA.

Adeline Woodard said she that she was with SDG&E and that they were looking forward to continue to partner with the City and that they had reached 46% renewable energy.

Tracy Richmond said that he thanked everyone for the support and recommendations and urged Council to adopt the plan.

Council discussed direct costs, SDG&E EcoChoice, San Diego Taxpayer's Association request to delay the process, cost benefit analysis, consideration of grey water, cities with a certified Climate Action Plan, Army Corps project costs in comparison to this cost, the cost of not doing anything, the group effort by many in the community, and the culmination of 10 public meetings since March 2016 with 2 public hearings and over 100 comments received.

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

Motion: Moved by Councilmember Hegenauer and second by Councilmember Zito to approve. **Approved 4/1** (Noes: Marshall). Motion carried.

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

B.2. 635 Canyon Drive, Applicant: Paeske, Case 17-16-30. (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 (Development Review Permit) and administratively issue a SDP (Structure Development 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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2017-120** conditionally approving a DRP and an SDP to remodel the existing residence and construct a square footage addition including a new second story at an existing residence with an attached garage and perform associated site improvements at 635 Canyon Drive, Solana Beach.

Greg Wade, City Manager, introduced the item.

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

Mayor Nichols opened public hearing

Applicant

Ted Schultz, applicant's architect, stated that the owner was out of the country and read his statement which said that the applicants were anxious to proceed with the project designed by the architect and gave careful consideration to feedback from neighbors.

Bill Craig said that the applicant had been transparent, open and thoughtful of the neighbors, that the project was complimentary to the neighborhood, and asked for Council to approve

Council disclosures

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 to approve. **Approved 5/0.** Motion carried unanimously.

B.3. Residential Solid Waste Rate Increase for Waste Management Fiscal Year 2017-18. (File 1030-15)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing; Report Council Disclosures; Report written protests received; Receive Public Testimony; Close the Public Hearing.
2. Following the Public Hearing, if the City does not receive written protests against the proposed increases to the rates for the trash collection fees by a majority of owners of the parcels within the City, adopt **Resolution 2017- 124** approving WM's rate review request increasing residential solid waste and recycling rates for FY 2017-18 in accordance with the Franchise Agreement.

Greg Wade, City Manager, introduced the item.

Council disclosures.

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

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

C. STAFF REPORTS: (C.1. - C.4.)

Submit speaker slips to the City Clerk.

C.1. Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accepts and files the attached Cash and Investment Report for the quarter ended March 31, 2017.

Greg Wade, City Manager, introduced the item

Genny Lynkiewicz, Chandler Asset Mgmt, portfolio manager, presented a PowerPoint (on file).

Council, Staff, and Consultant discussed separating out fossil fuel industry investments, if City wanted to restrict a certain industry or sector that the directive's language could be changed to limit it in the future.

No action.

C.5. KAABOO

Staff recommends the City Council:

1. Receive the presentation from the KAABOO organizers and provide feedback, as needed.

Greg Wade, City Manager, introduced the item.

Julie Coleman presented a PowerPoint (on file) reviewing last year's event, the traffic and safety concerns from 2016 and what changes would be made to mitigate them in 2017, the economic benefit study by SDSI, that the event contributed \$26 million to the county, that 4,000 hotel room nights were purchased for 2017 so far, and that a local business survey conducted in Del Mar and Solana Beach showed an increase in sales over the event's weekend to be up by 25%.

Council, Staff, and Ms. Coleman discussed that there were more than 21,000 potential drop-offs at the Solana gate, that parking spaces taken away and other spaces picked up, working with Lyft and Uber, that they were willing to put a Geofence up, they would pay for

an additional Sheriff units to cover Del Mar and Solana Beach, shuttle planning and locations, the train station double decker bus routes, cleaning the streets after the event, offsite parking areas for ridesharing, and addressing garbage.

Discussion continued regarding that there were three main concerns, traffic and parking, noise, and safety, and that work with the City Manager would continue regarding the issues.

C.2. Temporary Arts Program Site Modifications. (File 0910-41)

Recommendation: That the City Council

1. Adopt **Resolution 2017-125** approving the PAC's recommendation to modify the Temporary Arts Program by removing two approved locations and adding three new locations.

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

Council and Staff discussed that there was some input and concerns about the location 3 art pieces, that this items was regarding the locations only and not the art at this time, and that temporary art lasted about 12-18 months until it was sold, relocated or returned.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to approve with modifications to the art locations. **Approved 5/0.** Motion carried unanimously.

C.3. Parks and Recreation Commission Member Appointment. (File 0120-06)

Recommendation: That the City Council

1. Make one appointment (by Council-at-large) to the vacant position on the Parks and Recreation Commission with a term expiration date of January 2019.

Greg Wade, City Manager, introduced the item.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to appoint Larna Hartneck. **Approved 5/0.** Motion carried unanimously.

C.4. Ordinance 479 Adoption (2nd Reading) Authorizing a Transportation Impact Fee Program - Establishing the Transportation Impact Fee. (File 0840-10)

Recommendation: That the City Council

1. Adopt **Ordinance 479** establishing the Transportation Impact fee.

Motion: Moved by Councilmember Zito and second by Mayor Nichols to approve. **Approved 4/1 (Noes: Marshall).** Motion carried unanimously.

COMPENSATION & REIMBURSEMENT DISCLOSURE:

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:

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 (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 – 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 9:12 p.m.

Angela Ivey, City Clerk

Approved: October 11, 2017