

# CITY OF SOLANA BEACH

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



## MINUTES

Joint SPECIAL Meeting  
Tuesday, September 12, 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

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### CALL TO ORDER AND ROLL CALL:

Councilmember Marshall called the meeting to order at 6:12 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  
Vaida Pavolas, Deputy 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 Deputy Mayor Marshall to approve.  
**Approved 4/0/1** (Absent: Nichols). 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.

Stacy Bostrom stated that schools were directing parents to drive rather than walk their kids to school, that the biggest concern was children's safety, specifically Skyline Elementary School.

Sally Rollinson stated that that it was not safe for drivers, many drivers were making illegal turns that were not safe for the children or the drivers, and that she would like to have the crossing guards brought back.

Cat Gilbert stated that the Solana Beach School District made changes that impacted students' ability to walk to school, that safeguards were removed in intersections, and asked for the City's assistance.

London Gilbert, Ella Engleberg, Sofia Engleberg, Andrew Becker, Bria, Carmella, Benjamin, and Evan said that they liked to walk to school but did not feel safe without the crossing guards.

Alex, Ellie, and Tessa Koff said that they enjoyed walking and biking to and from school.

Dana Upton stated that the area was congested, drivers made unsafe choices, and that freeway off-ramps and on-ramps were a concern.

Shawna McGarry thanked the City for Stevens Avenue improvements and said that she was passionate about active transportation choices, that children needed activity throughout the day, and that smart commuting was a great opportunity to reduce gas emissions.

Kerily McEvoy stated removal of the crossing guard and extra traffic had made walking to school difficult and unsafe, that it was the school's responsibility to keep the kids safe at school, and wanted the City Council to step up and help them.

Gerard Scarlato stated that the six houses under construction in the area added to the congestion, that the area was not safe, and suggested that the City tracked all the projects and protected the children walking to school.

Council and Staff discussed that the City was working with Caltrans to address the issue that was mostly within Caltrans' jurisdiction, that the City offered to work with the Principals and were engaged in getting the crossing guards back so children could safely walk/bike to school, and that perhaps parents could assist as crossing guards in the interim.

**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 and events.

**A. CONSENT CALENDAR:** (Action Items) (A.1. - A.9.)

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. This Item was pulled from the Agenda.**

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

Recommendation: That the City Council

1. Ratify the list of demands for August 5, 2017 through August 25, 2017.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to approve. **Approved 4/0/1** (Absent: Nichols). Motion carried.

**A.3. 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 Zito and second by Councilmember Edson to approve. **Approved 4/0/1** (Absent: Nichols). Motion carried.

**A.4. 2017 Street Maintenance & Repair Project, Bid 2017-08.** (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2017-023:**
  - a. Approving the list of streets to be overlaid with asphalt concrete.
  - b. Awarding a construction contract for the 2017 Street Maintenance & Repair Project, Bid 2017-08, in the amount of \$344,290, to PAL General Engineering.
  - c. Approving an amount of \$69,000 for construction contingency.
  - d. Authorizing the City Manager to execute the construction contract on behalf of the City.
  - e. 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 4/0/1** (Absent: Nichols). Motion carried.

**A.5. Clean and Reseal Concrete Lithocrete at Various Locations Project.** (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2017-017**:
  - a. Authorizing the City Council to accept as complete the project to Clean and Reseal Concrete Lithocrete at Various Locations, Bid No. 2017-05, performed by Miramar General Engineering.
  - b. Authorizing the City Clerk to file a Notice of Completion.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to approve. **Approved 4/0/1** (Absent: Nichols). Motion carried.

**A.6. Software Maintenance Agreement with Superior.** (File 0190-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-139**:
  - a. Authorizing the City Manager to execute a one-year maintenance agreement with Superior to provide software support beginning July 1, 2017.
  - b. Authorizing the City Manager to extend the agreement for up to one additional one year term, at the City's option, at an amount not to exceed the amount identified and budgeted for the subsequent year.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to approve. **Approved 4/0/1** (Absent: Nichols). Motion carried.

**A.7. City Hall Shingle Roof Replacement Project.** (File 0710-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-016**:
  - a. Authorizing the City Council to accept as complete the City Hall Shingle Roof Replacement Project, Bid No. 2017-02, constructed by C&I Roofing Company.
  - b. Authorizing the City Clerk to file a Notice of Completion.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to approve. **Approved 4/0/1** (Absent: Nichols). Motion carried.

**A.8. Red Light Camera Enforcement Agreement.** (File 0860-50)

Recommendation: That the City Council

1. Adopt **Resolution 2017-113**:
  - a. Authorizing the City Manager to execute a Professional Services Agreement, for a length of five years, with Redflex Traffic Systems, Inc. for automated red light photo enforcement.

- b. Authorizing the City Manager to execute three additional one year extensions at an amount not to exceed the amount identified and budgeted for each subsequent year.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to approve.  
**Approved 4/0/1** (Absent: Nichols). Motion carried.

**A.9. Fire Apparatus Maintenance and As-Needed Repair Agreement.** (File 0370-26)

Recommendation: That the City Council

1. Adopt **Resolution 2017-140**:
  - a. Awarding the maintenance and repair agreement to North County Emergency Vehicle Services in the amount not to exceed \$60,000.
  - b. Authorizing the City Manager to extend the agreement for four additional one year terms, at the City's option.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to approve.  
**Approved 4/0/1** (Absent: Nichols). Motion carried.

**C. STAFF REPORTS:**

*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 Cash and Investment Report for the quarter ended June 30, 2017. If Council desires, direct City Manager to implement the Management Directive.

Gregory Wade, City Manager, introduced the item.

Genny Lynkiewicz, Chandler Asset Portfolio Manager, presented a PowerPoint (on file).

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to approve.  
**Approved 4/0/1** (Absent: Nichols). Motion carried.

Mayor Nichols arrived at 7:04 p.m.

**C.3. Wireless Facilities on Vertical Infrastructure in the Public Rights-of-Way Model License Agreement.** (File 1000-50)

Recommendation: That the City Council

1. Approve the use of a Model License Agreement by adoption of **Resolution 2017-071**.

Gregory Wade, City Manager, introduced the item.

Council, Staff and Michael Johnston, Telecom Law, discussed that this model license agreement would only apply to the City owned light poles but not to the utility poles because they were not owned by the City, and that there were approximately 750 street light poles and the City owned 2/3 of them.

Michael Johnston stated that small wireless facilities were being discussed at the State Legislature SB 649, and presented PowerPoint (on file).

Greg Wade, City Manager, continued the PowerPoint (on file).

Johanna Canlas, City Attorney, stated that this agreement was intended to bring some certainty and definition what was acceptable to the City.

John Osborne, Director of External Affairs with AT&T, recommended that the City consider providing some flexibility to Staff because all couriers may operate differently, that there were some concerns regarding annual rent, administrative fees and augmentation costs, and that AT&T did not currently have any designs in the City.

Johanna Canlas, City Attorney, stated that the language provided for exemption of the coastal zone that was within the jurisdiction of the Coastal Commission, that once the City had a fully certified LCP there would only be a limited Coastal Commission jurisdiction within the City, that the State controlled everything that had to do with telecommunications, and that Council Policy 21 may need future modifications.

**Motion:** Moved by Councilmember 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: 520 N. Granados, Applicant: Freis, Case# 17-17-08.** (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. 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 2017-136** conditionally approving a DRP to construct a first-floor remodel and 1,106 square-foot addition and a 970 square-foot partially-subterranean basement-level garage and bedroom addition to an existing single-story, single-family residence with an attached, two-car garage and two-car carport, and perform associated site improvements at 520 North Granados Avenue, Solana Beach.

Councilmember Hegenauer recused herself due to the project residing within 500 ft. of her property.

Gregory Wade, City Manager, introduced the item.

Katie Benson, Associate Planner, presented a PowerPoint (on file) reviewing the proposed project.

Mayor Nichols opened the public hearing.  
Council disclosures.

John Freis, Applicant, reviewed the project and the blue folder agreement submitted (on file), and thanked the Council for maintaining a view ordinance.

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

**Motion:** Moved by Mayor Nichols and second by Councilmember Zito to approve including conditions restricting the roof being used only as a roof and not a roof deck or outdoor space and to remove the bambusa vulgaris planting in the landscape plan located at the northern border of the property. **Approved 4/0/1** (Recused: Hegenauer). Motion carried.

**B.2. Public Hearing: 197-201 Pacific, Applicants: Monroe and Sloan, Case# 17-15-24.** (File 0600-40)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. If the Council can make the required findings, adopt **Resolution 2017-137**, approving the request for a Time Extension for approvals and entitlements in Case No. 17-15-24 and setting the expiration date on October 28, 2018.

Gregory Wade, City Manager, introduced the item.

Katie Benson, Associate Planner, presented a PowerPoint (on file) reviewing the proposed project.

Council disclosures.

Wayne Brecktel, Applicant's Representative, stated that this was a time extension hearing only, that there had been a number of things required by the Coastal Commission over time and it was set to for a Coastal hearing in October, that this project would have a pilot section to run a test before pursuing the rest of the project, and that there were conditions in place to scale down if it did not work as intended.

Councilmember Zito and Mr. Brecktel discussed the testing methodology and that it was in line with the Coastal Commission's standards.

**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.

*Mayor Nichols recessed the meeting for a break 8:03 p.m. and reconvened at 8:08 p.m.*

### **C. STAFF REPORTS:**

*Submit speaker slips to the City Clerk.*

#### **C.4. Year-End Budget Adjustments for Fiscal Year 2016-2017.** (File 0330-30)

Recommendation: That the City Council

1. Accept and file the General Fund Update for Fiscal Year 2016/17.
2. Provide direction to Staff regarding whether to use an amount of the projected General Fund surplus to fund the PARS Irrevocable Trust as part of a budget appropriation to the General Fund and other funds as determined by the Finance Department for Fiscal Year 2016/17.
3. Provide direction to Staff regarding whether to use an amount of the projected General Fund surplus to fund the City CIP fund.
4. Approve **Resolution 2017-096** revising appropriations in the Fiscal Year 2016/17 Budget.

Gregory Wade, City Manager, introduced the item.



Marie Berkuti, Finance Manager, presented a PowerPoint (on file).

Council and Staff discussed the percentage allocation example in the Staff Report, that the CIP funding could be allocated at a future meeting, and that Staff made an application for \$270,000 to the District 3 Supervisor Gaspar Office for the Skatepark.

**Motion:** Moved by Councilmember Zito and second by Deputy Mayor Marshall to approve and place \$400,000 to PARS and OPEB, and \$500,000 to CIP Fund. **Approved 5/0.** Motion carried unanimously.

**C.2. Introduce (1<sup>st</sup> Reading) Ordinance 480 - Electronic Vehicle Charging Stations.**  
(File 0600-95)

Recommendation: That the City Council

1. Introduce **Ordinance 480** to add Chapter 15.54 to the Solana Beach Municipal Code to Provide an Expedited, Streamlined Permitting Process for Electric Vehicle Charging Systems.

Gregory Wade, City Manager, introduced the item.

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

**WORKPLAN COMMENTS:**

*Adopted June 14, 2017*

Mayor Nichols stated that Dwight Worden, City of Del Mar Councilmember, asked to set up a standing committee to discuss items related to both cities.

**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:**

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 (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. 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 8:44 p.m.

Vaida Pavolas, City Clerk

Approved: November 8, 2017