

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, August 23, 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.
- 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

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:

Deputy Mayor Marshall called the meeting to order at 6:10 p.m.

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

Absent: Mike Nichols

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:

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 4/0/1 (Absent: Nichols). Motion carried.

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.

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.

David Cain said he was President of Del Sol Lions and he was selling tickets to KAABOO and the funds would be returned to the community, and presented a bunch of zip ties found after a recent event in the distillery lot.

Peter McConville, Parks and Recreation Commission, invited everyone to the 13th annual Beach Blanket Movie Night sponsored by the City.

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.11.)

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.

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

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

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

Recommendation: That the City Council

- 1. Ratify the list of demands for June 24 – August 4, 2017.

Item A.2. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

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.

[Item A.3. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

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

A.4. Memorandum of Understanding between the City and the Miscellaneous Employee Group. (File 0530-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-134** approving a Three-Year Memorandum of Understanding between the City and the SBEA-MISC group for Fiscal Years 2017-18, FY 2018-19, FY 2019-20.

[Item A.4. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

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

A.5. Solana Beach Pump Station Design Agreement to Add Ground Water Sampling, NPDES Permitting Assistance and Construction Bid Support. (File 1040-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-132** approving an amendment to the Solana Beach Pump Station professional services agreement with Dudek for an increase of \$10,000 and an amended total contract amount of \$287,810.

[Item A.5. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

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

A.6. Job Description Reclassifications for the Community Services Coordinator Position to Management Assistant and Adopting the Senior Accountant. (File 0510-40)

Recommendation: That the City Council

1. Adopt **Resolution 2017-133** reclassifying the Community Services Coordinator position to a Management Assistant position, amending the Salary Schedule 3 accordingly and adopting the Senior Accountant job description.

[Item A.6. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

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

A.7. Risk Management Contract for Worker Compensation Claims Administration with Tri-Star. (File 0180-05)

Recommendation: That the City Council

1. Adopt **Resolution 2017-121** ratifying the Tri-Star contract that was executed by the City on August 1, 2016 through June 30, 2018.

[Item A.7. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to approve.

Approved 4/0/1 (Absent: Nichols). Motion carried.

A.8. Traffic Service Maintenance Agreement to Increase Funding for Additional Services. (File 0860-55)

Recommendation: That the City Council

1. Adopt **Resolution 2017-130** authorizing the City Manager to execute the Professional Services Agreement with Siemens Industry, Inc. for traffic signal maintenance services for FY 2017-18 to increase the compensation by \$80,000 for a contract total amount not to exceed \$105,572.

[Item A.8. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to approve.

Approved 4/0/1 (Absent: Nichols). Motion carried.

A.9. Trash Amendments to the Statewide Water Quality Control Plan. (File 0850-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-131**:
 - a. Directing Staff to select Track 1 for implementation of the Trash Amendments to the Water Quality Control Plan for the Ocean Waters of California (Ocean Plan) and Part I Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE Plan), adopted in April 2015 and approved by California Office of Administrative Law (OAL) and the U.S. Environmental Protection Agency (U.S. EPA) in December 2015 and January 2016, respectively.
 - b. Authorizing Staff to submit the required written notice to the San Diego Regional Water Quality Control Board by September 5, 2017.

[Item A.9. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to approve.

Approved 4/0/1 (Absent: Nichols). Motion carried.

A.10. Stevens & Valley Avenues Corridor Improvement Project Additional Funding. (File 0820-15)

Recommendation: That the City Council

1. **Resolution 2017-005:**

- a. Ratifying the City Manager's decision to approve an increase in Change Order 2 to the construction contract with Dick Miller, Inc. over the contract's approved contingency in the amount of \$48,227 and approving any additional change orders in an amount not to exceed \$20,000 for a total increase in the contract's contingency of \$68,227.
- b. Approving an additional amount of \$68,227 for work required to complete the project.
- c. Authorizing a transfer of \$15,000, in appropriations in the Stevens-Valley Avenues Corridor Improvements Project from the City CIP fund to the TransNet fund.
- d. Authorizing an appropriation of \$58,430 into the Stevens-Valley Avenues Corridor Improvements Project in the TransNet fund.
- e. Authorizing an appropriation of \$9,797, to be reimbursed by San Elijo Joint Powers Authority, into the Reimbursement Agreement Revenue Account and appropriating the same amount into the project budget unit in the City CIP fund.
- f. Authorizing the City Treasurer to amend the Fiscal Year 2017/18 Adopted Budget accordingly.

[Item A.10. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to approve.

Approved 4/0/1 (Absent: Nichols). Motion carried.

A.11. Application to the County of San Diego for a Neighborhood Reinvestment Program Grant for the La Colonia Skate Park. (File 0720-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-015:**

- a. Confirming that the City of Solana Beach is a public agency under the laws of the State of California.
- b. Approving the filing of an application, in the amount of \$270,000, with the County of San Diego for Neighborhood Reinvestment Program funding during the County's 2017-2018 fiscal year.
- c. Authorizing the City Manager to sign a grant agreement with the County of San Diego for Neighborhood Reinvestment Program funds for the 2017-2018 Fiscal Year.

[Item A.11. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to approve.

Approved 4/0/1 (Absent: Nichols). Motion carried.

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. Refunding of Successor Agency Tax Allocation Bonds. (File 0340-45)

Recommendation: That the City Council

1. Adopt **Resolution SA-018** authorizing the issuance and sale of Tax Allocation Refunding Bonds and approving certain other actions in connections therewith.
2. Adopt **Resolution 2017-103** approving the issuance of Tax Allocation Refunding Bonds by the SA.

[Item C.1. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item

Nikki Tallman, Brandis Tallman, presented a PowerPoint (on file).

Council discussed expected bond rating and potential interest rate.

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

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. Public Hearing: 316 Glencrest Drive, Applicants: Shai and Rebecca Cherry, Case# 17-16-41. (File 0600-40)

Recommendation: 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 2017-127** conditionally approving a DRP and an SDP to construct a 282 square-foot, first-floor addition and construct a new 574 square-foot second-floor addition to an existing single-story, single-family residence with an attached,

two-car garage and perform associated site improvements at 316 Glencrest Drive, Solana Beach.

[Item B.1. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

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

Deputy Mayor Marshall opened the public hearing.

Council disclosures.

Applicant

Jim Dicheck, Applicant Represented, reviewed the proposed project.

Council and Applicant Representative discussed working around the utility pole and relocating the trash can area.

No public speakers.

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

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

B.2. Public Hearing: 425 South Rios Avenue, Applicants: Cori and Adam Daniels, Case# 17-17-05. (File 0600-40)

Recommendation: 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 2017-128** conditionally approving a DRP and an SDP to demolish an existing single-family residence and construct a replacement split-level, single-family residence with an attached two-car garage and an attached ADU, and perform associated site improvements at 425 South Rios Avenue, Solana Beach.

[Item B.2. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item

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

Council and Staff discussed chimney height.

Deputy Mayor Marshall opened the public hearing.

Council disclosures.

Craig Frieauf, Applicant's Architect, said that he did not have a presentation.

Council, Staff, and Mr. Frieauf discussed roof deck measurements, fireplace requirements, accessory dwelling unit parking, and street improvements.

Motion: Moved by Councilmember Edson and second by Councilmember Hegenauer to close the public hearing. **Approved 4/0/1** (Absent: Nichols). Motion carried.

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

B.3. Public Hearing: 447 S. Sierra Avenue, Applicant: Solana Beach and Tennis Club, Case No: 17-15-13 Time Extension. (File 0610-60)

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 2017-129**, approving the request for a Time Extension for approvals and entitlements in Case No. 17-15-13 and setting the expiration date on August 25, 2018.

[Item B.3. Report \(click here\)](#)

[B.3. Updated Report #1](#)

[B.3. Updated Report #2](#)

[B.3. Supplemental Documents Updated 8-23 at 315 pm - R](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item

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

Council disclosures.

John Erskine, Applicant's Attorney, introduced their project and stated that they made their project the least environmentally impactful, that it was not a seawall but a seacave and notch infill to prevent the need for a seawall, and that they were concerned about the safety of their homes and the safety of the people using the beach,

Sue Meyer, Applicant's Attorney, presented a PowerPoint (on file) reviewing the project.

Walt Crampton, Applicant's Representative, stated that the Coastal Commission's interest was in fewer seawalls and encouraged erodible concrete to stabilize seacaves and infills, which was their preferred method of stabilization for now.

Council, Staff, and Applicant Representatives discussed what had been done to move forward since the last extension, the testing of erodible concrete, that the testing could not be performed without the project, that the Applicant had hired a law firm to assist with working with the Coastal Commission to address their concerns and develop a testing protocol that would be acceptable to them.

Johanna Canlas, City Attorney, stated that when the LUP was adopted it did not include erodible concrete, that the Coastal Commission imposed it on the City, testing of erodibility was still an issue at the Coastal Commission level, and that they had signed off on a formula but there was not data.

Charles Knight said he was an original owner at Solana Beach Tennis Club, that the void needed to be filled with something to prevent a catastrophic failure, and encouraged the City to approve the extension.

Jim Jaffee said he was co-chair of Surfrider, that they did not believe erodible concrete would not erode like a seawall, they had tried to work with many Applicants to see if it worked and had not yet been successful, so they could only oppose it at this time, and that the Coastal Commission did impose it on the City.

Council and Applicant discussed that supporting an extension required a finding that a project will be successful and that they had been denied by Coastal in the past, that Council had supported both previous applications in the past, that the Applicant hired attorneys instead of testers, that one of the attorneys hired was a former board member of the Coastal Commission, that if there is a need for another extension in the future there would be a need for more clarity on what efforts had been made in the meantime.

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

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

- 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:

Deputy Mayor Marshall adjourned the meeting at 8:05 p.m. in memory of Wolfgang Berger.

Angela Ivey, City Clerk

Approved: November 11, 2017