

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, October 12, 2016 * 6:00 P. M.

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

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

CITY COUNCILMEMBERS

David A. Zito, Mayor

Peter Zahn, Deputy Mayor

Mike Nichols, Councilmember

Ginger Marshall, Councilmember

Lesa Heebner, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Zito called the meeting to order at 6:09 p.m.

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

Absent: None

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

CLOSED SESSION REPORT: (when applicable)

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

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

Fire Prevention Week

PRESENTATIONS: Ceremonial items that do not contain in-depth discussion and no action/direction.

Santa Fe Irrigation District

Bill Hunter, Engineering Services Manager, presented a PowerPoint (on file) reviewing the automated metering, fixed base system, the timeline for administering the meters, and public outreach.

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.

Catherine Dickerson stated she had concerns about the CCA, she said that in an email from Councilmember Heebner she stated that the City was not close to making a decision on whether to offer residents the option of a CCA and that in the same email Mayor Zito expressed his perspective that a CCA was too complicated to put to a vote by the residents. She asked about the background on the response to the RFP.

Greg Wade, City Manager, said that the link to the Staff Report was on the City's website, suggested googling the names of the proposals listed to learn more about the responders, Three Phase Renewals, Pilot Power group, and Noble Energy Solution.

Ms. Dickerson said that there was not an open and honest discussion with the people who would be affected, that it seemed to be an attempt to push it through with minimal public comment or challenge, and asked for a public forum to review and discuss the pros and cons, hidden costs, impacts, and answer questions before taking any further action.

Mayor Zito said that what she requested was planned, that the challenge was to have forums before the information is obtained to have a plan discussion, that once they could consider a partner and consultants to bring information forward to answer questions then a public meeting would be scheduled to begin discussions.

Greg Wade, City Manager, stated that webpage of information known so far would launched on the City's website in next few days that would contain information on other CCAs, FAQ's, other view points on clean energy, all for public access prior to a workshop.

Councilmember Heebner said that in her email communications she said they always intended to have a workshop and reach out to the community, that in order to get to that point they needed to hire experts to obtain the information to share with the public, that no decisions had been made, that Council lived in the City as well and had no interest in implementing something that would not benefit them as well, and that Council was doing the fiscally responsible thing to explore all of the information in order to make an informed decision in the future.

Deputy Mayor Zahn said that the appointment of a preferred bidder would come back from Staff to use as a consultant and was not synonymous with moving into the CCA.

Greg Wade, City Manager, that what was approved was gaining services from respondents of comprehensive analysis of a study already done, to provide community outreach and education, analyze the risks, the implementation plan and the regulatory framework, that it was a three phased approach, and did not bind the City to creating a CCA. He said that that the whole process looked like would take approximately 6-12 months which would include a public hearing at a Council meeting to then finally vote on whether to move forward.

Council and Staff discussed whether any cost was incurred by the City for the RFP, that there was not cost incurred in preparing and processing the RFP, that the only cost incurred was under the City Manager's authority to secure expert independent consultant team separate from the proposers to provide the information need to make an education decision on a consultant team.

Jake Hernandez thanked Council for approving the plan to put a skate park at La Colonia so that they had a place to go, that they had no place except Encinitas and Carmel Valley to skate, and that they would now have a place to go after school and stay off of the streets, that it helped keep them outside and not inside in front of a television.

Jadon Griffith said that they had to go to Carmel valley and Encinitas since those were the only places they could go to stay off the streets and that the park would be a great idea to build.

John Gonzales stated that there were only two skate parks nearby and they were a distance away.

Ben Haynie said that he always wanted a skate park in the area and that it would be great for the community.

Donovan Haynie stated that all of his friends were looking forward to the new skate park.

Sven Haynie said that he wanted to support the effort to build a skate park, that families were actively talking about it and were very excited, that he recently attended a child's birthday party where the parents asked for donations for the skate park in Solana Beach in lieu of gifts, and that it would help parents who were logistically challenged at getting their kids to places where they could ride their skateboards.

Linda Swindell said that the Skate Park Event was great with all ages and skill levels attending, that fundraising had been launched with the Solanabeachfoundation.org, that there was a lot of support from the surrounding neighborhood and community, that a skate park would be an ideal start to the La Colonia Master Plan changes, that the next step was asking the City for formal direction needed to agendize an item to obtain help from the City with budgeting.

Councilmember Heebner said that it was a great event with great attendance, that the approved Master Plan was going to be paid for by the Redevelopment Agency funds but then the Governor did away the RDA, that the City was was looking for money elsewhere,

that they had completed the veterans courtyard with volunteer money from community members, County Supervisors and City donations from its budget, that it would be disused in an upcoming meeting on the budget surplus, and that Council was looking for a way to make it happen and they were very encouraged about it.

Councilmember Nichols said that it was a great event, that he spoke to a lot of skaters at the event that were from Solana Beach, it was very well attended by local skaters, it helped foster that there was a need, that he appreciates all the hard work that Linda had done and helping push it forward, that the City can offer up the Parks and Recreation Standing Committee to talk to the Parks and Recreation Commission about how it would be accomplished, and that the City was looking for a way to make this happen.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendaized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.4.)

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 September 14, 2016.

[Item A.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.

Motion: Moved by Councilmember Nichols and second by Councilmember Heebner.
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 September 10, 2016 through September 23, 2016.

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

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Motion: Moved by Councilmember Nichols and second by Councilmember Heebner.
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.

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

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

A.4. Destruction of Obsolete Records. (File 0170-50)

Recommendation: That the City Council

1. Adopt **Resolution 2016-123** authorizing the destruction of officially obsolete records.

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

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Motion: Moved by Councilmember Nichols and second by Councilmember Heebner. 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: Fiscal Year 2017-18 Community Development Block Grant Funds – Public Services and ADA Pedestrian Ramp Improvements. (File 0390-32)

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. Adopt **Resolution 2016-122:**
 - a. Finding that the funding request and project implementation are exempt from the California Environmental Quality Act pursuant to the State CEQA Guidelines.

- b. Approving the lists of public service organizations and public street ADA ramp locations.
- c. Requesting Fiscal Year 2017-18 CDBG Funds to be awarded to public service organizations listed in Attachment 1, Exhibit A and ADA improvements at various public street intersections listed in Attachment 1, Exhibit B.
- d. Finding that 85% of Fiscal Year 2017-18 CDBG funds, presently estimated at a total of \$40,000-\$50,000, are designated to be used for ADA improvements, and the remaining 15% of FY 2017/18 CDBG funds are designated to be used for public services.
- e. Authorizing the City Manager to execute the County contract for management and implementation of the CDBG program.

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

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Bill Chopyk, Community Development Dir., presented a PowerPoint (on file)

Rebecca Palmer (time donated by Lee Williams) stated that she was the Director of Programs at the CRC (Community Resource Center), she wanted to acknowledge the City's support for the CRC especially with the Holiday Baskets Program, that the CRC had been in existence since 1979 and they offered many programs that served the most disenfranchised citizens, that the CRC had received CDBG funding for over ten years from other local cities, they were familiar with CDBG and the required quarterly reporting, and that since July they had identified helping 283 local households or individuals in Solana Beach.

Council and Speaker discussed that their services had been used for Solana Beach residents and tracked specifically by zip code, that they served 283 people but could not provide the cost per person breakdown at this time, that case management could last 3-6 months, a menu of cafeteria services, that they could serve more including homeless with housing and motel vouchers with more funds, and that HUD determined where someone would spend the night, that it was usually based on where they spent the most recent night, and that there were no borders for the homeless.

Blake Johnson stated that he was the Development Director for the Boys and Girls Club of San Dieguito, that he wanted to thank Council for their assistance over the years, that they served 10,000 youth between Del Mar and Encinitas with many from Solana Beach, they had two club houses in the City, that the fund request would be for assistance at La Colonia and Eden Gardens, they served 110 youth at Eden Gardens, that they focused on youth 5-18 years old, CDBG funds and funds from other community partners were leveraged well, that they bring in community donations from businesses like Pizza Port, they provided college nights, homework power hours, and career readiness programs for the youth. He stated that they wanted to serve more youth in the area, they wanted to target the youth that were most in need, that the money would expand the help they could give to the community and that they were familiar with the reporting for CDBG funds.

Greg Wade, City Manager, stated that Easter Seals was not ready to accept CDBG funds at this time.

Council and Staff discussed that applications were due October 29th, that Staff had been in contact with La Colonia Eden Gardens through Manny and that they had not worked with CDBG reporting before so there would be a learning curve, that spreading the funds too much may lessen the effectiveness in terms of the work involved in the required reporting, that CRC received \$5,000 for holiday baskets and Boys & Girls Club received \$2,000 during the last Community Grants.

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

Motion: Moved by Councilmember Heebner and second by Deputy Mayor Zahn to re-open the public hearing. Approved 4/1 (Noes: Marshall). **Motion carried unanimously.**

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

Motion: Moved by Deputy Mayor Zahn and second by Councilmember Heebner to allocate 15% (\$7,500) of the grant to the Boys and Girls Club. Approved 5/0. **Motion carried unanimously.**

B.2. Public Hearing: 1505 Lomas Santa Fe, Applicant: T-Mobile, Case 17-16-15. (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. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. Adopt **Resolution 2016-102** conditionally approving a CUP (Conditional Use Permit) to modify an existing monopole WCF located at 1505 Lomas Santa Fe as mandated by the Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

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

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Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) reviewing the proposed project.

Council disclosures. Councilmember Marshall said that she played golf at this course.

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

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

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. California Building and Fire Code Updates. (File 0800-90)

Recommendation: That the City Council

1. Discuss the proposed building and fire code updates and direct Staff to return with an ordinance for introduction (first reading) at the next Council meeting on October 28, 2016.

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

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Greg Wade, City Manager, introduced the item.

Bill Chopyk, Community Development Dir., said that the item was an update of the outdated uniform administrative code and fire code to reflect new state fire code requirements, and introduced Chuck Mendenhall from Esgil, building official, and Anita Popping, Fire Marshall.

Council and Staff discussed that the City Council was the appeal board, that flying lanterns were identified as a fire hazard by the state since 2012 and that the section regarding lanterns would be amended to prohibit the sale and tethering of the lanterns. Discussion continued regarding regulations regarding fire pits, that the applicable rules were based on location, materials used, and zoning areas, that there was a distinction between what was considered the appliances versus fire pits, and that the established policy would be clarified. Discussion continued regarding agendizing grey water regulations, solar wiring and installation of EV chargers in commercial and residential areas as a separate item, that the Encinitas ordinance would be used as a model to keep consistency in the region, and that the grey water installation required a permit to ensure specific standards were met.

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, Zahn (alternate).
- b. County Service Area 17 – Zahn, Marshall (alternate).
- c. Escondido Creek Watershed Authority – Marshall/Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee – Nichols, Zahn (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee – Nichols, Zahn (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) – Nichols, Heebner (alternate).
- g. North County Dispatch JPA – Zahn, Nichols (alternate).
- h. North County Transit District – Nichols, Heebner (1st alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols, Zahn (alternate).
- j. SANDAG – Heebner (Primary), Nichols (1st alternate), Zito (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee – Nichols, Heebner (alternate).
- l. San Dieguito River Valley JPA – Zito, Zahn (alternate).
- m. San Elijo JPA – Marshall, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee – Heebner, Nichols.

Standing Committees: (All Primary Members) (Permanent Committees)

- a. Business Liaison Committee – Zito, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee – Heebner, Nichols.
- c. I-5 Construction Committee – Heebner, Zito.
- d. Parks and Recreation Committee – Heebner, Nichols.
- e. Public Arts Committee – Nichols, Zito.
- f. School Relations Committee – Marshall, Zahn.

ADJOURN:

Mayor Zito adjourned the meeting at 7:45 p.m.

Angela Ivey, City Clerk

Approved: November 9, 2016