

CITY OF SOLANA BEACH

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



MINUTES

Joint SPECIAL Meeting

Wednesday, November 15, 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](#).

CALL TO ORDER AND ROLL CALL:

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

Present: Mike Nichols, Ginger Marshall, David A. Zito, Jewel Edson, Judy Hegenauer
Absent: None
Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
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 Deputy Mayor Marshall and second by Councilmember Zito to approve.
Approved 5/0. Motion carried unanimously.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

None at the posting of this agenda

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

1. KAABOO Event Wrap-up
Nathan Prenger, Senior Vice President of Operations, presented a PowerPoint (on file) of the 2017 event and 2018 event plans.

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 Gotcha said he is with Verdani Partners who was hired by SDG&E that 'Power your Drive' Program provided free or greatly reduced electrical vehicle charging stations for the multi-unit housing.

Torgen Johnson provided an update on the ongoing efforts to address San Onofre public safety issues.

Manny Aguilar thanked the City for the third annual Dia de Los Muertos event and its support.

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

Recommendation: That the City Council

1. Ratify the list of demands for October 21, 2017 through October 27, 2017.

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 Zito and second by Councilmember Edson to approve.

Approved 5/0. Motion carried unanimously.

A.2. 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.2. Report (click here)

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

A.4. City Sidewalk Repair Project. (File 0820-45)

Recommendation: That the City Council

1. Adopt **Resolution 2017-157**:
 - a. Authorizing the City Council to accept as complete the City Sidewalk Repair Project, Bid No. 2016-06, constructed by Miramar General Engineering.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

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

B. PUBLIC HEARINGS: (B.1.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designees for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: Introduce (1st Reading) Ordinance 483 Establishing a Community Choice Aggregation Program and Approving the Implementation Plan and Statement of Intent. (File 1010-40)

Recommendation: 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.
3. Approve **Resolution 2017-163** approving the Implementation Plan and Statement of Intent and directing the City Manager to submit it to the CPUC for certification.
4. Introduce **Ordinance 483** to establish the Solana Beach CCA program.

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

[B.1. Supplemental Documents \(11-15-17 updated 4:20pm\) - R](#)

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Greg Wade, City Manager, introduced the item.

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

Mayor Nichols opened the Public Hearing.

Disclosures.

Peter Zahn asked Council to approve the Implementation Plan and Statement of Intent, and said that the City's actions would break new ground in the County and SDG&E coverage area, and that the City should not postpone the benefits for citizens.

Mary Oren asked for approval of the item, and said that the City was recognized as a leader by surrounding communities, reviewed and compared SDG&E charges, and that the rest of the community would follow the City's actions.

Van Collinsworth said that he was a resident of Santee, that Santee had its first workshop regarding CCA, that horrific wild disasters occurred this summer due to the climate change, and that work needed to start at the local level.

Torgen Johnson stated that a "no" vote was not a support of the free markets, technological innovation, public interest, public having a choice, and asked for approval of the item.

Lane Sharman (time donated by Tyler Norris) stated that he had worked on this issue since 2011 as the founder of San Diego Energy District, that there was too much inaction on this issue, to recommend a more generous compensation rate return for surplus production, requested more information about the banking relationship, and asked for approval.

Bart Ziegler stated that he was in favor of this item.

Louise Abbott asked Council to put this topic to a vote of the citizens and said that many people were not aware of this program.

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

Council and Staff discussed maintaining a balance sheet of Staff and Consultant's time, that there was no additional Staff needed at this time, and that the CCA's financial proforma factored in additional Staff time.

Council, Staff, and Consultants, discussed the cost recovery mechanism, implementation and resolution of outstanding issues, pre-existing and new generation costs, SDG&E's comparison rates, call center location, higher premium on surplus generation for net energy metering customers, public outreach and education, and a \$1.12 program re-entry fee.

Discussion continued regarding the opt-out rate that would reduce CCA's viability, lock box provisions, that the financial proforma would be discussed with the Budget and Finance

Commission, that PCIA escalators were factored in, and that a 'vote of the people' would be provided in the form of a choice to opt-out or remain in the program.

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

C. STAFF REPORTS: (C.1. – C.2.)

Submit speaker slips to the City Clerk.

C.1. Community Grant Requests Fiscal Year 2017-18. (File 0330-25)

Recommendation: That the City Council

1. Receive the Staff Report, Community Grant applications and consider the presentations from the grant applicants. This item will come back to the City Council at the December 13, 2017 City Council Meeting for Council's grant allocations.

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

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Danny King, Assistant City Manager, introduced the item and presented a PowerPoint (on file).

Presentations were made by the following requestors:

- American Association of University Women
- Assistance League Rancho San Dieguito
- Boys and Girls Club of San Dieguito
- Casa De Amistad
- Community Resource Center
- La Colonia de Eden Gardens, Inc
- North Coast Repertory Theatre
- North County Immigration and Citizenship Center
- Reality Changers
- Solana Beach Civic & Historical Society

Council and Staff discussed funding Community Grants in full.

C.2. Calling Upon Congress to Continue the Existing DACA (Deferred Action for Childhood Arrivals) Program and Provide DACA Recipients with a Pathway to Permanent Residence and Eventually US Citizenship. (File 0480-60)

Recommendation: That the City Council

1. Consider approval of **Resolution 2017-164** calling upon Congress to continue the existing DACA program and provide DACA recipients with a pathway to permanent residence and eventually US citizenship.

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

[C.2. Supplemental Documents \(11-15-17 updated 5:00pm\) - R](#)

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Greg Wade, City Manager, introduced the item.

Councilmember Zito stated that the City should officially support this program in the way of a resolution.

Lisa Montes talked about her family's background, and said that many DACA students sought education, that students were currently concerned about revocation of DACA, and asked to support the Clean Dream Act.

Cassie Purdy said she was with the American Civil Liberty Union and shared her personal experience seeking economic opportunities without crossing international borders, said that DACA recipients included current PhD students who lived and worked within the community, and asked for support.

Caroline Theiss-Aird said she was with the North County Immigration Task Force and stated that she knew many DACA dreamers that were successful, that all illegal immigrants were asked to leave Representative Darrell Issa's Office when they visited his office to address the issue, and asked Council to support the item.

Diana Aguirre stated that she was a child of Mexican immigrants and was taught by her parents to pursue higher education, that the Dream Act would also protect veterans who served in the military as well as those with temporary visa status, that it was important for the City to send this support message to the Congress, and asked to include the Clean Dream Act language.

Peter Zahn submitted a handout (on file) to include the Clean Dream Act language and stated that the dreamers played an important role in society, and that would be an important message sent to the federal and state leaders.

Manny Aguilar shared his family's background and stated that the DACA community included people who had joined the military, who had become valuable members of the community and needed the Clean Dream Act to protect them, and that the leadership was needed to further continue this dialogue.

Karla Trujillo (time donated by Maryann Aguilar) shared her background and stated that it was difficult to live as a dreamer without an immigration status, that this would make a difference at the national level because change needed to start at the local level, and asked Council to approve the proposed resolution.

Oren Robinson stated that 220,000 people in California and 40,000 people in San Diego County were being affected, that it should not be about Mexican vs. Non-Mexican immigration, and thanked the Council for their leadership.

Erin Graff Zivin stated that she supported the Clean Dream Act and provided some statistics about DACA recipients.

Mustafa Nizam said he was a resident of Vista, and explained background on DACA,

statistics on its recipients, and asked to approve the item.

Motion: Moved by Councilmember Zito and second by Councilmember Edson and to pass the DREAM Act without amendment and provide DACA recipients with a pathway to permanent residence and eventually US citizenship. **Approved 5/0.** Motion carried unanimously.

A.3. Plaza Street Fountain Repairs Construction Contract. (File 0820-40)

Recommendation: That the City Council

1. Adopt **Resolution 2017-161:**
 - a. Awarding a construction contract for the Plaza Street Fountain Repair Project, Bid No. 2017-09, in the amount of \$25,799.21, to California Aquatics.
 - b. Approving an amount of \$2,200.79 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Appropriating \$28,000 from the City CIP Reserve fund into the City CIP project for the Plaza Street Fountain Repair Project.
 - e. Authorizing the City Treasurer to amend the FY 2017/18 Adopted Budget accordingly.

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

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Council discussed not proceeding with the fountain repairs and using the funds elsewhere.

Motion: Moved by Deputy Mayor Marshall and second by Mayor Nichols to not proceed with this project at this time. **Approved 5/0.** Motion carried unanimously.

WORKPLAN COMMENTS:

Adopted June 14, 2017

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. Solana Beach-Del Mar Relations Committee – Nichols, Zito
- c. Highway 101 / Cedros Ave. Development Committee – Edson, Nichols.
- d. Fire Dept. Management Governance & Organizational Evaluation – Edson, Hegenauer
- e. I-5 Construction Committee – Zito, Edson.
- f. Parks and Recreation Committee – Nichols, Zito
- g. Public Arts Committee – Marshall, Hegenauer.
- h. School Relations Committee – Nichols, Hegenauer.

ADJOURN:

Mayor Nichols adjourned the meeting at 8:28 p.m.

Vaida Pavolas, Deputy City Clerk

Approved: January 10, 2018