

# CITY OF SOLANA BEACH

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



## MINUTES

### Joint REGULAR Meeting

Wednesday, February 22, 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](#).

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### **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  
Angela Ivey, City Clerk,  
Mo Sammak, City Engineer/Public Works Dir.  
Marie Berkuti, Finance Manager  
Corey Andrews, Principal Planner  
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. Approved 5/0 **Motion carried unanimously.**

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

San Dieguito River Park

Kevin McKernan presented a PowerPoint (on file) reviewing the agency and its recent developments.

### **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.

Lynn Salsberg said that she had lived at her current address in Solana Beach for nearly 22 years, that this meeting was nostalgic since on February 22, 2006, the official City song was passed unanimously, that the City moved on and hoped it continued in song, that kids knew it's verses, and would remember places of their home, and that Solana Beach was City proud.

Peter Zahn submitted a handout (on file) of Solana Beach Resolution 2016-084, and said that all were living in a volatile time, that our president was targeting the Muslim population and that the local law enforcement would be asked to take action against these groups. He said that this installed fear in a segment of the City's residents and that the Council was the City's leaders who were charged with looking out for the safety and well-being of residents. He stated how the City could do more to make all residents and visitors feel welcome, the Council approved a resolution as a welcoming community, and that more efforts could be made administratively such as 1. Make the City's Welcoming Community status known by displaying on the website's home page and other communications to remind residents that it was a welcoming community, 2. Join the Welcoming American Organization, 3. Urge surrounding communities to become welcoming communities 4. Work with City civic leaders, business, educators, non-profits to bring a greater understanding 5. Inform the Sheriff's department that the City did not want to use local law enforcement for activity on non-violent and non-criminal refugees which degraded the trust that these people had for public officials. He said that recognizing that the City was a welcoming community was not about recruiting, vetting, or harboring immigrants or refugees, nor did it say that the City was a sanctuary City but rather that the community values all of its residents regardless of ethnicity, race, or county of national origin.

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

Recommendation: That the City Council

1. Ratify the list of demands for December 31, 2016 through February 2, 2017.

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

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

**A.6. Construction Inspections of Bluff Retention Devices Services.** (File 0610-12)

Recommendation: That the City Council

1. Adopt **Resolution 2017-025**:
  - a. Authorizing the City Manager to execute a professional service agreement with Geopacifica, Inc. for construction inspection of bluff retention devices paid for by property owner deposits.
  - b. Authorizing the City Manager to extend the agreement for four additional one year terms, at the City's option.

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

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

**A.8. Climate Action Commission Member Composition.** (File 0120-65)

Recommendation: That the City Council

1. Adopt **Resolution 2017-027** to modify the Climate Action Commission Council appointee membership composition.

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

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

**A.9. Solana Beach Firefighters Association Salary Schedule Ratification.** (File 0530-30 )

Recommendation: That the City Council

1. Approve **Resolution 2017-030** ratifying the Fiscal Year 2016-2017 City of Solana Beach Fire Salary Schedule.

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

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

**A.10. Emergency Storm Drain Repair at 631 Nardito Lane and 646 Nardo Avenue.**

(File 0850-40)

Recommendation: That the City Council

1. Adopt **Resolution 2017-028:**

- a. Receiving this report detailing the specifics of the emergency nature of this project.
- b. Making a finding, based on substantial evidence set forth in the Staff Report, that the emergency would not permit a delay resulting from a competitive solicitation for bids, and that the action was necessary to respond to the emergency.
- c. Ratifying the City Manager's decision for the emergency storm drain repairs located in a drainage easement between Nardito Lane and Nardo Avenue under the authority of Section 3.08.060 of the Solana Beach Municipal Code (SBMC) which states that the City Manager may make emergency purchases that exceed \$25,000 in response to conditions that endanger life, health or safety and that those emergency purchases are free from the provisions of Chapter 3.08 of the SBMC.
- d. Authorizing the City Manager to pay all invoices associated with the emergency storm drain repairs located in the drainage easement between Nardito Lane and Nardo Avenue.

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

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

**C. STAFF REPORT:** (C.1.)

*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 December 31, 2016.

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

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Greg Wade, City Manager, introduced the item.

Mia Corral Brown, SVP, Relationship Manager, and Genny Lynkiewicz, CFA, VP, Portfolio Manager, Chandler Asset Management, presented a PowerPoint (on file).

**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: 475 Pacific Ave., Applicant: Mansukhani, Case 17-15-28.** (File 0600-40)

The proposed project meets the minimum objective requirements under the LUP, SBMC, is 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 Development Review Permit (DRP) and administratively issue a Structural Development Permit (SDP). 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 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2017-019** conditionally approving a DRP and an administrative SDP to remodel an existing single family home with attached garage at 475 Pacific Avenue.

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

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

[B.1. Supplemental Documents - R](#)

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Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed that the property line of the project was separate of the erosion area, that the erosion area was on City property and Staff put a plan into motion to remove the detached portion of the shotcrete, that during the construction phase of the project beach access should not be obstructed, that coastal erosion rates were highly variable and depended on many factors such as when the study was done, that the 1.2 erosion rate in the Army Corps study took into account a large area of the beach, that the LUP sets a static or assumed erosion rate of .40, the erosion rate on this project was .27, that the LUP stated an assumed rate of .40 feet per year unless otherwise done by a site specific analyst, a geotechnical consultant for the project performed an analysis and the City's geotechnical consultant did a peer review and confirmed the findings of the site specific erosion rate, that over the years various studies of our coastline have been done showing erosion rates of .2 ft. to 1.2 ft. per year, that the project originally proposed to have a water feature in the entryway but that it had been eliminated.

Council and Staff continued discussion regarding they were asked to design a drainage system to capture the runoff, rooftop included, and divert it back to the street, that there was a very small portion of the lot on the slope towards the ocean that would continue to go down as is, that they were required to do a grading permit to ensure the condition was implemented, that the landscape area in the front will filter the water before it enters a sidewalk underdrain and ultimately discharges to the curb.

Mayor Nichols opened the public hearing.

Council disclosures.

Applicant

Matthew Peterson, applicant representative, presented a PowerPoint (on file) and stated that the Coastal Commission's geotechnical consultant performed a standard erosion rate study, that they met with the Coastal Commission and used their erosion rate which was .46 ft. per, they added a 5 ft. buffer on top of the .46 rate, the current existing fence and portion of the backyard patio would be removed and relocated and they would use anti-bird strike materials, that they eliminated the pitched roofs and reduced the overall roof height, they eliminated the water feature in the courtyard because Coastal staff had concerns with it, there was no increase in square footage or additional areas added to the home, they were just beautifying it to make it more appealing and that the Coastal Commission had recommended the project with some conditions.

Council and application discussed that currently there was nothing in the plans to cut down on energy usage and that the existing patio would be left but they would remove the portion that encroached into the 5 ft. bluff edge.

**Motion:** Moved by Councilmember Edson 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. Approved 5/0. **Motion carried unanimously.**

**C. STAFF REPORT:** (C.2.)

*Submit speaker slips to the City Clerk.*

**C.2. Mid-Year Budget Adjustments for Fiscal Year 2016-17.** (File 0330-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-029** revising appropriations in the Fiscal Year 2016-2017 Budget.

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

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Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed some items for clarification.

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

**CONSENT Items Pulled by Councilmember Edson**

**A.1. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held January 11, 2017.

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

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**Motion:** Moved by Mayor Nichols and second by Deputy Mayor Marshall. Approved 5/0  
**Motion carried unanimously.**

**A.4. AAT Solana 101 EIR and Project Management Services.** (File 0620-20)

Recommendation: That the City Council

1. Adopt **Resolution 2017-024** authorizing the City Manager to execute a professional services agreement between the City and Harris & Associates in the amount of \$86,890 plus a 15% administrative fee to complete the

Environmental Impact Report (EIR) for the AAT Solana 101 Project, with the Zephyr Alternative analysis.

2. Adopt **Resolution 2017-026** authorizing the City Manager to extend the professional services agreement between the City and CityPlace Planning, Inc. and modify the fee agreement by an additional \$8,580 plus a 15% administrative fee for Project Management services for the AAT Solana 101 Project, with the Zephyr Alternative analysis.

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

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Councilmember Edson stated that she felt the report was a bit misleading where it referenced the American Assets Trust project originally proposed was 233,553 sq. ft. and the Zephyr's partner project being listed as 98,409 sq. ft., that the American Assets Trust proposal included the parking in the total square footage and the Zephyr's project did not include it. She asked that it be made clearer in the reports when comparing projects so they are compared apples to apples, consider using a matrix to show the comparison.

Greg Wade, City Manager, stated that it could be addressed by being more careful with the details, that this type of report does not typically include this level of background since it was not necessary for this item. He said that the actual AAT project numbers should be 88,689 because that is the total above grade square footage which would compare to the other project of 98,409, and that these numbers are proposed and not final.

**Motion:** Moved by Councilmember Edson and second by Councilmember Zito to approve and update that the total square footage for each project be portrayed equally either both with the parking included or without it and update the numbers in the resolution where or if needed. **Approved 5/0** Motion carried unanimously.

**A.5. Feather Acres Subdivision Map.** (File 0600-10 / 0600-20)

Recommendation: That the City Council

1. Adopt **Resolution 2017-021**:
  - a. Approving the Feather Acres final map.
  - b. Authorizing the City Engineer, City Attorney, City Treasurer and City Clerk to sign the final map.
  - c. Authorize the recordation of the final map.

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

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Councilmember Edson asked Staff about whether the improvements of sidewalk and curb would be completed before or after the project and asked whether there were objections from the neighbors.

Mo Sammak, Public Works/Engineering Dir., responded stating that since there was not a project that the subdivision agreement would trigger these improvements and confirmed that there were no objections raised from neighbors.



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

**A.7. Communications Infrastructure Maintenance Services.** (File 0190-60)

Recommendation: That the City Council

1. Adopt **Resolution 2017-013** authorizing the City Manager to amend the PSA with Salient networks for maintenance and upgrading of the City's communications systems in an amount totaling \$36,400 and to authorize the City Manager to execute amendments for up to 10% of the cost, should it be needed.

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

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Councilmember Edson and Staff discussed clarification on the funds noted were included in the larger amount and not additional.

**Motion:** Moved by Deputy Mayor Marshall and second by Councilmember Edson. **Approved 5/0.** 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.

Councilmember Edson said that she attended the SANDAG's Board of Directions retreat which was paid by the City.

Councilmember Zito stated that he attended the same retreat which was paid by SANDAG.

**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 (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 7:50 p.m.

Angela Ivey, City Clerk

Approved: March 22, 2017