

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, November 28, 2018 * 6:00 p.m.

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

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

- 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

Jewel Edson, Deputy Mayor

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Nichols called the meeting to order at 6:15 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Lesa Heebner, Peter Zahn
Absent: None
Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT:

No reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

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.

Kristine Schindler presented a PowerPoint (on file) and spoke about crossing guard safety, specifically at the corner of Lomas Santa Fe and Santa Helena, where she stood for an hour twice a day monitoring safety issues, and that more than traffic calming measures were needed on Lomas Santa Fe.

Torgen Johnson spoke about meeting with the Mayor and Planning Commissioners of the City of Malibu to discuss the consequences of utilities that cut corners on public safety, the similar safety issues at San Onofre which was just issued a major violation notice by the U.S. Nuclear Regulatory Commission, a request that Council send a letter to State and Federal agencies urging greater safety at San Onofre, that there were two near-misses in July and August that he would summarize in a letter and send to Council tomorrow with suggested action items and the various State and Federal agencies who should be contacted.

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.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 May 30, 2018, June 13, 2018, June 26, 2018 and June 27, 2018.

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 Heebner and second by Deputy Mayor Edson to approve. **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 October 20 - November 09, 2018.

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 Heebner and second by Deputy Mayor Edson to approve. **Approved 5/0.** Motion carried unanimously.

A.3. General Fund Adopted Budget for Fiscal Year 2018-2019 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2018-2019 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 Heebner and second by Deputy Mayor Edson to approve. **Approved 5/0.** Motion carried unanimously.

A.4. Public Safety 800 MHz Radios Purchase. (File 0260-40)

Recommendation: That the City Council

1. Adopt **Resolution 2018-144:**
 - a. Authorizing the purchase of 800 MHz radios from Motorola Solutions in the amount of \$146,696.
 - b. Authorizing an appropriation of \$12,243 to the Grant Revenue and the Marine Safety Equipment expenditure accounts in the Public Safety Special Revenue Fund for the use of SHSP funds.
 - c. Authorizing an appropriation of \$11,274 to the CSA-17 Revenue and the Fire Equipment expenditure accounts in the Public Safety Special Revenue Fund for the use of CSA -17 funds.
 - d. Authorizing an appropriation of \$3,483 and \$18,096 in the Marine Safety and Fire Equipment expenditure accounts, respectively, in the Asset Replacement Fund.
 - e. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

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

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

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. Solana Energy Alliance Activities and Operational Results Quarterly Report
(File 1010-40)

Recommendation: That the City Council

1. Receive and file report on Solana Energy Alliance (SEA) Activities and Operations and provide comment and/or direction; and
2. Consider adoption of **Resolution 2018-150** authorizing the City Manager to enter into a Professional Services Agreement with Tosdal Law Firm for legal services not to exceed \$75,000 in support of SEA.

[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 as the first quarterly update of the Solana Energy Alliance (S.E.A.). and introduced the consultant team, SEA had been operating since June of this year, and performance information will be presented, and that PCIA methodology was still being determined at this time.

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

Barbara Boswell, Bayshore Consulting, continued the PowerPoint showing expected net positive results of over one million dollars for the year, feedback from most customers had been positive, and showed "How to Read Your Bill."

Jeff Fuller, The Energy Authority, continued the PowerPoint reviewing the financial outlook, some regulatory effects on the forecast, the Power Charge Indifference Adjustment (PCIA) exit fee, the rate results summary to date and forecast, five-year impact of existing vs. proposed methodology, and the Energy Risk Management Policy.

Ty Tosdal, Tosdal Law Firm, Regulatory Special Counsel for SEA, continued the PowerPoint reviewing the high priority regulatory proceedings and activity.

Greg Wade, City Manager, stated that a proposed central buyer was coming into play because all load serving entities had to procure their own resource adequacy, that SEA had procured its resource adequacy for all of 2019, and continued the PowerPoint.

Council, Staff, and Consultants discussed opportunities to close the gap of future potential deficits, potential savings, utilizing savings, congestion costs, that all obligations would be met, setting rates, central buyer concept and its pros and cons, storage of energy, congestion and revenue rights, and forecasting conservatively.

Public speakers

Al Evans spoke about living in Solana Beach since 1975, the comprehensive Staff Report, the lower electrical rates were good, the ongoing concern by many of such a complicated oversight for such a small city, being unconvinced there was no increase in overhead for the City, concern that the demand would be higher for less supply as more CCAs formed, being told there would be no cost to the City but a loan was made and now \$75k was being spent for legal fees, wondering if it were true that 93.8% of the energy being used in Solana Beach was being provided by the SEA program since when the switch was flipped it all came from SDG&E through the transmission lines, concern about the call center experience, concern about increase in energy cost and PCIA, and his hopes that the program would be successful but still had some of the same concerns as before.

Lane Sharman spoke about his first introducing the idea in to the City, recognize PCIA was a market aberration, paying for energy not used would burn off over time and the PCIA would evaporate eventually, the benefit of increasing of the green gas-free content and reducing the renewable content, the difference between renewable and greenhouse gas-free was large

hydro, urging Council to ask for a scenario for 2019 as a way of meeting deficits, the amazing budget and consultants making the program successful, and honoring participants opting up to 100%.

Alan Barnebey spoke about the S.E.A. entering into partnerships with other local entities to enhance the financial position, wondering what the relationship was between Calpine Data Manager and the large Calpine Energy Company, and hoped that SEA was not purchasing energy from the larger Calpine Energy.

Tracy Richmond spoke of his support, to consider joining others to mitigate the PCIA, their ability to collect funds for future use that SEA customers were not using and would never use because they were not SDG&E customers any longer, the bill needing to be improved greatly, now that he went to solar and does not receive any bill or notices from anyone and the thought someone owes him money, the better rates and the increase in renewables, were great, and the overall purpose was to save the planet.

Greg Wade, City Manager, explained that SEA had about 500 net energy metering (NEM) customers in the City, 100 were net surplus generators, that a challenge with the NEM bill was that SDG&E could not show NEM charges, that it was being worked on to get everyone a notice, but in the meantime, SEA was tracking the credits and usage of NEM customers, and that Barb Boswell had and would speak with anyone regarding their bill.

Thomas Heywood spoke of his support for the CCA, proud that Solana Beach was doing it, that it was very popular in northern California and there was a track record for it, the issues with San Onofre, the overcharges, benefit to have more local control than in the hands of SDG&E, pushing sources of alternative storage, not wanting to use natural gas, energy needing to be 100% renewable, and his bill being reasonable using solar.

Greg Wade, City Manager, stated that the initial loan that was made to front Staff and legal costs, negotiate with the consulting team, establish a lock box and enterprise fund to protect to City's general fund, work of Barb Boswell of Bayshore Consulting who had extensive experience on the matters, internal Staff work, upfront mailing costs, establishing a website for public information and outreach, all in order to establish the CCA. He said that the City would reimburse itself from revenue made from the CCA, with full payment due in July 2019.

Council, Staff, and Consultants discussed the call center tracking quality, weekly reports, addressing customers' needs and inquiries, including some call center information at quarterly reports, that a rule last year would delay any future CCE's from serving load, which was after the City filed its implementation plan to the P.U.C. by end of the calendar year, they could launch the following year, many cities were going through their technical studies at this time which would come out soon, that the City was in constant contact with other CCA's sharing experiences, and continued discussion on potential opportunity for future partnerships.

Santiago Chuck, Calpine, stated that Calpine Energy Solutions was a subsidiary of Calpine Corp. which was based in San Diego and were a data manager services, customer contact center services, for 16 operating CCAs in the State of California, and were not involved with power procurement part.

Jeff Fuller, The Energy Authority, stated that he did not know offhand if they had procured energy from Calpine for Solana Beach but knew that they had procured from them for other CCAs, and would look into it.

Barb Boswell, consultant, stated that there were restrictions with how the bill could be presented, that a request had been submitted to SDGE for changes and some were made quickly and some would come in February, and some were taken under advisement, that it was due to the way that their billing was set up which did not include 3rd party billing, that changing the order and the calculation was challenging, that legislation was written requiring the CCA to work with them, that this was not unique to the SDGE territory, one benefit of the bill was that SDGE did present what they would have charged the customer, which was not true in other areas,

Greg Wade, City Manager, stated that SDGE was a partner, there were many meetings for the year prior to the launch, that SDG&E did create some systems because they were obligated to do so, that they were still making system upgrades, and they had identified a large budget impact to bring them fully operable.

Ty Tosdal spoke about regulations and restrictions of billing, which had to be a joint function, would have to be changed to create a better bill, initial CCAs having similar issues, the City of Lancaster's many challenges, and the billing being a historically contentious point and required some effort to work through.

Discussions continued regarding their looking into a scenario of a distinction between renewable and greenhouse gas-free and would be bringing back with information on whether there would be any benefits and savings, bringing back a cumulative net position related to costs and liabilities and seeing when it moves beyond that start-up costs, going into more work with Tosdal Law Firm and about to discuss with San Diego and north county cities to see if any interest in sharing some costs, and the positives including lower rates, better renewables, local control.

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

Mayor Zito recessed the meeting at 8:10 p.m. for a break and reconvened at 8:15 p.m.

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 designee(s) 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: Fire Mitigation, Park and Public Use Facilities Development Impact Fees. (File 0390-23)

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. Introduce **Ordinance 492** establishing the Fire Mitigation Impact Fee (FMIF).
3. Introduce **Ordinance 493** establishing the Park Development Impact Fee (PDIF).
4. Introduce **Ordinance 496** establishing the Public Use Facilities Impact Fee (PUFIF).
5. Adopt **Resolution 2018-147**:
 - a. Accepting the 2018 Development Impact Fee (DIFs) Nexus and Calculation Report (Nexus Report) dated July 2, 2018.
 - b. Establishing the FMIF and determining that the FMIF shall be paid based upon the use of land set forth in the Summary of Development Impact Fee Rates table included in the Nexus Report, dated July 2, 2018.
 - c. Establishing that the FMIF shall become effective upon the effective date of Ordinance 492.
 - d. Establishing the PDIF and determining that the PDIF shall be paid based upon the use of land set forth in the Summary of Development Impact Fee Rates table included in the Nexus Report, dated July 2, 2018.
 - e. Establishing that the PDIF shall become effective upon the effective date of Ordinance 493.
 - f. Establishing the PUFIF and determining that the PUFIF shall be paid based upon the use of land set forth in the Summary of Development Impact Fee Rates table included in the Nexus Report, dated July 2, 2018.
 - g. Establishing that the PUFIF shall become effective upon the effective date of Ordinance 496.

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

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Greg Wade, City Manager, introduced the item.

Marie Berkuti, Finance Manager, introduced the item and the consultants Scott Thorpe and Chu Thai, from Revenue and Cost Specialists.

Chu Thai, consultants, presented a PowerPoint (on file) reviewing development fees that can help mitigate impacts in the community.

Marie Berkuti, Finance Manager, continued the PowerPoint (on file).

Greg Wade, City Manager, said that two of the three proposed fees already existed since pre-incorporation of the City, and that the facilities fee was the new proposed fee.

Mayor Zito opened the public hearing.

Council disclosures.

Council, Staff, and Consultants discussion included that fees were paid at the time of the building permit application, the park fee accounting for the newly acquired acreage at La Colonia Park, a remodel tearing down and adding in a different location would be the increase of square footage, tracking fees paid and applying any credit due for the ongoing change in square footage of a property, matching the fees to future ongoing CPI (Consumer Price Index) increases and potential cap of the increase per year, factoring in visitors to public lands in the transient occupancy tax which all benefited the public lands and sand replenishment, and 1% for public art.

Discussion continued regarding a cap to the CPI increase, lower the fees or applying a scale due to the number of affordable units, capping fees on developments having to add fire sprinklers, capping fee for remodels at 75% of new home construction, once application was complete the fees should be settled instead of later in case the fees had increased, and existing projects deemed complete being subject to the former fees.

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

Motion: Moved by Mayor Zito and second by Councilmember Heebner to approve with modifications capping the CPI cap at 2 ½%, that designated affordable units with a 55-year deed restriction would be subject to a fee reduction for those units (1-5 units = 50% reduction, 6-9 units = 75% reduction, and 10+ units = fees waived), waive fire fee for remodels requiring fire sprinkler systems, cap remodel construction at 75% of the fee of new home construction fees, and the new fees would not apply to projects applications deemed complete at the time of each new fee increase. **Approved 5/0.** Motion carried unanimously.

B.2. Public Hearing: City's Schedule of Fees Update Fiscal Year 2018-19. (File 0390-23)

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 2018-148** updating the Fiscal Year 2018-19 Schedule of Fees.

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

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Greg Wade, City Manager, introduced the item.

Marie Berkuti, Finance Manager, introduced the item and consultants.

Chu Thai, consultants, presented a PowerPoint (on file).

Mayor Zito opened the public hearing.

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

Council, Staff, and Consultants discussed specifying a block party's street closure fee differently and at the standard special event fee, capping an annual CPI at 2 ½%, increasing or maintain the initial \$600 filing fee for View Assessment Applications, and refunding only a portion of the filing fee if claimants pull the applications less than two weeks before the scheduled View Assessment Commission meeting.

Motion: Moved by Councilmember Heebner and second by Councilmember Zahn to approve with modifications of discussed specifying a block party street closure fee at \$50, capping an annual CPI at 2 ½%, maintaining the initial \$600 filing fee for View Assessment Applications, and refunding only a portion of the filing fee if claimants pull the applications less than two weeks before the scheduled View Assessment Commission meeting. **Approved 5/0.** Motion carried unanimously.

B.3. Public Hearing: Mixed Use Development Northwest Corner of Highway 101 and Dahlia Drive, Applicant: Zephyr Partners, Case 17-14-08. (File 0610-60)

This Item was removed from the Agenda.

C. STAFF REPORTS: (C.2. - C.6.)

Submit speaker slips to the City Clerk.

C.2. Adopt (2nd Reading) Ordinance 489 – Mayoral Duties. (File 0410-90)

Recommendation: That the City Council

1. Adopt **Ordinance 489** adding Section 2.04.015 to the Solana Beach Municipal Code, which would codify Mayoral duties as set out in state law.

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

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Councilmember Heebner proposed to add a reference to Council Policy 5 regarding appointment protocol to Boards, Committees, and Commissions and that the Ordinance would be re-Introduced at this meeting due to this modification.

Motion: Moved by Councilmember Heebner and second by Deputy Mayor Edson to approve **re-introduce the ordinance** with modifications adding reference to Council Policy 5. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Councilmember Heebner and second by Councilmember Zahn to move Item C.6. before Item C.3. **Approved 5/0.** Motion carried unanimously.

C.6. Adopt (2nd Reading) Ordinance 491 adding Subsection 17.72.110(E) to the Solana Beach Municipal Code to Exempt City and City-Sponsored Projects. (File 0600-95)

Recommendation: That the City Council

1. Adopt **Ordinance 491** adding subsection 17.72.110(E) to make the expiration and extension requirements of section 17.72.110 inapplicable to City and City-sponsored projects.

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

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

C.3. Introduce (1st Reading) Ordinance 495 – Shared Mobility Program. (File 0840-40)

Recommendation: That the City Council

1. Introduce **Ordinance 495** establishing the guidelines for the Shared Mobility Plot Program.

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

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Greg Wade, City Manager, introduced the item.

Dan King, Assistant to the City Manager, presented a PowerPoint (on file).

Kristine Schindler spoke about being a member of BikeWalkSolana, moving forward on this item, her involvement the City of Encinitas' effort for this program, would help with public outreach, education, and community bike rides.

Council and Staff discussed the intention to utilize one vendor, the same rates as other cities, to negotiate whether the city program would be dock or dock-less, geo-fenced areas for parking, and including in the RFI (Request For Information) to apply issues directly with the operator as a provision.

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

C.4. Introduce (1st Reading) Ordinance 497 – Sidewalk Vending. (File 0390-45)

Recommendation: That the City Council

1. Find this action is exempt from the CEQA pursuant to Sections 15061(b)(3) and 15378(b)(5) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
2. Introduce **Ordinance 497** adding Chapter 4.52 "Sidewalk Vending" to the Solana Beach Municipal Code.

[Item C.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.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Director, said that it would establish a sidewalk vending program to permit and regulate sidewalk vending in compliance with the state bill, included regulations to ensure no interference with emergency services, flow of vehicle or pedestrian traffic, maintain reasonable use and maintenance of sidewalks, maximize the public's access to and along the coast, and reduce exposure to claims and litigation, ensure access to individuals with disabilities, and provide for regulations of hours of operation, locations, restrictions, and prohibitions in some instances.

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

C.5. Citizen's Initiative Petition for a Proposed Ordinance Regarding Commercial Cannabis (Marijuana) Retailers in Non-Residential Zones and Deliveries/Cultivation in All Zones. (File 0430-15)

Recommendation: That the City Council

1. Provide direction on Council's course of action regarding the eligible petition:
 - a. Adopt **Ordinance 494** relating to use of the Commercial Cannabis (Marijuana) Retailers in Non-Residential Zones and Deliveries/Cultivation in All Zones Retailers in Non-Residential Zones and Deliveries/Cultivation in All Zones; or
 - b. Submit Ordinance 494 to the voters at the next general election, November 3, 2020; or
 - c. Order a report and return within 30 days to a City Council meeting.

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

[Item C.5. Supplemental Docs \(Updated 11-28 at 3pm\)](#)

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Greg Wade, City Manager, introduced the item.

Angela Ivey, City Clerk stated that a Notice of Intent to Circulate a Petition was filed, a Ballot Title and Summary was prepared and provided to the proponent, published in the paper, and petitions were submitted prior to the deadline, that signature verification and review of all petition requirements resulted in a Certification of Sufficiency, and that the item was now before Council to consider the three options.

Terry-Ann Skelly submitted a handout (on file) and spoke about parenting of her children in the City, the proposal was overreaching and took control away from the City, wondered where the retail outlets would be placed, and encouraged Council to take the time to order a 30-day report.

Megan Rapp spoke about being a high school senior, her participation in the San Dieguito Alliance program Team Presenters who had never used alcohol or drugs and spoke to schools, commercial marijuana businesses in the area making their job more difficult to sway kids from the use of drugs and instead tempt them, her concern about the promotional advertising for vaping oils, candies, cookies, and drinks, and asked Council to ensure a safe and healthy community.

Judy Strang spoke about spending the entire day at a public health conference about tobacco and marijuana issues, that San Dieguito Alliance supported Option C to order a report, that La Colonia Changers wrote a note to them sharing their concern if commercial marijuana businesses were allowed.

Kelly McCormick spoke about being a parent of 2 teenagers, running a youth mentoring program, advocating for public health policies that supported young adults becoming productive members of society, the ballot initiative putting young people, residents, and businesses of the City at risk, the industry peddling a federally illegal psychoactive drug, the THC content of many products sold would be at 90% and designed to appeal to young people, pot shops normalizing marijuana use, the deceiving ballot initiative language that would actually allow cultivation, manufacturing, and retail sales of recreation marijuana, the law already allowing medical pot exchange between patients and caregivers, residents already being allowed to grow up to 6 plants in their homes, that initiative having a dramatic impact in the character and reputation of Solana Beach, and her request that Council take the time to conduct a study so voters would be better informed.

Peggy Walker spoke about her support for Option C, her work in youth tobacco, alcohol, and drug use prevention in educational institutions, her concern about the impact of pot shops on the youth, her concerns as a resident of the impact on the community character, and the business sector, the initiative proposing land use rules serving the commercial marijuana industry and not Solana Beach, removing control from Council who were elected to set public policy, being contrary to a healthy lifestyle and family friendly environment, it overstepping Prop 64 which promised that cities would retain control over their land use and make decisions about marijuana businesses locally, it allowing pot shops in five zoning areas including office professional impacting a large part of a 4x4 sq. mi. City, and ordering a report could show it might affect businesses, community redevelopment plans, real estate values, public safety, tourism, character of the community, costs to permit, operations, violations, and penalties, signage, advertising, security, nuisance abatement, odor mitigation, traffic and parking, loitering, and other potential issues.

Council discussed that putting it to the vote of the people would occur in 2020, which allows time to address the concerns stated in a future report without the time constraint, a future report would be more recent and relative at election time, that social media in Solana Beach reported deceptive ballot initiative tactics, and support of looking into the issues.

Motion: Moved by Councilmember Heebner and second by Mayor Zito to approve submitted the initiative to a vote at the November 2020 General Election. **Approved 5/0.** Motion carried unanimously.

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.

ADJOURN:

Mayor Zito adjourned the meeting at 10:09 p.m.

Angela Ivey, City Clerk

Approved: February 27, 2019