



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

**MINUTES**

**Joint REGULAR /Meeting**

**Wednesday \* April 27, 2016 \* 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](#).

<b><u>CITY COUNCILMEMBERS</u></b>		
<b>David A. Zito, Mayor</b>		
<b>Peter Zahn, Deputy Mayor</b>	<b>Mike Nichols, Councilmember</b>	
<b>Ginger Marshall, Councilmember</b>	<b>Lesa Heebner, Councilmember</b>	

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 6:00 p.m.

**Councilmembers**

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

**Absent:**

**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.  
 Dan King, Assistant City Manager

**CLOSED SESSION REPORT:**

Johanna Canlas, City Attorney, stated there was

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Marshall. **Motion carried unanimously.**

## **PROCLAMATIONS/CERTIFICATES:**

Earth Day

Liz Schlicher, Solana Vista Elementary, led a group of children to present what they did during Earth Week and people can do to help conserve, not waste, keep air clean, and environmental changes and what they love about Solana Vista.

Mayor Zito presented a Proclamation to the children at Solana Vista declaring Earth Day.

## **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.

Cindy Clemons, Civic and Historical Society, announced that a long term project was completed and that markers had been made for places in the City that coordinated with Apps so that information about them would be attained.

Deputy Mayor Zahn thanks for determination to make the big project happen.

## **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.6.)

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 November 18, 2015 and March 23, 2016, and April 13, 2016 (added 4-24-16 4:45pm).

**Motion:** Moved by Councilmember Marshall and second by Councilmember Nichols.  
**Motion carried unanimously.**

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

Recommendation: That the City Council

1. Ratify the list of demands for March 26, 2016 through April 8, 2016.

[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 Marshall and second by Councilmember Nichols.  
**Motion carried unanimously.**

**A.3. General Fund Adopted Budget for Fiscal Year 2015-2016 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2015-2016 General Fund Adopted Budget.

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

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**Motion:** Moved by Councilmember Marshall and second by Councilmember Nichols.  
**Motion carried unanimously.**

**A.5. Pedestrian Pathway Improvements at Three Locations.** (File 0820-15)

Recommendation: That the City Council

1. Adopt **Resolution 2016-046:**
  - a. Awarding the construction contract to PAL General Engineering, in the amount of \$15,897, for the Pedestrian Pathway Improvements, Bid 2016-03.
  - b. Approving an amount of \$4,103 for construction contingency.

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

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**Motion:** Moved by Councilmember Marshall and second by Councilmember Nichols.  
**Motion carried unanimously.**

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**A.6. Public Works Mutual Aid Agreement.** (File 0200-00)

Recommendation: That the City Council

1. Adopt **Resolution 2016-047:**
  - a. Approving an agreement to participate in the County of San Diego Operational Area Public Works Mutual Aid Program.
  - b. Authorizing the City Manager to execute the agreement on behalf of the City.
  - c. Designating the Public Works Director or his/her designee as the Coordinator.

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

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**Motion:** Moved by Councilmember Marshall and second by Councilmember Nichols.  
**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: Development Review Permit (DRP) and Structural Development Permit (SDP) at 731 Avocado Pl., Applicant: Harris, Case No: 17-15-44.** (File 0600-40)

The proposed project meets the minimum objective requirements under the 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 DRP. Therefore, Staff recommends 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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2016-043** conditionally approving a Development Review Permit (DRP) and a Structure Development Permit (SDP) to add 3,205 square feet (including garage) to an existing 3,523 square foot single-family, two-story residence on a 39,309 square foot lot located at 731 Avocado Place.

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

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Greg Wade, City Manager, introduced the item.

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

Council disclosures.

Tod Ray, architect, and Alex Harris, applicant, introduced themselves and said they were available for questions.

**Motion:** Moved by Councilmember Heebner and second by Councilmember Marshall to close the public hearing. **Motion carried unanimously.**

**Motion:** Moved by Councilmember Heebner and second by Deputy Mayor Zahn. **Motion carried unanimously.**

**C. STAFF REPORTS:** (C.1. - C.2.)

*Submit speaker slips to the City Clerk.*

**C.1. This item was pulled from the agenda.**

**C.2. Kindness Meter Program for Charitable Donations.** (File 0160-80)

Recommendation: That the City Council

1. Discuss and consider the approval of a Kindness Meter Program designed to accept donations for charitable foundations and/or non-profit organizations.

**Item C.2. Report (click here)**

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Greg Wade, City Manager, introduced the item.

Dan King, Assistant City Manager, presented a PowerPoint (on file) and stated that the item was requested by Deputy Mayor Zahn. He stated that the meters accepted coins and credit cards and currently stand in eight locations in North County.

Council and Staff discussed that signage was usually posted regarding the organization that would receive the donation, they could be decorated, whether Staff time would be required for gathering the funds and monitoring/maintenance or if a third party vendor handled it, and that the non-profit recipient for a machine could be rotated annually and require the recipient to maintain it.

**Public Speaker**

Carlton Lund stated that Deputy Mayor Zahn contacted him because he liked the concept and wanted to consider it for Solana Beach, that kids love them, that it was an opportunity to teach kids about kindness, the machine weighed 80 lbs. and was made by IPS and came in different styles, and that the one brought for display was the functional and used at approximately 200,000 places around the world.

Council and Mr. Lund discussed the fact that Mr. Lund made the offer to purchase it and install it as he had done elsewhere as a citizen of north county, the mechanisms was solar driven, that it could be painted a wild color, it could hold up to \$68 so it had to be monitored and emptied periodically, and to consider a style to make it less similar to a parking meter.

Council discussed that the first recipient might be the San Diego River Valley in honor of Margaret Schlesinger, that less Staff time and maintenance and collection by the recipient be preferred, that Staff bring Council some proposed location ideas for 1-2 meters, choosing a permanent location model or portable, beneficiary selection criteria for how to choose the recipient, to ask the Boys and Girls Club if they would want one on their location and gauge their feedback, and that they should not be placed in the public right of way.

Councilmember Marshall stated that it was not government's job to teach children to be kind, that she did not think it worth the Staff time, that if the Boys and Girls Club wanted to take it on it would be fine, but that she did not support the City managing it.

Mayor Zito said he supported it, that is was not the most attractive but could be made more appealing so it would be confused with a parking meter, and supported assigning the recipient charity to handle and maintain it.

Deputy Mayor Zahn asked that Staff take in all the comments and come back with alternatives and proposals and a program with a selection process and online images of what they could look like, maintenance requirements, how the online credit card situation worked, and a form for prospective beneficiaries.

**Motion:** Moved by Mayor Zito and second by Councilmember Nichols to direct Staff to return to Council with some alternative proposals in how to proceed with a process for placing 1-2 meters around town and a process to select beneficiaries and proceeds. 4/1 (Noes: Marshall) **Motion carried.**

#### **A.4. Traffic Impact Fee Program Agreement.** (File 0860-00)

Recommendation: That the City Council

1. Adopt **Resolution 2016-045** authorizing the City Manager to enter into a Professional Services Agreement with Chen Ryan Associates, Inc., in a not to exceed amount of \$85,000, for the development of a Traffic Impact Fee Program.

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

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Greg Wade, City Manager, introduced the item

Mo Sammak, Public Works/Engineering Dir., presented a PowerPoint (on file).

Council and Staff discussed that this was not the same consultant as the recreation impact fee, which was a separate item, that this study would look at all development including single family homes to determine what traffic impacts for types of developments, that the part of the Land Use Element required the study as a method to assess the circulation impacts, that any fee was unknown yet but that there was a need for improvement to the City's roadways, that currently developers were making the improvements needed but under a fee structure the fee would be collected to address the impacts,

Councilmember Marshall asked if there were other consultants that could do the study for less cost.

Greg Wade, City Manager, said that they did not think they would find a lesser cost and that the institutional knowledge of Chen Ryan having worked on some other similar projects in the City probably makes their cost and time efficient.

Councilmember Marshall asked how long the bidding process would take.

Mo Sammak, Public Works/Engineering Dir., said that Professional Services Agreements are not required to go through the bidding process, but that it would take about a week or two to prepare and give time to receive bids.

Councilmember Marshall stated that she thought that would be the prudent thing to do.

Council discussed that this study was necessary to determine what the issues were and what fees might be necessary, including different fees for larger units, trailer park property, large retail, which all had an impact on the community, that the consultant would work with Staff to see how the fee structure would to be drafted, the scope, and many other steps to address, and that \$100k had been allocated for the study so it had been an expected expense, that Chen Ryan was a leading traffic consultant in the region, and since they had written the City's circulation element their knowledge was valuable to apply during this study.

Mayor Zito said that this was not a new fee but instead would be shifting how to calculate fees for development impacts, that it would provide more flexibility where it was now rigid, that this fee structure change could reduce the burden on some projects for less work on a traffic study, every intersection would be analyzed because the information would be available, that a project could have less cost on an EIR, that the study would have to done in order to verify and determine this, and the same consultant completed the City's Active Transportation Survey and the Circulation Element, and that their knowledge was immeasurable for the City analysis.

Councilmember Marshall stated that she thought she did not have the benefit and this cozy relationship with this consultant and thought that a RFP (Request for Proposal) should go out.

**Motion:** Moved by Councilmember Heebner and second by Deputy Mayor Zahn. 4/1 (Noes: Marshall) **Motion carried.**

**COMPENSATION & REIMBURSEMENT DISCLOSURE: None**

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

**COUNCIL COMMITTEE REPORTS:**

Council reported committee activity.

**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 (1<sup>st</sup> alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols, Zahn (alternate).
- j. SANDAG – Heebner (Primary), Nichols (1<sup>st</sup> alternate), Zito (2<sup>nd</sup> 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. 22<sup>nd</sup> 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 7:25 p.m.

Angela Ivey, City Clerk

Approved: May 11, 2016