

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 14, 2015 * 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

Lesa Heebner, Mayor

David A. Zito, Deputy Mayor

Mike Nichols, Councilmember

Peter Zahn, Councilmember

Ginger Marshall, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:10 p.m.

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

Absent: None

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

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Zito and second by Zahn. 5/0 **Motion carried unanimously.**

PROCLAMATIONS/CERTIFICATES:

1. Jr. Commission Member Recognition
2. 2015 Great California ShakeOut Drill

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.

Marilee McLean announced that Solar Saturday was a free workshop at the Solana Beach Presbyterian Church which would focus on making shopping for solar rooftop panels easier and the City's Community Development Director, Bill Chopyk, would be presented the permitting process.

Juanita Hayes, Public Affairs Manager at SDG&E, said that she was a contact for the City and the community for inquiries about our vegetation, solar, electric vehicles, that they had reached their 33% renewables five years ahead of schedule, that they did not have any coal or nuclear contacts any longer.

Gerri Retman said that she served on the Parks and Recreation Commission for a number of years, that she wanted to thank the City for recognizing the Commission's Jr. Youth Commission members Isabel and Riley, that Isabel was at every single event and worked so hard and taken a leadership role on the Commission, and that Riley always spoke up and made excellent comments and took the younger kids under his wing and had strong leadership skills.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

A. CONSENT CALENDAR: (Action Items) (A.1. - A.3.)

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 August 29, 2015 through September 18, 2015.

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 Zito and second by Zahn. Approved 5/0. **Motion carried unanimously.**

A.2. General Fund Adopted Budget for Fiscal Year 2015-16 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.2. Report \(click here\)](#)

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

A.3. Project Management Services Agreements for Processing Solana Highlands Environmental Review. (File 0620-10)

Recommendation: That the City Council

1. Adopt **Resolution 2015-113** authorizing the City Manager to execute a professional service agreement amendment between the City and Dudek, Inc. in the amount of \$21,000 to prepare the EIR for the Solana Highlands Project.
2. Adopt **Resolution 2015-114** authorizing the City Manager to execute a professional service agreement amendment between the City and HMCG, Inc. in the amount of \$42,000 for Project Management services for the Solana Highlands Project.
3. Adopt **Resolution 2015-115** authorizing the City Manager to execute a professional service agreement between the City and Mike Hogan for as-needed CEQA legal services.

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

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Motion: Moved by Zito and second by Zahn. 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: 1530 Santa Sabina - Development Review Permit (DRP) and Structure Development Permit (SDP) - Applicant: Dillard, Case 17-14-23. (File 0600-40)

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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2015-111** conditionally approving a DRP for a 1,511 square foot addition to an existing two-story, single-family residence with an attached 414 square foot garage located at 1530 Santa Sabina.

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

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Greg Wade, City Manager, introduced the item.

Russ Brown, Assistant Planner, presented a PowerPoint (on file) reviewing the project.

Council disclosed their familiarity with the project.

Applicant

Jill Dillard, applicant, stated that they were approved by the HOA, supported by neighbors, and appreciated the support.

Council and staff discussed needed clarifications to the DRP language related to small projects in the hillside overlay and scenic overlay zones and asked to bring it back at a future meeting.

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

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

B.2. Public Hearing: 339 S. Granados Ave - Development Review Permit (DRP) and Structure Development Permit (SDP) - Applicant: Bergum, Case # 17-15-14. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, could be found to be consistent with the General Plan and could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a 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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2015-116** conditionally approving a DRP and an administrative SDP to allow for the construction of a remodel and addition to an existing single-family residence and demolition and replacement construction of an accessory living unit at 339 South Granados Avenue.

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

[B.2. Updated Report #1](#)

[B.2. Supplemental Documents - R](#)

[B.2. Supplemental Documents 10-13 last update 3.10 pm - R](#)

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Greg Wade, City Manager, introduced the item.

Katie Bensen, Associate Planner, presented a PowerPoint (on file) reviewing the project.

Council disclosures

Greg Wade, City Manager, introduced the item.

Katie Benson, Associate Planner, presented a PowerPoint (on file) reviewing the project, and stated that no View Assessment Applications were made.

Council disclosed their familiarity with the project.

Applicant

Doris Bergum said that they intended to permanently settle into their home, they chose the property based on its location, they encountered issues and limitations with the project which added a larger kitchen, dining area, more parking spaces, and that they were aware of some neighbors' concerns, and was interested in working with them.

Speaker:

Matthew Cohen, property owner to the north, stated that some portions of the project would prevent them from quietly enjoying their home, that they shared a common fence line with some vegetation providing barrier between the properties, the proposed north facing deck would eliminate their privacy, and that the proposed project did not have any

room for vegetation to grow. He said that these concerns were brought to the applicant but they did not yet have any reconciliation or engaged in any discussion and asked Council for additional time and a forum to address the issues.

Applicant Rebuttal:

Doris Bergum said that these the neighbors concerns were addressed in the notes provided, they discussed the project with him and listened to his feedback, and that they were interested in working with him. She stated that planting would be on their side of a fence, and that they originally discussed landscaping on both sides of the fence.

Tyler Van Stright, JLC Architecture, stated that they had several limitations and few options without demolishing a part of their house, and that the landscaping was added in all allowed places. He additionally added that the edge of the deck was pulled back in order to mitigate overbearing nature of the building, that it would exclusively be accessed through the master bedroom, and that the planter bed on both decks would be up for discussion.

Mayor Heebner recessed the meeting at 7:10 p.m. for a break and reconvened at 7:15 p.m.

Councilmember Nichols stated that the maximum allowable square footage for the accessory unit was 640 square feet and the proposal was at 632 square feet, the garage maximum exemption was 200 square feet and the garage was proposed at 225 square feet, that the 25 square feet were added to the 632 square feet which totaled 657 feet and the project was 17 feet larger than the allowable space, and that the FAR overage would need to be addressed.

Councilmembers and Staff discussed that no resolution was reached between the applicant and the neighbor, that the FAR discrepancy needed to be addressed, and that the applicant could either choose the continuance to a date certain of October 28, 2015 or for the Council to consider the information before them, that all findings had to be met, and asked the Bergums to update their letter regarding further neighbor outreach and communications they may conduct before the next meeting.

Councilmember Nichols stated that the excess square footage over the garage's allowable exemption would need to be added to the accessory unit square footage.

Doris Bergum, applicant, requested a continuance of the hearing.

Motion: Moved by Zito and second by Zahn to adjourn the item to a date certain of October 28, 2015. Approved 5/0. **Motion carried unanimously.**

C. STAFF REPORTS: (C.1. - C.7.)

Submit speaker slips to the City Clerk.

C.1. Fire and Marine Safety Departments' Annual Reports. (File 0200-00)

Recommendation: That the City Council

1. Receive report

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

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Greg Wade, City Manager, introduced the item.

Fire Chief Mike Daigle, acting Battalion Chief Jim Gibson, and Marine Safety Craig Miller presented a PowerPoint (on file) and stated that they used to track by call volume but started tracking by unit response as a better measurement to look at apparatus response than just looking at a particular call, that the majority of call are EMS (Emergency Medical Services, then accidents, alarms, fires, and that they worked in cooperative efforts.

C.2. Climate Action Commission and New Application. (File 0120-05)

Recommendation: That the City Council

1. Authorize the formation of the new Climate Action Commission and discuss the duties, composition and application process.

[Item C.2. 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).

Deputy Mayor Zito asked for clarification between professional and advisory members.

Johanna Canlas, City Attorney, stated that the original idea was that professional members of the commission would serve only as experts, or as a resource to the commission. They wouldn't have voting privileges or need to be residents of the City.

Council discussed having all members as voting members, streamlining the application questions, requiring a bio or CV from professional members, requiring references of resident members to be from City residents, and the overall role of the commission.

Motion: Moved by Mayor Zito and second by Councilmember Nichols. Approved 5/0.
Motion carried unanimously.

C.3. Introduce (1st Reading) Ordinance 466 - Regulating the Use of Non-Recyclable Plastic Disposable Food Service Containers by Food Providers. (File 0220-70)

Recommendation: That the City Council

1. Introduce **Ordinance 466**, Regulating the Use of Non-Recyclable Plastic Disposable Food Service Containers by Food Providers.

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

[C.3. Supplemental Documents 10-14 last update 8.55am](#)

Greg Wade, City Manager, introduced the item.

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

Council and staff discussed the exception for economic hardship, cost of alternative packaging, and the exemption for prepared food.

Public Speakers

Anthony stated that he was an employee of Masuo's and that he would be reading a letter on behalf of David Best of Masuo's. He said that they opposed the ban on foam containers, that his business uses them daily for takeout orders and that alternative packaging options were more expensive and that it would hurt their business. He stated that Masuo's was a small family business that had been around for 15 years, that they try to save on costs and not increase their prices, and that they are concerned about the environment but recommend focusing on recycling programs instead of a ban.

Cecilia Rolanda said that she was speaking on behalf of Roberto's Mexican Food, that she had been in business since 1981, foam containers were the most affordable packaging, they were the best portable containers to keep food hot and safe for customers, that the focus should be on recycling, that changing to a different product would be more expensive, and that the increase in price would add up over time and impact the restaurant's bottom line.

Chris Duggan, stated that he was the Director of Government Affairs for the California Restaurant Association (CRA) San Diego County Chapter, that the CRA opposed the ordinance due to the cost impact, that the Staff Report showed outdated data on the cost of other packaging options, that the cost was two to three times more and that Polystyrene kept hot food hot and cold foods cold. He said that that the real issue was litter abatement and that education of the public regarding recycling was needed, that one product should not be targeted and that the City should table the issue.

Council and Mr. Duggan discussed the banning of Polystyrene in other cities, new data regarding the cost of alternative packaging, and the increase of business costs.

Kristin Brinner said that she was a resident of Solana Beach, she leads a monthly Surfrider beach clean-up at Moonlight Beach and that a majority of the trash she picked up were small pieces of Polystyrene. She stated that the City should not be persuaded by the misinformation from those who profit from the sale of the pollutants, that less than one third of City residents still use Polystyrene showing that even in a small community it is possible for businesses to make the switch.

Heather Riley stated that she supported the ban, that 90 cities and counties across the state have already approved the ban, that this type of legislation is effective and that she hoped Solana Beach would be added to the list and set an example for the rest of the county.

Michael Torti said that he was with the Surfrider Foundation and was sympathetic to the business community as he was also a business owner, that it was a .01 cent increase per unit (container), and that the extra cost could be passed on to the consumer. She said that the EDCO website clearly stated that Polystyrene must be completely wiped clean to be recycled as any leftover food contaminates it and makes it hard to recycle, he had spoken to the Vice President of EDCO and was told that they do not promote the pick-up of single use Polystyrene containers because they are really not recycled, and that the Polystyrene containers recycled throughout the state was at a 1% level.

Roger Kube (time donated by Dukes Wooters) said that he was an Advisory Committee Member for the Surfrider Foundation, that Polystyrene was one of the most common items found in their forty-plus beach cleanups a year and that approximately 10% of the debris pulled off the beach was Polystyrene, that Polystyrene containers were made from a non-renewable resource and were non-biodegradable, and they were difficult to recycle and that its production had major environmental impacts. He stated that a new study showed Polystyrene entering the food chain, that it broke into small particles and was eaten by animals and fish which were sold for human consumption, that studies had shown that Polystyrene contained toxic substances and suspected carcinogens which were hazardous to human health and when containers got too hot they would leach toxic substances coming into contact with the food or drink. He said that ninety jurisdictions had passed this legislation and the restaurants in those areas were not going out of business, that as more businesses used alternative products the prices would be driven down, and that the minor increase in cost is less than the impact it will have on the environment, human health and the economy. He said that he hoped Solana Beach would continue to lead on these types of issues.

Emelia DeForce stated that she was a scientist who had studied plastic rain pollution for over 7 years, that there was a place in the ocean called Plastic Garbage Patch where plastic had accumulated and built-up over time, the area could not be cleaned because it was in a natural environment and it would destroy the ecosystem. She stated that a ban on Polystyrene containers would help to keep it from going back into the ocean, that there were many chemicals found in the plastic which could be hazardous to human health and that she supported the ban.

Mitchell Silverstein stated that he was a local resident and a member of the Surfrider Foundation, they wanted to work with the restaurants to help them succeed, they recognized that alternative packaging options were more expensive, that the cost of using environmental sound containers was part of doing business in California, that he would gladly pay the extra cost, and that residents would understand if they needed to raise prices or charge a container cost.

Gerri Retman stated that the City could wait for the state ban or follow the lead of the other ninety cities that have already passed it, that a ban on products could lead to innovation and the creation of something new and better, and that in the long run a ban on Polystyrene was better for everyone's health and for the planet.

Councilmember Zahn and Staff discussed the operative dates of the ban and the packaging by distributors or vendors which would fall under the business and be subject to the prohibition.

Councilmember Zahn and Councilmember Heebner said they were in favor of modifying the ordinance to read that the ban shall become operative six months after adoption by the City Council.

Councilmember Marshall stated that she had concerns regarding the ban because she did not believe it would fix the problem, that the alternative packaging would still be thrown into the ocean, Styrofoam products were best for keeping items hot or cold, the study on cost was an old study, and that the higher price of packaging alternatives would be a hardship for businesses.

Mayor Zito stated that he was fine with the ordinance as is, that he had faith that the business community would try best their best to comply, he fully understood the potential impact on small businesses, that a coastal jurisdiction had some responsibility to the environment and that some studies had shown that there was a considerable reduction of this type of pollution in the beaches and oceans in areas where bans were adopted.

Councilmember Heebner stated that she supported the ban, that it had been proven that the plastic breaks down and gets into mammals and causes harms to humans, that landfill capacities had to be considered and that it would be great if groups like Clean & Green and the Surfrider Foundation could reach out and provide a source list for businesses.

Councilmember Nichols stated that commercial waste haulers could not recycle the Polystyrene containers because of contamination, that residential waste haulers do not recycle them at all, and that they ended up in a landfill.

Motion: Moved by Heebner and second by Zahn with modifications. 4/1 **Motion carried (Noes: Marshall)**

C.4. Tree Stump Carving Proposal on Coastal Rail Trail. (File 0910-42)
Recommendation: That the City Council

1. Discuss the Tree Stump carving proposal and direct Staff on how to move forward.

[Item C.4. 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).

Judy Parish, President of Seaweeders, said that it started 3 years ago with Katy Pelesik at a gathering of people who wanted to beautify Solana Beach by cleaning out debris and vegetation at the train station, improved the post office, and worked on the north Rios trailhead. She said that they supported this project, that perhaps they did not follow the proper procedure, that she met with the former City Manager from the onset and Dan and was advised to take it to the Public Advisory Commission (PAC) for input, that the purpose in the delay was to give more time for more proposals to be submitted but only one other proposal was submitted, and then at the meeting the other person withdrew his proposal after hearing of their proposal, so there was some competition, it

went through public review, and that it was a positive project. She said that one concern that had come up was about art and that they felt that this could not be a more natural artistic reflection of the coastal community, that the quality of the artist was nice, and that regarding is being permanent or temporary, it was made of wood and would deteriorate over years depending on the weather with an estimated lifespan of 6-10 years.

Kathalyn Nelson, member of Seaweeders, said that she loved the carving of the pelican and kelp in the CRT area, that she was not an artist or critic, that PAC voted unanimously in favor of this project,

Michele Stibling said that she was the Beautification Director for the Civic and Historical Society and thanked the PAC for beautifying the City.

Trina Gronborg stated that she supported the project, that she taught art for 50 years, that it was a great opportunity to transform a dead tree and was a creative recycling of it, and that it would be interesting.

Irene de Watterville said that she used to be a member of the PAC, that it was a natural artistic idea, and that the question was to carve or to plant.

Steve Ostrow said he was a PAC member, the sculpture was a unique piece of art, that they followed a meticulous procedure, and wondered how the tree that was there before could be honored in a monument that was in the area before the incorporation of the City, that if it turned in a "Cardiff kook", we could ground it down if needed, and that the master art policy had a procedure to decommission it.

Bridget Augusta thanked the Seaweeders for beautifying the community, and said that she loved the rail trail and used it often, and was saddened by the loss of some trees, but that she was dissatisfied with the proposal, and was concern about donated art as a whole. She said that planting a new tree would be a good idea, that the size of the artwork was out of scale for that area, that artwork on the rail trail should be temporary and changed out, and this art piece would affect an otherwise majestic area.

Kelly Harless said that she felt strongly that this spot was ideal for a tree as a better tribute than the proposed carving, that there was so little shade on the trail as it was, the bigger issue of donated art as an issue, that she had tremendous respect for art and artists, that her mother was an artist, and that she had real concerns that a precedent of allowing donated art sets, that it was hard to say no to art, that it had a revered status in general and was next to impossible to have art presented in the form of a gift, that it was difficult to manage other contributions such from a community member of school presenting art to the City as a gift, and that even if it did not fit in the community or was not pleasing to the eye it would be very hard to say no to it, and that she strongly encouraged considering that, and that with the upmost respect of this art she urged Council to vote no.

Jim Nelson (time donated by Judy Hegenauer) said that the Master Arts Policy only allowed temporary art on the CRT (Coastal Rail Trail), he believed there was not an issue since there was no such limitation about temporary art, that the Master Arts Policy did not have a section on temporary art time periods, and urged Council to disregard

this issue since it was not in the policy. He stated that the confusion may have come from some early City plans such as Disney Land South, which led the city to be more selective with art. He said that the other issue was whether or not it would be better off planting a tree instead, however the City recently planted 3 Torrey Pines, plus an additional 15 foot tree, that Torrey Pines grew at the rate of 1-2 feet per year which would make the carving ideal since it would take several years before the trees matured, and that he did not think the carving was crude but beautifully crafted and strongly encouraged Council to accept the Seaweeder's donation.

Vicki Cypherd stated that she was appreciative of the Seaweeder's for all of the work they put in, that she was one of the original members when the CRT was first established, she had an art history background and was a graphic artist, that she went to view the quality of the existing carving and was very disappointed with the quality of work on display in addition to the artist's website. She said that the work did not rise to the level of Betsy Schultz or Dennis Higgins, that she understood art was in the eye of the beholder and there were people on both sides of the issue. She was that the site had a long bench needing shade due to the lack of trees, the best way to honor the fallen tree was to plant another tree, that the tree would be a good place for birds and the environment, and that she supported public art but felt that it needed to be on a temporary basis to accommodate the public's multiple tastes in art.

Gerri Retman stated that she was the past Chair of the Parks and Recreation Commission, which made recommendations in the past that were not approved by Council, therefore Council should not feel bound to the P.A.C.'s decision. She said that Jim's historical recollection of temporary art was not accurate and that she recalled the M.A.P. process was to choose temporary art which could be switched out and accommodate different tastes through a rotation process. She asked that the carving be examined so that it may meet the quality of work done by Schultz for the City, that she did not think that the carving met the criteria laid out in the M.A.P., that it was not unique or special enough for the CRT, that she opposed this project, and urged Council to plant a tree instead.

Councilmember Nichols stated that in the past there was a discussion about art, that the seagull was donated art and after that the City had learned that donated art could be a problem, that it is hard to say no, that the public art discussion had escalated in the past and was surprised there was further discussion since it was handled at the time, that this was not one of the designated sites for public art, that it did not appear to be a prominent art piece or the quality of art currently on the Coastal Rail Trail, and that it was not unique art since other cities had similar type of art displays such as Encinitas and Del Mar.

Mayor Zito said that there was nothing the MAP that was in contradiction with the proposal, that the volunteer aspect was a benefit, there was always concern about having oppositional view, and that there are various issues with donated art.

Deputy Mayor Zahn said that there was some disconnect between the policy and expectations, that he liked the idea of honoring the tree that was down, that the artist was talented, that there was a delicate balance of mixing nature and art, and that it was always challenging to do something on the rail trail.

Councilmember Marshall said that art was subjective, everybody loved some art in the City but not all art, that she liked the stump art, and that she could support it knowing it would be gone in 6-8 years.

Councilmember Heebner said that she heard many comments while walking the CRT from the public who had negative comments but that they said they did not share them because it was awkward to say no to someone's proposal, that everyone had different opinions of art so it was a challenge to make everyone happy, that she was not in favor of the proposal because it was a donation and the City had difficulty with donated art in the past, that 6-7 years was considered temporary enough, and to consider modifying the M.A.P. to provide further clarification.

Consensus was reached to bring back the M.A.P for discussion.

C.5. Public Agencies Post-Employment Benefits Trust Program to Pre-Fund Pension and Other Post-Employment Benefits (OPEB) Obligations. (File 0520-50)

Recommendation: That the City Council

1. Provide direction on funding and investment strategies for the PARS Trust.
2. Adopt **Resolution 2015-107** to establish the PARS Trust.

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

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Greg Wade, City Manager, introduced the item stating that the purpose was to facilitate the set up the trust and return to Council at a later date to discuss funding and investment strategy.

Mayor Zito said that the Staff report stated that administrative fee was $\frac{1}{4}$ of the trust's assets on a monthly basis but that it was actually an annualized cost paid on a monthly basis.

Council and Staff discussed that the fee was a competitive rate, that PARS (Public Agency Retirement System) was the only company currently authorized to do the combination trust so they were the only option at this point, and that the one other company called PFM (Pacific Financial Management) looking to get their IRS approval letter but their proposal showed they charge 70 basis point, which was 10 basis points higher than PARS.

Motion: Moved by Mayor Zito and second by Councilmember Marshall. Approved 5/0
Motion carried unanimously.

C.6. Junior Commissioner Recognition Program. (File 0120-08)

This item was pulled from this Agenda.

C.7. Public Arts and Parks and Recreation Commission Appointments. (File 0120-05)

Recommendation: That the City Council

1. Make one appointment (by Council-at-large) to the vacant position on the Parks and Recreation Commission with a term expiration date of January 2017.
2. Make one appointment (by Council-at-large) to the vacant position on the Public Arts Commission with a term expiration date of January 2016.

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

[C.7. Updated Report #1](#)

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 Mayor Zito and second by Councilmember Heebner. Approved 5/0
Motion carried unanimously to appoint Kristi Becker to Parks and Recreation until January 2017.

ADJOURN:

Mayor Heebner adjourned the meeting at 10:16 p.m.

Angela Ivey, City Clerk

Approved: September 14, 2016