

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 13, 2016 * 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](#).

CITY COUNCILMEMBERS

David A. Zito, Mayor

Peter Zahn, Deputy Mayor

Mike Nichols, Councilmember

Ginger Marshall, Councilmember

Lesla Heebner, Councilmember

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 6:03 p.m.

Councilmembers

Present: David A. Zito, Mike Nichols, Ginger Marshall, Lesla Heebner

Absent: Peter Zahn

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.
Danny King, Assistant City Manager

CLOSED SESSION REPORT:

Johanna Canlas, City Attorney, stated that there was no reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Marshall and second by Heebner. Approved 4/0/1 (Absent: Zahn)

Motion carried.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

Dia de los Muertos Event Award

Manuel Gonzales stated that he was the President of the California Park and Recreation Society (CPRS) District 12, and presented the La Colonia de Eden Gardens Foundation with an Achievement Award for the Dia de los Muertos Event which took place on November 1, 2015 with the partnership of the La Colonia de Eden Gardens Foundation, the Solana Beach Parks and Recreation Commission, and that City of Solana Beach. He said that the event embraced many Mexican tradition including private alters to honor the deceased, music and dance troupes and that nearly 2,000 attendees were present and that the event raised \$10,000 to send local youth to summer leadership in Julian.

Mayor Zito said that he attended the event and it was amazing and appreciated all the work put into the event by the community.

Manny Aguilar thanked the leadership of City and the Parks and Recreation Commission, La Colonia Changers, for all the effort. He said that various efforts in the community such as the Eden Gardens Garden Club, the camp and soccer teams, the Ballet Folklorico would not happen without the support of the City and community. He stated that this event began with his wife's vision a few years ago.

PRESENTATIONS:

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

1. Santa Fe Irrigation District (SFID)

Mike Barton, Santa Fe Irrigation District (SFID), said that 2016 had normal runoff, that the State Resources Board would hold a hearing in May where it was anticipated that they would modify some of their emergency regulations that had already been in place, that the current 36% reduction requirement was reduced to 28% and that the 32% target reduction over the last year had been reached. He stated that SFID had the lowest water rates in the San Diego County for the past three years and that the Board was fiscally conservative and now concerned with the current low rates. He said that the Proposition 218 notice was in a forty-five day public review period which would conclude on May 19th and that the next step would be the Board's consideration on the rate increase. He encouraged the public to attend the upcoming public workshops.

Council and Mr. Barton discussed that SFID had relied on reserves that last few years due to the drought and the low rates and that revenues were needed to fund capital improvement programs, new fixed charges, and desalination project, and daily operations, that they had conducted cost cuts including pension reform and reduced staff.

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.

Barbara Gordon announced the Interfaith Community's Emergency Preparedness Fair held in Encinitas on April 23-24 that would include the Office of Emergency Services, Ready America, CERT program, Humane Society, SDG&E, and others, and a food drive for the families in need of assistance.

Jose Bererra, La Colonia Changers, stated that the mission of the Friday Night Live was to build partnerships for positive and healthy youth development which engaged youth in active resources in their community. Edgar Vergara, La Colonia Changers, thanked that City for its partnerships and stated that the partnership with the City began in 2014, that they had conducted a neighborhood safety perception survey in 2015 resulting in 100 surveys, and would like to share their survey findings in an upcoming meeting.

Mayor Zito asked to place it on the future Council Meeting Agenda.

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.

Mayor Zito announced that longtime resident Jim Nelson had passed away, that he was a tireless advocate and promotor of the history of Solana Beach, volunteering hundreds of hours at the museum at La Colonia Park, and that everyone thoughts were with his family.

Councilmember Heebner requested that a ban on puppy mills be place in the City's code. Council reached consensus to agendize the topic for consideration.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.5.)

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 March 9, 2016 and December 9, 2015.

Motion: Moved by Marshall and second by Heebner. Approved 4/0/1 (Absent: Zahn)
Motion carried.

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

Recommendation: That the City Council

1. Ratify the list of demands for March 5, 2016 through March 25, 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 Marshall and second by Heebner. Approved 4/0/1 (Absent: Zahn)
Motion carried.

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 Marshall and second by Heebner. Approved 4/0/1 (Absent: Zahn)
Motion carried.

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: Draft Public Recreation Impact Fee Study and related Local Coastal Program Land Use Plan Amendment. (File 0740-80)

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 CEQA pursuant to Section 15265 of the 2016 State CEQA Guidelines. The LCP process is exempt because the criteria under the Coastal Act are the functional equivalent of the EIR process; and
3. Adopt **Resolution 2016-039** adopting the Draft Fee Study and related Draft LUPA for submittal to the CCC by April 30, 2016.

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

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

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

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

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Greg Wade, City Manager, introduced the item.

Leslea Meyerhoff, Consultant, presented a PowerPoint (on file).

Mayor Zito opened the public hearing.

Council disclosures.

Public Speakers

Group: Jim Jaffe, Michelle Jaffe, Gordon Hanson

Gordon Hanson stated that he was a resident and economics professor at U.C. San Diego, that he had 25 years of experience in doing research in this type of statistical model being used in the report, that the methodology that had been used evaluate the amount of lost beach was appropriate and methodologically sound, that the travel cost method had been cited by NOAA (National Oceanic and Atmospheric Administration) and the Environmental Protection Agency as a sound method for evaluation of environmental amenities. He stated that there were hundreds of peer review studies that had used this method to determine resources and a dozen regarding beaches. He said that regarding alternative methods that had been mentioned in the past such as the random utility model had been frequently cited and he emphasized the difficulty and costliness of its approach, that one of the best known use of that methodology was the Southern California Beach Evaluation Project that resulted in a seven figure price tag and took ten years to complete. He stated that the City was a sound methodological sound footing and cost effective use of taxpayers' resources. He stated that there were 14 studies to evaluate beach loss had higher rates so the outcome of this report with lower rate makes it defensible and credible.

Jim Jaffe stated he was co-chair of the Surfrider Beach Preservation Committee and said that the outcome set the City as the 2nd to least valuable beach, with the Long Beach being the least valuable, that it was good news that it would be very defensible but a little troubling, that opponents would still think it was bad, that the whole beach value of \$16 x the number of visitors totaled about \$2-3 million year for the beach and one home up on the bluffs was \$12 million, that the City should consider buying some property and rent it to create revenue and eventually abandon the properties and seawalls to restore the beach to the way it was. He said that a previously built case or infill was encapsulated that it should assess the fee on the entire impact, that when building a new seawall to encapsulate 30-60 ft. of cave fill that it was a cumulative impact, that Coastal Commission came to the same conclusion, and that he asked Council to adopt the LUP and consider some comments from the Coastal Commission.

Vince Axelson stated that he represented the coastal properties and condos and that he stood in for Jon Corn, that they had submitted some substantive comments to the draft fee study and stood by them, that not everything they addressed was incorporated and that if more consideration could be made it was welcomed, that the interest of Coastal Commission and interest of residents of Solana Beach at time conflict, that the Coastal Commission had set a deadline but it were extended to consider some of their other comments that were not

incorporated.

Council and Staff discussed a comment regarding letter A.1. Initial area of calculation of capping it at 8.2 and that the draft was revised to look at the actual area without capping it at 8.2, that one exhibit on page 4-19 the text referencing 8.2 still existed, and that it was noted in the blue folder with the correct version of the study removing the reference to the cap.

Motion: Moved by Nichols and second by Heebner to close the public hearing. Approved 4/0/1 (Absent: Zahn) **Motion carried.**

Council and Staff discussed

Councilmember Marshall stated that she was not on the Council for the nexus of the fee study, that she looked at it was a new incoming City Councilmember who had been on Council a little over a year, that she felt sorry for the homeowners paying a lot of fees, and that she was not supportive of charging them a third fee.

Mayor Zito said that he appreciated the engagement from everyone, that he was supportive, that it was not perfect, that the best for residents was a balance of what is best for those protecting homes and those enjoying the beach.

Greg Wade, City Manager, stated when it would be submitted to the Coastal Commission who had 90 days to review it, that they usually asked for an extension for up to a year, and once they have completed the review it would return with potential suggested modifications.

Johanna Canlas, City Attorney, said that it was 180 days from Coastal Commission's approval for the City to either accept all of their suggestions or none of them, that it was accepted it would return to the Coastal Commission for the Executive Director checkoff, and after that it would become a certified LUP.

Motion: Moved by Nichols and second by Heebner. Approved 3/1/1 (Noes: Marshall, Absent: Zahn) **Motion carried.**

B.2. Public Hearing: 735 Valley Ave. Request for Time extension for a Minor Subdivision (SUB), a Development Review Permit (DRP) and an administrative Structure Development Permit (SDP), Applicant: Valley Avenues Properties, LLC, Case 17-13-16. (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. Adopt **Resolution 2016-042**, approving the request for a Time Extension for approvals and entitlements in Case No. 17-13-16 with minor modifications and setting the expiration date to February 25, 2017.

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

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Greg Wade, City Manager, introduced the item.

Katie Benson, Assistant Planner, presented a PowerPoint (on file) reviewing the proposed project and time extension request.

Council disclosures.

Applicant

Adam Bossie stated that he was the developer for Valley Avenue Properties LLC, presented a PowerPoint (on file) reviewing the project history, timelines, issues that had arisen requiring an extension of time, including a prior owner's activities prior to their purchase of the property. Todd Ray, architect, continued stating that the goal was to obtain an extension with a new expiration date of February 25, 2017 and reviewed the criteria for extension and the benefits of the project.

Council and Staff discussed that Staff and the Applicant met several times and worked through some design thoughts based on what was originally approved by Council and the proposed modifications, that most properties were not held for 14 months and then sell it and seemed unusual, that the prior owners time to sell halted the process as well as the intention to coordinate the two properties construction at the same time with this one being held up, that the prior owner may have delayed the sell until they obtained the approval of the 2nd property in order to package the sale, and that the new owners had a learning curve to assess constructability issues, and that they initially evaluated the design and determined some enhanced changes they wanted to obtain but continued to work with Staff to review considerations and whether they were possible.

Motion: Moved by Heebner and second by Nichols to close the public hearing. Approved 4/0/1 (Absent: Zahn). **Motion carried.**

Motion: Moved by Heebner and second by Nichols. Approved 4/0/1 (Absent: Zahn). **Motion carried.**

Mayor Zito recessed the meeting at 7:28 p.m. for a break and reconvened at 7:31 p.m.

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

Submit speaker slips to the City Clerk.

C.1. Public Arts Commission Appointment. (File 0120-05)

Recommendation: That the City Council

1. Appoint one (1) member to the Public Arts Commission nominated/appointed by *Council-at-large* for a term ending January 2017.

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

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Greg Wade, City Manager, introduced the item.

Councilmember Heebner nominated Cindy Neptune because of her background working in conjunction with schools and the school districts.

Motion: Moved by Heebner and second by Zito to appoint Cindy Neptune. Approved 4/0/1 (Absent: Zahn) **Motion carried.**

C.2. Council Policy No. 13 Related to Underground Utility Districts. (File 0410-90)

Recommendation: That the City Council

1. Provide direction to Staff

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

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

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Greg Wade, City Manager, introduced the item and presented the PowerPoint (on file) and stated that this was a revisit of Policy 13 and some options to consider for an update. He referenced a 'blue folder' item submittal provided an update to the initial cost from \$35,000 to approximately ½ of that cost, based on the liner per ft. update.

Public Speakers

Gary Garber stated he lived on Pacific Avenue and that a group of homeowners were willing to spend nearly two million dollar to enhance aesthetics, improve public safety and reliable service. He said that the City seemed to want to make it more difficult for the project to take place, that the new policy increased the deposit of \$5,000 per home with a minimum of \$20,000 per project, that the request should be performed and paid out of the proceeds of a bond issuance, that the new policy would increase the district costs of approximately \$15,000 at an 80% increase, and include additional language that the final vote would require a 50% +1 for final approval. He said that he had surveyed many cities and that most of them as well as SDGE had confirmed that they did not require that the residents pay for a portion of expenses such as the engineer's report but instead paid out of the proceeds of the bond sales. He said that they met with former City Manager David Ott in April 2015, had collected over 80% of signatures needed by June 2015, and that they should be required to follow guidelines under current rules and not future rules.

Council discussion ensued regarding that the City was not making it more difficult but was in fact attempting to work out some details to make things easier for assessment districts, that the current policy had been in place since 2010, and that a new potential policy the Council was discussing modifying that policy to make the process easier in the future.

Council and Staff discussed continued regarding passing a district, the oversight would be a combined effort among the City, SDG&E, the neighborhood coordinator, along with the bond counsel, that the process was dictated by Rule 20A state regulation which the City did not have control over, that the City's only option would be to pull funds from the general fund to help people complete which did not make financial sense, and that design costs are approximately \$18,000 but the cap in the City's policy was currently \$10,000.

Council and SDGE representative, Dennis Hersha, discussed that funds are advanced for engineering, that the \$10,000 cap had not been raised since 2003, and that allocation costs per foot had risen from \$1.20 to 6 times that cost so they had risen significantly.

Council and Staff continued discussion regarding setting a maximum number for the City to front, to consider funding the whole thing, that at this point of this is done at the early stage in the process and that there was a two page flowchart that dictated how the applicant has to act to form the district, applicants had to front funds to pay for SDGE engineering and design and that fund was supposed to be used by the City for assessment engineering and bound counsel, that it was financed primarily by the applicant, then if the district as formed then all funding spent by the applicant would be credited towards their individual assessment, which would result in less payment or as a tax on their property.

Council continued discussion regarding raising the cap for the seed design money, to consider per homeowner and per linear foot, to cap it per linear foot or per home, that there are sometimes homeowners that cannot afford the district assessment, to consider establishing it at \$25 per linear ft. going 100% on it.

Motion: Moved by Nichols and second by Heebner to approve provide seed for the 100% based on a linear ft. cost up to \$25, revising the Policy accordingly. Approved 4/0/1 (Absent: Zahn). **Motion carried.**

A.4. Seascape Sur Public Beach Access Stairway. (File 0730-20)

Recommendation: That the City Council

1. Adopt **Resolution 2016-040** authorizing the City Manager to enter into a Professional Services Agreement with Noble Consultants|G.E.C., Inc. for the design of repairs to the Seascape Sur Public Beach Access Stairway.

[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 whether they will replace all of the threads and would consult with the consultant, that it would be replaced with pressure treated wood since it had held over the years, to consider alternatives since it was not ideal for people's feet, and that the final completion time will be approximately 2-3 months and would be closed while it is under construction.

Motion: Moved by Heebner and second by Marshall. Approved 4/0/1 (Absent: Zahn). **Motion carried.**

A.5. Fire Station Art and Landscaping Project. (File 0910-42)

Recommendation: That the City Council

1. Authorize the release of the RFP (Request for Proposal) for the design of the landscaping and art piece(s) installation for the Fire Station location.

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

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Greg Wade, City Manager, introduced the item.

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

Council discussion ensued regarding art having been controversial in the past, to review the M.A.P. (Master Art Plan) for options to respond to various opportunities, that it was not clear to all whether the art at this location would be temporary or permanent, that landscaping would be permanent, that the Yoga Tree piece of art is permanent, that the support of the community may help determine whether a proposal would be received as a permanent structure, that this location was a very important location and landmark, that it was difficult to obtain great pieces of art if they are temporary and they are costly to purchase permanent art, how to address free donated non-RFP aspect of allocating art around the City, and that the purpose of the RFP was to obtain ideas.

Discussion continued regarding Staff reviewing the M.A.P. and bringing it to a future agenda, that any proposal for this location would come to Council for review and approval, to provide Council with the incoming comments "as is" and not concluded in a chart, and to consider sending out the RFP to a wider net of potential artists such as art organization as well as landscape organizations.

Motion: Moved by Nichols and second by Heebner. Approved 4/0/1 (Absent: Zahn)
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:

Councilmembers reported Committee activities.

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 (1st alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols, Zahn (alternate).
- j. SANDAG – Heebner (Primary), Nichols (1st alternate), Zito (2nd 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. 22nd 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 8:35 p.m.

Angela Ivey, City Clerk

Approved: April 27, 2016