

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



MINUTES

Joint REGULAR Meeting

Wednesday, December 9, 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

David A. Zito, Mayor

Peter Zahn, Deputy Mayor

Mike Nichols, Councilmember

Ginger Marshall, Councilmember

Lesa Heebner, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Deputy Mayor Zito opened the meeting at 6:06 p.m.

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

Absent: Peter Zahn

Also Present: David Ott, 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
Danny King, Sr. Management Analyst

FLAG SALUTE:

APPROVAL OF AGENDA:

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

COUNCIL REORGANIZATION

C. STAFF REPORTS: (C.1.)

C.1. Annual Council Mayoral Rotation: Mayor / Deputy Mayor Appointments. (File 0430-20)

Recommendation: That the City Council

1. Outgoing Mayor Remarks, if applicable.

Deputy Mayor Zito recognized outgoing Mayor Heebner and presented an acknowledgment gifts from the Council.

Gregory Wade, City Manager, presented acknowledgements from the City Staff and the City of Solana Beach.

Mayor Heebner reviewed some of the City's accomplishments of the year and thanked everyone for their support.

San Diego County Supervisor Dave Roberts presented a proclamation for Mayor Lesa Heebner Day acknowledging her contributions.

A video of Councilmember Zahn was played addressing Mayor Heebner for her contribution.

2. Appoint the 2016 Mayor and Deputy Mayor for terms of December 9, 2015 to December 14, 2016.
- a. Nominations are called for Mayor. Call for the vote.

Motion: Moved by Heebner and second by Marshall to appoint David Zito as Mayor. 4/0/1 (Absent: Zahn) **Motion carried.**

- b. Nominations are called for Deputy Mayor. Call for the vote.

Motion: Moved by Zito and second by Nichols to appoint Peter Zahn as Deputy Mayor. 4/0/1 (Absent: Zahn) **Motion carried.**

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

PRESENTATIONS:

(Ceremonial items that do not contain in-depth discussion and no action/direction.)
Submit speaker slips to the City Clerk.

1. Regional Walk Scorecard 2015
Kathy Ferrier presented PowerPoint (on file).

PROCLAMATIONS/CERTIFICATES:

Ceremonial - None at the posting of this agenda

1. Live Well San Diego
San Diego County Supervisor Dave Roberts presented a proclamation to recognize Solana Beach for partnering with the County.

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.

Lane Sharman stated that he invited the public to a Carruth Cellars event, that he was a steward of the environment, and that he hoped Solana Beach would be the first to establish a CCA (Community Choice Aggregation).

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.8.)

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 October 31, 2015 through November 13, 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 Nichols and second by Heebner. (Absent: Zahn) Motion carried.

A.2. 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.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 Nichols and second by Heebner. (Absent: Zahn) Motion carried.

A.3. Sewer and Storm Drain Repairs, Bid No. 2014-03 Notice of Completion. (File 0800-00)

Recommendation: That the City Council

1. Adopt **Resolution 2015-138:**

- a. Authorizing the City Council to accept, as complete, the 2014 Sewer and Storm Drain Pipeline Repairs Project, Bid No. 2014-03, performed by Burtech Pipeline.
- b. Authorizing the City Clerk to file a Notice of Completion.

[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.

Councilmember Nichols recused himself due to his residence falling within 500 ft. of the project.

Motion: Moved by Heebner and second by Zito. 3/0/2 (Absent: Zahn, Recused: Nichols) Motion carried.

A.4. Americans with Disabilities Act (ADA) Pedestrian Ramps Project Notice of Completion. (File 0820-20)

Recommendation: That the City Council

1. Adopt **Resolution 2015-137**:
 - a. Authorizing the City Council to accept, as complete, the ADA Pedestrian Ramps Project, Bid No. 2015-04, constructed by Blue Pacific Engineering & Construction.
 - b. Authorizing the City Clerk to file a Notice of Completion.

[Item A.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.

Motion: Moved by Nichols and second by Heebner. (Absent: Zahn) Motion carried.

A.5. San Andres Drive Median Improvements Final Change Order and Notice of Completion. (File 0820-40)

Recommendation: That the City Council

1. Adopt **Resolution 2015-139**:
 - a. Authorizing the City Manager to execute Change Order No. 2, in the amount of \$24,335, with PAL General Engineering for a cumulative total amount of \$355,013.
 - b. Authorizing the City Council to accept, as complete, the San Andres Drive Median Improvements, Bid No. 2015-02, constructed by PAL General Engineering.
 - c. Authorizing the City Clerk to file a Notice of Completion.

[Item A.5. 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 Nichols and second by Heebner. (Absent: Zahn) Motion carried.

A.6. Human Resources Manager Classification and Compensation. (File 0510-40)

Recommendation: That the City Council

1. Adopt **Resolution 2015-132** approving the creation of the Human Resources Manager position and adding it to the existing Management Employees' Salary and Classification Plan.

[Item A.6. 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 Nichols and second by Heebner. (Absent: Zahn) Motion carried.

A.7. Community grant prior year recap. (File 0330-25)

Recommendation: That the City Council

1. Accept and file this report.

[Item A.7. 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 Nichols and second by Heebner. (Absent: Zahn) Motion carried.

A.8. West Coast Arborists for City-Wide Tree Maintenance Services Agreement.
(File 0820-25)

Recommendation: That the City Council

1. Adopt **Resolution 2015-141**:
 - a. Authorizing the City Manager to sign a Professional Services Agreement with West Coast Arborists for city wide palm tree trimming.
 - b. Authorizing the City Manager to renew the agreement, on a bi-annual (every other year) basis, for two additional extensions at the City's option.

[Item A.8. 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 Nichols and second by Heebner. (Absent: Zahn) Motion carried.

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 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: 500 Block of South Sierra Ave., – Time Extension Request for Development Review Permit (DRP) and Administrative Structure Development Permit (SDP) – Applicant: Hitzke Development Corporation, Case# 17-11-05. (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 2015-140**, approving the request for a 24 month extension for approvals and entitlements in Case No. 17-11-05 and setting the expiration date to 24 months from the date of the entry of the final judgment in the case.

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

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

[B.1. Supplemental Documents 12-08 last updated 2.40 pm - R](#)

[B.1. Supplemental Documents 12-09 last updated 4.05am - R](#)

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.

Gregory Wade, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a PowerPoint (on file).

Council disclosures.

Applicant

Ginger Hitzke, Hitzke Development, asked that the City extend the permit as requested.

Dennis Stryker, Hitzke Development, stated that they were here to extend entitlements that were already approved.

Public Speakers

Bill Gifford (time donated by Judy Gifford, Bob Marrachini) stated that around 1972 Seascape Sur contributed land for beach access, known as cherry hill on S. Sierra, as a condition of approval of its building permit, that it donated the 500 S. Sierra property, that after 38 years of use the City has given away the property to a developer, that there would be no Jr. Lifeguard drive through area if the project was built, and that one Councilmember had issues with the parking concerns even though he went along with the approval of the project.

Paul Merritt (time donated by Gerald Haas) stated the location of the electrical box would be important that is not be placed on their property at Sand Pebble, that there had been inadequate notice, that the project was within 8 inches of their property line, and that the applicant's representative told him that the pathway that had been used for 60 years from San Pebbles to the lot would be eliminated, that a final solution would to keep this pathway intact, permits should not be issued after it was approved.

Samuel Kushner stated that he was a licensed surveyor and he had never been able to get a project approved that would use more than the allotted lot size using part of the right of way.

Tamara Kushner (time donated by Andreas Loeffler) stated that it was a squashed project, that she signed and coordinated the signing of petitions, that she never misrepresented the issues, that Council should have listened when their parking was going to be affected, that everyone had cards including low income so there were going to be parking issues including a loss of beach parking, that a letter from Zahn responding to his original complaint said that no study was done on impact for this type of development for parking issues, that there no way to turn around in the proposed parking which was not practical, that the City's need for 10 affordable units did nto need to at this one site, and asked the City to consider the applicants unwillingness to consider other nearby sites.

Jann Pasler said there was a safety issue for public access including no place for children to play and that the kids were going to be on the street since there would no other options.

Marilyn Jones (time donated by Margaret Shagott, Marge Petre) presented a PowerPoint (on file) and stated that the project would have a tremendous impact on the area, that Solana Beach had 3 public beach access areas, that the current parking lot was used for beach access and Jr. Lifeguard program, that that there would be insufficient residential and public parking and the proposal was not a feasible solution, and that what was approved by the Coastal Commission was not what was approved by the City Council,

Applicant Rebuttal

Dennis Stryker, applicant, urged to approve the entitlements and did not see any new or existing issues that were brought up.

Johanna Canlas, City Attorney, responded to Council's inquiry about lot size, that they were based on the fact that the City owns and controls the entire site and that both the Sand Pebbles resort and the proposed project were a commercial use and commercial zoned, therefore the lot line is zero.

Motion: Moved by Heebner and second by Nichols to close the public hearing. (Absent: Zahn) Motion carried.

Councilmember Heebner stated that she appreciated all the speakers concerns however what was before Council for consideration was an extension and not the merits of the project, that one item that came up was finding 7 yet there was no injury noted so she could not find anything that was detrimental to health, safety, or welfare.

Councilmember Marshall stated that she was not sure she would have approved this project when it originally came up for approval but she was not on the Council, that she appreciated the public comment and she learned more about the project, and that since this was an extension of the project that was already approved that she would have to just look at the extension only and not the merits of the project.

Mayor Zito said that she appreciated the public comments, that they were faced with granting an extension, and that he did not find anything detrimental to health, safety, and welfare.

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

Mayor Zito recessed the meeting for a break 8:01 p.m. and reconvened at 8:05 p.m.

B.2. Public Hearing: 649 Marsolan Ave., – Development Review Permit (DRP) and Structure Development Permit (SDP) – Applicants: Jordan and Danielle Greenhouse, Case# 17-15-19. (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 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2015-135** conditionally approving a DRP and an administrative SDP to allow for the construction of a remodel and addition to an existing single-family residence at 649 Marsolan Avenue.

[Item B.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.

Gregory Wade, City Manager, introduced the item.

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

Mayor Zito opened the public hearing

Council disclosures.

Applicant

Dave Henderson, representing the owner, waived their opportunity to make a presented and stated they were available for questions.

Motion: Moved by Heebner and second by Marshall to close the public hearing. (Absent: Zahn) Motion carried.

Motion: Moved by Heebner and second by Nichols. (Absent: Zahn) Motion carried.

B.3. Public Hearing: 523-525 Pacific Ave., – Clarification of Conditional Use Permit (CUP) Modification Expiration Term – Applicant: Bannasch Family Trust, Case# 17-11-13. (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. Approve **Resolution 2015-131**, clarifying the expiration date of the approved Modification to CUP 17-11-13 under signed Resolution 2014-129 as October 8, 2016.

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

[B.3. Updated Report #1](#)

[B.3. Supplemental Documents - R](#)

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.

Gregory Wade, City Manager, introduced the item.

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

Council disclosures.

Applicant Presentation

Walt Crampton presented a PowerPoint (on file) of pictures of the overhang of sea caves that continue to remain a serious problem, that is they were stabilized there would not continue to have the problems that were present today, reviewed the timeline of the project, the Coastal Commission approved the project changing it from the City's approved project, that they wrote to Coastal regarding the reference to erodible concrete, and that one outstanding issue remains pending, that they were 99% within agreement and compliance with Coastal, and asked for continued support of this project.

Anna Roppo, Applicant's Legal Counsel, said that this house was built in 1991 on an existing lot with a smaller home and built with substantial restrictions including the inability to request to build a seawall, but was provide the right to fill sea caves and did so, that they wanted to continue to secure the home, that she had talked to Coastal Commission yesterday and they had assured her that they were very close, that every condition had been complied with including the necessary mix to comply with erodible index for concrete, and that they now needed the City give them more time so that Coastal could get to the final approval and give them the go ahead, that they had agreed to all conditions imposed, and that Coastal Commission had stated that they would be ready to give them the continuation as needed.

Public Speaker

Kristin Brinner, Surfrider, said she lived in Solana Beach and was a member of the Beach Preservation Committee of the San Diego Chapter of Surfrider. She stated that in 2011 a two year CUP was granted contingent on the Coastal Commission, who decided in June 2014 that the applicant needed to provide specific data regarding erodible concrete proposed to be used, laid out in Condition 14, and the methods showing how the bluff would erode at the same rate as the bluff. She said that instead of taking this Coastal Condition seriously Mr. Crampton continued to provide information that did not comply with the special condition, and has instead relied on a technique that did not take into account joint spacing that therefore would not erode at the same rate. She stated that this issue and location went back to 2001 in a case *Surfrider v. Bannasch*, the California Superior Court decided at the same residence and similar application for sea caves and not fills that there was lack of evidence for erodibility, that the court confirmed there was a fair argument that passive erosion may not be mitigated by erodible concrete as was proposed and that an EIR (Environmental Impact Report) must be prepared. She said that, given that the applicant has not provided the requested information requested 18 months ago by Coastal or the EIR over 12 years ago, which were all separate from the LUP, they would ask that the modification extension not be granted.

Applicant Rebuttal

Walt Crampton (rebuttal time) said that they had completely responded to all of Coastal Commission's requests, that Coastal approves of this erodible concrete, that Surfrider wants a 100% guarantee of erodibility which could never be provided, and that if a lack of erodibility became apparent that they would have to comply and remove whatever seawall was not keeping up with the bluff erosion.

Anna Roppo, Applicant's Legal Counsel, responded to Council's inquiry about removal and stated that Coastal Commission Condition 2.d. provided that in the event there were more than 6 inches protrusion from the drip line then the applicant is required to apply to the Coastal Commission to report what the applicant intends to do to ensure that the issue is taken care of, which could be removal, buffing, or sanding, that the Bannasch Trust had already agreed to the Condition.

Motion: Moved by Heebner and second by Marshall to close the public hearing. (Absent: Zahn) Motion carried.

Council and Staff discussed that the fees were paid appropriately since an extension and a different project which was paid last time they filed with a modified and new application.

Motion: Moved by Nichols and second by Heebner to extend the permit to October 2016. (Absent: Zahn) Motion carried.

C. STAFF REPORTS: (C.2. - C.5.)

Submit speaker slips to the City Clerk.

C.2. Comprehensive Annual Financial Report (CAFR) Fiscal Year 2014-15.

(File 0310-22)

Recommendation: That the City Council

1. Accept and file the City of Solana Beach Comprehensive Annual Financial Report (CAFR) for the fiscal year July 1, 2014 – June 30, 2015.
2. Accept and file the Communication of Internal Control Related Matters Identified in an Audit letter.
3. Accept and file the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets letter.
4. Accept and file The Auditor's Communication With Those Charged with Governance letter.

[Item C.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.

Gregory Wade, City Manager, introduced the item.

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

Brian Gruber, LSL CPA's, auditor for the City, presented a PowerPoint (on file).

Motion: Moved by Heebner and second by Marshall. (Absent: Zahn) Motion carried.

C.3. Community Grant Program Awards FY 2015-2016. (File 0330-25)

Recommendation: That the City Council

1. Select the FY 2015-16 Community Grant Program recipients and identify an award amount to each recipient.
2. Adopt **Resolution 2015-142** authorizing the funding for the selected community grants recipients for financial assistance under the FY 2015-16 Community Grant Program.

[Item C.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.

Gregory Wade, City Manager, introduced the item.

Council discussion regarding considering utilizing the Public Arts Fund to fund the North Coast Rep Theatre request, to consider funding through Surfrider the notifying and public education and outreach for Styrofoam ban directly through Surfrider without the using the community grant funds.

Councilmember Marshall said that she had an issue with the Surfrider request in providing grant money for the purpose of supporting profit businesses once banning the Styrofoam and that it seemed like a conflict to then give for profit businesses these materials.

Johanna Canlas, City Attorney, stated that when the City reduced plastic bag use that education and materials were provided to the community initially to ease the burden for

the regulation, that this effort would be along the same line as in the past in order to assist for a smoother transition, that there was not a conflict because it was the City that required them to use a different material.

Councilmember Nichols stated that he agreed to providing other funds for Surfrider to do the education and provide materials because it would require no City Staff time and Surfrider was volunteer based, it would provide a smoother transition, and that it was similar to the plastic bag educational effort, and to provide them the full amount of \$4,000.

Motion: Moved by Heebner and second by Nichols to allocate the following funding. (Absent: Zahn) Motion carried.

- Assistance League Rancho San Dieguito \$3,000
- Boys and Girls Club of San Dieguito \$2,000
- Casa De Amistad \$2,000
- Community Resource Center \$5,000
- La Colonia de Eden Gardens, Inc. \$1,000
- Reality Changers \$3,000
- St. James and St. Leo Medical and Dental Program \$2,000
- San Dieguito River Valley Conservancy \$5,000
- Solana Beach Little League \$2,000

C.4. Adopt (2nd Reading) Ordinance 467 – Water Efficient Landscape Regulations Amendment. (File 0610-10)

Recommendation: That the City Council

1. Adopt **Ordinance 467** amending Solana Beach Municipal Code Section 17.56, Water Efficient Landscaping Regulations.

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

[C.4. Supplemental Documents – R](#)

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.

Johanna Canlas, City Attorney, read the ordinance title.

Public speaker

Don Billings – not present when called.

Councilmember Marshall stated that she was originally in support of this item but had been talking to members of the community and only received negative feedback, that they did not understand why the City was issuing a restricted plant list, that an L.A. Times article stated that there was more water than was needed along with the desalination plant coming online, that the reserves were at all-time highs, that residents felt like the City was becoming a homeowners association, and from all the comments she had received that she was tending to agree with them, and did not understand why the City was implementing water restrictions when there was tons of water.

Councilmember Heebner stated that the state of California was making cities comply, that it was a state mandated ordinance, and that the City customized its own to make it more palatable.

Bill Chopyk, Community Development Dir., stated that the mandated state model is more restrictive in some areas and less restrictive in others, the state mandate required all single family residences to submit an audit and install separate water meters, that Staff felt that the City would not want to put that restriction on all single family homes with new development with landscape area of 500 sq. ft. or more and for rehabilitated landscapes of 2500 sq. ft. or more, that it did apply citywide, that commercial, multifamily, and single family were treated differently, and that this was a better situation for Solana Beach. He continued regarding the invasive species list and that the City was using the counties list but the City was using some of those plants so it was determined that Solana Beach could consider certain species already existing in its jurisdiction by establishing its own list.

Pam Elliott, consultant, said that the state model referenced a restricted list generated by California Invasive Plant Council list which was much broader restricted list than the one formulated for the City of Solana Beach, that if the City adopted the state's list it would have more restrictions which would result in more enforcement than it if established its own list, that an example would be English Ivy which was on the state list but prevalent in Solana Beach, that one particular species of eucalyptus was listed rather than the state's list of all kinds of eucalyptus, there were many plants that would be questionable so that it why she recommended to establish a softer restrictive list for Solana Beach.

Councilmember Nichols stated that this ordinance was much less restrictive than the state's ordinance, that their requirement for a separate water meter would run approximately \$15-20k for a sub-meter and that the City would be eliminating that requirement, and that the ordinance was crafted by a well versed landscape architect who brought excellent recommendations, and that he did not want to adopt a state ordinance that the City could not manage.

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

C.5. Medical Marijuana Regulation Options. (File 0230-50)

Recommendation: That the City Council

1. Consider all options and provide direction on preparing ordinances that expressly regulate or expressly prohibit deliveries, cultivation and/or dispensing of medical marijuana within the City of Solana Beach.

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

[C.5. Supplemental Documents - R](#)

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.

Gregory Wade, City Manager, introduced the item.

Peggy Walker urged Council to ban dispensaries, cultivation, and delivery services, and said that the City did not need a network of freewheeling mobile dispensaries and that the City of San Diego currently faced issues with no regulations in effect.

Barbara Gordon, on behalf of La Colonia Changers, said she supported the ban and making a safer environment for the youth.

Judi Strang, on behalf of San Dieguito Alliance for the Drug Free Youth, said that she supported the prohibition.

Kathy Lippitt, on behalf of San Diegans for Safe Neighborhoods, urged Council to adopt the ordinance, that she was concerned about water consumption, and handed out 3 photos (on file).

Nancy Logan, on behalf of North Coast Prevention Coalition, said she supported the ban and shared her concerns about the use of marijuana among youth.

Lynn Salsberg passed out an article (on file) and urged Council to support the ordinance.

Joe Kellejian said that this was one of the most important topics the City would address and urged Council to make it a number one priority, that Solana Beach was one of the first cities to place officers out in the community to eradicate drug problems years ago, that the City had been nominated for an award by the American Lung Association, that it had protected the youth like no other city, Solana Beach was at the top of the safest cities in the county, and that it was one of the most important meetings topics of all time.

Council discussion ensued regarding favoring banning all three activities, that KPBS recently covered a story regarding delivery of services for prescriptions for patients who had never seen the doctor, that there were too many ways to abuse the services, and that the local initiative not supporting medical marijuana dispensaries was an indicator of the general public's overall position.

Motion: Moved by Heebner and second by Marshall to return with an ordinance expressly prohibiting deliveries, cultivation and/or dispensing of medical marijuana within the City of Solana Beach, including both commercial cultivation and cultivation for personal medical use, and banning marijuana dispensaries in nonresidential zones. **(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:

ADJOURN:

Mayor Zito adjourned the meeting at 9:40 p.m.

Angela Ivey, City Clerk

Approved: April 13, 2016