

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



MINUTES

Joint SPECIAL Meeting
Wednesday, November 18, 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

Lesla Heebner, 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 6:12 p.m.

Councilmembers

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

Absent:

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Bill Chopyk, Community Development Dir.
Danny King, Sr. Management Analyst

CLOSED SESSION REPORT: (when applicable)

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

FLAG SALUTE:

APPROVAL OF AGENDA:

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

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Chris Hohn, Parks and Recreation Commission, announced the City's upcoming tree trimming event.

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.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 18, 2015 through June 10, 2015.

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

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

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

Recommendation: That the City Council

1. Ratify the list of demands for October 17, 2015 through October 30, 2015.

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

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

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

Recommendation: That the City Council

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

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

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

A.4. Pavement Management Program Update. (File 0820-50)

Recommendation: That the City Council

1. Adopt **Resolution 2015-129**:
 - a. Approving a Professional Services Agreement with Infrastructure Management Services, in the amount of \$37,427, to conduct a pavement management program software update of all City streets.
 - b. Authorizing the City Manager to execute the agreement on behalf of the City and to extend the agreement expiration time as long as the total amount of the agreement does not exceed \$37,427.

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

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

A.5. Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Report for the quarter ended September 30, 2015.

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

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

C. STAFF REPORTS: (C.1., C.6.)

Submit speaker slips to the City Clerk.

C.1. 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 initial funding of the Trust and on a preferred asset allocation or investment strategy for both the OPEB and Pension portions of the Trust in order to prepare the pertinent Investment Guideline Documents.

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

Gregory Wade, City Manager, introduced the item.

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

Council and Staff discussed that both components of the trust could be invested differently and separately, a 3.5% discount when paid upfront for the pension and that for this fiscal year it was too late to take advantage of that.

Chris Tsuda, Highmark, continued the PowerPoint (on file) reviewing the actuarial study, current asset allocations, and proposed returns.

Council, Staff, and Consultant discussed considering determine a formula to annually create a trigger point to decide how much to add from surplus for some guide or policy

for some consistency every year, considering a conservative strategy for the OPEB and a moderate or balance for the pension, that both funds did not have to funded at the same time, that most agencies had established the OPEB since it had been around longer and the pension is a bolt-on, to consider funding both funds and fund them similar to the ratio 75% and 25%, and various options for investment strategies, investing from surplus and/or reserves, initial investment amounts, and that investment strategies could be adjusted accordingly.

Motion: Moved by Zito and second by Zahn. Approved 5/0 to fund OPEB with \$135,000 and the Pension with \$500,000 with a moderate active investment strategy. **Motion carried unanimously.**

C.6. Live Well San Diego Initiative. (File 0230-10) added on 11-17-15 at 10:45 a.m.

Recommendation: That the City Council

1. Adopt **Resolution 2015-136** authorizing the City to become a Live Well San Diego partner.

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

Gregory Wade, City Manager, introduced the item.

Chuck Matthews, Director of Health and Human Services of San Diego County, presented an online video and a PowerPoint for Live Well San Diego. He stated that 3 behaviors lead to 4 diseases, lead to over 50% of deaths in the nation, and they are all preventable. He said that partners working together in the county could make an impact.

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

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: Introduce (1st Reading) Ordinance 467 – Water Efficient Landscape Regulations, Update. (File 0610-10)

Recommendation: That the City Council

1. Find the project exempt from CEQA under Section 15308.
2. Make a finding that the proposed amendments to SBMC 17.56 are consistent with the general plan and would not be detrimental to the public interest,

health and safety, convenience, or welfare of the City as required under 17.76.070.

3. Make a finding that the proposed amendments to SBMC are equivalent to the State's requirements for the Model Water Efficient Landscape Ordinance.
4. Introduce **Ordinance 467** amending SBMC Section 17.56, Water Efficient Landscaping Regulations.

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

Gregory Wade, City Manager, introduced the item.

Bill Chopyk, Community Development Dir., presented a PowerPoint (on file).

Pam Elliott, Landscape Consultant, continued the PowerPoint and stated that the City's choice was to either adopt the state mandated ordinance or create its own and that the main reasons were that the model state ordinance required sub-meters for all residential projects of 500 sq. ft. or more and irrigation audits for all projects of 2500 sq. ft. or more, that these could be costly requirements for applicants. She said that they were recommending to not adopting the required separate sub-meters and irrigation audits but instead would require drip irrigation except on slopes and bio-swales, no turf allowed except in areas that had a recreation utility, and a formula to determine one's maximal water allowance would be, and that this was at least as efficient as the state's model.

Mayor Heebner opened the public hearing.

Council and Ms. Elliott discussed that the lawn was kept at the required 10 ft. lawn which would be kept, that the removal of the floor sensor was due to economics, that the model did acknowledge the use of recycled, or gray water, did provide a favorable factor, to consider changing invasive species be prohibited, that most would not be considered invasive and that English ivy, all pepper trees, and others were on the list as invasive, and that some were listed that might be difficult police, that plan checks would highly suggest certain plants, and consider devising a list of prohibited plants that were extremely invasive and harmful to the environment and give landscape checks the teeth to prevent them.

Council disclosures were not applicable.

Public Speaker

Gordon Johns said that he lived on an acre that he had maintained for the last 35 years, that the costs could be high to meet all of the requirements, that 30 year old macadamia nut and others may have a different water use than a new one put into the ground.

Council and staff discussion that it did apply to rehabilitated landscape of 2500 sq. ft. or more which would trigger a permit, that one did not have to get a permit for small yard maintenance or changes, that it was only triggered if you were required to get a building permit or a landscape permit, that the City did currently have a landscape permit and

that this ordinance may rely on the building permit, that a plumbing permit would be pulled for irrigation modifications of backflows, etc.

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

Motion: Moved by Nichols and second by Zahn with modifications discussed. Approved 5/0. **Motion carried unanimously.**

Mayor Zito recessed the meeting at 7:38 p.m. and reconvened at 7:45 p.m.

B.2. Public Hearing: SANDAG'S 2014 Regional Transportation Improvement Program. (File 0840-30)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, and Close the public hearing.
2. Adopt **Resolution 2015-130** approving an amendment to the SANDAG 2014 Regional Transportation Improvement Program (RTIP) list of projects for Fiscal Years 2015 through 2019, to designate the local funding for the Stevens/Valley Avenue Corridor Improvements Project as *TransNet* funding.

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

Gregory Wade, City Manager, introduced the item.

Mayor Heebner opened the public hearing.

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

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

B.3. Public Hearing: 691 Lomas Santa Fe Dr., Ste. B – Conditional Use Permit (CUP) - Applicant: Starbucks Coffee Company, Case # CUP 17-15-16. (File 0610-60)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.

2. 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 can make the requisite findings to approve the project, adopt **Resolution 2015-126** conditionally approving a CUP to allow for the sale of alcoholic beverages through an approved type 41 license from ABC, to allow for on-site consumption of beer and wine at 691 Lomas Santa Fe Drive, Ste. B.
4. If the City Council cannot make the requisite findings to approve the project, adopt **Resolution 2015-128** denying a CUP to allow for the sale of alcoholic beverages through an approved type 41 license from ABC, to allow for on-site consumption of beer and wine at 691 Lomas Santa Fe Drive, Ste. B.

[Item B.3. Report \(click here\)](#)
[B.3. Updated Report #1](#)

Gregory Wade, City Manager, introduced the item.

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

Council and Staff discussed that what restricted hours were on other establishments that served alcohol in that shopping center and that Bistro was in the vicinity and did not have restricted hours. .

Mayor Heebner opened the public hearing.

Applicant

Jim Forgey, applicant representative, Architects Orange, said that they worked on a lot of Starbucks, that the menu would change out for the evening would accompany with the wines and beers, that this location was a popular location, that the licensing had approved, that this program in other areas start at 2:00 p.m. but due to the schools in the area they are willing to start at 5:00 p.m. He handed out a menu (on file) to show what would be served.

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

Council discussed that the start time was the main issue, that the applicant originally asked for 4:00 p.m. and that Staff, per the Sheriff's comments, recommended a 5:00 p.m. start time, and that a 6 month evaluation take place to ensure things are working out.

Motion: Moved by Zito and second by Zahn. Approved 5/0 with modifications of a 4:00 p.m. start time and a six month review. **Motion carried unanimously.**

C. STAFF REPORTS: (C.2. - C.4.)
Submit speaker slips to the City Clerk.

C.2. Community Grant Program Fiscal Year 2015-16 Requests. (File 0330-25)

Recommendation: That the City Council

1. Receive the Staff Report, Community Grant applications and consider the presentations from the grant applicants.

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

Presentations were made by the following requestors:

Assistance League Rancho San Dieguito
Boys & Girls Club
Casa De Amistad
Community Resource Center
La Colonia de Eden Gardens PP
North Coast Repertory Theatre
Reality Changers
St. James & St. Leo Medical and Dental Program
San Dieguito River Valley Conservancy
Solana Beach Little League
Surfrider Foundation San Diego County

C.3. Public Recreation Impact Fee Study – Public Review. (File 0740-80)

Recommendation: That the City Council

1. Adopt **Resolution 2015-123** authorizing the City Manager to:
 - a. Release the Draft Public Recreation Impact Fee Study for public review on November 18, 2015 through January 19, 2016;
 - b. Direct Staff to bring the item back to the Council following the close of the public review period to provide a summary of the comments received on the Fee Study;
 - c. Conduct a future public meeting/hearing regarding any necessary revisions to the draft Fee Study;

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

[Attachment 1 – Recreation Fee Study](#)

[Attachment 1 – Appendix 1-6](#)

[Attachment 1 – Appendix 7-18](#)

[Attachment 2 – Resolution](#)

Gregory Wade, City Manager, introduced the item.

Leslea Meyerhoff, Staff Consultant, and Donna Snyder, Consultant, presented a PowerPoint (on file).

Discussion regarding that the April target could be met, that a 60 day comment period was set due to the holidays, that the 2010 study was put together identical to this study, that the model was based on a linear amount of sand of beach was available, that the fee reduced due to the many various changes, that the beach area change is reducing the fee by half, some other changes had impact of increasing the fee, that a past model of considering sand that would added to the beach was that it would have to be placed

on the beach on a continuous basis, the beach area is used to determine that value of the beach, but that amount of the area that the fee is applied to is based on episodic bluff failure, so the width of the wall is what the fee is being paid for, it was establishing the value of the beach area and applying it to the area that is being taken away from the public, that the assumption on the demand curve was plotted with data and the curve that fit best was one at 1/3 of wages, that it was not the only way to evaluate leisure time but it was a typical approach to the travel cost method, that at 33% the value was at \$2.3 million, that as they reviewed varied ranges it would be \$3.8 million if it were raised to 67%, and that at 100% it would be \$5 million, and that the consultant's recommendation was 1/3 because it fit the data best.

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

C.4. Recycled Waterline Extension Project along Via de la Valle – Northerly Laterals. (File 1050-30)

Recommendation: That the City Council

1. Adopt **Resolution 2015-134:**
 - a. Authorizing Staff to move forward with construction of the three northerly extensions at Del Mar Downs, West Solana Circle and South Cedros Avenue.
 - b. Authorize the City Manager to negotiate a change order for construction of the additional extension of the main line along Border Avenue from Highway 101 to South Sierra Avenue.

[Item C.4. Report \(click here\)](#)
[C.4. Updated Report #1](#)

Gregory Wade, City Manager, introduced the item.

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

Council and Staff discussed the extension to the fairgrounds and that Del Mar agreed to pay fulling for the extension, that the City would share with them the cost for design and construction of the fill station, and that those costs were incorporated into the project.

Mike Barton, Santa Fe Irrigation District (SFID), stated that they reached out to properties in the area to address concerns, engaging end users, and what SFID could do to help with grant funding to help their conversions. He said that this would replace 38 ft. of pipe and integrated with other improvements, that it would free up water for 60 homes for average use per year, and supported Staff recommendation.

Council and Mr. Barton discussed that water would be sold to them at the existing rates which were lower than they were paying currently, that SFID had been helping them with comparative analysis of savings, that they had done it for 9 of 11 of them, that they believed there was some funding available to assist them.

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

C.5. Compact Of Mayors Coalition. (File 0230-25) added on 11-17-15 at 10:45 a.m.

Recommendation: That the City Council

1. Consider signing on to the Compact of Mayors and, if authorized, direct Staff to register its "Commitment" with the Compact of Mayors.

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

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

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

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

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

COUNCIL COMMITTEE REPORTS:

Council reported committee 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 Heebner adjourned the meeting at 9:15 p.m.

Angela Ivey, City Clerk

Approved: April 27, 2016