

CITY OF SOLANA BEACH

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



MINUTES

Joint SPECIAL Meeting

Tuesday, November 13, 2018 * 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

Jewel Edson, Deputy Mayor

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, 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 6:13 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Lesa Heebner, Peter Zahn

Absent: None

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

CLOSED SESSION REPORT: (when applicable)

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

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zahn and second by Deputy Mayor Edson to approve.

Approved 5/0. Motion carried unanimously.

PRESENTATIONS: Ceremonial items that do not contain in-depth discussion and no action/direction. Champions for Health reviewed the recent 5k event and wellness expo, and future fundraisers and presented a donation of \$1,000 that would be used for projects like the La Colonia Skate Park.

ORAL COMMUNICATIONS: None

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.

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.4.)

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 May 9, 2018 and May 23, 2018.

Motion: Moved by Councilmember Heebner and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

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

Recommendation: That the City Council

1. Ratify the list of demands for October 6 – October 19, 2018.

Motion: Moved by Councilmember Heebner and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

A.3. General Fund Adopted Budget for Fiscal Year 2018-2019 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2018-2019 General Fund Adopted Budget.

Motion: Moved by Councilmember Heebner and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

A.4. Reclassifications and Salary Schedule Updates. (File 0510-00, 0520-10)

Recommendation: That the City Council

1. Adopt **Resolution 2018-145:**
 - a. Reclassifying the Senior Engineering Technician position to an Assistant Civil Engineer.
 - b. Reclassifying the Temporary Fire Prevention Technician to a Fire Prevention Specialist and update the Miscellaneous Employee Salary Schedule 3.
 - c. Approving the adjustment of the salary band for the current Fire Battalion Chief (56 hours) classification, adopting pay grade M-6A and salary band for the newly created 40-hour Administrative Fire Battalion Chief classification, and incorporating these changes into the Management Employees' Salary and Classification Plan - Schedule 1.
 - d. Approving the updated Fire Battalion Chief job description to include the additional Administrative Fire Battalion Chief duties.

Motion: Moved by Councilmember Heebner and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1. – B.4.)

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 designee(s) 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: Public Recreation Impact Fee Study and related Local Coastal Program (LCP) Land Use Plan (LUP) Amendment. (File 0610-12)

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. Provide direction on the following Options:
 - a. Adopt all CCC "Suggested Modifications" on the City's Fee Study and LUPA as modified by the CCC on May 11, 2017 and adopt **Resolution 2018-140.**

- b. Reject CCC “Suggested Modifications” on the City’s Fee Study and LUPA and move forward with implementing the recommendations contained in the City’s Fee Study and adopt Resolution 2018-140.
- c. Take no action on the CCC approval and let it lapse. Continue to implement the City’s current \$1,000/LF interim fee deposit for public recreation fees. No Council resolution is needed to implement this Option.
- d. Provide alternative direction to the City Manager which may include modifying or combining elements of one or more of the Options listed above as desired by the City Council.

Greg Wade, City Manager, introduced the item.

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

Johanna Canlas, City Attorney, stated that Option 2 was not viable, the City’s Certified LUP contemplated that until an approved calculation methodology was approved by CCC that the current calculation would stand, the study submitted to Coastal was rejected so it would not be appropriate to resubmit the same study, and that there was no option to deviate from the current calculation or deposit of \$1,000 per linear ft.

Mayor Zito opened the public hearing.

Council disclosures.

Chandra Slaven, John Corn Law Firm, representing COOSSA (Condominium Organization of S. Sierra Association), spoke about having worked with the California Coastal Commission over the years on several LCPs, their forcing of the City to adopt a public recreational fee that is excessive, arbitrary and capricious, causing the City to disregard its own decades-long study and ignore its own team of consultants, experts and residents and data, the major financial burden on homeowners for added fee which would discourage and prohibit coastal property owners from building sea walls to protect their property, rejecting the Coastal Commission’s fee, standing up to them stating the fee was not appropriate or acceptable for local conditions and unfair to local property owners, and adopting Option 3.

Arie Spangler, Attorney for John Corn Law Firm, spoke about Option 3 keeping the locally-driven public recreation impact fee passed on to the property owners who construct bluff retention devices, the fee being derived from the value of a day at the beach, the City charging property owners who built sea walls a public recreation impact fee, a sand replenishment fee and sometimes a state lands lease fee, which was in addition to the cost of constructing the sea wall, which averages about \$10,000 per lineal foot. He spoke about Option 3 respecting the extensive decades-long joint effort between local stakeholders and City’s consultants to formulate an appropriate recreation impact fee that most closely reflected the value of a day at the beach in Solana Beach, the City’s proposed fee being based on a 33% of the average beach goer’s daily wage rate, the Coastal Commission proposing to increase the rate to 67% which would discourage people from building sea walls, and that not all bluff owners could afford an extra inflated fee on top of the other fees they already were required to pay. He spoke about bluff retention devices enhancing public safety on the beach, private property owners bearing the full expense of protecting the public

from death or injury, under the proposed fee structure property owners would not receive any credit for providing this public service, bluff retention devices would not prevent sand from accumulating on the beach because very little sand came from the bluffs, a bulk of sand comes from upstream sediment flow that continues to be eliminated by inland development projects.

John Steel, Chair of COOSSA, spoke about supporting Option 2 but it was eliminated, the impact to the 9 condominiums of which 7 had seawalls that totaled a length of 1,293 ft., the Coastal Commission version would cost the 619 homeowners a total of \$1.7 million in renewal fees for the sea walls already in place over next 20 years, Option 2 would have cost the owners \$883,000, the delta between the 2 Options of approximately \$860,000, property owners should pay some fair mitigation fees, Option 3 being the best option that served the citizens of Solana Beach, and recommending approval.

Ronald Lubesnick, member of COOSSA, spoke about the additional mitigation proposal which would cost the HOA \$60,000 extra, many of the bluff homeowners being on a fixed income and the extra fee being a financial hardship, most homeowners were not against a fee that was fair, bluff retention devices providing a safety benefit to people on the beach and the infrastructure, and Council adopting Option 3.

Tom Ryan spoke about living at Seascapes Shores, a past bluff collapse of the sea cave killing two people, their past issue with a cave on the bluff and the expert opinion in 1975-76 was that it was due to a collapse, the recommendation to then build a seawall to protect the property and the public, and to consider that the bluff property owners provided a public service of safety to the people on the beach with bluff retention devices.

Rod Peck, Seascapes Shores, spoke about being retired and living on a fixed income, the 1970's when there were no LUPs or California Coastal Commission, imposing rules and regulations on them over time, non-bluff owners did not care about the fee, no one having lost a recreational opportunity to beaches of San Diego County other than the increase in population and crowding, and residents paying enough taxes.

Jim Jaffee, Kristin Brinner, Ryan Vaughn (Group)

Jim Jaffee presented a PowerPoint (on file) and spoke of his 20-year residency, being co-chair of Surfrider Foundation, the City's right to impose the fees under the Coastal Act, the environmental review of the City's bluff retention devices found that it could not approve sea walls without adopting some type of mitigation fee, the 2007 resolution stating a nexus between the impact of seawalls, City owning certain bluffs and renting out the property where the seawalls are placed, the use of public property for a private purpose, property north of Ocean Street not allowing sea walls, Del Mar not allowing sea walls on public property, sea walls were easements south of Fletcher Cove, sea walls caused impacts and loss of beach recreation, the City collecting an interim fee since 2007 for an existing impact, sea walls causing loss of beach area since the sand behind the sea wall was trapped and would have fallen to form the beach if the sea wall was not holding back the bluff, and the interim fees going to fix the stairs at the Del Mar Beach Club. He spoke about support for Option 1 that showed multiple years of LiDAR data from Scripps Oceanography, the public safety issue having been vetted and ruled out, that adopting a different wage rate of 33% that put the City

in the 13th place of the daily value at a beach, and supporting Option 1.

Kristin Brinner continued and spoke about lost opportunities in the future because of rising sea levels, occupation of public lands for private benefit, and played a video (on file) of part of a California Coastal Commission meeting.

Ryan Vaughn continued and spoke about some omissions in the study, moving the figure up to 67% was more conservative and did not account for people traveling to Solana Beach and staying overnight, and this was the City's beach and it had the right to charge for it.

Jim Jaffee continued and spoke urging Council to adopt Option 1 and submittal of a petition with signatures of residents who agreed that the fee should be assessed.

Chris Hamilton (time donated by Denise Rahmani) spoke about representing the BBC (Beach and Bluff Conservancy), the fee study being consistent with the Coastal Act and other directives laid out by the Coastal Commission, the BBC having chosen not to oppose the past submission to the CCC, if Council were to vote for higher fees they would not be Coastal Commission law but Solana Beach law for which the City would have to legally and economically defend, and the fiduciary responsibility of the Council of Solana Beach to the citizens and taxpayers.

David Winkler spoke about the difficulty in making this decision, the two points of view being considered over the past 10 years, Surfrider wanting to double a fee that the City's study developed, the BBC and other homeowners view that there should be no fee because sea walls were extremely expensive and they protect people at the beach, bluff top owners pay a sand mitigation fee to make up for the lost sand on the beach, a lease fee to State Lands Commission, some fees were redundant, that it was time to bring it to a close, the CCC rejected Option 2 which was the middle ground between BBC and Surfrider, choosing Option 3 could postpone it but to tell the CCC that this was a Local Coastal Program and the City conducted a study and analysis, Del Mar rejected planned retreat based on the impact it would have on the bluff front property owners who pay a lot of property tax, that he would not have purchased his home if the Coastal Act did not say he had the right to protect it, that mitigation was appropriate because these homes had an impact but they also had benefits, and support for Option 3, because Option 2 was not available.

Council and Staff discussed that upper bluff failures had occurred in Solana Beach, the City's lifeguards repeatedly give warnings to visitors to move away from the bluff, the City was still in the lower half of the valuations, Option 2 would mean going back to the CCC with the exact proposal submitted before and that they would probably not agendaize it since they already rejected it, the option of letting the application expire and sticking with the \$1,000 per linear ft. fee, the statewide effort had not made any progress for a statewide study, that the City had prevailed in the prior lawsuit, support for property owners to protect their property, need to take fiduciary responsible actions, option of adopting a hybrid model adopting an option and submit a new amendment.

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

Motion: Moved by Councilmember Zahn and second by Mayor Zito to approve all of CCC “Suggested Modifications” on the City Fee Study and LUPA as modified by the CCC on May 11, 2017, adopting Resolution 2018-140, and subsequently submit a LUPA amendment with updated beach area calculation utilizing LiDAR. **Approved 4/1** (Noes: Edson). Motion carried unanimously.

B.2. Public Hearing: 550 Via de la Valle, Applicant: Winner’s Circle Resort, Case 17-17-48. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP 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 2018-141** conditionally approving a DRP and an SDP to construct a new elevator, maintenance room addition, remodel the existing clubhouse and gym, and perform associated site improvements 550 Via de la Valle, Solana Beach.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Council disclosures.

Mayor Zito opened the public hearing.

The Applicant stated he had no presentation and was available for questions.

Motion: Moved by Councilmember Heebner and second by Deputy Mayor Edson to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Councilmember Heebner and second by Deputy Mayor Edson to approve. **Approved 5/0.** Motion carried unanimously.

B.3. Public Hearing: Introduce (1st Reading) Ordinance 491 adding Subsection 17.72.110(E) to the Solana Beach Municipal Code to Exempt City and City-Sponsored Projects. (File 0600-95)

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. Introduce **Ordinance 491** adding subsection 17.72.110(E) to make the expiration and extension requirements of section 17.72.110 inapplicable to City and City-sponsored projects.

Johanna Canlas, City Attorney, introduced the item.

Motion: Moved by Councilmember Heebner and second by Councilmember Zahn to close the public hearing. **Approved 5/0.** Motion carried unanimously.

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

Mayor Zito stated that he would like to have an item come back to add to the Work Plan a list of projects that were approved but not constructed.

B.4. Public Hearing: Regional Transportation Improvement Program (RTIP) Amendment. (File 0840-30)

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 2018-143** approving an amendment to the SANDAG 2018 Regional Transportation Improvement Program (RTIP) list of projects for Fiscal Years 2019 through 2023, to add the Glencrest Drive Street Improvement Project.

Greg Wade, City Manager, introduced the item.

Mayor Zito opened the public hearing.

Council disclosures.

Motion: Moved by Councilmember Heebner and second by Deputy Mayor Edson to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Councilmember Heebner and second by Councilmember Zahn to approve. **Approved 5/0.** Motion carried unanimously.

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. Regulating Single Use and Non-Recyclable Plastics Options. (File 0230-55)

Recommendation: That the City Council

1. Receive and discuss the report.
2. Provide further direction on possible plastic use regulations

Greg Wade, City Manager, introduced the item.

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

Councilmember Zahn presented a PowerPoint (on file).

Mary Yang (time donated by Kristi Becker, Kristin Brinner) presented a PowerPoint (on file).

Taylor Leigh Cannizzaro showed a one page PowerPoint (on file), handed out metal straws, and spoke about her experience working on cancer research, her interest in protecting the ocean, partnerships to further the cause to ban items that are not ocean friendly.

James Wang, City of Encinitas, spoke about this action being compliant with the City's Climate Action Plan, that Solana Beach's actions would influence other cities, the Encinitas Climate Action Commission had straws and utensil in their que for reducing retail sales of Styrofoam.

Steve Ostrow presented a video "Plastic Pollution in the World's Oceans" (on file),

Discussion. Direction provided to proceed.

WORK PLAN COMMENTS:

Adopted June 13, 2018

COMPENSATION & REIMBURSEMENT DISCLOSURE:

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 Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)

ADJOURN:

Mayor Zito adjourned the meeting at 9:10 p.m.

Angela Ivey, City Clerk

Approved: December 12, 2018