

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

MINUTES

JOINT **REGULAR** MEETING

Wednesday, March 27, 2013

6:00 P.M.

City Hall Council Chambers, 635 S. Highway 101, Solana Beach, California

Minutes contain a summary of the discussions and actions taken by the City Council during a meeting. City Council meetings are video recorded and archived as a permanent record. The video recordings capture the complete proceedings of the meeting and are available for viewing on the City's website.

CALL TO ORDER AND ROLL CALL:

Present: Nichols, Campbell, Heebner, Zito, and Zahn.

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Wende Protzman, Deputy City Mgr/Community Development Dir.
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Dan King, Sr. Management Analyst

Mayor Nichols called the meeting to order at 6:00 p.m.

CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, reported there was no reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

MOTION: Moved by Heebner and seconded by Zahn **Motion carried unanimously.**

PROCLAMATIONS/CERTIFICATES:

1. Eagle Scouts

Mayor Nichols presented proclamations to four achievers of Eagle Scout.

PRESENTATIONS:

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

1. Mira Costa College

Dr. Francisco gave an update on the local college and their anniversary.

2. Highway 101 Project Westside Improvement Project

Mo Sammak, Public Works Dir., presented a powerpoint (on file) reviewing the status of the project.

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.

Allison Don stated that she was from Senator Marty Block's office, who was the local state representative for the Solana Beach area. She said she brought flyers she would place at the back table for the public which included a newsletter regarding legislation that Senator Block had been involved in recently.

COUNCIL COMMUNITY ANNOUNCEMENTS:**A. CONSENT CALENDAR: (Action Items) (A.1. - A.2.)**

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 February 23 - March 8, 2013.

MOTION: Moved by Zahn and seconded by Heebner. **Motion carried unanimously.**

A.2. General Fund Adopted Budget for Fiscal Year 2012-13 Status. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2012-2013 General Fund Adopted Budget.

MOTION: Moved by Zahn and seconded by Heebner **Motion carried unanimously.**

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

Submit speaker slips to the City Clerk

C.2. Comprehensive Annual Financial Report (CAFR) Fiscal Year 2011-12. (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, 2011 - June 30, 2012.
2. Accept and file the Statement of Auditing Standards (SAS) No. 112 Management Letter.
3. Accept and file the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets letter.
4. Accept and file the Independent Accountants' Letter disclosing on their responsibilities under U. S. Generally Accepted Accounting Standards SAS No. 114.

David Ott, City Manager, introduced the item.

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

Rich Kikuchi, Lance, Soll, and Lunghard (LSL), presented a powerpoint (on file) reviewing their firm, the audits the performed, which totaled over 500 hours, and the June 30, 2012 Audited Financial Statement and the process.

Deputy Mayor Campbell, Staff, and Consultant discussed the reference in the Summary which stated that LSL audited the Financial Statements and not the CAFR and that it should be clarified. Discussion continued regarding LSL's opinion letter referencing the Table of Contents within the CAFR, but that the Audited Financial s had their own Table of Contents, they was a reference on page 1 of the Table of Contents to financial

and confirmed that all items from page 21-137 in the Table of Contents were subject to auditing procedures, the footnote regarding the sanitation loan to the general fund, that is was not correct that that it stated the PERS Side Fund made a payment of approximately three million dollars resulting in a fund deficit of \$5,216,000 because the general fund was not in a deficit position, and that the deficit balance was \$2.75 million and was missed in the review, and that the reference would be corrected. Discussion continued regarding the firm being new to the City, their comparison of Solana Beach to other cities, and that any significant concerns would have been included in the internal control letter or suggestions would have been provided, that nothing warranted additions, the controls were solid, even with the unusual year involving the Successor Agency issues.

MOTION: Moved by Campbell and seconded by Zito to approve with the minor changes discussed. **Motion carried unanimously.**

C.1. Council Discussion on the Citywide Plastic Bag Use Reduction. (File 0230-55)

Recommendation: That the City Council

1. Discuss Ordinance 435/437 and provide direction as may be needed.

David Ott, City Manager, introduced the item.

Dan King, Sr. Management Analyst, presented a powerpoint (on file). He gave an overview of the Ordinance's background, previous education and outreach to the Community, plastic bag statistics, and the explanation of the \$0.10 pass-through cost for paper bags.

Evan Lewis stated that he was from the Kids Eco Club and Surfrider spoke in favor to keep the plastic bag ban and the \$.10 bag fee.

Eve Simmons spoke in support of keeping the plastic bag ban. She talked about the hazard that the plastic bags have on the human body and the environment.

Celine Olson (time donated by Eric Hoffman, present) spoke in opposition of the Plastic Bag Ordinance and the \$.10 bag fee.

Sara Diaz Roth stated that she served on the Surfrider Executive Committee and the Leader of the Rise Above Plastics Campaign and was in support of maintaining the plastic bag ban and the \$.10 bag fee.

Roger Kube stated that he was the Chair of the Surfrider San Diego Chapter. He thanked and commended the Council and the citizens for the Plastic Bag Ordinance. He spoke in favor of the plastic bag ban and the \$.10 bag fee.

Greg Hibbard spoke on behalf of the Del Mar Sustainability Advisory Board. He expressed support of the work done to create a Plastic Ban Ordinance. He noted that the Advisory Board had looked at the Ordinance to provide similar recommendations to the Del Mar City Council.

Bruce Bekker stated that he was a resident of Del Mar and serves on the Del Mar Sustainability Advisory Board. He asked Council to uphold the plastic bag ban and noted that actions taken now would affect the quality of life for future generations.

Sara Sheehy stated that she was with the California Grocers Association (CGA) and spoke on behalf of CGA, CVS and member companies. She urged the City to maintain the plastic bag ban and explained that the current bag ban charge model promoted reusable bag use and was the best for the environment. She noted that the average cost of the paper bag for all their members, which included the independent and large stores, was \$.10.

Council and Sara Sheehy discussed the cost that would be incurred by the store if the fee was not mandated by the City.

Steven Joseph (time donated by Eva Joseph and Simon Joseph, both present) stated that he was with the Council for Save the Bag Coalition and spoke in opposition of the plastic bag ban. He talked about how the fee had caused a surge in paper bags and the myths about plastic bags.

Roger Boyd stated that he was a Solana Beach resident and spoke in support to keep the plastic bag ban with no modifications.

Group with powerpoint presentation (on file):

Lane Sharman stated that the Plastic Bag Ordinance was well crafted. Jack Hegenaur stated that he was a Solana Beach resident and was in support of the plastic bag ban. Marilee McLean stated that the \$.10 fee was not initiated by the Council but rather in response to a request by the citizens. Kristine Schindler stated that she was with the Clean and Green Committee and resident, that she in support of the Ordinance, and reviewed healthy habits of the plastic bag ban. Steve Goetsch reviewed the positive impacts of the plastic bag ban.

Russell Levan stated that he lived in Encinitas and favored the Plastic Bag Ordinance.

John Reaves stated that he was an Environmental Attorney, Mediator and Policy Director for the US Green Chamber and was in favor of the Plastic Bag Ordinance.

Jim Jaffe stated he was a member of Surfrider Foundation and resident of Solana Beach. He stated that he disagreed with the statements that were made by Steven Joseph regarding plastic and was in favor of the Plastic Bag Ordinance.

Terry Rodgers stated he was an Executive Committee member with the Surfrider Foundation and that the plastic bag ban had never inhibited him from shopping

in Solana Beach.

Margaret Schlesinger stated that she agreed with the Plastic Bag Ordinance and that the fee was appropriate.

Marion Dodson stated that the Council's intent was good but the execution was not. She suggested that Council encourage surrounding cities to adopt an ordinance to spread the effort and reminded people that they could cart the groceries to their car without bags. She said that she did not oppose the Ordinance but that it would be more effective if it were across a broader geographical area.

Eric Lodge stated that he was a resident of Solana Beach. He spoke in favor of the Plastic Bag Ordinance but noted that the Ordinance was only a year old and may need to be reviewed after one year.

Mark West stated that he was a resident of Imperial Beach, a member of the Surfrider Foundation, and worked in the Border Sewer Campaign. He said that he would like the City to keep moving forward on the Plastic Bag Ordinance.

Bill Hickman (time donated by Julie Chunn, present) presented a powerpoint (on file) and stated that he was with the Surfrider Foundation, reviewed plastic bag pollution and it's continued effect on marine life.

Gerri Retman asked the Council to give the Ordinance more time and that people would adapt to the change.

Mayor Nichols recessed the meeting at 8:20 p.m. for a break and reconvened the meeting at 8:26 p.m.

Councilmember Campbell said that he was not opposed to the ban but was concerned with why the \$.10 charge was mandated by the City and not by the grocery industry.

Councilmember Zahn stated that he supported the ban and there was a need to improve the education program.

Councilmember Heebner stated that the \$.10 charge was meant to be a disincentive but encouraged the grocery industry to credit those who utilized reusable bags. She noted that she and other Councilmembers had met with CVS, Vons Corporation and the Grocers Association and discussed education for the front-line people dealing with customers.

Councilmember Zito stated that he agreed with the concern regarding the mechanism of a \$.10 charge but that it was an improvement to have a charge in place from the perspective of doing the right thing for the environment.

Mayor Nichols stated that he supported the ban and the incentive of the \$.10 charge to bring your own bag.

Council and Staff discussed Council's interest in further discussions with CVS, Vons Corporation, Grocers Association, Surfrider Foundation, and the Clean and Green Committee regarding an education program to assist with interpreting the Ordinance and the purpose behind it.

MOTION: Moved by Campbell to direct the City Manager to bring back alternative approaches to a City mandated fee of \$.10 per bag and explore other options where by retailers determine what fee should be charged. The motion did not receive a 2nd.

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

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. Development Review and Structure Development Permits for 508 Pacific Avenue, Applicant: Somerville/Metcalf Case 17-12-35. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is 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, Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2013-026 conditionally approving a DRP and an administrative SDP to demolish an existing single story residence and to

construct a new multi-level single-family residence with 2,930 square feet of living area including a partially subterranean basement area, 727 square feet of deck area, and 541 square feet of garage at 508 Pacific Avenue.

Mayor Nichols recused himself from the item due to the applicant having been a source of income for him.

David Ott, City Manager, introduced the item.

Catherine Lorbeer, Principal Planner, presented a powerpoint (no file) reviewing the project.

Council and Staff discussed the width of the roof deck and that Staff had placed a condition in the resolution that items placed on the roof deck could not exceed 42 inches in height.

Johanna Canlas, City Attorney, stated that about 2 years ago Council had placed this same restriction on a project near Granados St. due to potential view obstruction concerns.

Council and Staff discussed that there had not been neighbor concerns submitted regarding view obstructions from the proposed project, that it was Council's discretion whether or not to include the height restriction of items on the deck, and the site lines of home to the east of the property.

Deputy Mayor Campbell opened the public hearing. Council disclosed their familiarity with the project.

Steve Dalton, architect, stated that the neighbor to the east was significantly lower in elevation than the project home, that the home to the east did not look west, that there was 10 feet of grade difference from the street to the back lot, and that there were no homes that had ocean views over the project property.

Steve Dalton, architect, stated that his clients were unable to attend the meeting due to a pre-planned out of the country. He stated that they had not expressed any concerns regarding the 42 inch limitation of items placed on the roof deck, and that he would rather have the condition removed since there had been no view issues related to the project. He stated that the roof deck was very central to the project, that it was set back from the street, that 42 inches was the regulated guardrail height so anything over the guardrail height would be out of compliance with the condition.

Council and Staff discussed that the height around the railing of the roof deck was at the 25 foot height limit, that the noticing of the project did not make reference to the roof deck, and that story poles only showed the height of the roof deck.

MOTION: Moved by Heebner and seconded by Zito to close the public hearing. **Motion carried 4/0/1** (Recuse: Nichols.)

Council discussed whether or not to place the 42 inch height restriction as a condition of the project, that neighbors may not have known about the roof deck since it was not noticed, that the applicants did not protest against the condition, that there was a concern regarding potentially impacting views, and that there was Council consensus to leave the 42 inch height restriction of items placed on the roof deck as a condition in the resolution.

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

B.2. Annual Housing Element Progress Report 2013. (File 0630-10)

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 2013-027:
 - a. Finding that the proposed action is not a project, and is therefore exempt from the California Environmental Quality Act pursuant to Section 21065 of the State CEQA Guidelines; and
 - b. Approve the 2013 Housing Element Annual Progress Report as submitted and directing City Staff to file the report with the Department of Housing and Community Development and the Governor's Office of Planning and Research.

David Ott, City Manager, introduced the item.

Catherine Lorbeer, Principal Planner, presented a powerpoint (on file) reviewing proposed progress report.

Mayor Nichols opened the public hearing.

MOTION: Moved by Campbell and seconded by Heebner to close the public hearing. **Motion carried unanimously.**

MOTION: Moved by Heebner and seconded by Zahn. **Motion carried unanimously.**

COUNCIL COMMITTEE REPORTS:

Regional Committees: (outside agencies, appointed by this Council)

- a. City Selection Committee (meets twice a year) - Nichols, Heebner (alternate).

- b. County Service Area 17 - Zahn, Campbell (alternate).
- c. Escondido Creek Watershed Authority - Zito.
- d. League of Ca. Cities' San Diego County Executive Committee - Nichols, Heebner (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Nichols, Heebner (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 - Heebner, Nichols (alternate).
- m. San Elijo JPA - Campbell, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Heebner, Campbell.

Standing Committees: (All Primary Members) (Permanent Committees)

- a. Business Liaison Committee - Campbell, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Zito.
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee - Zito, Zahn.

Ad Hoc Committees: (All Primary Members) (Temporary Committees)

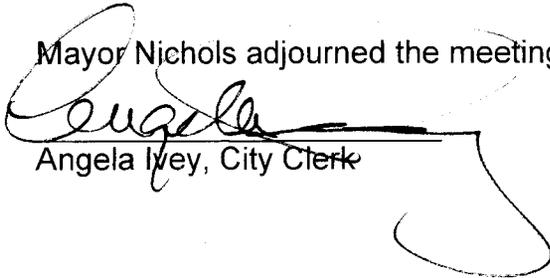
- a. Army Corps of Engineers & Regional Beach Nourishment - Campbell, Zito. Expires December 5, 2013.
- b. Development Review - Nichols, Heebner. Expires October 23, 2014.
- c. Environmental Sustainability - Heebner, Zahn. Expires December 5, 2013.
- d. Fire Department Management Governance - Zito, Zahn. Expires July 10, 2013.
- e. Fiscal Sustainability - Campbell, Zito. Expires June 12, 2013.
- f. General Plan - Nichols, Campbell. Expires July 10, 2013.
- g. La Colonia Park - Nichols, Heebner. Expires June 12, 2013.
- h. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 22, 2014 or at the California Coastal Commission adoption.
- i. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner.

Expires January 8, 2014.

j. View Assessment - Heebner, Zito. Expires June 10, 2013.

ADJOURN:

Mayor Nichols adjourned the meeting at 9:22 p.m.

A large, stylized handwritten signature in black ink, appearing to read "Angela". The signature is written over a horizontal line and extends downwards with a large, sweeping flourish.

Angela Ivey, City Clerk

Approved: April 24, 2013