

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, January 13, 2016 * 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:

Mayor Zito called meeting to order at 6:02 p.m.

Present: Lesa Heebner, David A. Zito, Peter Zahn, Mike Nichols, Ginger Marshall
Absent: None
Also Present: Gregory Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Bill Chopyk, Community Development Dir.
Mo Sammak, City Engineer/Public Works Dir.
Danny King, Sr. Management Analyst

CLOSED SESSION REPORT: (when applicable)

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

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PRESENTATIONS:

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

Santa Fe Irrigation District (SFID)

Mike Barton presented a PowerPoint (on file) reviewing.

Councilmember Nichols stated were that SFID had eliminated request for permits for landscape plans, separate water meters, and that they would comply with the state mandates in other ways.

Mr. Barton continued stating that the district included Rancho Santa Fe and Fairbanks Ranch, so the cuts mandated were to a combined region that all contained different uses but that it was too difficult to itemize to define cuts to each area individually.

Council and Mr. Barton discussion this blanket approach, that city residents were receiving overage charges that had made significant cuts, that cuts ranged 8%-36% among a blend of different land use patterns, and that the stated dictated what was required. Discussion continued regarding that it appeared SFID was selling less water but raising rates, that rate increases typically were adjusted every 3 years and were only based on the rate it cost to provide the service, that a normal trajectory across this regional was that rates were potentially going up but the amount may vary, that desalination and other efforts may affect this, that 85% of the revenue is selling water, that there were mechanisms in place for rate stabilization to adjust for it, but today's state is uncharted territory, that they had tool water allocations and penalties, they were looking at an increase in fixed revenue base not as variable related to water, that other surrounding agencies had drought rates, there were demand reduction rates, rate resilient supply, they would look into other mechanisms to achieve revenue neutrality, that rate proposals had been delayed for some time, and that spring may provide more information with more updates.

Discussion continued regarding the reports that there was and was not a water shortage, that both reports were true, that water comes down to be sold through water authorities and then to SFID, the Metropolitan Water Board must determine how much would be sold, how much was in the river, from the north and from storage, and where to pull it from, that the stored water was the piggy bank, and that it must be stacked, that the last two years the policy debate at the Metropolitan Board was how much to take out of storage so that next year the cut back would adjusted a certain amount based on supply and demand, this year 2/3 of the supply was coming from the piggy bank, but el Niño will hopefully reduce the needed supply needed, that in a few years the piggy bank will run out of stored water, that they were constantly playing with water resource and hedging a bet and had been doing it for 3 years, the Governor thinks it is dicey so he began the mandate, that the water is available but it is only using the piggy bank supply which will run out quickly

Discussion continued regarding that we imported 85% of our water, that some was not going through the Metropolitan Board, some was coming from the dessert which was a pretty reliable supply, that our service area was allocated the 36% because we were combined with Rancho Santa Fe and Fairbanks Ranch, which had large rural area, that 8% of our area was desalination but we did not receive credit for it because we did not accomplish 36% across the district, most of what still needed to be cut is outside usage.

Greg Wade, City Manager, introduced the new Acting Fire Chief, Mike Stein, and mentioned a few other acting positions.

Mike Stein, stated that he made two appointments, Acting Deputy Chief Jon Blumeyer and Acting Battalion Chief Jim Gibson.

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.

Niki Mazaroli stated she worked at the program office for grant organization, advancing self-sufficiency for low income focused in north county, focused on welcoming community initiative for refugees, many fortune 500 companies are participating which will fill labor gaps, enhance purchasing power, the City of Encinitas formed a subcommittee to explore it along with regional nonprofits, she said she is a proud resident of Solana Beach and asked that the City get involved and be the first city south of Los Angeles to advance the White House initiative.

Council, Staff, and Speaker discussed the interest, support, that they are legal immigrants, and agendaize the item.

Kevin Melton 78th Assembly Republican Candidate, stated he wanted to introduced himself and update the public on the assembly race, that 70% of San Diego County voters were mail ballot voters, which cut time to reach the public, so he had until February 25th to run, that Todd Gloria was a democrat candidate running and himself on the ballot, that Solana Beach was at the complete north end of the region to down south to Imperial Beach, and that Toni Atkins was out current Assembly person and that he encouraged Council and the public to read about it.

David Ferguson said that he had previously submitted comments to the state water board so it is nice to know there was no water shortage in our region and it was a statewide shortage. He said he wanted to address the landscape ordinance that Council passed that was extremely onerous, invasive, and unnecessary, and was glad to hear some of it had been pushed back, that he had grandchildren that he would like to play with on grass and not on sticks and stones, and asked to 1) Repeal Ord 467 because the City did not have to do it, that it was not northern Ca., that we only get 5% from the north and the rest came from Colorado and Imperial Valley, and whatever was saved here did not help northern Ca. and 2) Help represent citizens of Solana Beach and tell the Governor that we will not comply with an ordinance that was not necessary and 3) Have purple pipe water on their slopes, if they want to reduce use they can look at hooking up to existing pipe.

Councilmember Nichols stated that if Council repealed the Ordinance the City would be imposed upon by the state a must more strict ordinance, and that the City would do more

damage to the residents it were repealed, and he encourage the speaker to provide comments to SFID, and that recycled water is allowed on HOA's but not on single family residents, so it should be brought to the board if there is a way to use it both ways.

Mayor Zito stated that it should be brought up at the water board meeting, that the ability to access water was a water district issue who deals with the laws around it, and other considerations would be SEJPA (San Elijo JPA) water treatment, that purple pipe is not going to grow that much more, now potable reuse is becoming a use, that the state issue was not equitable but that the challenge did have to be dealt with, the Colorado River was experiencing a 40 year drought right now, Lake Mead 40%, and many other sizable decreased sources, that the state level was debatable, but that state representatives must be addressed.

Catherine Dickerson stated that there is shortage here and that citizens call on Council to address the Governor's personal agenda that should not be imposed on us locally, that they would not send comments and get anything done and ask that the City did not just follow and repeal the ordinance.

Don Billings said that he appreciated Councilmember's Nichols comments that the state dictates and mandates, that he challenged Council and their oaths of duty to ask if this action was legal, and if not then have negotiations with that state and avail ourselves of the tools of the constitution and the courts and ask a judge to determine if it is legal, that if the ordinance cannot be repealed to at least challenge it in court, that he was appointed by Jerry Sanders to a waste water facility and spent 20 years long range planning for San Diego and that he was confident there was no reason to be concerned there was a shortage, and he called on Council to reject the ordinance.

Gary Garber stated he was a representative for a group that wanted to underground utilities in his neighborhood and that in trying to coordinate it, they verified the signatures, that Dan Goldberg contacted him to him know the cost from SDGE, the City said that they will pay the estimated seed money, Dan said he was arranging to put it on the agenda in a few weeks, then got a call that the City would pay \$10,000, which would not be enough, and that it would cost home owners on Pacific over \$1million, since they had decided to combine their various districts which made the costs higher they were being penalized and were now asking Council for guidance, they understood that they City had over \$1million with SDGE to do this, that the City would be reimbursed once the project was complete, and they were asking for guidance.

Bob DeSimone asked that this undergrounding district be placed on an agenda.

Jessica Mills asked that this undergrounding district be placed on an agenda.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

Council reported community announcements and events.

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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for November 14, 2015 to December 11, 2015.

Motion: Moved by Heebner and second by Nichols. **Motion carried unanimously.**

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.

Motion: Moved by Heebner and second by Nichols. **Motion carried unanimously.**

A.3. City Council Meeting Schedule 2016. (File 0410-05)

Recommendation: That the City Council

1. Review, edit, and/or approve a 2016 interim City Council Meeting Schedule and provide direction on meeting cancellations and/or additional meetings.

Motion: Moved by Heebner and second by Nichols. **Motion carried unanimously.**

A.4. Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for the Period July 1, 2016 to June 30, 2017. (File 115-30)

Recommendation: That the City Council

1. Receive the Successor Agency's enforceable obligations payment information and administrative budget for the period July 1, 2016 to June 30, 2017.
2. Consider approval of the ROPS 16-17 and the SA Administrative Budget for July 1, 2016 to June 30, 2017.

Motion: Moved by Heebner and second by Nichols. **Motion carried unanimously.**

A.5. California Municipal Finance Authority (CMFA) Property Assessed Clean Energy (PACE) Program. (File 0220-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-006** related to the City's participation in the California Municipal Finance Authority ("CMFA") Property Assessed Clean Energy ("PACE") Program:

- a. Approving the terms of the CMFA JPA Agreement for the City to join as a member agency;
- b. Authorizing the CMFA to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the City and authorizing related actions; and
- c. Authorizing the Mayor or City Manager, or designee thereof, to execute all documents and take any actions necessary and appropriate to carry out the intent of this resolution.

Motion: Moved by Heebner and second by Nichols. **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 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 468 – Medical Marijuana Delivery, Cultivation and Dispensary Ban. (File 0230-10)

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. Introduce **Ordinance 468** prohibiting the delivery, cultivation and dispensing of medical marijuana.

Gregory Wade, City Manager, introduced the item.

Bill Chopyk, Community Development Dir., reviewed the contents of the ordinance.

Council reported disclosures.

Janet Asara said that she worked with those affected by with struggle with marijuana and encouraged the disallowance of activities in Solana Beach.

Peggy Walker stated her support of this ordinance.

Kathleen Lippitt said she was a partner in small business, a health practitioner, attempts to regulate marijuana will only make it more assessable and the commercialization could not benefit from any of the youth.

Joe Kellejian stated his support and thanked council for bringing it so quickly and read from the ordinance the statement of purpose.

Judi Strang stated her support of the ordinance.

Motion: Moved by Heebner and second by Marshall to close the public hearing.
Motion carried unanimously.

Deputy Mayor Zahn stated his support of the ordinance but that he would like to collect more information about the delivery side in the future that some other cities are looking at regulations for serious medical purposes.

Motion: Moved by Heebner and second by Marshall. Motion carried unanimously.

B.2. Public Hearing: 700 Block S. Cedros Ave. Request for Development Review Permit, Structure Development Permit, Minor Subdivision Permit, Case# 17-15-07, Applicant: Driscoll. (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. Find the project exempt from the California Environmental Quality Act pursuant to Sections 15303 and 15315 of the State CEQA Guidelines;
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2016-002** conditionally approving a DRP, an SDP, and a Minor SUB for condominium purposes, to allow the development of three detached single-family dwelling units, each consisting of two stories with an attached two-car garage on property on the 700 block of South Cedros Avenue, Solana Beach.

Councilmember Heebner recused herself from this item.

Gregory Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented an PP (on file) of the proposed project.

Council and Staff discussed preliminary review of some small encroachment in the front area, that traffic calming was looked at and was not requested, but it was discretionary, the phases were stripping and then hardscape and the community was not in favor of a hardscape median so it was pursued because it would create a raised curb in the area, they decided to do individual runoff storage area for each unit,

Council reported disclosures.

Applicant:

Joseph Driscoll said that his wife and he were the owners and had owned it for 15 years, that the corner was about 8-9 ft. in proximity to the property to the north, which had built into their set back, so that was why it their development came into that proximity, that Planning/Engineering

wanted a sidewalk along the project which they agreed to, and they asked for an additional dedication of southeast corner for sidewalk, and complying with any dedication required, and asked the principal of development and architect to speak.

Thuy Vu (developer) Ca Coastal Development, introduced Andy Crocker.

Andy Crocker, architect, presented a PowerPoint (on file). He said he was a Solana Beach resident and business owner and grew up in the area. He presented an overview of the project with renderings of the project.

Mr. Driscoll said that there were beautiful trees in that area, but that the required sidewalk would take the most beautiful ones out, a palm and California pepper tree would probably be lost, and across the street was a sanctuary.

Joe Behrmann said he was a Solana Beach resident and believed the project would be an improvement in style and architecture and hoped Council would approve it.

Council, Applicant, and Staff discussed working with the applicant to try to retain any of the trees, to maybe build around the tree and make it a traffic calming measure if possible, whether it could be at 25 ft. max height, that the height of the building was affected by the slope, and that the floor to ceilings were 9 ft.

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

Motion: Moved by Nichols and second by Zahn. Approved 4/0/1 (Recused: Heebner) as designed with 3 units under 25 ft. flexibility to work with the public works engineer to save the trees as possible. **Motion carried.**

B.3. Public Hearing: 684 West Solana Circle Request for a Development Review Permit, Case# 17-15-36, Applicant: Shoen. (File 0600-40)

The proposed project meets the minimum objective requirements under the Park Del Mar Development regulations and the underlying 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. 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 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2016-004** conditionally approving a DRP to allow for the construction of a new 2,225 square-foot, one-story, single-family residence at 684 West Solana Circle.

Gregory Wade, City Manager, introduced the item.

Katy Benson, Assistant Planner, presented a PPoint (on file) of the proposed project.

Council reported disclosures.

Applicant

Nora Shoen stated that her builder was present for any questions.

Motion: Moved by Marshall and second by Heebner to close the public hearing.
Motion carried unanimously.

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

Mayor Zito recessed the meeting at 8:15 p.m. for a break and reconvened at 8:20 p.m.

B.4. Public Hearing: Request for DRP and SDP for 316 S. Rios Ave. Request for Development Review Permit and Structure Development Permit, Case# 17-15-01, Applicant: Skeen. (File 0600-40)

The proposed project meets the minimum zoning 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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2016-005** conditionally approving a DRP and an SDP to allow for the construction of a new multi-level single-family residence with an attached lower level garage and a detached main floor guest house at 316 S. Rios Avenue, Solana Beach.

Gregory Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) of the proposed project.

Council reported disclosures.

Applicant

Matthew Peterson, Peterson & Price, said that they went through an extensive VAC process which resulted in a 1 ft. reduction, a compromise for both parties. He presented a PowerPoint (on file) reviewing the project and the revisions made through the VAC process,

Public Speakers

Matthew Cohen submitted materials and urged Council to not approve this plan, that it was a misrepresentation of what was presented to him, that issues remained, he submitted a petition from neighbors that agreed with him, and asked that it be denied until landscape did not impair views and was ultimately compatible with the neighborhood.

Kim Ballard (time donated by Marc Levin) said that they filed for the VAC but withdrew with the agreement that it would be reduced two ft., and asked that Council deny it on the two grounds 1) that it was not compatible with the neighborhood being much larger and out of scale with the area and 2) reduce the mass and scale, generally the VAC committee recommend that it should be reduced more.

Applicant returned rebuttal

Matt Peterson (applicant rebuttal) stated that this was the first he had hear of the landscape and view impairment, and that he wished they would have brought these issues to them sooner, but that they can agree to a maximum maturity of 10-12 ft., whatever is appropriate to amend plans this evening.

Council and Mr. Peterson discussed the written submittals from neighbors feedback and that it the first that the applicant had heard of bulk and scale or neighborhood character, that it was the 2nd largest of comparative properties in the area, that the it was large but buried in the slope and that above grade it was 4,400, and confirmed that the retention basin were consistent with the grading plan and were within the setback.

Motion: Moved by Heebner and second by Marshall to close the public hearing.
Motion carried unanimously.

Motion: Moved by Heebner and second by Marshall. Approved 5/0 with modifications.
Motion carried unanimously.

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

Submit speaker slips to the City Clerk.

C.1. Investment Policy Amendment and Agreement with Chandler Asset Management for Investment Management Services. (File 0350-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-007** approving the City's Amended Investment Policy for FY 2015/16.
2. Adopt **Resolution 2016-008** authorizing the City Manager to execute an agreement with Chandler Asset Management for investment advisor services.

Gregory Wade, City Manager, introduced the item.

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

Council and Consultant discussion ensued regarding annual performance and benchmark comparisons, and that a tailored structured investment program would be built for the City.

No Action to adopt **Resolution 2016-007** approving the City's Amended Investment Policy for FY 2015/16. Consensus was reached to send the item to the Budget & Finance Commission for review and recommendations.

Motion: Moved by Heebner and second by Nichols. Approved 5/0 to adopt Resolution 2016-008 to execute an agreement with Chandler Asset Management for investment advisor services. Motion carried unanimously.

C.2. Council Boards, Committees, & Commissions Review. (File 0410-05)
Recommendation: That the City Council

1. Review the Regional Boards/Commissions/Committees.
 - a. Determine the City Selection Committee 2016 annual term appointment.
 - b. Make alternate appointments, if necessary.
2. Review Council Standing Committees and make alternate appointments, if necessary.

Greg Wade, City Manager, introduced the item.

Council consensus was to make no changes to current appointments.

WORKPLAN COMMENTS:
Adopted June 10, 2015

Councilmember Nichols stated that Highway 101 NCTD agenda item opportunity for additional public parking discussion needed to begin regarding how much money the City will be able to contribute.

COMPENSATION & REIMBURSEMENT DISCLOSURE: No Reports
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 activity.

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

- a. City Selection Committee (meets twice a year) – Nichols, Zahn (alternate).
- b. County Service Area 17 – Zahn, Marshall (alternate).
- c. Escondido Creek Watershed Authority – Marshall/Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee – Nichols, Zahn (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee – Nichols, Zahn (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) – Nichols, Heebner (alternate).
- g. North County Dispatch JPA – Zahn, Nichols (alternate).

- h. North County Transit District – Nichols, Heebner (1st alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols, Zahn (alternate).
- j. SANDAG – Heebner (Primary), Nichols (1st alternate), Zito (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee – Nichols, Heebner (alternate).
- l. San Dieguito River Valley JPA – Zito, Zahn (alternate).
- m. San Elijo JPA – Marshall, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee – Heebner, Nichols.

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

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

ADJOURN:

Mayor Zito adjourned the meeting at 9:52 p.m.

Angela Ivey, City Clerk

Approved: March 9, 2016