

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting

Wednesday, August 24, 2016 \* 6:00 P. M.

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

- 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.
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### 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 the meeting to order at 6:00 p.m.

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

Absent: None

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, Assistant City Manager

CLOSED SESSION REPORT: (when applicable) **None**

### FLAG SALUTE:

### APPROVAL OF AGENDA:

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Heebner.  
Approved 5/0 **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 announced the Parks & Recreation event Beach Blanket Movie Night this weekend.

**COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

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

**A. CONSENT CALENDAR:** (Action Items) (A.1. – A.8.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

**A.1. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held June 22, 2016, July 11, 2016 and July 13, 2016.

Approved Minutes [http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B\\_BASIC](http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC)

**Motion:** Moved by Councilmember Heebner and second by Councilmember Marshall.  
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 June 25, 2016 through August 5, 2016.

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

**A.3. General Fund Adopted Budget for Fiscal Year 2016-2017 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2016-2017 General Fund Adopted Budget.

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

**A.4. League of California Cities' 2016 Annual Business Meeting Voting Delegates Designees.** (File 0140-10)

Recommendation: That the City Council

1. Appoint Councilmember Nichols, primary voting delegate, Deputy Mayor Zahn, 1<sup>st</sup> alternate, and City Manager, Greg Wade, 2<sup>nd</sup> alternate as the voting delegates for the 2016 Annual Business Meeting of the League of California Cities Annual Conference being held October 5<sup>th</sup> through October 7<sup>th</sup>, or provide alternative appointments.
2. Authorize the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities by September 23, 2016.

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

**A.5. Emergency Vehicle Access Easement located at 507 Barbara Avenue.** (File 0820-73)

Recommendation: That the City Council

1. Adopt **Resolution 2016-105** authorizing the City Manager to accept an Emergency Vehicle Access Easement at 507 Barbara Avenue on behalf of the City of Solana Beach.

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

**A.6. Software Maintenance Agreement.** (File 0190-60)

Recommendation: That the City Council

1. Adopt **Resolution 2016-107** authorizing the City Manager to negotiate and execute a one-year maintenance agreement with SunGard to provide software support.

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

**A.7. Solid Waste Rate Review – No Rate Increase for Fiscal Year 2016-17.** (File 1030-15)

Recommendation: That the City Council

1. Receive and file the report.

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

**A.8. Special Counsel Services for Municipal Elections.** (File 0400-00)

Recommendation: That the City Council

1. Adopt **Resolution 2016-113** approving and authorizing the City Manager to execute a Professional Services Agreement for Special Counsel Services for

Municipal Elections between the City of Solana Beach and Best Best & Krieger LLP.

**Motion:** Moved by Councilmember Heebner and second by Councilmember Marshall. 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 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: Tax Exempt Fiscal Responsibility Act (TEFRA) Hearing for Conduit Financing for the Pearl Apartments Affordable Housing Project located in the 500 Block of South Sierra Avenue.** (File 0600-40)

Recommendation: That the City Council

1. Conduct the TEFRA Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt **Resolution 2016-104** in favor of the issuance of the bonds by the CMFA (California Municipal Finance Authority).

Mayor Zito opened the public hearing

Greg Wade, City Manager, stated that a public hearing held by the local jurisdiction was required under TEFRA to approve the issuance of the tax exempt bonds for the project, that the hearing was to solicit comments and take action by the local jurisdiction, that it was part of the bonds issuance through the California Municipal Finance Authority (CMFA) which Solana Beach was a member, that as a member of the agency it was the duty of the Council to take action to approve the issuance of the bonds, the City had no financial responsibility or liability, and that the action was required under TEFRA and part of the CMFA.

Council and Staff discussed moving forward with the issuing of the bonds with the project currently in litigation, that the issuance of the bonds was a step in the process so the developer could have financing available, that it was an opportunity for the public to comment on the use of the bonds as a financing mechanism for the developer and that the bonds were the responsibility of the developer and not the City, the role of Council was to enable the bonds to be a tax exempt offering, and that it was up to the developer to work with the funds at the pace in which they would choose.

Council disclosures.

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

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

**B.2. Public Hearing: 200 Marine View Ave., Applicants: Verizon Wireless, Case 17-16-19.** (File 0610-60)

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 Section 15301 of the State CEQA Guidelines; and
3. Adopt **Resolution 2016-109** conditionally approving a CUP (Conditional Use Permit) to modify an existing WCF (Wireless Communication Facility) located on the existing residence at 200 Marine View Avenue as mandated by the Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

Greg Wade, City Manager, stated that the applicant requested that the hearing be continued to September 28, 2016

Monica Suenes asked for a continuance and stated that some conditions had to be reviewed to ensure that the language and the compliance would not become an issue in the future.

**Motion:** Moved by Councilmember Nichols and second by Deputy Mayor Zahn. Approved 5/0 to continue the hearing to a date certain of September 28, 2016. **Motion carried unanimously.**

**B.3. Public Hearing: 100 Border Avenue, Applicant: Verizon Wireless, Case 17-16-17.** (File 0610-60)

Because the Act mandates that the project be approved, 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 15301 of the State CEQA Guidelines; and
3. Adopt **Resolution 2016-108** conditionally approving a CUP to modify an existing WCF located on the existing commercial structure at 100 Border Avenue as mandated by the Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

Greg Wade, City Manager, introduced the item.

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

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

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

**B.4. Public Hearing: 738 Castro St., Applicant: Tresp, Case 17-15-03.** (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 (Development Review Permit). 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 2016-103** conditionally approving a DRP to construct a new single-story, single-family residence with an attached garage and perform associated site improvements at 738 Castro Street, Solana Beach.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Council disclosures.

Brian Tresp, applicant, said that he and his family were here as well as his architect Craig Friehauf and that he would reserve his time for questions.

Manny Aguilar (time donated by Mary Ann Aguilar) said that he was concerned about the proximity of the proposed project and impairment of his view, that many properties that were being compared were built prior to implementing mansionization regulations, they lived on the north side of project and it would impair the view to trees, nature, and ocean, and that he was concerned about the landscape plan that would allow for any plantings including bamboo that could further impair the view.

Richard Aguilar said that the project was invasive to his home, he was directly next door, that the view would be impaired drastically, that the issue with past developments were that yard were changed, and that he already lost his view on one side because a neighbor planted

bamboo.

Brian Tresp, applicant, (rebuttal time) said that owned property in Solana Beach since 2006, that he had worked on Proposition A so he was familiar with mansionization, that Manny's home was the largest in the neighborhood, owned this property since 2011, that this property had been cited as a fire hazard several time before he bought it and have not had one since, that this was a modest proposal and created by an architect in the area Craig Friehauf, that he had designed 3 other homes in the area including a home next door, that he had made many concessions already because of Manny which was fine, that he thought maybe there was a family dispute that was in the way that had affected his perception of this project, that they had modified the landscape to ensure it would not grow up to block anyone, that he had many friends in the area and would look forward to building their home.

Council and Applicant discussion ensued regarding that there was no bamboo on the project property, that currently 742's landscaping blocked Manny's view,

Craig Friehauf, architect, said that the site plan showed the side of the road, fence, ornamental grasses, that originally they had taller growing plants but changed out during review because they discussed concern with the planting, and that they had an area that was a play area.

Council discussed that the project did go the VAC (View Assessment Commission) but after modifications it did not reach the 16 ft. to trigger the VAC the next time.

Council and Mr. Aguilar discussed why the applicant would put taller vegetation and remove only after he requested it, that Council felt that Council focused on the facts and not personal issues, and would stick to the findings required.

Council and Staff discussed that landscape plans are checked prior to final inspection to ensure the complied with the original plan, that there was an existing and titled easement, and that the applicant proposed their landscape based on low water, easy maintenance, and near a play area.

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

Councilmember Heebner stated that she knew Manny, Maryann, and Brian, but felt that she could make an unbiased decision, that they would not take view into consideration because it was no longer a view issue with the current height proposal, that this was why the City had set backs, that it was a modest home and that could make all of the findings,

Councilmember Nichols said that the findings are what they are, that one thing that stood out to him was per the FAR it could have been a bigger sized project and it sounded like some concessions made, that he did know it was going to be a contentious item, that he liked it being built into the hillside, that the landscaping opened a conversation for future between the applicant and neighbor to consider views, that the project was designed the way it should be, and that he could can make all of the findings.

Deputy Mayor Zahn said that he could make all of the findings, and that he would take the applicant's word that he would comply and he understood the view issues.

Mayor Zito said that the project on paper looked good in terms of bulk and scale and community character, that the process perhaps could have been better, and maybe more outreach could have helped, but maybe it was resolved the best it could at this time.

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

**C. STAFF REPORTS:** (C.1. - C.4.)

*Submit speaker slips to the City Clerk.*

**C.1. This item was left blank.**

**C.2. Quarter Year Budget Adjustments for Fiscal Year 2016-17.** (File 0330-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-112** revising appropriations in the Fiscal Year 2016-17 Budget.

Greg Wade, City Manager,

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

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

**C.3. Introduce Ordinance 469 (1<sup>st</sup> Reading) to Implement California Public Employees Retirement System's Government Code Section 20516 (Employees Sharing Additional Cost) and Adopt Resolution of Intent to Amend CalPERS Contract.** (File 0500-00)

Recommendation: That the City Council

1. Introduce **Ordinance 469** to amend its CalPERS contract in order to implement California Public Employees Retirement System's Government Code Section 20516 (Employees Sharing Additional Cost) for Miscellaneous, Marine Safety and Non-Represented employee groups.
2. Adopt **Resolution 2016-090A**, CalPERS Resolution of Intention to approve an amendment to contract between the Board of Administration CalPERS and the City of Solana Beach.



Greg Wade, City Manager, introduced the item and stated that the City had been at the forefront of pension reform and that he wanted to thank City employees for their efforts in the cost share of the employer's contribution.

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

**C.4. NextGen RCS (Regional Communications System) Infrastructure.** (File 0200-00)

Recommendation: That the City Council

1. Adopt **Resolution 2016-106:**
  - a. Authorizing the City Manager to execute the First Amendment to the NextGen RCS Agreement.
  - b. Authorizing the City Manager to execute the Agreement between the County of San Diego and the City of Solana Beach for payment of NextGen RCS Infrastructure Costs.

Greg Wade, City Manager, introduced the item

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

**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.

**ADJOURN:**

Mayor Zito adjourned the meeting at 7:07 p.m.

Angela Ivey, City Clerk

Approved: November 9, 2016