

# CITY OF SOLANA BEACH

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



## MINUTES

### Joint REGULAR Meeting

Wednesday, September 14, 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.
- 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 opened the meeting at 6:10 p.m.

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

Absent: Lesa Heebner

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)

No reportable action

#### FLAG SALUTE:

#### APPROVAL OF AGENDA:

**Motion:** Moved by Councilmember Marshall and second by Deputy Mayor Zahn.  
Approved 4/0/1 **Motion carried.**

#### PROCLAMATIONS/CERTIFICATES: *Ceremonial*

Prostate Cancer Month

Bocce Ball Day

**PRESENTATIONS:** Ceremonial items that do not contain in-depth discussion and no action/direction.  
Champions for Health – Sunset 5K Run

**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.

Torgen and Enzo Johnson stated that they were concerned about leaf blowers, that a Solana Beach ordinance allowed for 2 stroke leaf blowers to be used in the City, that he had small children and an ill father who was 88 with 3 lung infections, even though he lived a healthy lifestyle. He stated that his father's lung infections had the same fungus and spores found in soil that he believed that was related to the consequence of leaf blowers that surrounded them since their move to Solana Beach. He said that treatments for Aspergillums, and other micro-bacteria, were long term antibiotic treatments which could throw off the bodily system, that the leaf blowers were among the worst in Solana Beach, Santa Monica had banned all leaf blowers and that maybe Solana Beach should ban them as well, and asked Council to reconsider the ordinance or begin discussions about the topic.

Mayor Zito said that he had a resident approach him a few months back because they were bothered by the leaf blowers being used to clean the stairs at a public beach and that the City switched to using brooms to clean those stairs.

Adaline Woodard introduced herself as the new public affairs manager for SDG&E in Solana Beach and offered her assistance to the City and the public.

David Cain said that the Del Sol Lions received funds and grants from the City in that past, that SDG&E gave them \$5,000 which went back to the community, that they had been around for 6 years and raised over \$85,000 and gave back \$75,000 to the community. He showed a bundle of zip ties (picture on file) and said that he had collected them individually in the distillery parking lot as an example of the type of trash that gets left behind. He announced that those attending KAABOO could use confirmation code Del-Sol Lions when purchasing tickets which would make a contribution 20% of the proceeds to their organizations.

**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.7.)

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 October 14, 2015 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 Marshall and second by Councilmember Nichols. Approved 4/0/1 **Motion carried.**

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

Recommendation: That the City Council

1. Ratify the list of demands for August 6, 2016 through August 26, 2016.

**Motion:** Moved by Councilmember Marshall and second by Councilmember Nichols. Approved 4/0/1 **Motion carried.**

**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 Marshall and second by Councilmember Nichols. Approved 4/0/1 **Motion carried.**

**A.4. California Statewide Communities Development Authority (CSCDA) Open PACE Program.** (File 0220-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-114** authorizing the City's participation in CSCDA Open Property Assessed Clean Energy (PACE) Program:
  - a. Consenting to the inclusion of properties within the territory of the City in CSCDA Open PACE Programs, and
  - b. Authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the territory of the City, 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 Councilmember Marshall and second by Councilmember Nichols. Approved 4/0/1 **Motion carried.**

**A.5. Audio / Visual Services.** (File 0190-20)

Recommendation: That the City Council

1. Adopt **Resolution 2016-110** authorizing the City Manager to amend the PSA with Western Audio Visual for maintenance and upgrading of the City's video systems in an amount totaling \$41,000.

**Motion:** Moved by Councilmember Marshall and second by Councilmember Nichols. Approved 4/0/1 **Motion carried.**

**A.6. 2016 Sewer Pipeline Repairs Change Order No. 1.** (File 1040-36)

Recommendation: That the City Council

1. Adopt **Resolution 2016-119:**
  - a. Approving a contract change order with Sancon Technologies, in the amount of \$90,966, for the 2016 Sewer Pipeline Repairs, Bid 2016-04.
  - b. Approving an additional \$20,000 to the contingency beyond the amount needed to fund Change Order No. 1 in order to cover any further potential additions or unforeseen conditions.

**Motion:** Moved by Councilmember Marshall and second by Councilmember Nichols. Approved 4/0/1 **Motion carried.**

**A.7. City Manager Employee Contract.** (File 0560-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-118** authorizing the Mayor to execute the First Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade.

**Motion:** Moved by Councilmember Marshall and second by Councilmember Nichols. Approved 4/0/1 **Motion carried.**

**C. STAFF REPORTS:** (C.1. - C.5.)

*Submit speaker slips to the City Clerk.*

**C.1. Quarterly Investment Report.** (File 0350-44)

Recommendation: That the City Council

1. Accept and file the Cash and Investment Report for the quarter ended June 30, 2016.

Greg Wade, City Manager, introduced the item.

Genny Lynkiewicz of Chandler Asset Management, presented a PowerPoint (on file) which included a brief economic overview and an account profile which summarized the performance of the City's investment portfolios.

Council and the consultant discussed that personal savings had increased and people were feeling more comfortable about spending, that the numbers shown in the report were gross of fees and that Chandlers' average fees were around nine basis points.

Councilmember Nichols and staff discussed that the report would be presented to the Budget & Finance Commission and that there would be a report every quarter.

Deputy Mayor Zahn and the consultant discussed that Chandler would likely keep the portfolio on the same course with a majority of the investments in government securities and high quality corporates and that more yield would mean more risk.

## **C.2. Year-End Budget Adjustments for Fiscal Year 2015-2016.** (File 0330-30)

Recommendation: That the City Council

1. Accept and file the General Fund Update for Fiscal Year 2015-16.
2. Provide direction to Staff regarding whether to use an amount of the projected General Fund surplus to fund the PARS Irrevocable Trust as part of a budget appropriation to the General Fund and other funds as determined by the Finance Department for Fiscal Year 2015-16.
3. Approve **Resolution 2016-111** revising appropriations in the Fiscal Year 2015-16 Budget.

Greg Wade, City Manager, introduced the pre-audited item.

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

Council discussed needing more information on the PARS pension and OPEB, the use of a portion of the \$613k surplus to fund them, using about 50% of the surplus on PARS and OPEB, that there was about a \$980k surplus the previous year of which \$500k went to pension stability and \$135 went to OPEB, that some funds be reserved for projects that may need to be funded such as La Colonia Park, and that the unfunded pension liability was roughly \$8-\$9 million on the pension side and about \$2 million on the OPEB side.

Discussion continued regarding earmarking \$200k to La Colonia project and \$100k for the general fund, to use the same ratio between the two funds for pension as they had the previous year, and to consider what might be able to be done with the minimal amount of funds soon at La Colonia.

**Motion:** Moved by Councilmember Nichols and second by Deputy Mayor Zahn designating \$300,000 of the general fund surplus to fund the PARS Trusts, Pension Stabilization and OPEB funds, and designating remaining surplus funds to other options for the future. Approved 4/0/1 (Absent: Heebner) **Motion carried.**

**C.3. Community Development Block Grant (CDBG) Funds Fiscal Year 2017-18.** (File 0390-32)

Recommendation: That the City Council

1. Consider using CDBG funds in Fiscal Year 2017-18 for other uses, up to 15% for public services that directly relate to and support physical community revitalization, and homeless or housing activities, while continuing to use CDBG funds for physical ADA improvements.

Greg Wade, City Manager, introduced the item.

Bill Chopyk, Community Development Dir., stated that the City annually received \$50,000 from CDBG (Community Development Block Grant) administered through the County of San Diego, Housing and Community Development Services Department, that the funds had to meet the national objective and were previously used for various ADA improvement projects, that the City could expand the use of the CDBG funds for the other eligible public services that was limited to 15% or \$7,500 per year.

Councilmembers and Staff discussed using the funds for the community grant program in a special category with an additional paperwork and reporting requirements, that the funds could only be used for the specific projects that would benefit the low-moderate income population, that it was difficult to qualify using the funds to meet the affordable housing mandate other than for an identified project's planning and administration purposes, that the funds had to be used for community at large, and that the La Colonia tot lot re-surfacing would be explored as one of the options.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Nichols. Approved 4/0/1 **Motion carried.**

**C.4. Community Grant Program for Fiscal Year 2016-17.** (File 0330-25)

Recommendation: That the City Council

1. Approve **Resolution 2016-117** authorizing the Fiscal Year 2016-17 Community Grant Program.

Greg Wade, City Manager, introduced the item.

Dan King, Assistant City Manager, presented a PowerPoint (on file) regarding the annual community grant program opening, timeline, and funding.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Marshall Approved 4/0/1 **Motion carried.**

**C.5. Community Choice Aggregation (CCA) Programs and the Proposals Received for the City's Community Choice Aggregation Program Request for Qualifications/Proposals.** (File 1010-40)

Recommendation: That the City Council

1. Receive and file the report.

Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed that the public were just becoming familiar with the program, that there were no restrictions to any resident opting out and staying with SDG&E, that the state mandated that the City reduced greenhouse gas emissions, that establishing a CCA was commonly used throughout the state to meet state mandates, that the Climate Action Commission was working on identifying mechanisms to meet targets, and that the best mitigation measure to ensure compliance was to implement a CCA.

Discussion continued regarding the some concerns about a CCA in terms of the size of the City and its number of potential participants, that larger cities might be more capable of success with revenue reaching rate reduction, that Hermosa Beach spent \$19,000 embarking on their endeavors, that the technical analysis recently prepared showed it could be feasible, that it left room for other cities like Encinitas to join which could increase the economies of scale, that many people had been surprised that the City was working on this and did not know it was coming, that many asked if the City was replacing SDG&E, there were a lot of unanswered questions, the technical analysis was performed by someone trying to obtain a contract with the City so they had a financial interest, and that many questions posed to SDG&E could not be answered.

Discussion continued regarding whether if opting back into SDG&E would paying different rates than one was paying before, that it was believed that SDG&E was still providing the infrastructure and the energy and would still provide the free service to check furnaces annually, that the proposals would not bind the City to anything but was meant to engage the community, experts, and obtain information in order to further explore the potential for this option, that the person who performed the analysis in the past no longer had a business in this area it was not an issue and it was requested to be an independent analyst, but that it could be redone, that SDG&E had attending meetings to listen to the City's discussions on the matter and that they had been careful not to comment or market against it as they were not allowed to use rate payer funds to do so, that a CCA would have some risk, the City had been talking about it since 2012 and there were still questions to answer, that there was no decision on hiring a consultant at this stage, the next step was to think about hiring a consultant to answer these questions for a next level of discovery, and that a lot of people in this community had asked Council to look into this on numerous occasions so it was being explored.

Discussion continued regarding hiring a third party point of view like from Lancaster with no vested interest and where there were there was no financial commitment, that a consultant may anticipate a long term contract with the City, that using different brokers would diversify the information, to consider obtaining fact checkers and technical experts that did not have any connection to potential gains in participating as a partner.

Anthony "Tony" Arand, said that he was not a resident of the City, but would read a letter from one of his stockholders which said that that idea of a CCA was a noble thing to do and on the surface sounded good, but in practice it may not be what the City would think it is, that he was in the energy industry, that SDG&E was not always the bad guy and were doing what the PUC told them to do, that there was no guarantee that because energy was purchased here that renewable energy was made in this county, that buying energy on a Wyoming wind farm did nothing locally, that it would not be promoting renewable, that it did it inside the county it would be an entirely different thing, that it was important to look at transmission, that SDG&E was in a pickle on a lot of things, and that he cautioned the City on trying to save money on an electrical load.

Council and Mr. Arand discussed that he had built a biomass in Vista that was the cleanest power plan permitted in the state that makes wood waste which they sell to SDG&E, that they are working with the City of Vista, that CCA would be a lot of management for SDG&E since they are asked to do a lot for the City and not getting paid for it, that they are still on the hook for the infrastructure, that they could not sell energy to the City as a provider because the City could not purchase enough to make it worth it since it was not credit worthy because participants could drop out so the City would not guarantee that it would take a certain load for a certain period of time, that building a power plant was done with construction financing that required them to be paid by an offtake agreement, that in a CCA energy is bought from a large aggregate group which did not allow for regional inside generation, that some tariffs like the HERO program allow for that, and that they were happy to talk to City about it further even though they are about to relocate to work on a project in Alabama. Discussion continued regarding that

Discussion continued regarding one opportunity was to have a source in the local region which might include going over the border which was understood to be viable.

Mr. Arand stated that a CCA took on the role of scheduling and transmission coordination working with the California Independent Service Operator (ISL) and the California Public Utility Commission (CPUC) and incurring cost for Staff to perform this management, each day energy use must be forecasted, scheduled and committed, which could become an enormous burden, and that rates went up when up when San Onofre was closed because 2/3's of energy of San Diego County was replaced with renewables.

Melissa Wolken stated that the City should take the time necessary to consider it, that she liked the idea but after researching it online as a citizen she found it was almost impossible to get straight answers, that most people did not know what a CCA was, that she was not outright against it, that she wanted the community involved in the decision, urged Council to reach out to the community before deciding for it, and that energy was a commodity so the rate would undoubtedly go up.

Judy Hegenauer said she was a member of Clean and Green Committee and a current member of the Climate Action Commission, she urged the City to go ahead with CCA and that it had been in discussion for several years, there had been multiple media articles lately, and that it was time to move ahead. She said that a CCA was not going to have any investors that they had to answer to and that it would be out of the control of SDG&E.



Mary Yang said that she was a resident of Solana Beach and a volunteer on the Climate Action Commission, that she saw a letter submitted denying climate change, that the state mandated a decrease in greenhouse commissions, that she agreed that SDG&E was not necessarily bad, that choice generates competition which could keep costs down, CCA could create local jobs and local revenue, that she wanted renewable energy in the county, that since Sonoma County established a CCA they were not new and unviable, and they had been adopted in large cities as well as small towns and rural communities.

Kelly Harless stated that she had known about CCA for a while, there were many people interested in exploring CCA and that she did not think SDG&E was the bad guy but the problem was that it was the only choice.

Vicky Cypherd said that she was happy to have a potential alternative to SDG&E if there were any lower rates, that it was not a new idea and that she had heard about it for several years, that she was glad to investigate options, there were rumors in town that the City was voting without any information and that this was spreading scare tactics, that multiple public meetings took place on issues from implementing plastic bag ban to affordable housing on S. Sierra, that Solana Beach was admired by many communities by taking initiative on issues, and that if a CCA was established that no one would be forced to participate.

Gary Martin said that a lot of misleading information was on the internet, that the Staff Report was clear that this was a status report of next steps in the exploration of the process.

Lane Sharman said that he had been working on this issues since 2011 by educating the City on CCA, that SDG&E would continue to provide service to anybody with a CCA and continue to provide inspections since there were responsible for all the infrastructure, that the goal was to have rates that were attractive and lower the greenhouse footprint, that many people wanted a higher quality product, that a CCA was a choice and would provide new local benefits, a good CCA would always be a partner to the local utility.

Council discussed that too much community outreach before the City obtained enough information would be a mistake, that the City was determining if it was even feasible and if there were viable partners, that it was brought to the City by the community's Clean and Green Committee as a good way to source clean energy and reduce rates, that it would be considered irresponsible to not look into it, that there were risks that needed to be analyzed and included as part of information shared, that the hope would be that most risks could be mitigated, that there were diverse opinions that helped Council consider various issues, that the next step was to obtain answers through a consultant.

**C.6. Adopt (2<sup>nd</sup> Reading) Ordinance 469 to Implement California Public Employees Retirement System.** (File 0520-50)

Recommendation: That the City Council

1. Adopt **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 and to authorize the City Clerk to

execute all necessary certifications to effectuate the CalPERS contract amendment.

Greg Wade, City Manager, thanked the labor groups and that there were positive reports on the last fiscal year budget and last quarterly investment portfolio, that the employees had continued to step up to take on a greater share of their pension responsibilities, and that it was admirable that both sides had made progress.

Johanna Canlas, City Attorney, read the title of the ordinance.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Marshall. Approved 4/0/1 **Motion carried.**

**COMPENSATION & REIMBURSEMENT DISCLOSURE: None**

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

**COUNCIL COMMITTEE REPORTS:**

**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 (1<sup>st</sup> alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols, Zahn (alternate).
- j. SANDAG – Heebner (Primary), Nichols (1<sup>st</sup> alternate), Zito (2<sup>nd</sup> 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. 22<sup>nd</sup> 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

Angela Ivey, City Clerk

Approved: October 12, 2016