

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, February 24, 2016 * 6:00 P. M.

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

Teleconference Location: Sheraton New Orleans, 500 Canal Street, New Orleans, LA 70130

- 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 Heebner 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: 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:

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

FLAG SALUTE:

APPROVAL OF AGENDA:

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

ORAL COMMUNICATIONS: None

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City

Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

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

A. CONSENT CALENDAR: (Action Items) (A.1. - A.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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for January 23, 2016 through February 5, 2016.

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

A.3. Community Grant Request for the North Coast Repertory Theatre. (File 0330-25)

Recommendation: That the City Council

1. Adopt **Resolution 2016-028:**
 - a. Approving the payment of \$5,000 from the Reserve Public Art Account in the Coastal Business/Visitors TOT fund to support the NCRT's "Honk Jr." Art with a Heart Literacy Outreach Program.
 - b. Appropriating \$5,000 from the Reserve Public Arts Account to the Contribution to Agencies expenditure account in the Coastal Business/Visitors TOT fund.
 - c. Authorizing the City Treasurer to amend the FY 2015-16 Adopted Budget accordingly.

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

A.4. Citation Processing Services. (File 0400-10)

Recommendation: That the City Council

1. Adopt **Resolution 2016-027** authorizing the City Manager to execute a PSA with Dataticket in an amount not to exceed \$20,000 per year for 18 months, expiring

on June 30, 2017, with an option to extend the Agreement for four (4) additional one year periods, coinciding with the City's fiscal year calendar.

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

A.5. 2015 Street Maintenance & Repair Project. (File 0820-80)

Recommendation: That the City Council

1. Adopt **Resolution 2016-026:**
 - a. Authorizing the City Manager to execute Change Order No. 2, in the amount of \$26,844, with American Asphalt South for a cumulative total of \$425,662.
 - b. Authorizing the City Council to accept, as complete, the 2015 Street Maintenance & Repair Project, Bid 2015-05, constructed by American Asphalt South.
 - c. Authorizing the City Clerk to file a Notice of Completion.

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

A.6. Pedestrian ADA (American Disability Act) Ramps Project. (File 0820-20)

Recommendation: That the City Council

1. Adopt **Resolution 2016-023:**
 - a. Awarding the construction contract to PAL General Engineering, in the amount of \$29,250, for the ADA Pedestrian Ramps, Bid 2016-01.
 - b. Approving an amount of \$9,700 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
 - e. Appropriating \$38,950 to the Federal Grants revenue account and Professional Services expenditure account in the CDBG fund for the ADA Pedestrian Ramps CIP project for FY 2015/16 (9355.03).
 - f. Authorizing the City Treasurer to amend the FY 2015/16 Adopted Budget accordingly.

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

A.7. Salary And Classification Plan Update Fiscal Year 2015-2016 For Solana Beach Firefighters Association. (File 0400-10, 0530-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-014** approving the FY 2015-2016 Memorandum of Understanding between the City of Solana Beach and the Solana Beach Firefighters' Association.
2. Adopt **Resolution 2016-015** approving the FY 2015-2016 Salary and Compensation Plan for SBFA.
3. Adopt **Resolution 2016-016:**
 - a. Appropriating \$81,185 in salary and benefits to the General Fund based on the approved Salary and Compensation Plan for the SBFA.

- b. Authorizing the City Treasurer to amend the Fiscal Year 2015-2016 Adopted Budget accordingly.

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

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.)

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. Draft Public Recreation Impact Fee Study and Local Coastal Program Land Use Plan Amendment. (File 0610-12)

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 CEQA pursuant to Section 15265 of the 2016 State CEQA Guidelines. The LCP process is exempt because the criteria under the Coastal Act are the functional equivalent of the EIR process; and
3. Adopt **Resolution 2016-021** approving the release of the revised Draft Fee Study and Draft LUPA for a six-week public review period, commencing on February 24, 2016, and running through April 6, 2016.

Gregory Wade, City Manager, introduced the item.

Leslea Meyerhoff, staff consultant, presented a PowerPoint (no file) reviewing the purpose of the hearing which was to issue the responses to comments received on the 2015 Draft Fee Study, summarize the proposed changes to the study and content of the draft Land Use Plan Amendment (LUPA), and issue the study and LUPA for a 6 week public review and comment period until April 6, 2016. She stated that the purpose of the fee study was to address potential impacts to public recreation due to placement of seawalls and other bluff retention devices on public lands and that the Solana Beach Land Use Plan required mitigation of such impact by payment of impact fees. She said that six comments were received from the 2015 draft fee study and the responses to the comments were attached to the Staff Report. She stated that changes included fee formula tailored for rough proportionality of impacts, formula included both a LF fee component a SF fee component calculation on a project-specific basis, the methodology to determine beach changed from relying on beach profile transects

to LiDAR data, the beach area increased from 15.5 acres to 18.8 acres, the discount rate decreased from 4% to 2%, and the assumption of when a seawall would be required to be constructed and that a bluff notch overhang may occur but was not a certainty that it would occur.

Donna Snider, Project Manager, Michael Baker International, continued the PowerPoint and reviewed the comparison of key variables and assumptions, that the consumer price index was updated which caused a small decrease in the fee, the issue of timing of seawall construction of whether a seawall was built pre or post failure and it was modified to be reviewed on a case by case basis and reviewed by the City's geotechnical advisor, revised beach area based on the type of bluff failure, the acres calculation changed to LiDAR and included four different measurements and caused an overall decrease in the overall fee. She said that the fee basis was separated out based on impacts for flexibility and proportionality, that in November the fee was \$870 which would change to a range from \$431 - \$939 per linear foot for imminent bluff failure, the variables included the physical configuration and footprint of the coastal structure, the absence or depth of the coastal bluff notch overhang or depth of bluff notch overhang, and the area behind the wall that may have been available to the public erosion had continued. She reviewed some recommended fee rates for a 20 year period and the formula which is the initial area rate x initial area + bluff retreat rate x bluff retreat length. She showed hypothetical projects to illustrate conceptual cross section views, the conceptual plan view, and sample PRF (Public Recreation Fee) calculations.

Leslea Meyerhoff, consultant, continued the PowerPoint stating that the LUPA draft redline/strikeout showed the changes, reviewed the fee study milestone schedule, and remaining steps and hearings as directed.

Ms. Meyerhoff stated that the six week comment period would be open for comments until April 6, 2016, 5:00 p.m.

Public Speakers

Group:

Kristin Brinner stated that she was the co-chair of the Beach Preservation Committee of the San Diego Chapter of the Surfrider Foundation and a resident of Solana Beach. She said that at past meeting there were statements regarding fees were duplicative and she was glad to see that the revised report that they were not duplicative with the land use fees, that Mr. Winkler had stated that everyone was responsible for not enough sand reaching the beach since sand came from rivers that were held back by dams, that sand came from both the rivers and the bluffs, and that the recreation fee was not paying for sand replenishment but was for paying for two negative impacts which were that they physically take up space that would otherwise be available to the public and they contribute to the narrowing of the beach in light of rising sea levels, and that if the cliffs were not allowed to erode landward sea levels continue to rise making the beach narrower. She continued stating that 1 foot of sea level rise vertically is equivalent to the high tide line moving inland 60 feet. She thanked Council for getting this study finalized.

Gordon Hanson said that he was a resident of Solana Beach and an economics professor at U.C. San Diego where he directed the Center on Global Transformation. He commented on the economic analysis in the study, that they provided now, we provided a series of

comments on the initial submission asking how consumer surplus was calculated so that they could replicate those results, that they reviewed and were satisfied with the revisions that were made and the analysis was sound. He said that the travel cost method used was an academically and rigorous and well accepted method for determining recreational values, there was ample legal and regulatory precedent for its use, there had been statements that the travel cost method and the random utility method were not the same and one was inferior but that the underlying economics of both are based on the same model and differed only in how the statistics are approached and they end up giving the same answers.

Jim Jaffee stated that he was a Solana Beach resident, co-chair of Beach Preservation Committee of the San Diego Chapter of the Surfrider Foundation. He said that they had wanted the right answer and had made the fee go down and had been more interested in the correct calculations than the fee amount, that the Coastal Commission may not agree with everyone, that the cap was at 8.2 ft. as he understood it, that capping at an existing notch fill that the cap and some were as deep as 20 ft. so he suggested that it not be capped.

Council disclosures.

Council and Staff discussion regarding verbiage of capping at 8.2 based on the earlier study based on assumptions and one size fit all approach, and that it should probably not be capped and would be a change that could be accommodated prior to release, timing of failure would be based on what was happening at the time, and the fee range would be based on whether there was a collapse or there was an imminent collapse.

Discussion continued regarding the fees win the range were based on a specific case, the difference was based on the wall built without notch behind it and wall is flat or when there was notching existed, current conditions would determine what the valued calculation would be, the failure is language and not specific of the condition, the permit would be reviewed and approved and evaluated by the City based on the current condition, whether the CPI was locked in or make it reflect any higher CPI as it may happen, it could be reviewed every 10 years, the assumption was based on a stream of payments over 20 years, so 2% was assumed to make the calculation and was the general inflation rate of worldwide banks, and that it might be locking it into perpetuity.

Council discussion continued regarding construction activities that take up more space than the seawall, typically takes 3-4 months, because mitigation fees are paid before it is construction, but they were not paying for the space that the equipment is using, changing the 8.2 ft. cap and the practical implication, that the fee would be handled on a project specific basis then the size would determine the change in fee, the 8.2 ft. was based on that hypothetical project, that it was built into the formula and was clear, the likeliness of people sitting under a seawall or overhang and that they used the area often, and that the survey and pictures represent that the area is used often.

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

Motion: Moved by Nichols and second by Heebner. **Approved 4/1** (Noes: Marshall) with modification to include 1) Removing the 8.2 ft. cap for calculation of initial beach area and

using the actual square footage based on specific projects. 2) Clarifying that the CPI # (currently stated as 2%) can change along with other parameters as Council directs.

Motion carried.

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

Submit speaker slips to the City Clerk.

C.1. SANDAG'S 2014 Regional Transportation Improvement Program Amendment.

(File 0840-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-022** approving an amendment to the SANDAG 2014 Regional Transportation Improvement Program (RTIP) of projects for Fiscal Years 2015 through 2019, to add a Pavement Management project, program Regional Transportation Congestion Improvement Program (RTCIP) funds, reduce Pavement Resurfacing project funding and increase Stevens/Valley Avenue Corridor project funding.
2. Approve a transfer of unused *TransNet* funds for Highway 101, approximately \$23,000, to the Pavement Resurfacing project.
3. Authorize the City Treasurer to amend the Fiscal Year 2015-2016 Adopted Budget accordingly.

Greg Wade, City Manager, introduced the item.

Mo Sammak, Director of Engineering/Public Works, presented a PowerPoint (on file).

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

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

Recommendation: That the City Council

1. Adopt **Resolution 2016-019** revising appropriations in the Fiscal Year 2015-2016 Budget.

Greg Wade, City Manager, introduced the item.

Marie Berkuti, Finance Manager, presented a PowerPoint (on file) reviewing the budget changes throughout the year.

Council and Staff discussed realized savings, vehicle maintenance reductions due to fewer repairs needed,

Discussion continued regarding a solar option that was explored for the fire station and city hall but without the federal tax credit not given to the City the cost did outweigh the lack of

savings as well as the limited rooftop at the fire station and the shade over city hall building resulting in an expensive project.

No Action.

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:

Council reported on 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 Heebner adjourned the meeting at 7:24 p.m.