

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, June 26, 2019 * 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

Jewel Edson, Deputy Mayor

Judy Hegenauer, Councilmember

Kristi Becker, Councilmember

Kelly Harless, 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 6:10 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Edson and second by Councilmember Hegenauer to approve. **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.

Ashley Mazanec, San Diego Energy District, spoke about missing information from the Solana Beach report to be included to for transparency, the need for the information about region-wide exploration of CCAs that could benefit Solana Energy Alliance with more advanced energy opportunities, and the next Energy Futures webinar scheduled on July 17th.

Gary Martin spoke about returning the San Onofre Nuclear Storage (SONGS) resolution for modifications at the next agenda and that passing a more robust resolution would be a model for other cities.

Andi MacLeod spoke about the San Onofre resolution, appreciated the passing of the resolution, recommending that it be revisited, the need to inspect canisters and contain any accidents, and her request to give extra attention to this issue.

Tracy Richmond spoke about the San Onofre resolution needing further discussion and a stronger resolution.

Cindi Clemons spoke about the San Onofre resolution, whether the new loading would be placed in safer and thicker canisters, and a task force to research the way waste was being reloaded.

Cathy Iwane, Samuel Lawrence Foundation, spoke about the San Onofre resolution, the need to re-word some of the language, the canisters were being to breakage, no monitoring for leaks or corrosions was being performed, and the need for an inspection before they would be moved.

Torgen Johnson spoke about the San Onofre resolution needing to be re-agendized to modify the language to reflect what was most urgent. He presented an image of what cracking in the canisters looked like and spoke about the age of some canisters being 15 years old and that they would be stranded on the beach without the proper relocation.

Layse and Enzo Johnson spoke about the San Onofre Nuclear Storage facility's public safety problem, canisters being prone to cracking, thicker casks that were available for this type of waste, and request to revisit the resolution.

Council discussed an interest in bringing back the resolution, the additional information received since the last meeting, the many community members concerned and their encouragement to bring back the resolution, and consensus to return the resolution at the next meeting.

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.

Greg Wade, City Manager, introduced Captain Taft, San Diego County Sheriff's Dept.

Captain Taft spoke about the recent televised reports of I.C.E. (Immigration and Customs Enforcement) raids on immigration, that the San Diego Sheriff's department does not participate in any work with ICE, they do not provide information to ICE, the importance of residents trusting the Sheriff's department to report crime and safety for victims to come forward, they do not inquire about immigration during their investigations or inquiries with the public since this was not their focus, and that their priority work was to maintain public safety of the community.

Council announced notices, community meetings, and events.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.11.)

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 May 25 – June 07, 2019.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.2. General Fund Adopted Budget for Fiscal Year 2018-19 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2018-2019 General Fund Adopted Budget.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.3. Emergency Storm Drainpipe Repairs in the Solana Beach Towne Centre Update No. 5. (File 0850-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-099:**
 - a. Authorizing the appropriation of \$835,000 to the project budget unit in the City CIP Fund.
 - b. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.4. Employee Salary, Classification and Compensation Plans. (File 0510-20, 0520-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-098:**
 - a. Approving FY 2019/20 Salary and Compensation Plans for Executive Management, Mid-Management, Confidential, Marine Safety, Miscellaneous, Fire, City Manager, Part-Time/Seasonal/Temporary employees and Elected Officials.
 - b. Approving and adopting the creation and addition of the Human Resources Director classification and position.
 - c. Approving and adopting the creation of the Recreation Manager job description.
 - d. Approving the reclassification of the current Confidential Administrative Assistant IV incumbent to a management Executive Assistant to the City Manager/City Council position.
 - e. Approving and adopting the updated Finance Director/Treasurer, Deputy Fire Chief and Senior Planner job descriptions.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.5. Annual Fire Inspection Compliance. (File 0260-20)

Recommendation: That the City Council

1. Adopt **Resolution 2019-079** accepting a report on the status of all state-mandated annual fire inspections in the City of Solana Beach in conjunction with SB 1205 and California Health and Safety Code Section 13146.4 requirements.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.6. Fletcher Cove Park Trash Enclosure Removal and Parking Pavement (File 0730-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-080:**
 - a. Authorizing the City Manager to as complete the Fletcher Cove Park Trash Enclosure Removal & Parking Pavement Project, Bid 2018-06, constructed by BellaKai Construction.
 - b. Authorizing an appropriation of \$11,100, to be reimbursed by EDCO, into the Reimbursement Agreement Revenue Account in the Sand Replenishment TOT CIP Fund.

- c. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.
- d. Authorizing the City Clerk to file a Notice of Completion.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.7. Special Legal Services Agreement Amendment. (File 0400-05)

Recommendation: That the City Council

- 1. Adopt **Resolution 2019-095** approving the amendment to the Tosdal Law Firm Professional Services Agreement for Fiscal Year (FY) 2018-19 for an additional \$11,000.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.8. Security and Alarm Monitoring Services. (File 0700-25)

Recommendation: That the City Council

- 1. Adopt **Resolution 2019-089:**
 - a. Authorizing the City Manager to execute a Professional Services Agreement, on behalf of the City, with RSF Security for security and alarm monitoring services in Fiscal Year 2019/20.
 - b. Authorizing the City Manager to extend the agreement for up to four additional years at the City's option in an amount not to exceed \$15,000 per year.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.9. Destruction of Obsolete Records. (File 0170-50)

Recommendation: That the City Council

- 1. Adopt **Resolution 2019-093** authorizing the destruction of officially obsolete records.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.10. City-Wide Tree Maintenance Services. (File 0820-25)

Recommendation: That the City Council

1. Adopt **Resolution 2019-027**:

- a. Authorizing the City Manager to execute a one year Professional Services Agreement with West Coast Arborists, in the amount not to exceed \$25,000, for on-call, as-needed City-wide tree trimming.
- b. Authorizing the City Manager to extend the agreement for up to four additional years at the City's option in an amount not to exceed \$25,000 per year.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.11. Fletcher Cove Community Center Door Replacement Project. (File 0730-20) – added 6-23-19, 3:00 p.m.

Recommendation: That the City Council

1. Adopt **Resolution 2019-105** approving a contract with GT Door, Inc for \$30,900 and appropriating \$21,000 in Funding for the Fletcher Cove Community Center Door Replacement Project.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **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 designee(s) 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: Solana Beach Coastal Rail Trail Maintenance District Engineer's Report, Annual Levy, and Collection of Assessments (File 0495-20)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, Close the Public Hearing.
2. Adopt **Resolution 2019-081**, approving the Engineer's Report regarding the Coastal Rail Trail Maintenance District.

3. Adopt **Resolution 2019-082**, ordering the levy and collection of the annual assessments regarding the Coastal Rail Trail Maintenance District for Fiscal Year 2019/20.

Greg Wade, City Manager, introduced the item and reviewed the formula for the rate increase.

Mayor Zito opened the public hearing.

Angela Ivey, City Clerk, reported that no written protest votes were received for the item.

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

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

B.2. Public Hearing: Solana Beach Lighting Maintenance District Engineer's Report, Annual Levy, and Collection of Assessments (File 0495-20)

Recommendation: 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. Adopt **Resolution 2019-083**, confirming the diagram and assessment and approving the Engineer's Report.
3. Adopt **Resolution 2019-084**, ordering the levy and collection of annual assessments for Fiscal Year 2019/20 and ordering the transmission of charges to the County Auditor for collection.

Greg Wade, City Manager, introduced the item with no change in rates.

Mayor Zito opened the public hearing.

Angela Ivey, City Clerk, reported that no written protest votes were received.

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

Motion: Moved by Councilmember Edson and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

B.3. Public Hearing: Solid Waste and Recycling Rate Increases. (File 1030-15)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing; Report Council disclosures; Report written protests received; Receive Public Testimony; Close the Public Hearing.

2. Following the Public Hearing, consider adopting **Resolution 2019-096** approving EDCO's rate review request increasing solid waste and recycling rates for Fiscal Year 2019-20 in accordance with the Franchise Agreement.

Greg Wade, City Manager, introduced the item.

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

Council, Staff, and Elmer Heap, EDCO General Manger, discussed rates as they compared to other cities and how those who did not currently participate in green waste recycling could do so.

Greg Wade, City Manager, stated that not all fees were alike in the rates paid by various cities, that Solana Beach paid trash, recycling, and a stormwater fee and Coronado did not pay a stormwater, that some jurisdictions paid an AB939 fee and some did not, and that not all franchise fees were the same for all cities.

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

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Motion carried unanimously.

B.4. Public Hearing: 984 Avocado Place, Applicant: Weaver, Case 17-18-11

(File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a Development Review Permit (DRP) and administratively issue a Structure Development Permit (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 2019-092** conditionally approving a DRP and an administrative SDP to construct a new two-story, single-family residence with an attached three-car garage, a detached accessory dwelling unit, and a detached accessory structure and perform associated site improvements on a vacant lot at 984 Avocado Place, Solana Beach.

Greg Wade, City Manager, introduced the item

Katie Benson, Associate Planner, presented a PowerPoint (on file).

Council disclosures.

Mark Gross, Applicant's designer, presented a PowerPoint (on file) and spoke about the cut and fill necessary for a garage and parking spaces, the main part of the house being one-story, the only second floor was above the garage for the master suite, its coastal modern style with a low profile roof.

Matt Weaver, applicant, said that they inherited the slopes of Feathers Acres, the lot was a split level house, they purchased the lot two years ago, had addressed the neighborhood and community concerns through a workshop a few months ago with several attendees, that they redesigned the house 3 times to accommodate neighbors' views, a landscape plan with no trees over 16 ft., and positioned the house on the north side of the lot.

Council and the Applicant discussed conditioning the project for solar panel readiness, graywater systems, and E.V. chargers, the one indoor/outdoor access fireplace and the other master bedroom fireplace, non-wood burning fireplaces, and the reduced height of the knoll.

David Levine spoke about his support for the project and their interest in addressing neighbors' concerns.

Blair Pruett spoke about his proximity to the project and his support.

Andrew Carmen spoke about some concerns regarding water erosion on the southwest corner of Avocado during heavy rains, character compatibility of the neighborhood, and large space the project covered on the lot.

Mr. Weaver (rebuttal time remaining) said that the project was 5,600 sq. ft. with the ADU (accessory dwelling unit), there were larger homes in the area, and they spent extensive time on the best solution for the project.

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

Council discussed the Applicant's efforts in working with their neighbors, sensitivity to Mr. Carmen's concerns, that most properties in the area were around 5,000 sq. ft. size, the project by not appearing to be overly large as compared to other homes in Feather Acres, non-wood burning fireplaces, the size was similar to another house approved in the area, and that the neighbors were all supportive of the project.

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve with additional conditions regarding hook up to the power as soon as possible, landscape not exceed the existing wall or fence, agree to solar panels, maintain the parking space for the ADU, and a non-wood burning fireplace. **Approved 5/0.** Motion carried unanimously.

Mayor Zito recessed the meeting at 8:12 p.m. for a break and reconvened at 8:16 p.m.

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

C.1. Community Grant Program Awards Fiscal Year 2019/20. (File 0330-25)

Recommendation: That the City Council

1. Select the Fiscal Year 2019/20 Community Grant Program recipients and identify an award amount to each recipient.
2. Adopt **Resolution 2019-097** authorizing the funding for the selected community grant applicants for financial assistance under the FY 2019/20 Community Grant Program.

Dan King, Assistant City Manager, introduced the item.

Elba Montes, Jaliscience Folkloric Academy, said that she wanted to answer some questions from the last meeting. She presented a PowerPoint (on file) reviewing the program and its benefits, and spoke about her experience, background, her immigration to the United States at 17 yrs. old, her passion for the program, her work, and continuing to learn how to make it better.

Dan King, Assistant City Manager, presented a PowerPoint (on file) illustrating the Council’s allocation preferences submitted before the meeting.

Council discussed allocations.

Motion: Moved by Councilmember Becker and second by Councilmember Hegenauer to approve the following allocations.

Assistance League Rancho San Dieguito	\$3,000
Boys and Girls Club of San Dieguito	\$4,570
Casa De Amistad	\$4,570
Community Resource Center	\$4,570
Disconnect Collective, Inc.	\$4,570
Jaliscience Folkloric Academy	\$4,570
La Colonia Community Foundation	\$4,570
North Coast Repertory Theatre	\$4,570
North County Immigration & Citizenship Center	\$3,940
San Dieguito River Valley Conservancy	\$1,500
Solana Beach Civic and Historical Society	\$4,570

Approved 5/0. Motion carried unanimously.

C.2. Adopt (2nd Reading) Ordinance 502 – Relating to Chalk Marks on Tires for Parking Enforcement. (File 0810-20)

Recommendation: That the City Council

1. Adopt **Ordinance 502** adding SBMC section 10.28.225 relating to chalk marks on vehicle tires for parking enforcement.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

C.3. Adopt (2nd Reading) Ordinance 503 – To Prohibit Consumption and/or Ingestion of Marijuana and Controlled Substances by Minors. (File 0230-10)

Recommendation: That the City Council

1. Adopt **Ordinance 503** amending SBMC Chapter 7.10 to include marijuana and controlled substances in the social host ordinance.

Motion: Moved by Councilmember Edson and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

C.4. Assembly Bill (AB) 1731 – Short Term Vacation Rentals. (0480-70)

Recommendation: That the City Council

1. Receive this report and consider provisions of AB 1731
2. Provide specific direction to Staff on Council's position on AB 1731 for possible inclusion in a letter for distribution to appropriate elected officials.

Greg Wade, City Manager, introduced the item.

Jonah Mechanic, President of Share San Diego, presented a PowerPoint (on file) reviewing AB1731 myths and facts, and said that there were only 70 rentals on Zillow for long-term rental in Solana Beach at the peak time of the year, that most were not owned by corporations but individually owned, the lack of a correlation between short-term rental bans and real estate prices, that AB1731 was bad for most parties, and asked Council to oppose the bill.

Council and Staff discussed if there were problems or complaints for short-term rentals in Solana Beach.

Council discussed exploring options to retain the City's input, having Staff continue to work with the bill's author towards maintaining the status quo in Solana Beach, the current code was adopted by the Coastal Commission, eliminating rentals entirely would have an effect financially as well as enforcement wise, exploring how Solana Beach could be an exception, that there were some complaints with STVRs, having latitude in current or future ordinance adoptions, working on a plan to improve the current program including complaints for single-family homes for those that become problematic for neighbors, working on specific Solana Beach STVR use, the number of the 90% individually owned are owner occupied, and that Solana Beach currently maintain jurisdictional control and enforcement.

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 "City" at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

STANDING COMMITTEES:_(All Primary Members) (*Permanent Committees*)

ADJOURN:

Mayor Zito adjourned the meeting at 9:18 p.m.

Angela Ivey, City Clerk

Approved: October 9, 2019