

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting

Wednesday, October 9, 2019 \* 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

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 6:05 p.m.

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

Absent: Kelly Harless

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 Becker and second by Deputy Mayor Edson to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

### 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.

Terri-Ann Skelly, San Dieguito Alliance, said she is a mother of 3 sons and a public health educator. She submitted a handout and spoke about the vaping hospitalizations information from the Center for Disease Control and the Food and Drug Administration, the 1,080 lung injury cases and 18 deaths reported from e-cigarettes and vaping products, the additive of THC, 70% of patients were male and 80% were under 35 years old, and requested that Council consider adopting an ordinance banning vaping devices and flavored tobacco products.

**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 September 14 – September 20, 2019.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.2. General Fund Adopted Budget for Fiscal Year 2019-2020 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2019-2020 General Fund Adopted Budget.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.3. Emergency Storm Drainpipe Repairs in the Solana Beach Towne Centre Update No. 9.** (File 0850-40)

Recommendation: That the City Council

1. Receive Update No. 9 and provide further direction, if necessary.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.4. Caltrans Grant Application for Safe Routes to School Master Plan.** (File 0390-34)

Recommendation: That the City Council

1. Adopt **Resolution 2019-131**:

- a. Authorizing the City Manager to submit an application to Caltrans for the Sustainable Communities Transportation grant funding, in the amount of \$220,000, for the preparation of Safe Routes to School Master Plan of which \$165,000 is a request for grant funds and the remaining \$55,000 would be matching funds provided by the City.
- b. Agreeing that if a grant award is made by Caltrans to fund the preparation of a Safe Routes to School Master Plan through the Sustainable Communities Transportation Grant Program, the City of Solana Beach commits to providing \$55,000 in matching funds.
- c. Authorizing the City Manager to accept the grant funds, execute any agreements required on behalf of the City and complete the Project.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.5. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meeting held June 26, 2019.

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 Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.6. Glencrest Drive Vertical Realignment – Notice of Completion.** (File 0820-75)

Recommendation: That the City Council

1. Adopt **Resolution 2019-134**:

- a. Accepting as complete the Glencrest Drive Vertical Realignment Project, Bid No. 2019-03, constructed by Portillo Concrete.
- b. Authorizing the City Clerk to file a Notice of Completion.
- c. Authorizing an appropriation of \$54,873, to be reimbursed by Santa Fe Irrigation District, into the Reimbursement Agreement Revenue Account for Capital Projects in the City CIP fund.
- d. Authorizing the City Treasurer to amend the Fiscal Year 2019/20 Adopted Budget accordingly.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**A.7. Public Works Dump Truck Replacement Purchase** (File 0370-26)

Recommendation: That the City Council

1. Adopt **Resolution 2019-117**:
  - a. Approving the purchase of a 2020 Ford Super Duty F-350 for \$63,047.
  - b. Authorizing an appropriation of \$63,047 from the Asset Replacement Reserve Fund into the Asset Replacement Public Works Vehicle Expenditure account.
  - c. Authorizing the City Treasurer to amend the FY 2019/2020 Adopted Budget accordingly.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**C. STAFF REPORTS:** (C.2., C.1.)

*Submit speaker slips to the City Clerk.*

**C.2. Community Choice Aggregation (CCA) Joint Powers Authority (JPA) Formation** (File 1010-40)

Recommendation: That the City Council

1. Approve **Resolution 2019-136** approving the CEA JPA agreement authorizing Solana Beach to participate in CEA.
2. Appoint a primary and alternate JPA Board Member.:

Greg Wade, City Manager, introduced the item.

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

Del Mar Councilmember Dwight Worden spoke the possibilities of exercising local control over energy, Solana Beach being a pioneer in this field, the ability to bring a greener energy to local communities at competitive costs, that he worked on the JPA agreement, and felt comfortable and looked forward to proceeding with the partnership.

Council and Councilmember Worden discussed the Del Mar City Council meeting, that some public speakers stated concerns about risk and the need for further study, that Councilmember Gaasterland voted no and said that even though she liked the idea of the CEA she did not think it prudent to move forward at this time, and the vote was 4/1.

Carlsbad Councilmember Cori Schumacher spoke about her support, that she had worked in Solana Beach for 7 years, witnessed Solana Beach leading the way on many issues including the undergrounding of the rail tracks, engaging in an innovative collaboration between cities, and appreciation for the leadership.

Lane Sharman spoke about many ideas, the risks of management, financial, and operations, diversifying the risk, increased opportunities of this collaboration, and suggested development of a business plan, that the San Diego Energy District's business plan was called the Strategic De-carbonization Plan, his request for a letter of interest to seek funds on the cities' behalf for the startup process, and resource adequacy.

Council and Staff discussed meetings, potential exposure, startup costs, that estimates for

the four north coastal cities was about 1.2 million for startup costs, that mailings were not required for Solana Beach but would be done to inform residents, that the alternate appointees would participate but could not vote, the increase of the PCIA annually, that it was estimated to take 2-4 years to recover, whether Solana Beach could begin to carry over some costs over to the JPA that were borne on behalf of the region, that SEA's startup costs had been reimbursed to the City, and some ongoing regulatory administrative costs outstanding were approximately \$300,000.

Council continued discussion regarding appointments, Mayor Zito's interest in being an alternate, Councilmember Becker's interest in serving, and Councilmember Hegenauer's interest in serving as a primary or alternate.

**Motion:** Moved by Councilmember Becker and second by Councilmember Hegenauer to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**Motion:** Moved by Councilmember Hegenauer and second by Deputy Mayor Edson to appointed members: Primary-Kristi Becker, Alternate-Judy Hegenauer. **Approved 4/0/1** (Absent: Harless). Motion carried.

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

Recommendation: That the City Council

1. Accepts and Files the Cash and Investment Report for the quarter ended June 30, 2019.

Greg Wade, City Manager, introduced the item.

Jenny Lynkiewicz, Chandler Asset Investments, presented a PowerPoint (on file).

#### **B. PUBLIC HEARINGS:** (B.1. – B.2.)

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: 431 Marview, Applicant: John Freis, Case 17-18-23.**

(File 0600-40)

The revised Conceptual Landscape Plan meets the minimum objective requirements under the SBMC Chapter 17.56 and may be found consistent with the 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. If the City Council approves the conceptual landscape plan, find that City Council Condition D.1. of Resolution 2019-106 has been satisfied for the associated DRP/SDP at 431 Marview Lane, Solana Beach.

Greg Wade, City Manager, introduced the item, and stated that the item was heard and approved on July 10<sup>th</sup> and was returning for the landscape plan approval.

Katie Benson, Associate Planner, presented a PowerPoint (on file) reviewing the submitted landscape plan.

Mayor Zito opened the public hearing.

Council disclosures.

**Motion:** Moved by Councilmember Becker and second by Councilmember Hegenauer to close the public hearing. **Approved 4/0/1** (Absent: Harless). Motion carried.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve. **Approved 4/0/1** (Absent: Harless). Motion carried.

**B.2. Public Hearing: 424 Pacific Avenue, Applicant: Devin Piscitelli, Case 17-18-22.**  
(File 0600-40)

The proposed project meets the minimum zoning 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 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 2019-128** conditionally approving a DRP, SDP, and VAR to demolish a single-family residence, construct a replacement two-story, single-family residence built above partially subterranean garage and basement, and perform associated site improvements at 424 Pacific Ave, Solana Beach.

Greg Wade, City Manager, introduced the item.

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

Mayor Zito opened the public hearing.

Council disclosures.

Council and Staff discussed that the applicant was requesting a variance to maintain the existing wall in the public right-of-way, that the current location of the wall would require an encroachment permit due the location in the right-of-way, that the variance request was for the height of the existing wall in its location since it did not conform with height regulations for walls in the right-of-way, that without the variance the engineering condition would require the removal of the wall from the right-of-way, and that the City had and could issue encroachment permits for walls in the right-of-way that met regulations.

Jennifer Bolin, Architect, presented two PowerPoints (on file). She said that they reviewed surrounding two-story homes' character and heights in the area, sent out mailings in November 2018 about plans for any concerns that neighbors might raise, they received a request and made the changes to reroute the drainage from a neighbor's site and maintain the site's drainage, and that she received a call this week from the neighbor to the east who wanted to verify the conformance with height and size as well as the east facing windows.

Ms.Bolin presented a second PowerPoint (on file) regarding the variance request, the wall's existence since 1949, and the reconstruction of a portion of the driveway.

David Schulman spoke about his support for the project and that the wall should not be required to be moved.

Council, Staff, and Applicant discussed requiring the wall on the north and west side to be in conformance with the Engineering department's recommendation, that a portion of the wall would be removed and built to conformance, that the portion of the wall that would remain if the variance was granted was around the trash enclosure and exceeded 42" solid.

Council discussed that the building structure and placement made the mass of the house appear large and out of character for the neighborhood, that the wall was compared to surrounding area fences that were light, lower, and see-through and could be easily removed for access to the right-of-way but were not the same as this thick solid wall, the beauty of the house design, the difficulty of being the first house in the area to move up to a second story impacting the scale of the neighborhood, issues regarding an encroachment permit at the wall's current location with a change in the height and type of structure, the neighborhood was changing and getting a bit large, that there were no concerns expressed by neighbors about the bulk and mass, some planting species options for the public walk area, and that the project was well articulated.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to close the public hearing. **Approved 4/0/1** (Absent: Harless) Motion carried.

**Motion:** Moved by Mayor Zito and second by Councilmember Becker to approve without the variance. **Approved 4/1/1** (Noes: Edson, Absent: Harless) Motion carried.

### **C.3. Citizen Commission Appointments.** (File 0120-06)

Recommendation: That the City Council

1. Consider the application submitted and appoint (by Council-at-large) one member to the position on the Public Arts Commission with a term expiration date of January 2020.

**Motion:** Moved by Councilmember Becker and second by Councilmember Hegenauer to appoint Linnea Riley to the Public Arts Commission. **Approved 4/0/1** (Absent: Harless) 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 "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 8:20 p.m.

Angela Ivey, City Clerk

Approved: November 20, 2019