

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 26, 2020 * 6:00 p.m.

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

- City Council meetings are video recorded and archived as a permanent record. The [video](#) recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
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CITY COUNCILMEMBERS

Jewel Edson, Mayor

Judy Hegenauer, Deputy Mayor

Kristi Becker, Councilmember

Kelly Harless, Councilmember

David A. Zito, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 6:10 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito
Absent: None
Also: Gregory Wade, City Manager
Present: Johanna Canlas, City Attorney

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zito and second by Councilmember Becker 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.

Susan Murfin spoke about increased parking at the trailhead of Annie's Canyon and safety issues and quality of life concerns. She submitted some photos and a list of people requesting that something be done about the issue.

Rosemary Mancuso spoke about speeding on Rios, parking in front of driveways and fire hydrants, the safety concerns for visitors and residents, and suggesting a stop sign at the intersection of Rios and Seabright Lane and speed bumps on Rios to cut down the speed.

Jane Sinclair spoke about concerns for excessive parking and safety, garbage unable to be collected because parked cars blocked accessibility, and asked to clarify parking regulations.

Dean Russell spoke about the activity being like a Fiesta Del Sol at the end of the street and it was getting worse every weekend.

Jerri Jellison spoke about the west side of Rios having no curb and sidewalks so parking consumes a major part of the southbound lane, the danger for children, and suggested making it illegal to park on the ocean side of Rios where the worse of the problem exists.

Cathy Gill spoke about the safety concerns, that a serious accident was waiting to happen on this street, and the issue needed to be rectified.

Bridgette Pfailil spoke about the North Rios issues and said they were like living next to Disneyland.

Brett Gobar spoke about encouraging voters in the City of Del Mar to vote No on Proposition G, the neighborhood being disturbed by a massive intrusion of lagoon hikers, considering a trial parking at CDC, seaside beach, or train station parking lots, proposing no neighborhood parking between 10:00 a.m. and 3:00 p.m. and be metered at \$20 per half hour, and parking fees be given to ecological storm drain filers feeding the lagoon and coastal drain.

Marc Friedman spoke about heavy traffic days, grid lock at the end of North Rios, difficulty for drivers turning around, dropping off, and opening car doors, the trailhead at Solana Hills was closed and directed all visitors to this trailhead making it much busier, and encouraged public communication, alternate entrances, and updates on the lagoon's website and their email lists to educate visitors about parking.

Juelle Penaranda spoke about parking all along their corner house, that their own three young children could no longer safely ride bikes on the street due to the amount of people and speeding cars, and there was no space for friends to park for a birthday party at their house.

Sean Pope spoke about the huge issue in this area and suggestions of permit only parking, space for guests, metered parking, and dedicated parking.

Kristen Pope submitted some pictures of parking in the area to display what was going on during the weekends, and spoke about the increase in cigarette butts on the ground, having told people to not smoke in the lagoon, increasing ranger patrol more on the weekends and sunset hours, and larger signage about a significant penalty for smoking in the lagoon.

Lisa Nicholas spoke about the parking problem, people moving residents' garbage cans into their driveways, the safety concern for the children, and have someone quality control speed and issues.

Tom Nicholas spoke about concerns of witnessing near misses of accidents, the driveways used for a three-point turn, moving trash cans into driveways from their place in the street designated for pickup, and the eventual injury or accident from the excessive activity.

Ronan Brown spoke about agreeing with all of the comments, wanting people to enjoy the area, better management of the area was needed to help control the amount of people and cars.

Leila Maulik spoke about having four young children, purchasing her home ten years ago, the neighborhood was quiet and hidden away, the area now having constant traffic on any weekend or holiday, garbage and dog waste everywhere, that it would get worse with all of the posting of photos advertising the area and the cool hike and short distance from the entrance.

Doris Amam-Hillert, from the Solana Beach Library, announced the location as a ballot drop off and the Census 2020 and encouragement of involvement to ensure appropriate funding for the area.

Steve Ostrow spoke about the success of the Harbaugh Trails event including that attendees walked their dogs on leashes, considering allowing an area for an off-leash dog park in an area like the property north of La Colonia Park, and that it would be an asset to the community.

Valeri Paul presented a PowerPoint and spoke about serving on the Parks and Recreation Commission and recent requests at meetings from the community to look into a pickle ball court, and asked City Council to look into how to add a potential pickle ball court.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

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

A. CONSENT CALENDAR: (Action Items) (A.1. - A.4.)

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 25, 2020 – February 7, 2020.

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

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

A.3. Emergency Corrugated Metal Pipes (CMP) Storm Drain Repairs – Notice of Completion. (File 0850-40)

Recommendation: That the City Council

1. Adopt **Resolution 2020-025:**
 - a. Accepting as complete the Emergency Corrugated Metal Pipe Storm Drain Repairs constructed by PAL General Engineering, Inc.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

A.4. Adjustments to the Current Fiscal Year (FY) 2019/20 Seasonal/Temporary Salary Schedule, Management Salary Schedule, and Adding a Senior Civil Engineer Position to the Classification Plan. (File 0520-10, 0510-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-020:**
 - a. Approving Salary Adjustments to the FY 2019/20 Part-Time/Temporary/Seasonal Salary Schedule and authorizing the City Manager to make any subsequent changes to the Salary Schedule in accordance with applicable laws.
 - b. Approving and adopting the creation and addition of the Senior Civil Engineer classification and position.
 - c. Approving and adopting the pay grade change on the FY 2019/20 Management Salary Schedule.

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

C.5. Citizen Commission Vacancy: Public Arts Commission Appointment. (File 0120-06)

Recommendation: That the City Council

1. Appoint one (1) member to the Public Arts Commission nominated/appointed by *Council-at-large* for a term ending January 2022.

Shawn Hethcock spoke about her application for the Public Arts Commission, her experience teaching and collecting art, and her interest in serving.

Motion: Moved by Councilmember Becker and second by Deputy Mayor Hegenauer to appoint Shawn Hethcock. **Approved 5/0.** Motion carried unanimously.

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 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: 675 Glenmont Dr., Applicant: Roemmich-Nottingham, Case DRP19-004, V19-001 (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 DRP and VAR. 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 Sections 15301 15302 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2020-024** conditionally approving a DRP and VAR to reconstruct a single-story, single-family residence, construct a 211 square-foot single-story addition, and perform associated site improvements at 675 Glenmont Drive, Solana Beach.

Mayor Edson opened the public hearing. Council disclosures.

Greg Wade, City Manager, introduced the item.

Katie Benson, Sr. Planner, presented a PowerPoint (on file) reviewing the project.

Council and Staff discussed the reconstruction of the roof to replace what was removed, which was nonconforming, without changing the size or degree of nonconformity, that nonconforming use could be changed without increasing the size or degree of use, variance request was for the nonconformity of the existing encroachment into the front yard setback to be increased in size and degree, the structural elements were currently removed from the roof, that if the roof was replaced to its exact original condition then it would not increase the nonconformity and not require a variance, calculations for determining where the front of the house faced on a triangular property with three surrounding streets, and how the property was addressed on Glenmont rather than Holmwood.

John Kavan, Applicant's Architect, spoke about the intent to keep the size of the nonconforming area would cause disjointed architecture and design, the proposal to change the appearance of the roof by changing the pitch, many properties in the area

did not have the condition for the entire front of the house facing the street with an encroachment of 5 ft., their meetings with Planning establishing the front setbacks before they began design, the very end of the plan review when the Planning department stated that it was not consistent, and the request for a variance consideration due to the site conditions of the front setback.

Council, Staff, and Applicant discussed the initial discussion with the City regarding nonconformity and they could not increase the size or degree of nonconformity, starting construction without permits due to a lack of a stamp transfer, that the Applicant took responsibility for being incorrect in his assumption that it was okay to proceed, the intention to insulate the roof which required it to be altered, review of the City's Municipal Code which was clear about nonconforming structures, the code discusses size or intensity and the applicant did not apply height to this interpretation, the roof being stripped to a skeleton was not what was instructed to the contractor who did it, consider moving the structure out of the front yard setback since the backyard had an 85 ft. setback but with more topography

Rik Floyd said they were neighbors to the property and supported the project.

Council discussed the Planning Staff's thoroughness of the rules of nonconforming structures, how to make it clear that size or degree included additional height, the benefit of building a modest house, concerns of increasing the size of the nonconformity, the height that was not clear without story poles that were not required, considering a condition that if additional square footage was requested on this property in the future that it would be required to come before Council for a discretionary permit, the setback would potentially set a precedent, the benefit of the energy conservation efforts, that financial hardship was not a consideration for a variance, the property is slightly unique but there was still a lot of flat land that could be moved around, appreciate not building setback to setback, and the need to build within the buildable portion of the lot.

Dean Roemmich, owner, spoke about the house being built in 1955 and was quite old with the interior utilities failing, their need to renew it and not move it, and that changing the design would be costly and they would be forced to move rather than do a redesign.

Council and Applicant discussed termite and water damage in need of repair, the unfortunate situation the Applicant was in, rebuilding the roof as it was before, variance request with the height increase was not supported by the majority of Council, make sure the setback area was not increasing the degree of nonconformity, and the Applicant would be amendable to a redesign with the front yard roof pitch remaining and slope the roof back from that point.

Motion: Moved by Councilmember Zito and second by Councilmember Becker to extend the hearing to a date not certain and return with a revised redesign. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Councilmember Harless and second by Deputy Mayor Edson Hegenauer to move Item C.3. to hear at this time. **Approved 5/0.** Motion carried unanimously.

C.3. Introduce (1st Reading) Ordinance 513 to Prohibit the Sale and Distribution of Flavored Tobacco Products. (File 0230-10)

Recommendation: That the City Council

1. Introduce **Ordinance 513** adding Chapter 6.18 to the Solana Beach Municipal Code to prohibit the sale and distribution of flavored tobacco products.

Johanna Canlas, City Attorney, introduced the item

Debra Schade spoke of her support as a member of San Dieguito Alliance for Drug Free Youth, President of the Solana Beach Schoolboard, and a parent, and that e-cigarettes had been the more frequently used by teenagers since 2014 due to the packaging resembling USB drives, and e-cigarettes was called an epidemic by the U.S. Surgeon General.

Hazell Belvin, American Lung Association, spoke of her support which would limit exposure and access to smoking in youth, reduce risk of chronic diseases such as cancer, and heart disease, and that flavored tobacco products hooks kids and plays a key role in enticing children into nicotine addiction.

Grace Rapp said she was a local high school student, that vaping was a huge problem in high school, vaping products were easily obtained from older siblings and local tobacco stores, sweet smells of products are often in the hall at school, they attract kids for social acceptance and say that it eases their anxiety, and the tobacco industry was catering to kids.

Becky Rapp submitted a handout (on file) and said that she was a mother and public health educator, that she was concerned about this public health crisis, rising use was a detriment to physical and mental health, that 80% of young people who used tobacco started with a flavored product, 74% of youth said that they obtained a flavored tobacco product called Jewel at a store or retail outlet rather than online, the latest vaping product was a puff bar that was similar to Jewel, and that a ban on all flavored e-cigarettes would be a benefit to public health, especially to the youth.

Sadie Sutherland said she was a local high school junior, that vaping was a norm among teens, school restrooms smelled like fruit and artificial flavors as it was the typical hangout, the puff bar was the most common on her campus since it was cheap and came in various flavors, and that the ban would send a message to teens that Solana Beach cared about them.

Kathleen Kippett said that she was a public health practitioner with Coastal Communities Drug Free Coalition raising public health awareness, the ban set a high community standard for other cities, that Solana Beach was the first to ban smoking on the beach and other cities followed, and the ban would discourage access and use of unhealthy behaviors.

Peggy Walker, San Dieguito for Drug Free Youth, said that she had worked in youth tobacco use prevention education for many years, that tobacco rates were at an all-time low 10 years ago until they have returned with the introduction of vaping products and flavored tobacco products, and that public health workers and environmentalists are reporting that these products now presented a significant e-hazard waste issue.

Judi Strang, San Dieguito for Drug Free Youth, showed a puff bar that smelled wonderful which encouraged use, that they started about 30 years ago, she started as a social worker and moved into public health, use rates among alcohol and tobacco were high, that smoking behavior was a drug acquisition skill, and the ban would interrupt a drug acquisition activity among youth.

TerriAnn Skelly submitted a handout (on file) and said she was a mother and a public health educator, that the youth vaping epidemic came out of nowhere and was up 25% in one year, asked Council to send a letter of support to State Senate Bill 793, and that Council consider writing the opposition language for the November ballot measure that would bring marijuana to store fronts in Solana Beach.

Council and Staff discussed that the ban was on tobacco product that would include puff bars, it was a comprehensive in anticipation that the industry would bring new products in the future, that tobacco companies target teens, that tobacco retailers in Solana Beach must obtain a tobacco retailer license from the City, and that outreach began with the six local retailers.

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

C. STAFF REPORTS: (C.1. – C.5.)
Submit speaker slips to the City Clerk.

C.1. Fiscal Year (FY) 2019-2020 Mid-Year Budget Adjustments. (File 0330-30)

Recommendation: That the City Council

1. Adopt **Resolution 2020-026** revising appropriations in the Fiscal Year 2019/20 Budget.

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

Council and Staff discussed some pending payments to the City.

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

C.2. Revised Climate Adaptation Chapter Amending the 2017 Climate Action Plan and Receive the 2019 Climate Action Plan Update. (File 0410-05)

Recommendation: That the City Council

1. Adopt **Resolution 2020-021** and receive the 2019 CAP Update report.

Greg Wade, City Manager, introduced the item.

Rimnga Viskanta, Sr. Management Analyst, presented a PowerPoint (on file).

Council and Staff discussed receiving PED funds, City's fleet vehicles, grey water systems, potable reuse as a top priority and identifying sources for it, storage in relation to storm water, and providing a preferred list of trees in Solana Beach for indigenous benefits.

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

C.4. Cancellation Policy for the Summer Day Camp Program. (File 0390-23)

Recommendation: That the City Council

1. Adopt **Resolution 2020-027** approving a Cancellation Policy for the Summer Day Camp Program.

Greg Wade, City Manager, introduced the item.

Council and Staff discussed the cancellation fee being a deterrent to signing up too early and cancelling at the last minute, easing into the fee and raising it later, that the camps were inundated and filled immediately each year, that the current fee of \$25 was not a deterrent and consider a more stringent fee, and to adjust it each year to increase its affect.

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve a \$50 cancellation fee. **Approved 4/1 (Noes: Harless).** Motion carried.

WORK PLAN COMMENTS:

Adopted June 12, 2019

COMPENSATION & REIMBURSEMENT DISCLOSURE:

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 Edson adjourned the meeting at 9:43 p.m.

Angela Ivey, City Clerk

Approved: April 22, 2020