



CITY OF SOLANA BEACH

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

MINUTES

Joint REGULAR Meeting
Wednesday, January 27, 2021 * 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting will be conducted in accordance with Governor Newsom's Executive Order N-29-20 related to the COVID-19 virus.

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

Lesa Heebner, Mayor

Kristi Becker
Deputy Mayor

Kelly Harless
Councilmember

David A. Zito
Councilmember
District 1

Jewel Edson
Councilmember
District 3

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Nichols called the meeting to order at 6:06 p.m.

Present: Lesa Heebner, Kristi Becker, Kelly Harless, David A. Zito, Jewel Edson

Absent: None

Also: Greg Wade, City Manager

Present: Johanna Canlas, City Attorney

Angela Ivey, City Clerk

Dan King, Assistant City Manager

Mo Sammak, City Engineer/Public Works Dir.

Ryan Smith, Finance Dir.

Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zito and second by Deputy Mayor Becker to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None.

Motion carried unanimously.

ORAL COMMUNICATIONS:

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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

having submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

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 speaker is THREE MINUTES (SBMC 2.04.190).

Peggy Walker, San Diego Alliance for Drug Free Alliance, spoke about Solana Beach being highlighted by the San Diego County Tobacco Control Coalition (TCC) for its leadership and tobacco policies over the years and its more recent passage of the City's comprehensive ban on the sale of flavored tobacco products making the Solana Beach the second city in the County in 2020 to pass a flavor ban, a TCC assessment showing smoking and vaping continued to be a nuisance and health problem in multi-unit housing (MUH), smoke-free MUH being a major health and equity priority for San Diego County and the state, San Dieguito Alliance and TCC continued suggestion of smoke-free language or policy and city housing element updates, the City of Del Mar having recently instructed its planning department to look into establishing such a policy, and requested that Solana Beach consider doing so as well.

Trevor Baily introduced himself as an SDSU student in the entrepreneurship program and a partner in a startup company called Shore Cubby to solve the problem of securing valuables for beach goers and surfers with developing a digital locker system that could be placed near the beach, paid by the hour.

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.5.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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 December 12, 2020 – January 8, 2021.

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

A.2. General Fund Budget Adjustments fo Fiscal Year 2020-2021. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2020-2021 General Fund Adopted Budget.

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

A.3. Replacement Vehicle for the Marine Safety Department. (File 0370-26)

Recommendation: That the City Council

1. Approve **Resolution 2021-011** awarding and authorizing the purchase of a replacement vehicle for the Marine Safety Department.

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

A.4. State Parks Shoreline Erosion Protection Grant Application. (File 0610-12)

Recommendation: That the City Council

1. Adopt **Resolution 2021-009** authorizing submittal of a Shoreline Erosion Protection Grant application to the State of California Department of Parks and Recreation, Division of Boating and Waterways and authorizing the City Manager to act on behalf of the City of Solana Beach, in consultation with the City Attorney, to negotiate and execute all agreements and amendments necessary to comply with the State Parks, Division of Boating and Waterways grant requirements.

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

A.5. Adjustments to the Current Fiscal Year (FY) 2020/2021 Seasonal/Temporary Salary Schedule. (File 0520-10)

Recommendation: That the City Council

1. Adopt **Resolution 2021-010** approving Salary Adjustments to the FY 2020-2021 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.

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

B. PUBLIC HEARINGS: (B.1. – B.2.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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.

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.

**B.1. Public Hearing: 514 Canyon Dr., Applicant: Ewing, Case: 17-19-13
DRP/SDP.** (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 an administrative 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 2021-006** conditionally approving a DRP and SDP to demolish the existing residence and construct a replacement two-story, single-family residence with an 449 square foot attached garage, and perform associated site improvements at 514 Canyon Drive, Solana Beach.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Motion: Moved by Councilmember Harless and second by Councilmember Edson to close the public hearing. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

Council discussed the scale bulk and mass of the glass enclosure, the two glass towers at the Southwest corner of the dwelling and second story of the westerly portion of the glass tower remaining transparent, lowering the most westerly tower to 309 MSL and lowering the portion further back to 311 and six inches MSL, the compatibility with topography, vegetation and colors of the natural environment, removing the far left portion of the stair landing tower reflected in story poles 11, 12, 16 and 17, eliminating the pavers in the right-of-way, scaling down the westerly portion, restricting the height of the 11 icee blue podocarpus in the west side yard to the legal fence height, and reducing the ceiling height in the office.

Motion: Moved by Mayor Heebner and second by Deputy Mayor Becker to approve the recommended action with additional modifications to eliminate the pavers in the required ten-foot decomposed granite, limit podocarpus plantings in the west side yard to legal fence height, that the two glass towers at the Southwest corner of the dwelling be modified by lowering the most westerly tower to 309 MSL and lowering the portion further back to 311 and six inches MSL. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

B.2. Public Hearing: 520 North Cedros Ave., Applicants: Murphy, Case: DRP19-009/SDP19-010. (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 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 2021-005** conditionally approving a DRP and SDP to demolish an existing single-family residence, construct a replacement two-story, single-family residence with a two-car garage, and perform associated site improvements at 520 North Cedros Avenue, Solana Beach.

Greg Wade, City Manager, introduced the item.

Councilmember Zito recused from this item due to owning property within 500 ft. of this property.

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

Mayor Heebner opened the public hearing.

Council disclosures.

John Murphy, applicant, said that he and his wife were long term residents and live in the neighborhood.

Brian Church, architect, spoke about the traditional architectural style, the smaller 2nd floor to minimize the massing of the structure, the 2nd floor windows being directed towards the street and all other 2nd story windows were smaller and faced to the back and sides of the house, solar panels will be hidden, and the landscaping.

Motion: Moved by Councilmember Harless and second by Deputy Mayor Becker to close the public hearing. **Approved 4/0/1.** Ayes: Heebner, Becker, Harless, Edson. Noes: None. Absent: Zito (recused) Motion carried.

Council discussed the fence location behind the DG (decomposed granite) lying within the yard and planning the removal of the tree around the bird nesting season.

Motion: Moved by Councilmember Harless and second by Councilmember Edson to approve. **Approved 4/0/1.** Ayes: Heebner, Becker, Harless, Edson. Noes: None. Absent: Zito (recused) Motion carried.

Mayor Heebner recessed the meeting at 7:32 p.m. for a break and reconvened at 7:40 p.m.

C. STAFF REPORTS: (C.1. – C.2.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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C.1. 2021 Annual Citizen Commission Appointments & Climate Action Jr. Member(s) Discussion. (File 0120-06)

Recommendation: That the City Council

Greg Wade, City Manager, introduced the item.

Angela Ivey, City Clerk, displayed a worksheet (on file) for Commission appointments.

1. Appoint three (3) members to the **Budget and Finance** Commission nominated/appointed by individual members (Mayor, Councilmembers Zito and Edson) for two-year terms.

Motion: Councilmember Edson moved and second by Councilmember Zito to approve the reappointments of Kevin (Ed) Murphy (Zito), Jeff Lyle (Edson) and Jolene Koester

(Heebner) Budget & Commission for terms expiring January 2023. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

3. Appoint four (4) members to the **Parks and Recreation** Commission nominated/appointed by *Council-at-large* for two-year terms.

Motion: Councilmember Edson moved and second by Councilmember Harless to approve the reappointments of Danielle King as nominated by Councilmember Harless, Valeri Paul as nominated by Deputy Mayor Becker, Sandra Hutton as nominated by Councilmember Zito, and appointment of Liz Maruchau as nominated by Councilmember Edson to the Parks & Recreation Commission for terms expiring January 2023. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

4. Appoint three (3) members to the **Public Arts** Commission nominated/appointed by *Council-at-large* for two-year terms.

Motion: Councilmember Edson moved and second by Deputy Mayor Becker to approve the reappointment of Deborah Sweet as nominated by Mayor Heebner, appointment of Halle Shilling as nominated by Councilmember Harless, and appointment of Sharon Perkowski as nominated by Councilmember Edson to the Public Arts Commission for terms expiring January 2023. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

5. Appoint three (3) members to the **View Assessment** Commission appointed by individual Councilmembers (Mayor and Deputy Mayor Becker and Councilmember Edson) for two-year terms.

Motion: Councilmember Edson moved and second by Deputy Mayor Becker to approve the reappointments of Bob Moldenhauer by Mayor Heebner, Paul Bishop by Councilmember Edson, and Matthew Cohen by Councilmember Becker to the View Assessment Commission for terms expiring January 2023. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

2. Appoint three (3) members to the **Climate Action** Commission nominated/appointed by *Council-at-large* for the following positions:
 - a. Two (2) *Resident* appointments for two-year terms.
 - b. One (1) *Professional* appointment for member of the environmental and/or scientific community (*resident or non-resident*) for a two-year term.
6. Discuss criteria for addition of Junior Member(s) on the Climate Action Commission and direct Staff to prepare/finalize an application and a Resolution in accordance therewith.
7. Adopt Resolution 2021-018 modifying the composition of the Climate Action Commission membership.

Jonathan Goodmacher spoke in favor of the reappointment of the two existing members of the Climate Action Commission who had reapplied, the appointment of Judy

Hegenauer in lieu of a Councilmember or professional position, and adding Youth Commissioners to the Commission appointed by the Commission.

Shawna McGarry spoke about her interest in continuing to serve on the Climate Action Commission.

Peter Zahn spoke in favor of the reappointment of the two existing members of the Climate Action Commission, making a position for the appointment of Judy Hegenauer, to utilize the applicants not appointed this time on the Commission's projects, and the establishment of Junior Commissioners.

Council discussed the Climate Action Commission and the importance of maintaining positions for two Councilmembers on the Commission, adding an additional professional category position or replacing/flexing one of those seats with a resident, whether the professional positions were needed any longer, and designating a primary Councilmember with a vote and an alternate, without a vote, to serve.

Deputy Mayor Becker volunteered to step down as a Councilmember designee on the Commission and instead serve as an alternate for Councilmember Zito, and allowing Judy Hegenauer to be appointed in lieu of the second Councilmember position.

Council discussed the Junior Commission Member option, support for them to be Solana Beach residents but not required, opening the positions to middle school as well as high school residents, permitting the Commission to make the Junior Commission Member appointments as non-voting members, keeping it open to non-residents depending on the number of applicants, prioritizing resident students, allowing a limited number of middle school students, and making appointments for one-year terms by the Climate Action Commission members.

Greg Wade, City Manager, stated that in January of 2017 a resolution was adopted to give Council the flexibility in the two Councilmember positions with an option of appointing a professional or resident in the event that a second Councilmember was not available to serve. He summarized the proposed resolution reflecting the discussion that would have a recital that said, For the two Councilmember appointments, membership shall consist of any of the following: a) two Councilmembers b) one Councilmember and a professional or resident, in the event a second Councilmember is not available, or c) a primary Councilmember and an alternate Councilmember to sit on the commission, should the primary member be unavailable to attend, and adding a recital that would reference up to five Junior Commission Members appointed to the Climate Action Commission who meet the established criteria.

Council and Staff confirmed that the Councilmember positions would now be a primary and an alternate, that both Councilmembers could attend the meeting but with only one would vote.

Mayor Heebner confirmed consensus among Council that all Junior Commission Members would be non-voting residents, with up to one middle-school student, all appointed by the Commission for one-year terms.

Motion: Councilmember Zito moved and second by Councilmember Edson to adopt Resolution 2021-018 as modified with respect to the structure of the Climate Action Commission. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

Councilmember Edson nominated Judy Hegenauer, Councilmember Harless nominated Peter Zahn, Deputy Mayor Becker nominated Shawna McGarry, and Councilmember Zito nominated Michael McClune, all to the Climate Action Commission.

Motion: Councilmember Edson moved and second by Councilmember Harless to approve the appointment of Judy Hegenauer and the reappointments of Peter Zahn, Shawna McGarry, and Michael McClune (professional) to the Climate Action Commission, all for two-year terms. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

Motion: Mayor Heebner moved and second by Councilmember Zito to appoint Councilmember Dave Zito as the primary Councilmember position and Deputy Mayor Becker as the alternate Councilmember position. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. **Motion carried unanimously.**

C.2. Energy Innovation and Carbon Dividend Act. (File 0480-60)

Recommendation: That the City Council

1. Adopt **Resolution 2021-012**, urging the United States Congress to Enact the Energy Innovation and Carbon Dividend Act of 2019.

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

Council discussed allowing the Climate Action Commission to review this information and other leading bills and return to Council with their input.

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 "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 Heebner adjourned at 8:42 p.m. in memory of the 426,000 lives lost to COVID-19 nationwide.

Angela Ivey, City Clerk

Council Approved: February 24, 2021