

# 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 12, 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

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#### 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 Deputy Mayor Edson and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

PRESENTATIONS: Ceremonial items that do not contain in-depth discussion and no action/direction.

SANDAG Big Vision and 5 Big Moves for the 2021 Regional Plan

Hasan Ikhata, Coleen Clementson, and Ray Major (SANDAG) presented a PowerPoint (on file) reviewing SANDAG's vision "Five Big Moves," climate change targets, population growth, and focus on completing corridors, transit, mobility hubs, flexible fleets, and the transportation operating system.

Mary Yang, Chair of the Climate Action Commission, spoke about advocating for more public transit, support of SANDAG's vision, and limiting fossil-fuel based driving.

Anne Feeney, Chair of Del Mar's Sustainability Advisory Board and volunteer with Sierra Club and San Diego 350, spoke about support for SANDAG's vision, and greenhouse gas emissions from transportation being a major factor in climate change.

Julie Koerber spoke about the vision containing different modes of transit with affordability and reliability, and support of this vision and plan.

### **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.

Doug Lord, Pedego Electric Bikes, spoke about the new bike share program raising alarm among local residents, other communities having had 100% failure rates, bikes left on sidewalks and not put in the right place with only a \$5.00 penalty, and the program not paying rent in the City, which was not fair to local businesses.

Doris Adam-Hillert, Solana Beach Library, spoke about many summer reading programs, other library incentives, and the importance of summer reading.

Lane Sharman spoke about the Community Choice Energy education program offered by the San Diego Energy Future Academy, the webinars available to educate the public, and Council addressing the bill reporting issue so that people would know how many megawatt hours they had purchased.

Judy Strang, San Dieguito Alliance, spoke about the 2020 election ballot allowing marijuana commercialization, the Del Mar fairgrounds preventing the sale of products that promote marijuana use, and continuing prevention of marijuana storefronts in cities that don't allow them by way of legislation.

Peggy Walker spoke in opposition of the commercialization of marijuana and the need to prevent marijuana usage because it ruins lives.

### **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.13.)

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 4 – May 24, 2019.**

**Motion:** Moved by Deputy Mayor 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 Deputy Mayor 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. 4.** (File 0850-40)

Recommendation: That the City Council

1. Receive Update No. 4 and provide further direction, if necessary.

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

**A.4. Fire Benefit Fee Fiscal Year 2019-20.** (File 0390-23)

Recommendation: That the City Council

1. Adopt **Resolution 2019-065:**
  - a. Setting the FY 2019-20 Fire Benefit Fee at \$10.00 per unit, and
  - b. Approving the Fee for levying on the tax roll.

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

**A.5. Municipal Improvement Districts Benefit (MID) Fees Fiscal Year (FY) 2019-20.**  
(File 0495-20)

Recommendation: That the City Council

1. Approve **Resolution 2019-068**, setting the Benefit Charges for MID No. 9C, Santa Fe Hills, at \$232.10 per unit for FY 2019-20.
2. Approve **Resolution 2019-069**, setting the Benefit Charges for MID No. 9E, Isla Verde, at \$68.74 per unit for FY 2019-20.
3. Approve **Resolution 2019-070**, setting the Benefit Charges for MID No. 9H, San Elijo Hills # 2, at \$289.58 per unit for FY 2019-20.
4. Approve **Resolution 2019-071**, setting the Benefit Charges for MID No. 33, Highway 101/Railroad Right-of-Way, at \$3.12 per unit for FY 2019-20.

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

**A.6. HVAC (Heating, Ventilation, and Air Conditioning) Services.** (File 0710-35)

Recommendation: That the City Council

1. Adopt **Resolution 2019-078:**
  - a. Authorizing the City Manager to execute an amendment to the PSA with Seaside Heating and Air for FY 2018-19 to increase the total cost of the agreement by \$9,400 for an amount not to exceed \$23,000.
  - b. Approving an amount of \$9,400 for the replacement of one heating unit at Fletcher Cove Community Center and one HVAC unit in the computer server room at City Hall.
  - c. Authorizing the City Manager, at his sole discretion, to extend the Professional Service Agreement with Seaside Heating and Air, in an amount not to exceed \$10,000 per year, for up to three additional years starting with FY 2019-20, at the City's option based on satisfactory performance.

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

**A.7. Appropriations Limit for Fiscal Year 2019-20.** (File 0330-60)

Recommendation: That the City Council

1. Adopt **Resolution 2019-066** establishing the FY 2019/20 Appropriations Limit in accordance with Article XIIB of the California Constitution and Government Code Section 7910 and choosing the County of San Diego's change in population growth to calculate the Appropriations Limit.

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

**A.8. City Investment Policy Fiscal Year 2019-20.** (File 0350-30)

Recommendation: That the City Council

1. Adopt Resolution 2019-067 approving the City's Investment Policy for FY 2019-20.

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

**A.9. Budget Adjustments For Fiscal Year 2018-19.** (File 0330-30)

Recommendation: That the City Council

1. Adopt **Resolution 2019-087** revising appropriations in the Fiscal Year 2018-19 Budget.

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

**A.10. Council Work Plan Fiscal Year 2019-20.** (File 0410-08)

Recommendation: That the City Council

1. Consider and adopt the final Fiscal Year 2019-20 Work Plan.

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

**A.13. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held May 10, 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 5/0.** Motion carried unanimously.

**A.12. Certification of the May 7, 2019 All-Mail Ballot Special Election Results (Measure B) for a Specific Plan Overlay and Allowing a State-Licensed Residential Care Facility of Up to 99 beds in the Estate Residential-2 (ER-2) Zone at 959 Genevieve Street.** (File 0430-20)

Recommendation: That the City Council

1. Adopt **Resolution 2019-086** reciting the facts and related matters for the May 7, 2019 All-Mail Ballot Special Municipal Election resulting in the failure of Measure B.

Greg Wade, City Manager, introduced the item.

Rosemary Linden spoke about Measure B, which residents voted against to prevent the building of a 77,000 square foot facility in a residential area with safety hazards, obstruction of views, and increased traffic. She said the majority of voters not wanting large scale or higher density developments in their residential neighborhoods that endanger property values and safety.

Perry Sexton spoke about community members campaigning against Measure B, not being allowed to speak at the meetings of the developer, the City Council not stopping the project before it got to a vote, and a request that the City protect its citizens.

Johanna Canlas, City Attorney, said that this was a citizen initiative triggering the use of Prop T, that any increase in density required a vote of the people, that the California Elections Code would not allow Council to deny an election, that the initiative qualified for the ballot if the requirements were met, the City could not engage in campaigning, and that the applicants (developers) were required to host meetings on their project to engage public participation in order to comply with the City's requirements.

Council spoke about the community's involvement, the City's role in citizen initiatives, the Council's options of approving an initiative proposal or sending it to the voters, Councilmembers' attendance at the developers public meetings, Proposition T being put on the ballot in the past to prevent land use designations from changing without a vote of the people, that Council taking any position on the initiative would create conflicts if the final project eventually came before them for consideration, this project needed to be treated no differently than any other project in the City, that the issue of the initiative was the zoning change and not the final project, and that the municipal code required that the developer pay for a special election if they did not elect to wait for a general election.

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

#### **A.11. Decommissioned San Onofre Nuclear Power Concerns Regarding the Safe Handling and Storage of Nuclear Waste.** (File 0220-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-090** to call upon the California Legislature and Governor to act in support of immediate federal action to find both an interim and a permanent nuclear waste storage solution for the waste currently stored at SONGS and to address the concerns regarding the safe handling of the nuclear waste while it is still onsite.

Greg Wade, City Manager, introduced the item.

Torgen Johnson (time donated by Cindi Clemons) said he was part of the Mike Levin task force and spoke about his involvement and the City's support for public safety since 2011, the need for a stronger resolution to outline the reality of the problem, the resolution's reference to inspection was not helpful because experts had said the current casks could not be opened once they are loaded, they cannot be inspected or repaired, the loading of

the canisters created further damage leading to container cracking, corrosion, and failure, the defective engineering of steam generators nearly resulting in a serious accident, and the need for stronger language in the resolution to ensure loading did not continue and that an appropriate plan be implemented.

Council and Mr. Johnson discussed the thick-wall storage casks that were available and survived the Fukushima disaster, that the cracks were due to a chemical process resulting from scraping and exposure to the salt air, the NRC (Nuclear Regulatory Commission) licensed the system without vetting it properly, the movement of thick-walled canisters requiring sitting and then moving carefully, experts stating it could not be moved and would be there for many decades, aiming to moving them away from the shoreline, the most important issue being the containment of the radioactive waste, some inherent danger in the transferring of the contents from thin-walled to thick-walled cannisters, the unknowns of transferring the material between containers that had not been attempted before, that thin-walled require convection cooling, and the potential for a Chernobyl like disaster.

Dave Clemons spoke about a former NRC administrative judge disclosing that these nuclear waste canisters were vulnerable to stress corrosion cracking, which was not known to the industry 20 years ago when the NRC licensed their use, the problem was due to the inability to detect or repair cracks, the need to advocate for robust thick-walled casks to replace the thin-walled casks currently used, support for an alternative nuclear waste storage site that would not be within 108 ft. of the Pacific ocean, and request that the third bullet point in the resolution be expanded to proactively address the immediate use of thick-walled casks.

Donald Mosier, serving on Mike Levin's' taskforce, said that he testified before Congress when the facility was shut down because of the failure of the steam generators and organized an NRC meeting to accomplish the shutdown, that San Onofre was in the process of beginning the loading of cannisters on June 24<sup>th</sup>, that loading should not restart since the move would place the canisters in a new place to cool for two years without an option to move them elsewhere, and to advocate for no more fuel loading until a better plan was formed to allow thick-walled cannisters to monitor pressure and could be unpacked.

Cathy Iwane, Del Mar resident, said that she was a translator for the Japanese Prime Minister during his visit, that she raised her family in Japan and had witnessed triple meltdowns, the need for stronger language in the resolution regarding the cask canisters used to store the waste, that at least one canister was severally gouged due to technical difficulty in loading and unloading, the canisters' vulnerability to cracking and possible hydrogen explosions, that the thick-walled casks were now commercially available, and that the thicker walls proved to be unscathed in Fukushima.

Council discussed adding language regarding a system that was documented to work, adopting future resolutions as new information becomes known, the sense of urgency, that there were respected experts in support of thick-walled canisters as well as those who did not think it was a viable path forward, and to request that they stop this system that is broken.

Council and Mr. Johnson discussed that there were no procedures for dropped canisters, request that the system be reassessed, to add language to stop loading and come back to add additional resolutions, alert them that the public is watching, obtaining additional opinions for alternative options, and concerns about support for something that has never been done before.

Councilmember Hegenauer stated that she would not support a simpler option at this time, that the language should be 'don't reload' without making sure there are stronger cannisters, and her support for the use of Torgen's recommended language.

Council discussed adding stronger language, obtaining a recommendation from Mike Levin's technical team, an article that stated there were no federally approved cask for high burn, the risk of transferring material from thin-walled to thick-walled canisters without any assurance that it would work or be safe,

Council and Mr. Johnson discussed that some current language was meaningless, the risk of moving forward with stopping the process while more study is done to see any problems that might arise from the transfer, that safety was an issue with the current loading and reloading, that the first bullet points could not be accomplished to accurately reflect the issues, concerns about the unknowns, and recommending a directive to transition to the thick-walled canisters without knowing if it would be safe and successful.

Council and Mr. Mosier discussed passing a resolution now to stop the loading and coming back with stronger language later, the critical need to stop the reloading, the technical issues of the casks that had already been loaded was a difficult issue to address, and the safest thing to do immediately would be to stop the reloading.

**Motion:** Moved by Deputy Mayor Edson and second by Mayor Zito to approve with modified language to cease and don't restart loading into the existing canisters until with the safety requirements outlined can be met by a new system. **Approved 4/1** (Noes: Hegenauer). **Motion carried.**

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

*Submit speaker slips to the City Clerk.*

#### **C.1. Prohibiting the City Purchase of Fiber Rolls Wrapped in Plastic.** (File 0220-70)

Recommendation: That the City Council

1. Consider adoption of **Resolution 2019-088** adopting a City Policy to only purchase fiber rolls that are not wrapped in plastic.

Greg Wade, City Manager, introduced the item.

Earl Warren School students presented a PowerPoint (on file).

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



Mayor Zito recessed the meeting at 8:55 p.m. for a break and reconvened at 9:00 p.m.

**C.2. Community Grant Program Requests FY 2019-20.** (File 0330-25)

Recommendation: That the City Council

1. Receive the Staff Report, Community Grant applications and consider the presentations from the grant applicants. This item will come back to the City Council at the June 26, 2019 City Council Meeting for Council's grant allocations.

Greg Wade, City Manager, introduced the item.

Dan King, Assistant City Manager, reviewed the program and process.

Presentations were made by applicants:

Assistance League of Rancho San Dieguito – Kathy O'Leary

Boys & Girls Club – speaker had to leave before the item was heard.

Casa De Amistad – Nichole Mione-Green (PowerPoint, on file)

Community Resource Center – John Van Cleef (PowerPoint, on file)

Disconnect Collective–Platicas – Monica Stapleton (PowerPoint, on file)

Jaliscience Folklorica Academy – Elba Montes

La Colonia Community Foundation – Priscilla Rojo

North Coast Repertory Theater – Ben Cole

North County Immigration Center – Linda Haley

San Dieguito River Valley Conservancy – Trish Boaz (PowerPoint, on file)

Solana Beach Civic & Historical Society – Lisa Montes (PowerPoint, on file)

**C.4. Eden Gardens Overlay Discussion.** (File 0600-70)

Recommendation: That the City Council

1. Verify the study area limits and provide input if the area should be expanded or contracted.
2. Provide guidance on topics that should be included in study/analysis.
3. Provide any other input regarding tasks and timeline outlined in the Staff Report.

Greg Wade, City Manager, introduced the item.

Alicia Canales Rodriguez spoke about parking issues, narrowing cars passing each other in opposite directions, the opposite side of the street was always filled with parked cars, the garbage truck having to blast its horn waiting for someone to move a car so they could complete the trash collecting, the most important issue being emergency vehicle access, and designating some relief.

Lisa Montes spoke about developers focused on making money on redevelopment of homes that changed the character of the area, parking being a critical issue for La Colonia,

mail not being delivered because vehicles blocked mailboxes, and the many story poles erected in La Colonia.

Rich Villasenor spoke about the issue of parking, many small homes being replaced with condos and multi-family structures without adequate parking, street parking was further restricted by narrow roads, concerns about passing of trucks and safety vehicles, using garages for parking and not storage, sidewalks being used for parking restricting the use of the sidewalk, setbacks for privacy and quality of life, maintaining the character of Eden Gardens, require a mix of landscape so that all yards were not concrete, reducing structure height limits from 30 ft. to 25 ft., the addition of second stories should require some articulation, and maintaining the character, history and culture of the area.

Danny Hernandez (time donated by Tonya Hernandez) spoke about parking issues, rezoning, opposition to four houses on one lot, preserving the history was important for many generations remaining in the area, lack of parking for visitors to his home and having to park several blocks away, and preserving the past in this area.

Council discussed the difficulty of parking for visitors, the narrow streets and concern for emergency vehicle access, opportunities to widen streets, increase offsite parking to relieve on-street parking, vertical curbs restricting parking on sidewalks, land use development restrictions, maintain the public right-of-way, looking at various creative solutions, working with the neighborhood to identify concerns and ideas, much construction had been built to the edge of allowable areas, lack of parking for Baker Iron Works and La Colonia Community Center, specifying setbacks for mixed-use projects, conditioning new projects to use garages for parking and not storage, an overlay zone, determining the history of Eden Gardens area and to determine what should be preserved and included in regulations, and establishing the boundaries of an overlay zone.

## **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: Budget Adoption of Fiscal Year 2019-20 and Fiscal Year 2020-21.** (File 0610-60)

Recommendation: That the City Council

1. Adopt **Resolution 2019-085** approving the Fiscal Year 2019/20 and FY 2020/21 Budgets.

Mayor Zito opened the public hearing.

Greg Wade, City Manager, introduced the item.

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

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

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

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to continue to new items. **Approved 5/0.** Motion carried unanimously.

**C. STAFF REPORTS:** (C.3. - C.5.)

*Submit speaker slips to the City Clerk.*

**C.3. Introduce (1<sup>st</sup> Reading) Ordinance 502 – Relating to Chalk Marks on Tires for Parking Enforcement.** (File 0810-20)

Recommendation: That the City Council

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

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

**C.5. Introduce (1<sup>st</sup> 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. Introduce **Ordinance 503** amending SBMC Chapter 7.10 to include marijuana and controlled substances in the social host ordinance.

Debra Shade, member of the Solana Beach School Board and San Dieguito Alliance, spoke of her support and holding adults responsible for their children's activities.

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

**ADJOURN:**

Mayor Zito adjourned the meeting at 10:43 p.m.

Angela Ivey, City Clerk

Approved: July 8, 2020