

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting
Wednesday, July 10, 2019 * 6:00 p.m.

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

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

- City Council meetings are video recorded and archived as a permanent record. The [video](#) recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

CITY COUNCILMEMBERS

David A. Zito, Mayor

Jewel Edson, Deputy Mayor

Judy Hegenauer, Councilmember

Kristi Becker, Councilmember

Kelly Harless, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Zito called the meeting to order at 6:15 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.

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.

Tim Tully spoke about being a Nero-scientist, his Labrador retrievers, his receiving a red tag on his door from the San Diego Humane Society regarding a welfare check on his dogs, their requirement to enter his house to check on the dogs, his request that the City's Mayor or the CEO of the Humane Society be present and their refusal to do so, and how a false accusation or accuser would be handled. He asked Council to review the policy and procedures with its contract with the Humane Society since they had refused to provide him those documents.

Holly Cline spoke about the request by the Humane Society to see the dogs, the accusation being false, and how to handle any possible recourse they would have with the Humane Society.

Mayor Zito stated that he would meet with Mr. Tully and the CEO/CMO of the Humane Society.

Carol Bohl spoke about the need for residential parking permits in the area where she lived that would be enforced, that the two-hour parking was only partially enforced during the County Fair and Track racing, the parking restriction not being consistently enforced at other times, and that parking permits would be easier to enforce.

Jill Cooper, Bikewalksolana.org, announced a loop ride event at La Colonia Park.

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.8.)

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 June 8 – June 21, 2019.

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

A.2. Emergency Storm Drainpipe Repairs in the Solana Beach Towne Centre

Update No. 6. (File 0850-40)

Recommendation: That the City Council

1. Receive Update No. 6 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.3. Solana Energy Alliance (SEA) Administrative Services. (File 1010-45)

Recommendation: That the City Council

1. Adopt **Resolution 2019-110**, authorizing the City Manager to execute a Professional Services Agreement with Bayshore Consulting Group, Inc., for administrative services not to exceed \$40,000 for Fiscal Year (FY) 2019/20 in support of SEA.

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

A.4. Legal Services. (File 0400-05)

Recommendation: That the City Council

1. Adopt **Resolution 2019-108** ratifying approval of the Professional Services Agreement with Kane Ballmer & Berkman.

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

A.5. League of California Cities' 2019 Annual Business Meeting Voting Delegate Designees. (File 0140-10)

Recommendation: That the City Council

1. Appoint Councilmember Harless, primary voting delegate, Councilmember Becker, 1st alternate, and City Manager Gregory Wade, 2nd alternate, as the voting delegates for the 2019 Annual Business Meeting of the League of California Cities Annual Conference being held October 16-18, 2019 in Long Beach, or provide alternative appointments.
2. Authorize the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities before October 4, 2019.

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

A.6. Community Development Department Agreements. (File 0600-05)

Recommendation: That the City Council

1. Adopt **Resolution 2019-101** authorizing the City Manager to execute a Professional Services Agreement with Summit Environmental Group Inc.
2. Adopt **Resolution 2019-102** authorizing the City Manager to execute a Professional Services Agreement with Pamela Elliott Landscape Architect.

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

A.7. Other Postemployment (OPEB) Actuarial Valuations Services. (File 0350-55)

Recommendation: That the City Council

1. Adopt **Resolution 2019-103** authorizing the City Manager to approve a Professional Services Agreement with Bartel Associates for a three-year term to provide actuarial valuation services for Fiscal Year (FY) 2018/19 through FY 2020/21 for an amount not to exceed \$28,000.

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

A.8. City of Kindness. (File 0160-80)

Recommendation: That the City Council

1. Adopt **Resolution 2019-111** authorizing the City to join the City of Kindness Coalition.

Greg Wade, City Manager, introduced the item.

Johnathan Collopy and Rebecca Collopy spoke about some updates since May, including events and their special 'Coins of Kindness' for Council to give out in the City of Kindness endeavor.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **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: 431 Marview Lane, Applicant: John Freis, Case # 17-18-23.
(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 administratively issue a 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 2019-106** conditionally approving a DRP and an administrative SDP to construct a new two-story, single-family residence with an attached two-car garage and perform associated site improvements on a vacant lot at 431 Marview Lane, Solana Beach.

Greg Wade, City Manager, introduced the item.

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

Mayor Zito opened the public hearing.

Council disclosures.

Councilmember Hegenauer announced that she lived outside of the 500 ft. radius but within the 1,000 ft. radius of the project, that the project had no impact on her positively or negatively, and that she could be impartial on the project.

Jennifer Bolen, project architect, AOS Architecture, said that the road easement was where the property set back was calculated from which created some restrictions to the design on the property, that the design was in observance of the neighborhood character, that 800 ft. of the FAR was completely underground which helped to keep the bulk of the building lower scale, that they had discussed with the neighbors at a recent meeting some changes in the proposed landscaping, and that she could speak to what was agreed upon, if needed.

Council and Ms. Bolen discussed the redesign of the house after erecting preliminary story poles and meeting with neighbors, that the intention of the landscaping was for privacy, that they had no intention of blocking views, that the applicant would continue to work with the neighbors to verify the species of landscaping of heights, that the agreement was a formal legal agreement, the project had solar panel plans on the design, considering the approval of the building envelope, and returning to Council with a modified landscape plan for its final approval.

Lesa Heebner (time donated by Don Davis) spoke about the applicant working well with the neighbors, that the landscape plan came as a surprise but she and the applicant had discussed it today, that some proposed plants would be much higher at maturity and would ask that they consider some species that would have a more limited height at maturity to prevent blocking views, and asked that Council have the applicant return to Council with landscape for Council's final review.

Greg Wade, City Manager, said that Council could direct Staff to approve modified landscape plans administratively or return to Council for formal review.

Gary Martin spoke about when the Solana Highlands project was considered that the landscape plans had to return to Council and whether this was a similar situation.

Council and Staff discussed that the only concerns among neighbors were the landscaping plans, that is was more helpful to have the landscape designs flushed out by the time the project came before Council, the support for the project structure, whether a written agreement regarding the landscape would be a condition, preventing the building permit from being issued until the agreement was completed, and that the project could continue processing the application but hold the building permit issuance until the landscape plan return to Council for final review.

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

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

C. STAFF REPORTS: (C.1. - C.3.)
Submit speaker slips to the City Clerk.

C.1. Decommissioned San Onofre Nuclear Generating Station (SONGS) Safe Handling and Storage. (File 0220-40)

Recommendation: That the City Council

1. Discuss **Resolution 2019-090** and consider revising it to add stronger language per the request of members of the community.

Greg Wade, City Manager, introduced the item stating that this item was a continuation from the June 26, 2019 Council meeting.

Mayor Zito recessed the meeting at 7:16 p.m. for a break and reconvened at 7:20 p.m.

Cathy Iwane (time donated by Dave Clemons) spoke about being a Japanese translator in Fukushima, evacuating with her two daughters following the meltdown, how being a board member on the Samuel Lawrence Foundation had allowed her to meet some preeminent researchers and scientists dealing with safe handling and storage of nuclear waste at San Onofre, and the local public becoming more aware of the dangers of storing 3.6 million pounds of high level nuclear waste within 100 ft. of the beach where children and families gather daily. She spoke about the public calling for the removal of this waste who were mostly unaware that the waste could not be transported in the thin-walled Holtec International's manufactured canisters currently used at San Onofre, how the U.S. Department of Energy, Department of Transportation, and the Nuclear Regulatory Commission (NRC) had stated this fact, the inability to maintain, repair, or inspect thin-walled canisters since they were welded shut, how thick-walled casks were available and being used in the U.S., thick-walled casks contents had remained unharmed during the earthquakes, tsunamis, and nuclear meltdowns of 2011 at Fukushima, Japan She asked Council to watch the May 13, 2019 congressional briefing called "Nuclear Power Oversight" on CSPAN for more information. She spoke about Mike Levin's task force, asking Council to add language concerning safety and thick-walled casks, and to set a precedence for this issue in the region.

Council and Ms. Iwane discussed the thick-walled casks being transportable, more than 30% of high burn-up fuel was contained in thin-walled casks which should be in thick-walled casks that were not welded shut, but closed with bolts, and could be reopened and transported, and the conflicting facts on whether thick-walled casks were federally approved for more than 45 gigawatt per metric ton,

Jim Jaffe (resident, co-lead of Beach Preservation Committee, San Diego Surfrider Foundation and National Surfrider Foundation) and Kristin Brinner (time donated by Michele Jaffee) said that he was an electrical engineer and wrote his master thesis in semi-conductor device physics, had worked in a lightning laboratory on electromagnetic pulse radiation, and would consider himself a layperson on nuclear energy. He said that it was difficult for any layperson to determine the engineering specifications with the magnitude of these consequences. He presented a PowerPoint (on file) reviewing a nuclear reactor, the fuel rods, uranium pellets made of zirconium, and its shield of radiation, and spoke about thousands of fuel rods at San Onofre sitting in a pool, that without circulation, would overheat, the information he submitted for blue folder that showed these rods needed to be removed from the pools after 5 years, which was last year, which should be motivation to get the rods out of the pool and area from the area, one way to protect it would be to place it into a cabin for more protection from elements or attacks. He said that the thin-walled canisters were certified for transport but the thick casks did not pass initial certifications because material leaked through may have not yet met the required certification for transport. He said that everyone agreed to get it off the coast even though many things would have to fail at the same time to cause some of the scenarios proposed, since there were additional protections and shields, that the questions should be focused on the issue for immediate protection, funding would be needed working with Congressman Levin to get proper oversight and movement from the coast. Kristin Brinner (resident, co-lead on Beach Preservation Committee) spoke about the urgency to remove the material from the pools, maintain the current resolution and stay the course.

Council and Mr. Jaffe discussed the conflicting opinions of whether the thin-walled casks and the thick-walled casks were certified for transportation, the link in his submittal under UMAX explaining the issues with thin-walled casks were not yet certified for transport of high burn-up fuel, that no new storage location had yet been identified, that scratches had been shown to be clear on casks, that the recent NRC did not determine that the thin-walled casks were defective, all of the conflicting opinions on whether they were defective or not. Discussion continued regarding the NRC having authorized reloading since they had not determined the casks were defective, whether thin-walled casks were transportable for high burn-up fuel, the over-pack was a requirement for transport of the casks to provide additional protection, asking Council to look at more operational aspects of SONGS and require Edison to have adequately designed ISFSI vaults and guiding rings that do not scratch the canisters during load events, whether this recommended mechanism was currently being used, the NRC inspection of scratches to determine if they were an issue or not, that incidental scratching and inspection to determine if the integrity of the canister would be compromised, that the focus should be on the oversight to make the correct determinations, that there was no indication to believe that the NRC was disingenuous, Congressman Levin's letter outlined concerns about the NRC and their

oversight that had not been provided, the cooling pools were meant to be temporary storage and not for a long period of time, that safe storage should be the priority, that everyone agreed that the material needed to be removed from the pools, the conflicting information was whether the thin-walled casks were sufficient or thick-walled casks were necessary, what to do with the material until it is time to transport, and whether thick-walled canisters could be transported, and that a new safe storage for thick-walled casks would have to be designed on-site.

Torgen Johnson said that his training was in multi-disciplinary Planning at Harvard, to check the sources of information being presented from real experts, that the images presented were from the company in question that created the program, the NRC regulated from a self-reporting violations process, and Holtec assured the NRC that everything they were doing was safe. He presented a PowerPoint (on file) and spoke about Edison and Holtec racing through the decommission of this power plant, that it was more dangerous to decommission than to build one, they were canning the waste hotter than it should for storing, the NRC would license whatever they were asked to license, that Edison and Holtec reports were not true, various experts had not agreed with the current plan for storage, the new concern about stress corrosion and cracking, the impracticality of repairing thin-walled canisters because once damaged the radiation would pour out and no one would be able to handle it, that the loading needed to be stopped before something happens, and to store all material in thick-walled casks in a hardened building at a higher elevation for security and away from environmental hazards, He said that pressure needed to be placed on the Governor to demand the reloading to be stopped until it could all be sorted out with reassurances since the review board was concerned about hydrogen explosions.

Council and Mr. Johnson discussed the thick-walled casks being approved for transport of high burn-up fuel, thin-walled cask canisters sit in an over pack with air circulating through it, stainless steel being the worst material of choice, allowing salt air to circulate through the walls which was corroding, that it would take up to 40 years to cool off so the expediting movement would not be reached, the only option left was to use a thick transportable cask, the transportability conflicted opinions, that the thick-walled casks were certified for transportation and safe for touching, the thin-walled cask contact could cause death in 30 days, the transport ambiguity, that the thin-walled cask was not transportable because there was no gamma shield, relocation to a higher elevation on the same site would decrease some of the danger, a need to have the Governor lean on the CPUC to express that this was unacceptable, the thin-walled canisters were always 5/8 inches away from disaster since they have to have air circulation, they were using temporary workers from the construction industry, that a canister was hung up and it would fall, that if a canister fell 2 inches it would be disastrous with no plan in place to manage it, the best practice would be to shut down the entire processing, whether getting thick-walled casks would delay getting out of pool storage, that containment was the biggest issue, the need for better certification and training for workers. Discussion continued regarding the difficulty and lack of plans for relocating this amount of waste, the ambiguous facts and solutions, whether the shift to thick-walled casks pose significant delay in getting the material out of the pool, they were being loaded hotter than they should be loaded, the system was defective so the current movement of loading into thin canisters should be stopped, maybe smaller loads would be more effective and eventually get it all moved sooner, the near

drops are a warning to stop and rethink the process, and that there was no reliable inspection process to know the dangers other than when they begin leaking.

Tracy Richmond spoke about the importance of moving material out of the pool but not at a risk of moving into an unsafe packing, the need to make it as safe as it can be, that the current location could not be the safest, if thick-walled casks took longer then that would be more important for safety, and asked Council to adopt a strong resolution to make it clear.

Council and Mr. Richmond discussed what delay threshold would be acceptable, the illusion of safety was risky and that safety should be the priority, whether waiting 30 years longer to make it safe would be acceptable.

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

Gary Martin spoke about the risk period of waiting versus safety, that 30 years would be acceptable if the alternative could be a meltdown and loss of people.

Council and Mr. Jaffe discussed that their scientist Kristi Day was an environmental scientist, whether to choose the temporary storage of an early warning system in thick-walled casks or the potential defectiveness of the thin-walled casks, two different canisters were vertical and horizontal each being by either Holtec or another manufacturer, the pool location was more concerning than the type of cask since the cooling system to prevent a meltdown was a higher risk of being defective and once they cool the pellets would be exposed and nothing could protect the environment from that exposure, the concern about thin-walled versus thick-walled as it still posed the greater threat of how to handle and transfer the material to a different storage canister, to add the need for an evacuation plan to the resolution,

Council and Mr. Johnson discussed the NRC approval of the thin-walled cask for the waste and since learned it was impossible to bury the material because of its instability, the dry cask system was based on thick-cask system, and the best option forward was thick-walled casks to accompany removal from the pools.

Council discussed the problem with relying on factual information, alternative solutions, the City Council not being qualified to determine many of these issues, waiting for guidance from Mike Levin's task force, review of Mike Levin's letter to the NRC to inspect for Council's own direction of resolution additions, accelerated decommissioning should be replaced with safer decommissioning, identify on-site possibilities, stop the loading of canisters in order to fix the system, maximizing safety and transparency, the priority of removing material from the pools and getting it into dry storage, loading in federally certified casks, encouraging Congressional funding, demanding maximum safety via the resolution, adding best practices, safety managers on-site 24 hrs., improved training and handling, guiding rings, thick-walled canisters to be place into dry storage, to monitor inspect and repair canisters, remove from the beach area, and putting an evacuation plan in place.

Motion: Moved by Councilmember Hegenauer and second by Councilmember Becker to approve additional language adding the use of Best Practices in storage and transportation and every element that has to do with the process that is in the current decommissioning stage at San Onofre, requiring safety managers around the clock at San Onofre that have been trained and understand what they are charged with, improving handling practices, replacing thin-walled canisters with thick-walled canisters, moving the material to a dry storage system that could be monitored, inspected and repaired, relocating the material as far away as possible from the water and fault lines, and making a comprehensive evacuation plan. **Approved 4/1 (Noes: Zito).** Motion carried.

C.2. Speed Cushions Installation Policy. (File 0860-50)

Recommendation: That the City Council

1. Consider and provide feedback on a proposed Council Policy under which the Council would consider the installation of speed cushions in residential neighborhoods within the City.

Greg Wade, City Manager, introduced the item.

Mo Sammak, Public Works/Engineering Dir., presented a PowerPoint (on file).

Sandra Hutton spoke about residents on S. Cedros who were interested in the effort, an initial draft petition was signed by 21 residents in her area, whether long-term renters could sign the petition or only property owners, a 25mph threshold would be preferred to the 30mph, and the need for reflective signs for nighttime.

Perry Hayes presented a PowerPoint (on file) regarding he and his wife's support of speed cushions and the many reasons why.

Gary Martin spoke about the need for refining the draft policy's definitions, consistency, structural design, the need for residents considering this action to confirm ahead of time whether their street would be eligible before gathering signatures, and having an early public workshop to gather input and talk through some details.

Council and Staff discussed waiver requests for streets that were not eligible, how to handle the non-signers of a majority petition favoring speed cushion on their street and how the cost for the them might be allocated, speed cushions were required to be outside a certain distance from intersections, preventing driving around the speed cushion to miss it by driving into parking spaces on the side of the street, lowering some speed limit thresholds, a speed survey often results in speeds higher than are posted, whether the speeds should be different on streets with and without sidewalks, that this was not currently a Work Plan item so it would have to be worked into the workload, setting a prioritization of requests and set public expectations, and returning to Council with this feedback and then proceeding with a public workshop.

C.3. View Assessment Ordinance Discussion. (File 0600-45)

This item was not heard.

ADJOURN:

Mayor Zito adjourned the meeting at 10:50 p.m.

Angela Ivey, City Clerk

Approved: October 23, 2019