

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, September 25, 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.
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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 6:12 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 Becker to approve. **Approved 5/0.** Motion carried unanimously.

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

Mira Costa College

Cynthia Rice, Associate Vice President of Institutional Advancement at Mira Costa College, introduced the Board of Trustees Vice President Rick Kasar, and spoke about campus

locations, a new pilot program providing a bachelor's degree option, Mira Costa's expanded program providing up to two years tuition free, the bond initiative passed in 2016 providing for updated classrooms, new buildings and upgraded facilities, and gratitude for the communities support and collaboration.

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.

Dave Rolland and reviewed updates from Senator Toni Atkins' office which included funding to address affordable housing and homelessness, protections for renters, indiscriminate evictions, exorbitant rent increase, updates of the state's use-of-force statute to end preventable deaths without jeopardizing safety of law enforcements, protections for energy ratepayers by overhauling the way the state and utilities cover the cost of wildfire damages, funding for disaster preparedness and recovery, funding for education and education construction, enhancing the new students attending community college to two years tuition free, public safety, climate change, youth homelessness, art and culture, and stabilizing the Del Mar bluffs. He spoke about available funding through the California Arts Council in which over 40 San Diego County organizations received collectively more than one million dollar for programs last year. He urged residents to call their office on any state related matters and introduced Toni Duran as the area's new liaison to the community since he would be shifting his duties at the Senator's office.

Peggy Walker, San Dieguito Alliance for Drug Free Youth, said that she was also representing a coalition of public health education and addiction treatment professionals that had serious concerns about the current teen and adult vaping health crisis of nicotine and marijuana THC products that had led to hospitalization. She said that the CDC, Center for Disease Controls had reported 530 cases of illnesses and nine deaths, that 67% of patients were between the ages of 18 and 34 and more than two-thirds of them were under 25 years old. She submitted a handout and said that it was a list of vaping products available and marketed to teens, that many companies, cities, counties, and states were enacting moratoriums or bans of such products from shelves and product advertising, and requested that Council consider banning vaping of nicotine and marijuana products which caused mysterious lung diseases impacting so many children and young adults.

Kathleen Lippitt said that she was a public health practitioner and submitted a document that was the first Surgeon General Advisory since 1992 regarding marijuana use, the opinion issued a significant warning regarding the physical and mental implications of marijuana use during pregnancy and the increased exposure to youth increased the possibility of dependence and addiction, the nexus between marijuana and opioids, and the concern about the Solana Beach initiative on the ballot next year having an accurate reflection of the upcoming measure and exactly what it would do.

Council and Staff responded that the ballot title and summary, which was written by the City Attorney, had been prepared earlier this year and was posted on the City's website.

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 August 10 – September 13, 2019.

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

A.3. Emergency Storm Drainpipe Repairs in the Solana Beach Towne Centre Update No. 8. (File 0850-40)

Recommendation: That the City Council

1. Receive Update No. 8 and provide further direction, if necessary.

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

A.4. Council Use Policy – Public Availability of Drinking Water. (File 0230-55)

Recommendation: That the City Council

1. Adopt **Resolution 2019-129:**

- a. Provide comment and direction and consider formally adopting City Council Policy No. __ increasing the City's commitment to provide public drinking water.

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

A.5. Sewer Pipeline Replacement Project - Notice of Completion (File 1040-36)

Recommendation: That the City Council

1. Adopt **Resolution 2019-113:**
 - a. Authorizing the City Council to accept as complete the 2019 Sewer Pipeline Replacements, Bid 2019-01, performed by DB Pipeline.
 - b. Authorizing the City Clerk to file a Notice of Completion.
2. Adopt **Resolution 2019-123:**
 - a. Receiving this report detailing the specifics of the emergency nature of this project.
 - b. Making a finding, based on substantial evidence set forth in the Staff Report, that the emergency would not permit a delay resulting from a competitive solicitation for bids, and that the action was necessary to respond to the emergency.
 - c. Ratifying the City Manager's decision for the emergency storm drain repairs located along south side of Lomas Santa Fe Drive approximately 200 yards east of Las Banderas Drive under the authority of Section 3.08.060 of the Solana Beach Municipal Code (SBMC) which states that the City Manager may make emergency purchases that exceed \$25,000 in response to conditions that endanger life, health or safety and that those emergency purchases are free from the provisions of Chapter 3.08 of the SBMC.
 - d. Authorizing the City Manager to pay all invoices associated with the emergency storm drain repairs located along south side of Lomas Santa Fe Drive approximately 200 yards east of Las Banderas Drive.

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

A.6. 2019 Street Maintenance and Repair Project. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2019-124:**
 - a. Awarding a construction contract for the 2019 Street Maintenance & Repair Project, Bid 2019-04, in the amount of \$381,127, to PAL General Engineering, Inc.
 - b. Approving an amount of \$95,000 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.

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

A.7. Cardiac Monitor Equipment. (File 0260-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-127:**

- a. Authorizing the City to utilize the Request for Proposals (RFP) approved by the County of Los Angeles awarding Zoll Medical Corporation the contract to provide for the purchase and warranty of cardiac monitors/defibrillators, accessories/supplies, and upgrades.
- b. Authorizing the City Manager to enter into an Agreement with Zoll Medical Corporation for the purchase of three (3) cardiac monitors, one (1) cardiopulmonary resuscitation (CPR) device, enter into a five (5) year service agreement, and approve trade-in of the three (3) existing cardiac monitors in the amount of \$117,688.
- c. Authorizing an appropriation into the County Service Area 17 (CSA-17) revenue and expenditure accounts in the Public Safety Special Revenue fund.
- d. Authorizing the City Treasurer to amend the FY 2019/20 Adopted Budget accordingly.

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

A.8. Solana Energy Alliance (SEA) 2018 Power Content Label and Attestation.

(File 1010-40)

Recommendation: That the City Council

1. Attest to the accuracy of information provided in Solana Energy Alliance's 2018 Power Content Label based on Staff's review, consultant input and review and an independent auditor report.

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

B. PUBLIC HEARINGS: (B.1. – B.2.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: 4250 North Lane, Applicant: Brad Fomon, Case 17-19-01.

(File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a Development Review Permit (DRP). Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2019-128** conditionally approving a DRP to demolish a single-family residence, construct a replacement single-story, single-family residence with an attached three-car garage, and perform associated site improvements at 4250 North Lane, Solana Beach.

Joe Lim, Community Development Dir., presented a PowerPoint (on file) on the project.

Mayor Zito opened the public hearing.

Council disclosures.

Brad Foman, Applicant and owner, spoke about the design being compliant and looking good within the community, that they reached out to the neighbors to let them know what he was going to design, made changes in consideration of the heights and views, and that they tried to stay within the guidelines provided.

Council and Applicant discussed that it was a 'spec' house, that the house did not appear to capitalize on views, the site layout as well as the driveway prevented them from obtaining ocean views from the backyard, privacy concerns of neighbors' backyards, that a 2-story home was not desired in the community for this site, undergrounding the power lines to his property, that they could not add a dwelling unit in the back area due to the setback and the property required a lot of grading to level out the lot, the Applicant had heard about the request to trim a eucalyptus tree for the first time and had no problem with it, and that the house would have solar and be wired for EV chargers.

William Leigh said that he was the neighbor to the South and had asked about having the tree trimmed that hung over his fence, that limbs from this tree had fallen into his yard, and that the tree was about 40 ft. high.

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

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

B.2. Public Hearing: 336 South Nardo, Applicant: Evan & Afsaneh Cooper, Case 17-19-07. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a Development Review Permit (DRP) and Structure Development Permit (SDP). Therefore, Staff recommends that the City Council:

1. Conduct the continued 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 2019-125** conditionally approving a DRP and SDP to demolish a single-family residence, construct a replacement single-family residence with an attached two-car garage and a second level attached accessory dwelling unit (ADU), and perform associated site improvements at 336 South Nardo Avenue, Solana Beach.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Council disclosures. Councilmember Harless stated that she knew the Applicants from the past but had not dealt with them on this project and could remain impartial. Councilmember Becker stated that she had property within 1,000 ft. radius, but not within 500 ft., and could remain impartial on the project.

Council and Staff discussed the engineering conditions regarding grading near the neighbors, to add a condition that letters of permission to grade shall be obtained from adjoining property owners for grading that is within three feet of the property line or on adjacent properties, cut and fill slopes shall be set back from the site boundaries and build shall be set back from the cut or fill slopes in accordance with Solana beach municipal code, that the North Lane project had extensive grading detail that prompted the condition, which the applicant had agreed to.

Craig Frieauf, Frieauf Architects, Applicant's representative, said that the condition referred to for grading was typical in most cities, they had good relations with the neighbors, the grading was fairly minor on this home, and they would not be opposed to the additional condition.

Council and Staff discussed the driveway utilizing pervious pavers to hold large trucks like fire truck, energy efficiency including solar panels, changing the fireplace from wood burning to gas only, the accessory dwelling unit and reduction in fees if it was deed restricted, and that the applicant would plan to initially use it for family members,

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

Council discussed the applicant's input from the neighbors, the scale compatibility, approving the story pole waiver, and the applicant's willingness to have a non-wood burning fireplace.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to approve with additional conditions of a non-wood burning fireplace, and obtaining letters of permission from neighbors for adjacent property grading. **Approved 5/0.** Motion carried unanimously.

C. STAFF REPORTS: (C.1. - C.5.)

Submit speaker slips to the City Clerk.

C.1. Solana Beach Pump Station Construction Update. (File 1040-30)

Recommendation: That the City Council

1. Adopt **Resolution 2019-126:**

- a. Authorizing the City Manager to execute a change order with PCL Construction in the amount of \$247,556.
- b. Authorizing the City Manager to execute an amendment to the Professional Services Agreement with Valley Construction Management in the amount of \$106,235.
- c. Authorizing the City Manager to execute an amendment to the Professional Services Agreement with Dudek in the amount of \$46,756.

Greg Wade, City Manager, introduced the item.

Mo Sammak, Public Works/Engineering Dir., presented a PowerPoint (on file) reviewing the project and the requested additional funding.

Council discussed estimated completion date of around March 2020, that the project was about 60% complete, the majority of the underground work was completed, and touring the pump station with hard hat and minor safety training.

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

C.3. Adopt (2nd Reading) Ordinance 505 – Safe Storage of Firearms. (File 0250-70)

Recommendation: That the City Council

1. Adopt **Ordinance 505** amending Solana Beach Municipal Code Chapter 7.20 to add a new section 7.20.030, relating to the safe storage of firearms.

Johanna Canlas, City Attorney, read the title.

Cindi Clemons spoke about the need for safer gun storage and penalties for those that do not comply, requesting Council to pass the ordinance, and to do more to pass laws to end gun violence and hold gun owners responsible.

Council discussed that Solana Beach would be the first in North County with this ordinance, that the ordinance did not substantially burden a right or ability for owners to use firearms for self-defense in their home, that the locking requirement applied only to firearms that were not being carried on the person or are in the person's immediate control, that it would not prevent owners from carrying loaded firearms in the house, that it allowed the firearms to be loaded when stored, it did not infringe on the ability to defend oneself in their home, and that the ordinance aligned with NRA safety rule that stated "when using or storing a gun, always store guns so they are not accessible to unauthorized persons."

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

C.2. Adopt (2nd Reading) Ordinance 504 - Regulation of Food Service Ware, Polystyrene and Plastic Bottles in Furtherance of Protecting the Environment and Reducing Single-Use Plastics and Waste. (File 0230-55)

Recommendation: That the City Council

1. Adopt **Ordinance 504** amending Solana Beach Municipal Code Title 5 to expand the ban on polystyrene products to address single-use plastics and plastic bottles on City property.

Johanna Canlas, City Attorney, introduced the item and read the title.

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

C.4. Citizen Commission Appointments. (File 0120-06)

Recommendation: That the City Council

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

Greg Wade, City Manager, introduced the item.

Meredith Hanrahan spoke about her submittal for the Climate Action Commission, the importance of the topic, her interest even though she had little experience, and that she would be open to applying for the Public Arts Commission.

Councilmember Becker said that she would nominate Paul Basore.

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

C.5. City Manager Agreement Amendment. (File 0560-30)

Recommendation: That the City Council

1. Adopt **Resolution 2019-130** authorizing the Mayor to execute the Fourth Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade to reflect the 2.5% increase in base salary, \$2,500 increase towards Deferred Compensation, and allowing the City Manager to use City provided power to charge his vehicle.

Johanna Canlas, City Attorney, introduced the item and stated that state law required that executive compensation be read aloud. She said that the consideration was to execute a fourth amendment of an employment agreement between the City of Solana Beach and Gregory Wade to reflect the 2.5% increase in base salary, \$2,500 increase towards deferred compensation and allowing the City Manager to use City provided power to charge his vehicle.

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency "City" at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)

ADJOURN:

Mayor Zito adjourned the meeting at 8:16 p.m.

Angela Ivey, City Clerk

Approved: November 20, 2019