

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



# MINUTES

**Joint REGULAR Meeting**  
**Wednesday, February 12, 2020 \* 6:00 p.m.**

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

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

**Jewel Edson, Mayor**

**Judy Hegenauer, Deputy Mayor**

**Kristi Becker, Councilmember**

**Kelly Harless, Councilmember**

**David A. Zito, Councilmember**

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

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**CALL TO ORDER AND ROLL CALL:**

Mayor Edson called the meeting to order at 6:00 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito  
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 Councilmember Zito and second by Councilmember Harless 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.

Barbara Gordon spoke about the program called The Changers which is a Hispanic high school youth group in Solana Beach, the upcoming ballot initiative for marijuana storefronts and the paid signature gatherers providing misinformation to solicit signatures, and a request that Council consider writing the ballot measure's opposing argument.

Peggy Walker spoke about the current federal ban on flavored vaping projects but not on flavored tobacco and menthol, new competing disposable e-cig brands with sweet flavors that appeal to children, items like puff bars and similar projects, requesting that City Council consider a ban to close the loop hole for cartridge based systems and disposable e-cigs, implementing a moratorium on all vaping products and refillable tank systems until they are approved by the FDA (Federal Drug Administration), and vaping having become an e-waste hazard for schools including lithium ion batteries contributing to City litter.

### **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.6.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

#### **A.1. Register Of Demands.** (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for January 4, 2020 – January 24, 2020.

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

#### **A.2. General Fund Adopted Budget for Fiscal Year 2019-2020 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2019-2020 General Fund Adopted Budget.

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

#### **A.3. Emergency Corrugated Metal Pipes (CMP) Storm Drain Repairs.** (File 0850-40)

Recommendation: That the City Council

1. Receive Update No. 2 and provide further direction, if necessary.

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

**A.4. Tide Beach Park Slope Paving Removal Project.** (File 0730-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-015:**
  - a. Accepting as complete the Tide Beach Park Slope Paving Removal Project, Bid 2019-06, constructed by Wright Construction Engineering Corp.
  - b. Authorizing the City Clerk to file a Notice of Completion.

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

**A.5. Coastal Rail Trail (CRT) and Streetlight Assessment Districts Administration.**

(File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-017** authorizing the City Manager to execute a professional services agreement, in an amount not to exceed \$6,125 for the first year, with Koppel & Gruber Public Finance for annual administration of the Coastal Rail Trail and Streetlight Assessment Districts.
2. Authorizing the City Manager to extend the agreement for up to four additional years, at the City's option.

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

**A.6. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held December 11, 2019 and January 8, 2020.

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

**C. STAFF REPORTS:** (C.1.)

**C.1. Fiscal Year 2018/19 Comprehensive Annual Financial Report (CAFR).**

(File 0310-22)

Recommendation: That the City Council

1. Accept and file the City of Solana Beach Comprehensive Annual Financial Report (CAFR) for the fiscal year July 1, 2018 – June 30, 2019.
2. Accept and file the Communication of Internal Control Related Matters Identified in an Audit letter.
3. Accept and file the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets letter.

4. Accept and file The Auditor's Communication With Those Charged with Governance letter.

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

Bryan Gruber, LSL, presented a PowerPoint (on file) reviewing the audit details and results.

Council, Staff, and Consultant discussion.

**Motion:** Moved by Councilmember Zito and second by Deputy Mayor Hegenauer to accept and file. **Approved 5/0.** Motion carried unanimously.

### **B. PUBLIC HEARINGS:** (B.1. – B.3.)

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. Junior Lifeguard Program and Day Camp Fees Adjustment** (File 0390-23)

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Adopt **Resolution 2020-023** to increase the fees of the Junior Lifeguard and Summer Day Camp programs.

Marie Berkuti, Finance Manager, presented a PowerPoint (on file).  
Mayor Edson opened the public hearing.

Council and Staff discussion.

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

**Motion:** Moved by Councilmember Zito and second by Councilmember Harless to approve proposed fees, phasing them in over four years, and directing Staff to return with an updated cancellation policy and fees. **Approved 4/1 (Noes: Edson).** Motion carried.

Revisited later in meeting to alter the final vote.

**Motion:** Moved by Councilmember Harless and second by Councilmember Zito to re-open the public hearing of Item B.1. **Approved 5/0.** Motion carried unanimously.

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

**Motion:** Moved by Councilmember Zito and second by Councilmember Becker to approve proposed fees by Marine Safety for the Jr Lifeguard programs and Staff recommendation of the Day Camp fees, phasing the fee increase equally over a four-year period, and directing Staff to return with a modified cancellation policy and related fees. **Approved 5/0.** Motion carried unanimously.

**B.2. Public Hearing: 1162 Highland Drive, Applicant: Bob and Melissa Kench, Case 17-18-32** (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. 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 2020-016** conditionally approving a DRP and SDP to construct a square footage addition to an existing single-family residence at 1162 Highland Drive, Solana Beach.
4. Adopt **Resolution 2020-022** ordering the vacation of excess public street right-of-way at 1162 Highland Drive.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) reviewing the proposed project.

Mayor Edson opened the public hearing.  
Council disclosures.

Council and Staff discussion and clarification.

Bart Smith, Applicants' Architect, said that they did not have a presentation and were available for questions.

Council, Staff, Applicant, and Architect discussed solar panels and electrical vehicle wiring, landscaping and the intent to leave most of the mature trees in place, that a landscape plan was not triggered for the project, and the removal of railroad ties that are in the right-of-way without an encroachment permit.

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

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

**B.3. Public Hearing: 632 Mar Vista Drive, Applicant: Douglas App, Case 17-19-09**

(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 2020-018** conditionally approving a DRP and SDP to demolish an existing single-family residence, construct a replacement two-story, single-family residence with a partially subterranean, three-car garage and basement entry area, and perform associated site improvements at 632 Mar Vista Drive, Solana Beach.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) reviewing the proposed project.

Mayor Edson opened the public hearing.

Council disclosures.

Council and Staff discussion and clarifications.

Brian Church, Applicant representative, and Applicant Doug App spoke about working with the neighbors and received support on height, views, landscaping, slopes, solar panels and electronic vehicle wiring, and submitted a rendering (on file).

Council and Applicant discussion regarding the balcony set-back of back 2 ft.

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

**Motion:** Moved by Councilmember Harless and second by Deputy Mayor Hegenauer to approve and adding an additional condition that the balcony and roof overhang be reduced by 2 ft. to prevent encroachment into the setback. **Approved 5/0.** Motion carried unanimously.

Mayor Edson recessed the meeting at 8:03 p.m. for a break and reconvened at 8:10 p.m.

### **C. STAFF REPORTS:** (C.2. – C.3.)

*Submit speaker slips to the City Clerk.*

#### **C.2. Solana Energy Alliance (SEA) Quarterly Operational Update.** (File 1010-45)

Recommendation: That the City Council

1. Receive the SEA Quarterly Report.

2. Provide direction regarding potential restructure of SEA to align with CEA goals and/or Financial Model results.
3. Direct Staff to schedule a public hearing to consider an update to the rate schedule reflecting direction given.

Dan King, Assistant City Manager, reviewed the history of the SEA and presented a PowerPoint.

Barbara Boswell, Jeff Fuller, and Chad Colton (Consultants) continued the PowerPoint (on file) reviewing financial results, rates, portfolio scenarios, regulatory activity, deferring monthly payments, and micro-grids.

Council, Staff, and Consultants discussed resource adequacy, imported RA, retiring cooling plants, central buyer concept status, carbon-free purchases, options to change the discount, and consideration of deferring the monthly at this time.

City manager continued PowerPoint (on file).

Lane Sharman spoke about a goal of increasing de-carbonization and paying a refund to the ratepayers.

Council discussion continued regarding clean energy goals, local control, the effects of the severe regulatory changes, maintaining the 50% renewable and 75% carbon-free, deferring all or some of the \$25,000 City payments, go to rate parity, and transparency for the public to understand the figures of the current financial status.

### **C.3. SANDAG 2019 Accomplishments Report – Informational Item.** (File 0150-55)

Greg Wade, City Manager, introduced the item and said that SANDAG was required to present an annual report, pursuant to AB 805.

Councilmember Zito presented a PowerPoint (on file) reviewing SANDAGs projects over the last year, and spoke about the RHNA (Regional Housing Needs Allocation) which was accepted by SANDAG from the state. He said that Solana Beach's allocation was unfair and unequitable and other Board members agreed and voted to shift some allocations between other cities, but it was overturned by a weighted vote, and that four cities had appealed the RHNA allocation.

### **WORK PLAN COMMENTS:**

*Adopted June 12, 2019*

### **COMPENSATION & REIMBURSEMENT DISCLOSURE:**

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

Councilmember Becker reported for the League of California Cities that she attended a February 24<sup>th</sup> meeting for the Environmental Quality Policy Committee.

Mayor Edson reported for NCTD that she traveled to Sacramento at the expense of NCTD.

**COUNCIL COMMITTEE REPORTS:** [Council Committees](#)

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

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

**ADJOURN:**

Mayor Edson adjourned the meeting at 9:44 p.m.

Angela Ivey, City Clerk

Approved: March 10, 2020