



# 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 24, 2020 \*4:00 p.m.

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

This meeting was conducted in accordance with Governor Newsom's Executive Order N-29-20 and N-33-20 related to the COVID-19 virus.

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

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

#### CITY COUNCILMEMBERS

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

#### CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 4:55 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 Deputy Mayor Hegenauer to approve.

**Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

#### ORAL COMMUNICATIONS:

Beckie Samuels voiced concern about the possibility of placing mini homes for 1300 homeless Veterans and their families either at the Fairgrounds and/or Horse park and

potential loss of the horse park.

Carla Echols-Hayes objected to housing homeless Veterans in steel containers on a flood plain at the Fairgrounds, citing lack of information regarding management by FIXX Solutions, LLC. and saying better services are provided elsewhere.

Beth Nelson spoke against homeless being housed at the Fairground.

Rachel McHale, SolanaBeach4Equality, discussed Black Lives Matter and suggested a task force in coordination with other cities in North County to address racial injustice and a citizen review panel for police contracts.

Jeff McMillan spoke on police reform.

### **PRESENTATIONS:**

2020 Graduation Recognition

### **COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

Councilmembers reported on community announcements and events.

#### **A. CONSENT CALENDAR:** (Action Items) (A.1. – 8, and A.10 – A.11.)

*Item A.9 was moved to follow the Consent Calendar.*

#### **A.1. Ratifying Engagement Letter with Pillsbury Winthrop Shaw Pittman LLP and Approving a Professional Services Agreement with Kane Ballmer & Berkman.** (File 0400-05)

Recommendation: That the City Council

1. Adopt **Resolution 2020-102** Ratifying Approval of the Engagement Letter with Pillsbury Winthrop Shaw Pittman LLP.
2. Adopt **Resolution 2020-103** Approving a Professional Services Agreement with Kane Ballmer & Berkman.

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

#### **A.2. Register Of Demands.** (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for May 23, 2020 – June 5, 2020.

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

#### **A.3. 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 Zito and second by Councilmember Harless to approve.  
**Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

**A.4. Annual Investment Policy.** (File 0350-30)

Recommendation: That the City Council

1. Adopt **Resolution 2020-071** approving the City's Investment Policy for 2020/21.

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

**A.5. Quarterly Investment Report.** (File 0350-44)

Recommendation: That the City Council

1. Accepts and files the attached Cash and Investment Report for the quarter ended March 31, 2020.

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

**A.6. Appropriations Limit for Fiscal Year 2020/21.** (File 0330-60)

Recommendation: That the City Council

1. Adopt **Resolution 2020-073** establishing the FY 2020/21 Appropriations Limit in accordance with Article XIII B 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 Councilmember Zito and second by Councilmember Harless to approve.  
**Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

**A.7. San Elijo JPA (SEJPA) Recycled Water Pipeline Transfer and Cost Reimbursement.** (File 1040-44)

Recommendation: That the City Council

1. Adopt **Resolution 2020-044** authorizing the City Manager to execute the Pipeline Transfer and Cost Reimbursement Agreement by and between the San Elijo Joint Powers Authority and the City of Solana Beach for the recycled water pipeline along Via de la Valle that was constructed by the City of Del Mar on behalf of the City of Solana Beach.

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

**A.8. Sewer and Storm Drain Rehabilitation Project Award** (File 0850-00)

Recommendation: That the City Council

1. Awarding the construction contract to Southwest Pipeline & Trenchless Corporation, in the amount of \$788,136, for the Sewer & Storm Drain Rehabilitation Project, Bid 2020-01.
2. Approving an amount of \$79,000 for construction contingency.
3. Authorizing the City Manager to execute the construction contract on behalf of the City.
4. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.

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

**A.10. As-Needed Traffic Engineering Services and a Traffic Signal Condition Assessment.** (File 0860-05)

Recommendation: That the City Council

1. Adopt **Resolution 2020-086:**
  - a. Authorizing the City Manager to approve a Professional Service Agreement with STC Traffic, Inc. for As-Needed Traffic Engineering Services for Fiscal Year 2020/21, in the amount of \$10,000, and for a Traffic Signal Condition Assessment Report, in the amount of \$50,000, for a not-to-exceed total amount of \$60,000.
  - b. Authorizing the City Manager to approve a Professional Service Agreement with Chen Ryan Associates for As-Needed Traffic Engineering Services for Fiscal Year 2020/21 for a not-to-exceed amount of \$10,000.
  - c. Authorizing the City Manager, at their discretion, to extend the Professional Service Agreement with either or both STC Traffic, Inc. and Chen Ryan Associates for As-Needed Traffic Engineering Services for up to four additional years, at the City's option, at an amount not-to-exceed \$10,000 per year per consultant based on satisfactory past performance.

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

**A.11. DRO Management Consultants Contract.** (File 00600-05)

Recommendation: That the City Council

1. Adopt **Resolution 2020-104:**
  - a. Approving the PSA with DRO Management Consultants.
  - b. Approving a one-year extension at the City Manager's discretion.

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

**A.9. Calling the General Municipal Election for November 3, 2020 for Elected Mayor, District 1 Councilmember, District 3 Councilmember and a Qualified Ballot Measure.** (File 0430-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-090** Calling and Giving Notice of the Holding of a General Municipal Election to be held on Tuesday, November 3, 2020, for the Election of Certain Officers as required by the Provision of the Laws of the State of California Relating to General Law Cities and determining tie vote provisions.
2. Adopt **Resolution 2020-091** requesting the Board of Supervisors of the County of San Diego to Consolidate a General Municipal Election to be held on Tuesday, November 3, 2020, with the Statewide General Election to be held on that date.
3. Adopt **Resolution 2020-092** adopting regulations for Candidates for Elective Office pertaining to Candidate's Statements.
4. Adopt **Resolution 2020-093** authorizing ballot measure Written Arguments and direct the City Attorney to prepare an Impartial Analysis.
5. Adopt **Resolution 2020-094** authorizing filing of ballot measure Rebuttal Arguments.

This item was pulled from the agenda by the public.

Kelly McCormick, spoke against the ballot measure, and urged the City Council to write the ballot argument against the initiative.

Judy Strang, San Dieguito Alliance for Drug Free Youth, supported the City Council writing the opposition language for the initiative, provided clarification on Proposition 64 from 2016, and emphasized the measure would remove elected officials from making local land use decisions.

Rebecca Rapp encouraged the Councilmembers to write the opposition language to the ballot measure, noting Solana Beach residents were not in favor of commercializing marijuana.

Peggy Walker spoke in opposition to the marijuana measure and urged the Council to author the argument against it.

Barbara Gordon, adult leader for Changers, asked Council to author the argument against the measure.

Council and Staff discussion.

Councilmember Harless stated she voted "No" because she supported Council authoring the argument against the measure.

**Motion:** Moved by Councilmember Zito and second by Mayor Edson to approve and modify Resolution 2020-092 to increase the number of words for candidate statements to a maximum of 400 words. **Approved 4/1:** Ayes: Edson, Hegenauer, Becker, and Zito. Noes: Harless. Motion carried.

**B. PUBLIC HEARINGS: (B.1. – B.5.)**

**B.1. Public Hearing: Solana Beach Coastal Rail Trail (CRT) Maintenance District Annual Assessments.** (File 0495-20)

The Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt **Resolution 2020-082**, approving the Engineer's Report regarding the Coastal Rail Trail Maintenance District; and
3. Adopt **Resolution 2020-083** ordering the levy and collection of the annual assessments regarding the Coastal Rail Trail Maintenance District for Fiscal Year 2020/21.

Mayor Edson opened the public hearing.

Councilmembers reported disclosures.

Greg Wade, City Manager, presented the Staff report.

Angela Ivey, City Clerk, reported that no protests were received.

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

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

**B.2. Public Hearing: Solana Beach Lighting District Annual Assessments.** (File 0495-20)

Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt **Resolution 2020-084** confirming the diagram and assessment and approving the City of Solana Beach Lighting Maintenance District Engineer's Report; and
3. Adopt **Resolution 2020-085** ordering the levy and collection of annual assessments for FY 2020/21 and ordering the transmission of charges to the County Auditor for collection.

Mayor Edson opened the public hearing.

Council reported disclosures.

Greg Wade, City Manager, presented the item.

Angela Ivey, City Clerk, reported that no protests were received.

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

**Motion:** Moved by Deputy Mayor Hegenauer and second by Councilmember Harless to approve the recommended action. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

**B.5. Public Hearing: Amending the Solana Energy Alliance (SEA) Rate Schedule.**  
(File 1010-45)

Recommendation: 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. Adopt **Resolution 2020-099** amending the rate schedule for Solana Energy Alliance.

Mayor Edson opened the public hearing.

Council reported disclosures.

Greg Wade, City Manager, presented a PowerPoint (on file).

Barbara Boswell, Solana Energy Alliance, continued with the PowerPoint presentation.

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

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

**B.3. Public Hearing: 521 S.Rios Ave, Applicant: Margulis, Case 17-17-40.** (File 0600-40)

The proposed project meets the minimum objective 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 an 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 2020-081** conditionally approving a DRP and an SDP for a new multilevel single-family residence with detached garage with an ADU above the

garage and to perform associated site improvements at 521 S. Rios Avenue, Solana Beach.

Mayor Edson opened the public hearing.

Council disclosures.

Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed the basement, garage, accessory dwelling unit, and the view from Cedros Avenue,

Jennifer Bolyn, Architect, presented a PowerPoint (on file).

Council, Staff, and Applicant discussed solar panels, wiring for electric charging stations, square footage comparison in neighborhood, car lift located in the garage, and street termination nearby.

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

Council discussed the project including the view and bulk and scale from Cedros, lowering the height of the garage/accessory dwelling unit, restricting roof decks, and parking.

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

Council, Staff, and Applicant discussion.

Architect Bolyn confirmed with the Applicant their willingness to eliminate the garage lifts, thereby removing 30 inches from the height on the right side (south) and lowering the ceiling height on the left side of the accessory dwelling unit by one foot, as well as agreeing to the restriction of no roof decks.

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

**Motion:** Moved by Deputy Mayor Hegenauer and second by Mayor Edson to approve with modifications to lower the left side of the building 12", lower the right side by 30" (garage/accessory dwelling unit), and prohibit roof decks. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

**B.4. Public Hearing: 0 Ford Ave., Applicant: Landholdings, LLC, Case DRP19-008, SDP19-008.** (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 VAR. 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 2020-080** conditionally approving a DRP and an SDP for a new single-family residence including a partially subterranean lower level and an attached garage and perform associated site improvements at 0 Ford Avenue, Solana Beach.

Mayor Edson opened the public hearing.

Council disclosures.

Greg Wade, City Manager, introduced the item.

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

Councilmembers asked Staff questions about amount of fill, pool, and pool equipment,

Jennifer Bolyn, Architect, shared a presentation on the project.

Council, Staff, and Applicant discussion regarding pool equipment/enclosure.

Melodie Almond Tutt spoke about concern for her privacy, noise from pool equipment, and drainage.

Jennifer Bolyn, Architect, confirmed with Applicant the agreement to move the pool equipment so that it would be located 46 feet from Ms. Tutt's property line.

Brian Ardolino, Civil Engineer, reviewed the drainage plan.

Council discussed the project including runoff retention, topography of Valley/Canyon, amount of fill, appropriate size of dwelling, and location of the pool equipment.

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

Councilmember Harless stated that she could not support the project due to the lack of adherence to the natural topography.

Mayor Edson stated that she could not support the project because it does not follow the

development review criteria under Municipal Code 17.68.040 relative to complementing site topography and retaining natural topography of the lot.

**Motion:** Moved by Councilmember Zito and second by Councilmember Becker to approve staff recommendation with additional conditions to relocate the pool equipment adjacent to the storage shed at the corner of the pool which would be at least 45 feet from the southerly property line. **Approved 3/2:** Ayes: Hegenauer, Becker, and Zito. Noes: Edson, Harless. Motion carried.

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

### **C.1. Budget Adjustments for Fiscal Year 2020/21** (File 0330-30)

Recommendation: That the City Council

1. Review the proposed amendments to the FY 2020/21 Adopted General Fund Budget and provide Staff with direction to amend the budget for adoption on July 8, 2020.

Greg Wade, City Manager, introduced the item.

Marie Berkuti, Finance Director, gave a PowerPoint presentation (on file), covering economic impacts to the City budget resulting from the COVID-19 pandemic and related adjustments.

Council and Staff discussion.

**WORK PLAN COMMENTS:** None

## **COMPENSATION & REIMBURSEMENT DISCLOSURE:**

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

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

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

Councilmembers reported Committee activities.

## **ADJOURN:**

Mayor Edson adjourned the meeting at 9:15 p.m.

Angela Ivey, City Clerk

Approved: September 9, 2020