



**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 9, 2020 \*6:00 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

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### CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 6:05 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito

Absent: None

Also Greg Wade, City Manager

Present: Johanna Canlas, City Attorney  
Angela Ivey, City Clerk  
Dan King, Assistant City Manager  
Mo Sammak, City Engineer/Public Works Dir.  
Marie Berkuti, Finance Director  
Rod Greek, Interim Finance Director  
Joseph Lim, Community Development Dir.

**CLOSED SESSION REPORT:** No reportable action.

**FLAG SALUTE:**

**PROCLAMATIONS:**

### Randy Treadway

Mayor Edson presented a proclamation to Randy Treadway, Commander of the Veterans of Foreign Wars Post 5431 and as a U.S. Army Veteran, in honor of his 40-plus years of service to Veterans, and service to the community and Country.

## **Teacher Recognition**

Deputy Mayor Hegenauer presented a proclamation to Debra Shade in honor of Solana Beach Teachers for their tireless commitment, talent and creativity to educate and inspire students during unprecedented and extraordinary circumstances.

## **APPROVAL OF AGENDA:**

**Motion:** Moved by Mayor Edson and second by Deputy Mayor Hegenauer to approve the agenda with moving item C.3., Climate Action Commission Appointment, prior to item C.1., Lomas Santa Fe Corridor Improvements. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

## **ORAL COMMUNICATIONS:**

Terri-Ann Skelly spoke in opposition to Measure S, which allows commercial marijuana retailers, due to risks to youth, and requested that Council take a strong stand against it.

Speakers regarding Council Resolution 2020-116, adopted June 8, 2020, in support and solidarity with black residents and communities of color:

Shawn McClondon proposed a Sister City project for partnerships between affluent areas and marginalized regions to build relationships in concert with the Resolution.

Susana Arnold, Solana Beach for Equality, inquired about actions taken in support of the Resolution.

Paris Lovely spoke about addressing racism.

Lisa Montes discussed diversity and proposed a law enforcement task force.

Rachel McHale asked about Council's plans to achieve equality and the creation of a task force.

Tina Zuker questioned the direction the City would be taking to implement the Resolution.

April Mosebrook supported comments of previous speakers, urging action and accountability.

Jennifer Ball suggested that City Council use inclusive language so as not to devalue dark skin and to form a taskforce.

Alice Kres stated action was critical to live the stated values and that a task force was needed.

Kristen O'Hagan spoke in support of prior speakers.

Susan McQueeney spoke about the lack of diversity and taking more action.

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

Council reported community announcements and events.

**A. CONSENT CALENDAR:** (Action Items) (A.1. - A.6.)

**A.1. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the following City Council meetings May 13, May 27, June 10 and June 24, 2020.

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 Harless and second by Councilmember Becker 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 August 8, 2020 – August 21, 2020.

**Motion:** Moved by Councilmember Harless and second by Councilmember Becker 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 2020-2021 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2020-2021 General Fund Adopted Budget.

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

**A.4. League of California Cities' 2020 Annual Business Meeting Voting Delegates Designees.** (File 0140-10)

Recommendation: That the City Council

1. Appoint Councilmember Becker, primary voting delegate, Councilmember Harless, 1<sup>st</sup> alternate, and City Manager Gregory Wade, 2<sup>nd</sup> alternate, as the voting delegates for the 2020 Annual Business Meeting of the League of California Cities Annual Conference being held virtually, 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 September 30, 2020.

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

**A.5. Recognized Obligation Payment Schedule (ROPS) for the Period January 1, 2021 to June 30, 2021 Amendment.** (File 0115-20)

Recommendation: That the Successor Agency

1. Adopt **Resolution SA-026** approving the SA Amendment to the ROPS for the period January 1, 2021 to June 30, 2021.

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

**A.6. Crossing Guard Services.** (File 0860-35)

Recommendation: That the City Council

1. Consider adoption of **Resolution 2020-126:**
  - a. Approving the Amended MOU with the Solana Beach School District for crossing guard services.
  - b. Approving the updated PSA with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one-year terms.
  - c. Authorize the City Manager to execute the MOU and PSA pending approval of these items by the Solana Beach School District.

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

Council recessed briefly at 7:05 p.m. to address technology issues and reconvened at 7:10 p.m.

**C. STAFF REPORTS:** (C.1. – C.5.)

**C.3. Climate Action Commission – Appointment and Discuss Youth Member.**  
(File 0120-06)

Recommendation: That the City Council:

1. Consider the applications submitted and make an appointment to the vacancy on the Climate Action Commission with a term until January 2021.
2. Consider the addition of a youth CAC member with full voting privileges and, if approved, give direction on the eligibility requirements for the new youth member.

Greg Wade, City Manager, introduced the item.

Peter Zahn spoke about his support for a youth member, the Climate Action Commission weighing in on the addition of a youth voting member, and support for appointing Shawna McGarry to the Commission due to her qualifications and experience.

Shawna McGarry spoke about her passion for the position, her experience, her program plans, and getting things done.

Council discussed the appointment of a youth member, applicant Ben Gollin's interest and timing for the remaining term of a few months as he would be returning to school in January, an opportunity for a short-term experience of a youth member appointment, and that unappointed applicants could re-apply in January for a full-term.

**Motion:** Moved by Deputy Mayor Hegenauer and second by Mayor Edson to appoint Ben Gollin as the youth member to the Commission, saying he is available for the next three months.

**Motion:** A substitute motion was moved by Councilmember Zito and seconded by Councilmember Becker to appoint Shawna McGarry to the Climate Action Commission to complete a term until January 2021. **Approved 3/2:** Ayes: Becker, Harless and Zito. Noes: Edson and Hegenauer. Motion carried.

Council provided direction to Staff to request the Climate Action Commission review and provide suggestions to Council for Youth representation on the Commission.

**C.1. Lomas Santa Fe Corridor Improvement Project – Phase III Update.** (File 0820-15)

Recommendation: That the City Council:

1. Receive this report and provide input and direction on the Lomas Santa Fe Corridor Improvement Project.

Greg Wade, City Manager, introduced the item.

Dawn Wilson, Michael Baker International, presented a PowerPoint (on file) reviewing the proposed project.

Council, Staff, and Consultant discussed interaction with School District and Fire Department particularly about intersections, bridge widening requiring a sub-phase if directed, traffic analysis at pinch points, extra requirements/cost for a true multi-use path or local guidance/changes for bicycles on narrow sidewalk areas, feasibility and likelihood of bicycles using sidewalk, landscape separation from vehicular traffic adding feel of safety, eight-foot width of Coastal Rail Trail, delayed pedestrian movement at intersection or split phasing, desirability of meandering trail, and consideration of less than 100% controlled left turns at some intersections, and that there were 22 comments received from the public.

LaMar L. Going spoke about the four years of planning, the input and designs for the trail without discussion or request for input from the public on the section of Lomas Santa Fe between Granados and El Viento until now. He stated the trail was currently not used 99% of the time and sufficiently met current demands, without improvements.

Craig McLeod spoke about the section of the trail at Pinch-Point 2 on Granados, a previous public meeting when the majority of the community selected a Class 2 bike lane, his objection to a Class 1 because of the negative impact to his driveway, removal of his wall, and lack of accessibility from his property, and that the trail improvements were not needed.

Shawna McGarry spoke about her support for the extension of the multi-use trail for all modes of transportation, the demand may increase with the infrastructure, securing grant money, providing safety education.

Peter Zahn spoke about his support for the Staff recommendation, Council proceeding with the project to the fullest extent possible within financial considerations, the improvements coordinating with the City's Climate Action Plan, and benefits to other environmental and transportation objectives.

Council discussed the presented options of 15½, 11½, and 10 feet for the multi-use trail, that options for 10 and 11½ feet at Pinch-Point 2 would not impact the drive-way slopes of the property owners, weighing the goal of a true multi-use corridor of 15½ ft. against costs and impacts to property owners, shifting the median at Pinch-Point 1 at an estimated cost of \$300,000 and narrowing the trail at Pinch-Points to avoid impacting property owners, that the facility would need to be safe and inviting to use, looking at reducing the parking to increase the 12 foot trail width at Granados to Rios, and to include a pedestrian bridge adjacent to the current bridge as part of the City's regional transportation plan with SANDAG (San Diego Association of Governments) instead of rebuilding the bridge.

**Motion:** Moved by Councilmember Zito and second by Mayor Edson to approve moving forward with Phase III of the Lomas Santa Fe Corridor Improvement Project with the following direction, including additional design costs estimated at \$15,000:

1. Modify Pinch-Point 1 design to move the median to the South, allowing for a multi-use path; and
2. Modify Pinch-Point 2 design to reduce parking to seven feet and buffer to 2½ feet in order to provide an 11½ feet sidewalk without impacts to the adjacent property owners; and
3. Remove rebuilding the bridge in this design and project and instead add pursuing a new pedestrian bridge at the rail station next to the existing bridge as part of the City's future regional transportation plan.

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

**C.2. Year-End Preliminary Budget Review for Fiscal Year 2019-20.** (File 0330-30)  
This item was removed from the agenda.

**C.4. Introduce (1<sup>st</sup> Reading) Ordinance 514 - Encroachment Permit Requirements and Installation of Wireline Communication Facilities Policy.** (File 1000-10)

Recommendation: That the City Council:

1. Introduce **Ordinance 514** amending Section 11.20.220 of the Solana Beach Municipal Code; and
2. Adopt **Resolution 2020-125** authorizing the adoption and implementation of an administrative policy.

Greg Wade, City Manager, introduced the item.

Tripp May, Telecom Law, Special Counsel, spoke about Resolution 2019-077 regarding encroachment maintenance and removal agreements for fiber optic facilities, and addressing the City's process for providers with the adoption of an administrative policy, and the changes in technology and increased demand for high-speed wireless communication service applications.

John Osborne, AT&T, said they are glad to see proposed changes but needed more time to review them and that they provided a list of violations to the City in May of 2019 that had never been addressed.

Johanna Canlas, City Attorney, spoke about AT&T's last submittal to the City Council, the City having never violated any laws in this matter nor any franchise agreements, the possible misunderstanding on how broadly or narrowly State law was being interpreted, both State law and statutory law allowing the City to have authority over time, place, and manner and to dictate installation, construction and maintenance requirements as part of local control. She spoke about collaboration with special counsel and the City's confidence in the policy of the previous Encroachment Maintenance and Removal Agreement (ERMA) and the policy proposed for adoption both being legal. She said that no permits were denied and AT&T was given multiple opportunities to proceed with an application but chose not to sign the ERMA, that fee increases were not proposed and that previously adopted fees were not in violation of Proposition 26 due to the exemption of fees for services, that fees were calculated based on the actual cost of processing these types of applications within the confines of Proposition 26, and that the prior administration and current administration had both always had open dialogue with interested applicants.

Council discussed that the City desired a collaborative but regulated environment, and that the current installation of fiber optic reflected the City's cooperation with telecommunication and infrastructure companies.

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

**C.5. City Manager's Employment Agreement.** (File 0400-10)

Recommendation: That the City Council:

1. Adopt **Resolution 2020-127** authorizing the Mayor to execute the Fifth Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade to reflect the \$1500.00 increase in deferred compensation annual contribution and annual adjustments thereafter based on Internal Revenue Code section 415 to both Normal Limit and Age 50 Catch-up Limit and a one-time benefit to cash-out up to 80 hours of vacation leave that would have been accrued in FY 2019-2020 and FY 2020-2021.

Johanna Canlas, City Attorney, introduced the item.

All Councilmembers thanked City Manager Wade for all his hard work and service.

Councilmember Zito stated that the only reason he could not support the proposal was because he objected to the City allowing the cash-out vacation benefit since he believed it could contribute to a culture of expecting employees to not take vacation.

**Motion:** Moved by Councilmember Becker and second by Deputy Mayor Hegenauer to approve Staff recommendation. **Approved 4/1:** Ayes: Edson, Hegenauer, Becker, and Harless. Noes: Zito. Motion carried.

**WORK PLAN COMMENTS:** None

**COMPENSATION & REIMBURSEMENT DISCLOSURE:** None

**COUNCIL COMMITTEE REPORTS:** [Council Committees](#) None

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

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

**ADJOURN:**

Mayor Edson adjourned the meeting at 9:37 p.m.

Angela Ivey, City Clerk

Approved: October 28, 2020