

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting

Wednesday, April 24, 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 6:10 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.

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

1. Earth Week – Solana Vista

Solana Vista School 2<sup>nd</sup> and 3<sup>rd</sup> grade student recited a presentation on helping the earth.

## 2. Encinitas Half Marathon Presentation

Brad Hanson, Board member, Surfing Madonna's Ocean Project, introduced Mike Redman and Danny Solander, and conveyed their gratitude in working with the City's Public Works department for their event, their use of excess funds they put back into the community, and presented the City of Solana Beach with \$20,000 for the Solana Beach La Colonia Skate Park Project.

### **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.

Tina Sahs spoke about her request of the City to relocate a swarm of bees, the hazmat suited person that appeared to be killing the bees instead of relocating them, the critical importance of bees to the environment, and the City utilizing alternative options to address bees.

James McDonald, Encinitas Bee Company, spoke about his company's relocation of live bees to the San Diego Bee Keeping Society, bees dying at an alarming rate, his biology degree and experience working with Encinitas and Carlsbad in the past to remove bad pesticides, the Insect Apocalypse and the demise of the insects, the IMP program using the least toxic methods of managing insets, and Solana Beach considering adoption of the same program.

Council and Staff confirmed that the City did not use pesticides on public property.

Donald Sahs spoke about neonicotinoids that killed bees get into the system of the plants, the bee's loss of their ability to forage and cannot find their way back home, the City taking a stand and promoting pollinators, acting locally by adopting an Integrated Pest Management Plan currently used by the City of Encinitas with stern language banning neonicotinoids to save bees, and submitted a handout (on file) on the matter.

Jacqueline Ayala introduced Doris Adam-Hillert as the new branch manager of the Solana Beach Library.

Doris Adam-Hillert spoke about coming in as a successor of Pat Tirona, that her own career started in 1999 in Solana Beach for San Diego County Library, returning to the community she was committed to serve, a bee program she was involved in elsewhere, and that the library had many programs for the community.

### **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.7.)

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 March 23 – April 05, 2019.

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

**A.2. General Fund Adopted Budget for Fiscal Year 2018-2019 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2018-2019 General Fund Adopted Budget.

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

**A.3. Fire Marshal Services.** (File 0260-10)

Recommendation: That the City Council

1. Adopt **Resolution 2019-049:**
  - a. Approve the Fourth Amendment to the Agreement for Cooperative Management Services reclassifying an Encinitas Deputy Fire Marshal position to a Senior Deputy Fire Marshal (SDFM) position and including this position in the Fire Management Cooperative Agreement (FMA); and
  - b. Authorizing an increase in the contribution to the annual Fire Services Budget in the amount of \$27,225 to support the SDFM position.

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

**A.4. Trash Abatement Services.** (File 0700-20)

Recommendation: That the City Council

1. Adopt **Resolution 2019-044:**
  - a. Authorizing the City Manager to execute a Professional Services Agreement with Partnerships With Industry, in an amount not to exceed \$33,600, for

trash abatement, minor landscaping and other duties as assigned in public areas.

- b. Authorizing the City Manager, at his sole discretion, to extend the Professional Service Agreement with Partnerships With Industry, in an amount not to exceed \$33,600, for up to four additional years, at the City's option based on satisfactory past performance.

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

**A.5. Emergency Storm Drain Repair Report - Update No. 1** (File 0840-50)

Recommendation: That the City Council

1. Receive the updated report and provide further direction, if necessary.

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

**A.6. Ticket Distribution Policy.** (File 0440-60)

Recommendation: That the City Council

1. Adopt **Resolution 2019-042** establishing Administrative Procedures Policy "Ticket Distribution Policy."

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

**A.7. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held March 13, 2019.

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

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

*Submit speaker slips to the City Clerk.*

**C.1. Public Agency Retirement Services (PARS) Presentation.** (File 0350-55)

Recommendation: That the City Council

1. Receive the presentation.

Greg Wade, City Manager, introduced the item.

Chris Tsuda, HighMark Capital, and Jennifer Maza PARS (Public Agency Retirement Services) presented a PowerPoint (on file) reviewing the program which allowed an IRS

approved combination trust to prefund retiree medical benefits and a pension rate stabilization program.

Council and Consultants discussed investments that were being actively managed rather than using index funds or exchange traded funds which could be shifted as necessary, that HighMark's asset allocation committee met monthly to review various effects on the markets to determine investment adjustments, the discretionary approach resulting in PARS choosing HighMark but the City could use a direct approach choosing who they want to use as their manager, their investments funds were mostly I-Class Shares (Institutional-Class Shares) with imbedded fees that were extremely low and not detracting from returns, the aim to reduce fossil fuel investments due to the City's Climate Action Plan goals, some occasional investment overlap chosen due to careful research as well as some contrarian specific investing for diversification, and other investments were focused on addressing various markets.

Discussion continued regarding displaying the active and passive investments in relation to their active benchmarks, and that a fact sheet could be provided in the future to outline these comparisons.

Greg Wade, City Manager, stated that they were scheduled to make this presentation to the Budget and Finance Commission but the meeting was canceled due to the lack of a quorum, so it would be shared at a future meeting.

## **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: 512, 516, 524, and 538 South Nardo Avenue, Applicant: Ocean Ranch Estates, LLC, Case # 17-15-15.** (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, could be found to be consistent with the General Plan and could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and a SUB. 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 the IS/MND and MMRP in accordance with CEQA.
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2019-046** conditionally approving a DRP, SUB and TPM for the first phase of the project which includes subdividing the existing 4.2 acre lot into eight single-family residential lots, demolition of all existing structures

onsite, grubbing and clearing the site, grading to create building pads for eight future single-family homes as well as the installation of driveway approaches, wet and dry utilities and right-of-way improvements on property at 512 through 538 South Nardo Avenue, Solana Beach.

Councilmember Becker recused herself from this item due to a conflict owning property within 500 ft. of the project.

Greg Wade, City Manager, introduced the item.

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

Mayor Zito opened the public hearing.

Council disclosures.

Council and Staff discussed affordable housing regulations that would fall under the City's previous ordinance rather than the newer ordinance, the applicant being required to provide one unit at their discretion, that the application was proposing two offsite streetlights required for safety purposes during construction for Engineering standards, potential problems with parking on Nardo during construction, affordable housing deed restriction that would be 55 years since it was a rental and not a for-sale unit, and the grading plan and basins representing the drainage route.

Mayor Zito recessed the meeting at 8:15 p.m. for a break and reconvened at 8:20 p.m.

Nick Nicholas, applicant, presented an illustration (on file) of the project. He said that the proposal did not include all details yet, that they had conducted two neighborhood meetings in 2017 and one meeting in 2018 resulting in preferences for using DG (decomposed granite) for the sidewalk, that rolled curbs were planned with a DG pathway continued around the properties, the preliminary asbestos testing that would be performed by a specialist prior to demo, mitigating for the nesting habitat from recent rains, they would limit the use of generators during construction, and onsite parking during most of construction. He spoke about setting a policy to have initial occupant ownership followed by potential for affordable rentals or sell at a calculation of what an applicant could afford, and other potential options could be considered.

Council and applicant discussed biologist monitoring bird activity, an onsite construction trailer on a ninth parcel, maintaining all parking and construction equipment onsite along with staging areas, and concerns with parking and safety.

Jesse Quinsaat, said he was a resident near the project, supported the project, that neighbors on Fresca had worked with Mr. Nicholas for two yrs., that a very large Torrey Pine tree had grown so large on the border of his property and Fresca that it hovered over his property increasing concerns of safety if it fell, that he had his own insurance company and tree experts analyze it and state it was a danger to his property, and asked to allow it to be removed.

Larna Hartnack said she lived adjacent to lot 9, that she would be the most impacted by the construction but it was a small price to pay for the resulting project, she supported the DG path around the area, preferred to not have a light at the end of the cul-de-sac, that the applicant had been thoughtful about every detail, she looked forward to having the road for her kids to ride their bikes rather than on Nardo, and she supported and approved the project.

Mr. Nicholas, Applicant, said that they had worked on several solutions for the tree and would comply with whatever Council felt was appropriate and would like to address the concern.

Council and the Applicant discussed the tree between his and Mr. Quinsaats property, the affordable housing and the project being downsized due to density, that the number of years required for occupancy could be changed, the interest in getting the best possible affordable housing results out of the project, that much analysis was done on options of integrating affordable housing including accessory dwelling units, that they might have to find a solution offsite, and whether to establish a rental or sell it with deed restrictions.

Council, Staff, and Applicant discussed adding a deed restriction, the application was for one low-income one-bedroom unit of at least 650 sq. ft., whether Council could dictate if units be low or very low-income, how the affordable requirement might be met, language regarding the time of day or night to monitor nesting activity, establishing onsite electricity as quickly as possible instead of using a generator during construction, traffic and safety concerns, more rural DG walking paths, pedestrian activated cross lights, allowable height of the detention basin, affordable housing of at least 1,000 sq. ft. with sustainability, wiring for electrical vehicles, 9" edge DG walkway, traffic calming with speed humps or speed table, eliminating the light at the end of the cul-de-sac, sticking to existing grade, mitigation of bird nesting, a condition with onsite parking, noticing neighbors of when the construction would commence, traffic control for existing circumstances as well as once the homes are completed, the fee in lieu of 2 sq. ft., whether the existing lot allowed for adding a bedroom, grading and house placement, and adding language under open space.

Council, Staff, and Applicant continued discussion regarding imposing a covenant for for-rent or for-sale affordable unit, whether to require a minimum of 1,200 sq. ft. and two bedrooms or condition that one unit or more total up to a certain square footage, the 55 yr. covenant was required, the Applicant preferred three bedrooms and two bath with a deed restriction for 55 years before selling to a qualified person, a TIF credit, and the grading issue with the unforeseen consequence pushing the house to Nardito.

**Motion:** Moved by Councilmember Edson and second by Councilmember Harless to close the public hearing. **Approved 4/0/1 (Recused: Becker).** Motion carried.

Council discussed where the existing grade was at mean sea level, the need to know the existing initial grade at the time of grading, need for mean grade topography of the site, lots 7 and 8 would end up taller due to the topography, and concern about setting a precedent at Feather Acres.

**Motion:** Moved by Councilmember Edson and second by Mayor Zito to approve with additional conditions of consideration of nesting birds and time of season, obtain electricity immediately so there was no need for a generator, pedestrian activated crosswalk, traffic

calming efforts, eliminate streetlight at the end of the cul-de-sac, the intersection streetlight should be on the opposite side of the property, affordable housing at 2 bedrooms, 1,200 sq. ft., 55 years and for low income, could be made available for-sale unit, the DG walkway on the street (not concrete), two-weeks advanced notice to surrounding area of construction commencing, no open space projections, view assessment will be based upon lower of existing or any future proposed grade. **Approved 4/0/1 (Recused: Becker)** Motion carried.

**C. STAFF REPORTS:** (C.2. - C.3.)

*Submit speaker slips to the City Clerk.*

**C.2. Fiber Optic Cables in Public Right of Way.** (File 1000-10-05)

Recommendation: That the City Council

1. Receive the report and provide feedback on the terms of the proposed Template Agreement for Fiber Optic Cables in the Public Right of Way.

John Osborne, AT&T representative, said the telecom carriers put infrastructure in the public's hands for internet and wireless needs, requested that Council allow Staff to coordinate and communicate with the carriers to include their feedback, that one item appeared to be in conflict with state law, that they were a carrier under 7901 of the California Public Utilities Code with certain rights, that rules and regulations were put in place by the Federal Government for cities to have some guidelines for small cell facilities as it related to local vertical elements in the public right-of-way, and that they would like to work with the city on this issue for a better outcome.

No action. This item would return at the next Council meeting.

**C.3. Parks and Recreation Citizen Commission Appointment.** (File 0120-06)

Recommendation: That the City Council

1. Appoint one (1) member to the Parks and Recreation Commission nominated/appointed by *Council-at-large* for a term ending January 2021.

**Motion:** Moved by Councilmember Harless and second by Councilmember Becker to appoint Steve Felger. **Approved 4/1 (Noes: Edson)** Motion carried.

**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 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 10:30 p.m.

Angela Ivey, City Clerk

Approved: September 16, 2019