



CITY OF SOLANA BEACH

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

MINUTES

Joint REGULAR Meeting

Wednesday, October 28, 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 related to the COVID-19 virus.

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 6:13 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.

Rodney Greek, Interim Finance Dir.

Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT:

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1) - Voice of San Diego v. City of Solana Beach & Does (Case No. 37-2020-00024389-CU-WM-NC)

Johanna Canlas, City Attorney, reported that the City Council, by a vote of 5-0, authorized the City Manager to execute the settlement agreement resolving litigation. The material terms include: Voice of San Diego will dismiss the action with prejudice in exchange for consideration in the amount of \$16,474.06 and revision to Administrative Policy #32 extending email retention to 2 years before emails are automatically deleted from the City's mail server.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve.

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

Motion carried unanimously.

ORAL COMMUNICATIONS:

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 having submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

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 speaker is THREE MINUTES (SBMC 2.04.190).

Lisa Montes spoke about her opposition to Measure S on the upcoming election, that La Colonia de Eden Garden successfully fought to rid its community of drugs in the 1980's, having family affected by drugs in the past, and marijuana being a gateway to heavier drug use.

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.5.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion.

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the following City Council meetings, September 9 and September 23, 2020.

Approved Minutes http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC

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 September 26, 2020 – October 9, 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 Changes for Fiscal Year 2020/21. (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 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. Closing City Hall Between the Christmas and New Year's Holidays. (File 0110-75)

Recommendation: That the City Council

1. Adopt **Resolution 2020-138** authorizing the closure of City Hall and all non-public safety facilities on Monday, December 28th, Tuesday, December 29th, and Wednesday, December 30th for miscellaneous, confidential and management employees, and approve 12-hours of additional leave to the fire employees' leave banks and 24-hours of additional leave to the marine safety employees' leave banks.

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.**

B. PUBLIC HEARINGS: None

C. STAFF REPORTS: (C.1. – C.4.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

C.1. 6th Cycle Housing Element Update Discussion. (File 0610-10)

Recommendation: That the City Council

1. Discuss and provide guidance regarding the Draft Housing Element Update.

Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed the November 12th public workshop, identification and modification of sites, affordable/junior accessory dwelling units (ADUs), parking requirements and calculation of ADUs (Accessory Dwelling Units) towards meeting the housing needs allocation.

Shawna McGarry said she submitted a letter prior to the meeting with most of her comments, that the challenge to locate space for 875 units was difficult and that some of the methodology and data did not make sense for such a small town, and that she supported a housing seminar on ADUs to educate the community.

Tracy Richmond spoke about the lack of funds to build local affordable housing, the State needing to return funds/abilities to cities that was taken away years ago, difficulty

in solving at a local level, and the need to equitably distribute the needed units between different sides of town.

Greg Wade, City Manager, responded to some public comments stating that the map was based primarily on existing multi-family zoning, that fewer areas on the east side of town were zoned for multi-family, that the funding of affordable housing was challenging due to the elimination of Redevelopment, as well as small lots, high land values and limited vacant land.

Council and Staff discussed site development, sites east of I-5 such as the shopping center, flexibility of site locations, affordable units in commercial zones that would allow for residential, the census data, high vacancy rate and low overcrowding factors that impact housing allocations, and ADUs allowed within Home Owner Associations (HOA).

Council, Staff, and Consultant (Nick Chen, Kimley-Horn) discussed the census data used by SANDAG, that overcrowding assessments are often due to the number of households that are primary residences rather than second homes and the number of people per household, and how each housing cycle affected a new allocation process.

Council discussed considering identifying the Vons shopping center for potential affordable housing, avoiding zoning changes to meet housing allocations, the disproportionate allocation between different cities, affordable requirement of 20 units per acre, goal of housing or units (i.e. vacation rentals) from Housing and Community Development (HCD), HOA's ability to restrict but not prohibit ADUs, and concern for number of units identified in southwest quadrant of City.

Greg Wade, City Manager, stated that he understood direction and Staff would review some slight revisions to the map/list including looking at the East side, staff would further research ADU development, and that public comment would be received at the November 12th public workshop.

C.2. Senate Bill 1383 Organic Waste Requirements and Impacts. (File 1030-50)

Recommendation: That the City Council

1. Receive a presentation from Staff on SB 1383 and provide direction to Staff as appropriate. Direction could include to draft regulations and ordinances as required by SB 1383 for Council to consider and to explore options to address SB 1383 requirements collaboratively with other RSWA cities.

Greg Wade, City Manager, introduced the item.

Rimga Viskanta, Sr. Management Analyst, presented a PowerPoint (on file).

Council and Staff discussed that no funding would be provided by the State to assist local agencies in complying with new organic waste mandates.

Jim Ambroso, EDCO General Manager, spoke about the partnership with the City in complying with requirements for organic waste processing, the construction of the

anaerobic digester, starting with residents outreach and education on why and how the recycling will be comingled with green waste, coordinating with businesses to bring them on the program after residents with everyone participating and complying by January 2022, the City's focus on a food recovery program, procurement requirements including credit for EDCOs use of renewable natural gas in its trucks and the use of mulch and compost for public works projects.

Council and Mr. Ambroso discussed education about the anaerobic digester on EDCO's website and future tours of the facility, EDCO performance-based method of monitoring for contamination or compliance, labeling of compostable containers, regional solution for an edible food recovery program, per-day penalties for non-compliance, staffing, and joint efforts to seek funding.

Council provided direction to draft regulations and ordinances as required by SB 1383 for Council to consider and to explore options to address SB 1383 requirements collaboratively with other cities in the Regional Solid Waste Association (RSWA) JPA.

C.3. Community Development Block Grant CARES Act (CDBG-CV) and CARES Act CRF Funding and Community Resource Center Administration of a Rental Assistance Program. (File 0230-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-136** approving the use of CDBG-CV funding for the Food Distribution Event and the Rental Assistance Program.
2. Adopt **Resolution 2020-140** approving the use of CARES Act CRF funding for the Rental Assistance Program.
3. Approve the MOUs with CRC to administer the Rental Assistance Program.
4. Authorize the City Manager to enter into any and all agreements with the County of San Diego to administer the CDBG-CV program.

Greg Wade, City Manager, introduced the item.

Rimga Viskanta, Sr. Management Analyst, presented a PowerPoint (on file).

Rebecca Nussbaum, Community Resource Center (CRC), stated that they intended to provide full accessibility to their services including Spanish speaking populations in Solana Beach, that they partner with Casa de Amistad, and La Colonia, they would be reaching out to the community and have materials in both English and Spanish, that their online portal would have an online application.

Council, Ms. Nussbaum, and Staff spoke about the application being available online as well as in hard copy, working remotely with applicants, and outreach through the City's e-blast system.

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

C.4. Vacation Accrual Administrative Policy Amendment. (File 0520-80)

Recommendation: That the City Council

1. Consider adoption of **Resolution 2020-139** approving and directing the City Manager to amend current policies to allow executive and mid-management employees to cash out a certain number of vacation hours on an annual basis.

Greg Wade, City Manager, stated that pursuant to City rules and regulations, employees, including executive management and mid-management accrue vacation and cap vacation balances at differing amounts depending on level of tenure, that consideration of Resolution 2020-139 would amend the administrative policy related to vacation accrual that would allow those employees of the executive and management team to cash out a portion of accrued vacation leave on an annual basis every December, the maximum cash out would be 80 hrs. (40 hrs. for mid-management), if at least 80 hrs. was remaining in the vacation bank after the cash out (40 hrs for mid-management), that this option was typical of many jurisdictions throughout the County and the State, and that it was a benefit for the exceptional amount of work performed by these teams, especially given the recent trying times.

Councilmember Harless stated that the City Manager and Staff have done tremendous amount of work during the pandemic, that Solana Beach had continued to have the lowest COVID rate per 100,000 people of any other city in San Diego County, and that Staff had forgone an annual wage increase.

Councilmember Becker stated that it was a small compromise for the lack of raises this year and the increased work required, that the City Manager earned this benefit with stellar performance during the pandemic working day and night to ensure the safety of the City, that the City expenses were tightened leaving the City in a better place than expected from the effects of the pandemic on the City finances, and that this credit should go the City Manager and his Staff.

Councilmember Zito stated that he would vote against the item as he did before but only for the reason that a culture could be created for not taking vacation, that it had no bearing on his view of Staff who had done amazing work, that he might support if it was a one-time action due to COVID, that he thought it was a slippery slope to Staff not taking vacation or not feeling they could take vacation, and that these were the only reasons he did not support the action.

Mayor Edson stated that she had concerns about it being a recurring benefit rather than just due to COVID because the comments were made based on the amazing job performed by our Staff this year and this pandemic situation, and that the fiscal impact would continue year after year.

Council and Staff discussed that the policy could be changed in the future by Council.

Motion: Moved by Deputy Mayor Hegenauer and second by Councilmember Becker to approve. **Approved 3/2:** Ayes: Hegenauer, Becker, Harless. Noes: Edson, Zito.

Motion carried.

A.5. City's Housing and Safety Elements Update Services Agreement. (File 0610-10)

Recommendation: That the City Council

1. Adopt **Resolution 2020-137** authorizing the City Manager to execute an amendment to the Professional Services Agreement with Kimley-Horn and Associates Inc. for an additional amount not to exceed \$65,000.

Greg Wade, City Manager, stated that the initial housing element contract originally approved by Council back in August of 2019 had since changed in costs due to several legislative policies that had gone into effect and necessitated an increase in scope, which included an analysis of affirmatively furthering fair housing that would identify opportunity and potential concentrations of lower income households, an analysis of environmental justice that would identify objectives and policies to reduce the unique or compounded risks of disadvantaged communities, the preparation of an online survey regarding housing, and a CEQA analysis. He said the original \$79,000 contract was supported by LEAP grant funding and that this amount would also be supported by grant funding.

Council and Staff discussed the 80% increase due to recently adopted legislation and new regulations that were not included in the RFP (request for proposal) since they were still pending and not able to be forecast at the time, the LEAP funds became available due to some of the required tasks approved by newer regulations, that it was unknown if all of the tasks would be required or if HCD requirements will ask for all of them, and any areas for savings would be monitored.

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

WORK PLAN COMMENTS:

Adopted June 12, 2019

Councilmember Zito spoke about having received comments regarding motorized transports utilizing the Coastal Rail Trail at high speeds, setting a policy or regulation with enforcement of motorized usage of the class 1 multi-use paths, adding speed limit signs on some trails, and planning for this potential issue when developing the Lomas Santa Fe Corridor project.

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

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 8:34 p.m.

Angela Ivey, City Clerk

Approved: December 9, 2020