



# CITY OF SOLANA BEACH

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

## MINUTES

Joint REGULAR Meeting

Wednesday, June 9, 2021 \* 6:00 p.m.

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

This meeting will be conducted in accordance with Governor Newsom’s Executive Order N-29-20 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

**Lesa Heebner, Mayor**

**Kristi Becker**  
Deputy Mayor

**Kelly Harless**  
Councilmember

**David A. Zito**  
Councilmember  
District 1

**Jewel Edson**  
Councilmember  
District 3

Gregory Wade  
**City Manager**

Johanna Canlas  
**City Attorney**

Angela Ivey  
**City Clerk**

### SPEAKERS:

See Public Participation on the first page of the Agenda for publication participation options.

### READING OF ORDINANCES AND RESOLUTIONS:

Pursuant to [Solana Beach Municipal Code](#) Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

### CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:27 p.m.

Present: Lesa Heebner, Kristi Becker, Kelly Harless, David A. Zito, Jewel Edson

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.

Ryan Smith, Finance Dir.

Joseph Lim, Community Development Dir.

**CLOSED SESSION REPORT:** None

**FLAG SALUTE:**

## **APPROVAL OF AGENDA:**

**Motion:** Moved by Deputy Mayor Becker and second by Councilmember Edson to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. 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).

Due to Virtual Mtgs at this time: Public Comments were accepted ahead of the mtg. since there is no in-person ability to submit them at the time of speaking.

Karl Rudnick presented a PowerPoint (on file) and spoke about electric bikes, the San Diego County Bicycle Coalition's educational efforts, and asked Solana Beach to support a local flyer at a cost of \$1,200 for 3,000 flyers.

Kristine Schindler spoke about spending more of her efforts in Encinitas where she had moved, that she would still advocate for complete streets with beauty and safety, and her work with the community, Council, and Staff.

## **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.12.)**

**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.

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).

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. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of City Council meetings held April 28, 2021 and May 12, 2021.

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 Edson and second by Deputy Mayor Becker to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. 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 8, 2021 – May 21, 2021.

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

**A.3. General Fund Budget Adjustments 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 Edson and second by Deputy Mayor Becker to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

**A.4. Fiscal Year 2021/22 Municipal Improvement Districts Benefit (MID) Fees.**  
(File 0495-20)

Recommendation: That the City Council

1. Approve **Resolution 2021-069**, setting the Benefit Charges for MID No. 9C, Santa Fe Hills, at \$232.10 per unit for FY 2021/22.
2. Approve **Resolution 2021-070**, setting the Benefit Charges for MID No. 9E, Isla Verde, at \$68.74 per unit for FY 2021/22.
3. Approve **Resolution 2021-071**, setting the Benefit Charges for MID No. 9H, San Elijo Hills # 2, at \$289.58 per unit for FY 2021/22.
4. Approve **Resolution 2021-072**, setting the Benefit Charges for MID No. 33, Highway 101/Railroad Right-of-Way, at \$3.12 per unit for FY 2021/22.

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

**A.5. Fiscal Year 2021/22 Fire Benefit Fee.** (File 0390-23)

Recommendation: That the City Council

1. Adopt **Resolution 2021-073**:
  - a. Setting the FY 2021/22 Fire Benefit Fee at \$10.00 per unit, and
  - b. Approving the Fee for levying on the tax roll.

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

**A.6. WageWorks/HealthEquity Amendment.** (File 0520-30)

Recommendation: That the City Council

1. Adopt **Resolution 2021-084** approving and authorizing the City Manager to execute the temporary amendment with WageWorks/HealthEquity in order to comply with options available under The Consolidated Appropriations Act, 2021 for Flexible Spending Accounts.

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

**A.7. City Hall and Fire Station Water Damage Repair Project.** (File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2021-077:**
  - a. Accepting as complete the City Hall and Fire Station Water Damage Repair Project, Bid 2020-02, constructed by War Rhino, Inc.
  - b. Authorizing the City Clerk to file a Notice of Completion.

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

**A.8. Glenmont Underground Utility District Seed Money & Boundary Revision.**  
(File 1010-90)

Recommendation: That the City Council

1. Adopt **Resolution 2021-068** approving the additional payment of an amount not to exceed \$25,000 from the City's share of CPUC Rule 20A funds in seed money to cover the design costs for the preparation of preliminary plans and preliminary cost estimate by SDG&E for the revised district boundary that would add properties along a portion of Marview Drive and all of Ford Avenue to the Glenmont Avenue Underground Utility District.

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

**A.9. Streetlight Maintenance and Repairs.** (File 0820-60)

Recommendation: That the City Council

1. Adopt **Resolution 2021-067:**
  - a. Authorizing the City Manager to execute an agreement with Siemens Mobility, Inc. for FY 2021/22 for streetlight maintenance and repairs services, at an amount not to exceed \$65,800.
  - b. Authorizing the City Manager to extend the agreement for four additional one-year terms, at the City's option, at an amount not to exceed the budgeted amount for each year.

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

Motion carried unanimously.

**A.10. Solana Energy Alliance (SEA) Decertification.** (File 1010-45)

Recommendation: That the City Council

1. Adopt **Resolution 2021-085** decertifying Solana Energy Alliance as a community choice aggregator.

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

**A.11. Community Development Professional Services.** (File 0600-05)

Recommendation: That the City Council

1. Adopt **Resolution 2021-078** authorizing the City Manager to execute Professional Services Agreements with Data Ticket, Summit Environmental, Telecom Law Firm and Warwick Consulting Group.

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

**A.12. Building and Safety Plan Review and Inspection Services.** (File 0800-20)

Recommendation: That the City Council

1. Adopt **Resolution 2021-079** authorizing the City Manager to execute a Professional Services Agreement with EsGil at the fixed rate of 55% of the building plan review and permit fees for one (1) year with four (4) additional one (1) year optional extensions at the City Manager's discretion.

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

**B. PUBLIC HEARINGS: (B.1.)**

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

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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.

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.

**B.1. Public Hearing: 512, 516, 524, 538 S. Nardo Ave., Applicant: Ocean Ranch**

**Estates, LLC, Case: MOD20-003.** (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings to approve a modification to the approved DRP and SUB/TPM. 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. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2021-054** conditionally approving a modification to the DRP and SUB/TPM to relocate the proposed 8-inch sewer line into a newly proposed easement and add roadside infiltration swales along Bell Ranch Road and an infiltration basin in front of Lot 2 during phase one of the project on property at 512 through 538 South Nardo Avenue, Solana Beach.

Deputy Mayor Becker recused herself having property within 500 ft. of the project area.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file)

Mayor Heebner opened the public hearing.

Council disclosures.

Councilmember Edson disclosed that she had an ownership in a property that touched the 1,000 sq. ft. radius, that the project and modifications would not materially impact her property, and that she was able to make a fair and impartial decision.

Council and Staff discussed that the proposed 20 ft. wide sewer easement would be the required space to service the sewer, that an easement agreement would be recorded that would allow some landscaping and fencing subject to an encroachment maintenance agreement, that the trenching would not change elevations or street profiles, the infiltration swales construction and the maintenance by the applicant or the HOA, the safety of surrounding improvements, that the required walkway improvements would require the applicant to flatten the slope fronting the walk area, and whether concrete or decomposed granite (DG) was the best material for the pedestrian walkway.

Nicholas Nicholas, Applicant, Ocean Ranch Estates, spoke about the materials and the overall project.

Justin Suiter, Applicant's Engineer, Pasco, Laret, Suiter & Assoc., spoke about the bio-filtration basin and infiltration swales, coordinating the downhill drainage with the neighbors, landscaping the swale, coordinating the sewer connection through neighbors properties, the sewer work would decrease the grading approximately 75%, working with the Monken's landscaping requests, and the slope area being located within the City's hillside overlay zone and limitation of what they can do to the slope, and the neighbor's request for landscape trimming at the fence line could be conducted within the access restrictions of the hillside overlay zone.

Laura Wilf, neighbor, said they were not aware of the walkway on Nardo that was already approved in 2019, that she submitted to Council today the signatures of 4 other neighbors requesting that the sidewalk not be approved at this time since it does not connect to any other sidewalk, that it may confuse pedestrians and create a safety issue crossing the street, not favoring DG because it tracks on people's shoes to the inside of the house, and she requested that the sidewalk and street traffic be researched further before proceeding with that portion of the project.

**Motion:** Moved by Councilmember Harless and second by Councilmember Zito to close the public hearing. **Approved 4/0/1** Ayes: Heebner, Harless, Zito, Edson. Noes: None. Absent: Becker (Recused). Motion carried.

Council and Staff discussed the right-of-way improvements, offsite improvements were often required, that the right-of-way improvements did not always require sidewalks along with other improvements and depended on the scope and extent of the project, that right-of-way improvements could include decomposed granite walking surface and sometimes a combined walking and parking area of 10 ft. width, that this sidewalk improvement was thought to effectuate a consistent pedestrian pathway going in at Solana Highlands, the City Engineer met with the neighbors regarding the willingness to dedicate the easement to the City and reviewed the impacts and the purpose of the 20 ft. wide sewer easement, and that this easement would be a recorded document.

Discussion continued regarding not always requiring sidewalks, the consistency of the decomposed granite (DG) pathways, that the parties could enter into a private agreement regarding landscaping between the properties, the intent of the sidewalk was to be consistent with other pedestrian pathways connecting to this area, and whether to allow for either DG or concrete in the future.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to approve Staff recommendation. **Approved 4/0/1:** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Absent: Becker (recused). Motion carried.

Mayor Heebner recessed the meeting for a break and 8:08 p.m. and reconvened at 8:11 p.m.

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

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#### **C.1. Fiscal Year (FY) 2021/22 Community Grant Program Requests.** (File 0330-25)

Recommendation: That the City Council

1. Receive the Staff Report, Community Grant applications and consider the presentations from the grant applicants. This item will come back to the City Council at the June 23, 2021 City Council Meeting for Council's grant

allocations.

Application presentations:

- Assistance League of Rancho San Dieguito
- BikeWalkSolana
- Boys and Girls Clubs of San Dieguito
- Casa de Amistad
- Community Resource Center
- Disconnect Collective
- Girls on the Run
- Jaliscience Folkloric Academy
- La Colonia Community Foundation
- Nature Collective
- North Coast Repertory Theater
- Pathways to Citizenship (Formerly NCIC)
- San Diego Green Building Council
- Solana Beach Civic and Historical Society

**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.

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

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

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

**CITIZEN COMMISSION(S)**

**ADJOURN:**

Mayor Heebner adjourned the meeting at 9:18 p.m.

Angela Ivey, City Clerk

Council Approved: August 25, 2021