



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, September 8, 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.

- 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 6:00 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:

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

Blue City Certification

Rimnga Viskanta, Sr. Mgmt Analyst, presented a PowerPoint (on file).

Alisan Amrhein, Chief City Liaison, Blue City Network, presented the certificate to Solana Beach for its environmental initiatives and programs including banning smoking on the beach, single use plastic bags, and polystyrene food containers, as well as forming a CCA which achieved 100% greenhouse gas free energy for all customers.

Greg Wade, City Manager, introduced the new Captain of the San Diego County Sheriff's Department North County, Captain Dustin Lopez.

APPROVAL OF AGENDA:

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.

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).

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.

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 the June 23, 2021 City Council Meeting.

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

Motion: Moved by Deputy Mayor Becker and second by Councilmember Harless 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 August 07, 2021 – August 20, 2021.

Motion: Moved by Deputy Mayor Becker and second by Councilmember Harless 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 2021/2022. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2021/2022 General Fund Adopted Budget.

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

A.4. Citywide Landscape Services. (File 0750-25)

Recommendation: That the City Council

1. Adopt **Resolution 2021-103:**
 - a. Authorizing the City Manager to amend the Professional Services Agreement with Nissho of California, Inc. to increase the total cost of the agreement by \$65,000 for an amount not to exceed \$412,411 for Citywide Landscape Maintenance Services for Fiscal Year 2021/22.
 - b. Appropriating \$40,000 in General Funds to the Parks/Professional Services account.
 - c. Authorizing the City Treasurer to amend the FY 2021/22 Adopted Budget accordingly.

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

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

Recommendation: That the City Council

1. Adopt **Resolution 2021-109** authorizing the City Manager to execute Amendment #2 to the Professional Services Agreement with Kimley-Horn and Associates Inc. for an additional amount not to exceed \$11,200.

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

B. PUBLIC HEARINGS: (B.1.– B.2.)

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).

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: 510 N. Acacia Ave., Applicants: Churches and Rauhala, Application: DRP20-012, SDP 21-016. (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 a 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 2021-105** conditionally approving a DRP and SDP to demolish the existing single-story, single-family residence, maintain an existing legal nonconforming detached single-car garage, construct a replacement two-story, single-family residence, and perform associated site improvements at 510 North Acacia Avenue, Solana Beach.

Greg Wade, City Manager, introduced the item.

Katie Benson, Sr. Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Janet Churches, Applicant, spoke about living in the house for 15 years and the need for another bedroom and bathroom for their children. Tyler Van Stright, Architect, said he was available for questions.

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

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

B.2. Public Hearing: 521 Canyon Drive, Applicant: Agee, Application: DRP21-003. (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. 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 2021-104** conditionally approving a DRP to construct 4,280 square-foot, single-story single-family residence with an attached 550 square-foot garage and perform associated site improvements at 521 Canyon Drive, Solana Beach.

Greg Wade, City Manager, introduced the item.

Katie Benson, Sr. Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed the patios and related covers.

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

Council discussed directing Staff to look at the issue of three sided covered patios for future projects and when it should be included in the floor area ratio (FAR).

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

C. STAFF REPORTS: (C.1. – C.4.)

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

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C.1. Net Energy Metering 3.0 (NEM) Proceeding. (File 1010-46)

Recommendation: That the City Council

1. Discuss and consider adoption of **Resolution 2021-107** regarding the NEM 3.0 proceeding presently before the CPUC (California Public Utilities Commission).

Dan King, Assistant City Manager, presented a PowerPoint (on file).

Michael Vasilakis, Climate Action Campaign, spoke of his support for the resolution to protect equitable access to rooftop solar and storage, and renewable resources being deployed quickly in the case of flex alerts.

Karina Gonzales, Hammond Climate Solutions and member of the San Diego Green New Deal Alliance, spoke about support of the resolution, the California Public Utility Commission's own analysis stating that the primary cause for increased utility rates were tiered rates and transmission and distribution and their associated wildfire costs, utility transmission charges having risen 2.3 billion per year and distribution costs having risen 3.6 billion per year which has raised rates, rate payers being forced to pay for the devastating wildfires caused by SDG&E and the transmission lines, rooftop solar reducing the amount of transmission and distribution infrastructure needed, and SDG&E's proposal including the highest solar fees in the nation.

Shelah Ott, San Diego Building Electrification Coalition member, spoke about her support for the resolution, the need for solar to be able to grow sustainably and equitably in order for California to fight the climate emergency, SDG&E and its parent company Sempra's continued fight against clean energy solutions that would help communities and the planet, SDG&E's donation to organizations that support their fossil fuel agenda, SDG&E pushing its agenda of utility scale solar that has caused their rate tariffs across the region to burden the cost of incredibly expensive transmission lines, the changes to net energy metering being proposed by the investor-owned utilities at the California Public Utilities Commission hurting Clean Energy Alliance, and Solana Beach standing up for local rooftop solar.

Joe Gabaldon, SDG&E Public Affairs Manager for the north coast cities, spoke about SDG&E having a net energy metering proceeding, the PUC following the law by revisiting the 25 year old solar program, hiring a third party to evaluate the current statewide program, a study that found that current rooftop solar subsidies increased electric bills for non-solar customers, and that the subsidies created by the NEM tariff were disproportionately paid by younger, less wealthy, and disadvantaged electricity customers. He said that several consumer advocates and environmental organizations advocating for meaningful reform to the NEM program such as the Natural Resource Defense Council, the PUC zone Public Advocates Office, the Utility Reform Network had found the existing program to be inequitable and in need of major updates, that Council should invite these groups to speak on the issue, that SDG&E and other utilities do not profit in any way from updating the NEM program, that SDG&E's policy goals and intentions were to design a program that was more equitable for all customers and ensuring affordability of a clean energy future, and that they encouraged the language in the resolution to address the growing cost shift of approximately \$3.4 billion dollars across the state that was burdening lower income individuals.

Tara Hammond, Hammond Climate Solutions, spoke in support of the resolution, and said that SDG&E opposed programs that benefited the community while reducing the climate crisis, that SDG&E and Sempra could not legally oppose community choice energy, that SoCalGas formed a front group to push an anti-building electrification campaign to increase the use of 30 harmful fossil fuels, all three investor owned utility companies having attacked rooftop solar for over a decade because of profits from projects that increase the need for costly transmission lines, the transmission lines having caused fires, SDG&E being one of the highest rate utilities in the country, their pushing of fracked gas which causes poisoning of air, land, water, and people, and that Sempra CEO Jack Martin would have given up some of his \$12 million in compensation last year during a pandemic if the company cared about equity, and about SDG&E's speaker requesting that Council have all of the anti-solar parties present to the City.

Peter Zahn speaking on behalf of the Climate Action Commission said that this adoption originated in the de-carbonization strategy subcommittee, which unanimously voted to forward it to the full commission, the commission heard from several members of the public environmental organizations as well as SDG&E, the commission voted to approve the resolution, the IOUs proposal would hurt electricity customers in Solana Beach and throughout California by making rooftop solar more expensive by increasing customer's electric bills and drastically reducing the credits that net energy metering has provided to for years, that SDG&E's submittal today would harm low income rate payers, that an overwhelming number of environmental organizations took positions opposed to assertions made by SDG&E in the IOUs proposal, that if it was adopted it would impede the cities and states ability to meet greenhouse gas reduction goals, and it would impede the ability to set more aggressive targets which was counter to Council's declaration of a climate emergency.

John Bottorf, CleanEarth4Kids.org, spoke about their support for the resolution, multiple legitimate studies showing that rooftop solar saves California rate payers over one hundred billion dollars, the extraction in burning of fossil fuels harms health here and around the world both indoor and outdoor, fossil fuel air pollution being responsible for one in five deaths, San Diego County getting an F in ozone, which is smog and sunlight, and a D in particle pollution, fossil fuels being a detriment to all from a pollution and climate change standpoint, SDG&E and other utility companies not being interested in fighting climate change but only their profits, and all those opposed having a financial interest but not the interest of the people in the community.

David Rosenfeld, Solar Rights Alliance, spoke about their strong support for the resolution, 1.2 million people having solar in this state, solar was now working into middle-class neighborhoods and that it should be in the hands of millions of working communities all around the state so that people have the tools to protect themselves from blackouts and to control their energy bills, California having the most detailed energy modeling in the United States that shows California cutting \$120 billion from its electricity costs over the next 30 years, or \$295 per rate payer per year. He said that utilities were proposing to double the cost of rooftop solar taking the industry back 15 years when only the very wealthy could afford it, that SDG&E was putting out false information, and that once their numbers were unpacked it showed that they used tricky accounting and bad premises.

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

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

C.2. Public Arts Commission Appointment. (File 0120-06)

Recommendation: That the City Council

1. Appoint one (1) member to the Public Arts Commission nominated/appointed by *Council-at-large* with a term ending January 2023.

Greg Wade, City Manager, introduced the item.

Mayor Heebner nominated Marilyn Barnett.

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

C.3. Introduce (1st Reading) Ordinance 515 - Regarding Official Bonds, Insurance, and Policy Limit. (File 0180-55)

Recommendation: That the City Council

1. Introduce **Ordinance 515** amending Section 2.08.050 of the Solana Beach Municipal Code; and
2. Adopt **Resolution 2021-106** setting minimum insurance policy limit.

Johanna Canlas, City Attorney, introduced the item.

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.

C.4. City Manager's Employment Agreement. (File 0400-10)

Recommendation: That the City Council

1. Consider adoption of **Resolution 2021-108** authorizing the Mayor to execute the Sixth Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade to reflect a base salary increase of 4.5% to \$230,592.00 effective July 1, 2021, b) Effective July 1, 2022, a 3% base salary increase to \$237,510.00, and c) \$50 increase to the monthly vehicle allowance for a total of \$500.00.

Johanna Canlas, City Attorney, introduced the item.

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

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 "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 7:35 p.m.

Angela Ivey, City Clerk

Council Approved: October 27, 2021