

# 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 27, 2023 \* 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

**Lesa Heebner**  
Mayor

**David A. Zito**  
Councilmember District 1  
**Kristi Becker**  
Councilmember District 2

**Jewel Edson**  
Councilmember District 3  
**Jill MacDonald**  
Councilmember District 4

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

### CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:06 p.m.

Present: Lesa Heebner, David A. Zito, Jewel Edson, Kristi Becker, Jill MacDonald  
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.  
Rachel Jacobs, Finance Dir.  
Joseph Lim, Community Development Dir.

### CLOSED SESSION REPORT:

### FLAG SALUTE:

### APPROVAL OF AGENDA:

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

### PROCLAMATIONS/CERTIFICATES: *Ceremonial*

## Hispanic Heritage Month

Mayor Heebner presented the proclamation.

Lisa Montes accepted the proclamation and spoke about her family living in the area for over 100 years, the many members of the Changers being from La Colonia, and her appreciation to the City for its support and recognition.

### **ORAL COMMUNICATIONS:**

Comments relating to items on this evening's agenda are taken at the time the items are heard. 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. 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. No donations of time are permitted (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Janidy Vergara, Changers Youth Group, Senior at San Dieguito Academy, said that Changers were made up of high school students who meet to combat the influences of alcohol, tobacco, marijuana, and other drugs, and spoke about some projects including Sticker Shock Campaign where they place reminder stickers on products discouraging adults from purchasing alcohol for the underaged, and participating in events like Dia de los Muertos and the Tree Lighting Ceremony.

Kyra Dominguez, Changers Youth Group, Senior at Torrey Pines High School, shared tobacco statistics and said that they assessed local retailers and found several in violation of the flavored tobacco ban and provided educational information reminding them that it is the responsibility of the business owner to research which products can and cannot be sold. She said this project was important to speak out about central issues to improve neighborhoods and communities.

### **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.)

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 heard immediately after approval of the Consent Calendar to hear the public speaker.

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

Recommendation: That the City Council

1. Approve the Minutes of the City Council meetings held on February 7, 2023 and August 23, 2023.

[Item A.1. Report \(click here\)](#)

**Motion:** Moved by Councilmember Edson and second by Councilmember Becker to approve.  
**Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. 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 05, 2023 – August 25, 2023.

[Item A.2. Report \(click here\)](#)

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

**A.3. General Fund Adopted Budget for Fiscal Year 2023/2024 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2023-202024 General Fund Adopted Budget.

[Item A.3. Report \(click here\)](#)

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

**A.4. Alert & Warning System Agreement.** (File 0240-60)

Recommendation: That the City Council

1. Approve **Resolution 2023-110:**
  - a. Approving the Alert & Warning Memorandum of Agreement between the County of San Diego and the City of Solana Beach.
  - b. Authorizing the City Manager to execute the Memorandum of Agreement on behalf of the City of Solana Beach.

[Item A.4. Report \(click here\)](#)

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

**A.5. State Homeland Security Program 2022 Grant Funds.** (File 0240-60)

Recommendation: That the City Council

1. Approve **Resolution 2023-109:**
  - a. Accepting \$11,200 in federal funds from a 2022 State Homeland Security Program (SHSP) grant awarded to the City of Solana Beach for the purchase of structural firefighting turnouts.

- b. Authorizing the City Manager, or his designee, to sign and submit the required California Governor's Office of Emergency Services Fiscal Year (FY) 2022 Standard Assurances for Cal OES Federal Non-Disaster Grant Programs.
- c. Approving a budget amendment of \$11,200 to the Federal Grant revenue account and the Minor Equipment expenditure account for the Fire Department both in the Public Safety Special Revenue fund.
- d. Authorizing the City Treasurer to amend the FY 2023/24 Adopted Budget accordingly.

[Item A.5. Report \(click here\)](#)

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

**B. PUBLIC HEARINGS:** (B.1. – B.2.)

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 should refer to the public comment section at the beginning of the agenda for time allotment.* Please be aware of the timer light on the Council Dais.

**B.1. Public Hearing: 228 N. Helix, Applicant: Bowers, Case: DRP22-013, SDP22-011.**  
(File 0600-40)

The proposed project meets the minimum zoning 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 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 2023-064** conditionally approving a DRP and SDP for a new two-story, single-family residence with a fully subterranean basement and an attached two-car garage and perform associated site improvements at 228 North Helix Avenue, Solana Beach.

[Item B.1. Report \(click here\)](#)

[Item B.1. Supplemental Docs \(updated 9-27-23 at 10:00am\)](#)

The public hearing was continued from June 14, 2023.

Greg Wade, City Manager, introduced the item.

Tiffany Wade, Associate Planner, presented a PowerPoint (on file).

Council disclosures.

Ryan Bowers, applicant, presented a PowerPoint (on file) reviewing the project design revisions to address neighbor concerns, and said that they lowered the building by 1 ft. 10 in., the rear yard grade by 1.8 ft., completely redesigned the second story eliminating the nursery/office, reduced the project by 30%, created view lines for the southern neighbors, made accommodations to ensure privacy for the eastern and northern neighbors, and redesigned the rear end of the home for a more palatable articulation, moved the project back 16 ft. from the original design at the View Assessment Committee, and reviewed his discussions with four neighbors regarding the elimination of a water feature and erosion concerns.

Anthony Gatti, Claimant, said that it would be ideal if the project stipulated that no windows would be added to the southern façade of the second story in the future.

Connie Major, speaking for Claimant Naomi Clum who could not be present, presented a PowerPoint (on file) said that she would lose her view from the kitchen window and her sky view in the backyard where she watched the sunset, that the retaining wall and drainage ditch brought runoff water to these properties creating erosion issues, that the shed on the property protruded 5 ft. into the utility easement abutting their property, that an ADU may be in its place, that she requested that no ADU or structure be built in the corner to replace the shed, that she appreciated the windows being placed higher, and that the City insist that all requirements be followed.

Rory Bennett presented a PowerPoint (on file) and said she submitted a public comment regarding the concerns of a large spa and barbeque area a few feet from their ADU, creating an issue with noise, and request for the Podocarpus to be 12-15 ft. high to match what they have in their backyard, and that they be held harmless of any water coming from their property onto their own property.

Pete Major said that the main issue was the drainage from water runoff and that they would like to be guaranteed that they would not be liable for any damage.

Connie Major (time donated by Kale Major) presented a PowerPoint (on file) displaying the sloped easement that sends water to her properties which was 5 ft. below the current elevation, and said that she would request planting along a common boundary without overgrowth beyond the height of the fence, that no structure be allowed to be built in the northeast corner, to fix the elevations, and to provide her a hold harmless agreement.

Jill Martin said that she withdrew her claim based on the plans and asked for a stipulation going forward that the second story would not shift in a westward direction.

Ryan Bowers said that the improvements on their property would solve some of the existing erosion by reducing the grade and flattening it, that it would be changing the elevation of the entire back edge at 60 ft. with little or no slope, that they were adding pumps, battery backups, catchments, and back up measures.

Mo Sammak, Public Works Director, and Greg Wade, City Manager, explained that the erosion had been properly addressed, that the provisions would minimize the proposed development's impervious surface increase in runoff, that most runoff would be detained and pumped to a detention box on Helix, that the requirement of drainage laws were to maintain the same drainage status and not add to it, that there was no requirement to improve it but that this project had put in place some provisions to improve the current drainage conditions, that some existing drainage runoff would continue off of the back of the property.

Jennifer Bolyn, Architect, said that the land was surveyed and the patio is at 56.64 and the property line was 58.5, that the densely covered retaining wall is 30.24 to 30 in. from the property which slopes into the easement area so the heights vary from 61.5 to 56.5, and that the easement line would be flattened out.

Bryan Ardolino, Pasco, Laret, Suiter, said that Staff explained drainage law and patterns, that Staff worked with them to find ways to mitigate, retain, and release any increase in runoff due to the new impervious surface, that the measures would also minimize some of the existing runoff issues, that they would be using a French drain riprap that would collect and dispel or disperse runoff.

Johanna Canlas, City Attorney, stated that the law required that there be a nexus under which a condition to a project be relative to the impact of that project, that it was said that there are other drainage issues with other properties not caused by the project itself and that the City Engineer had stated that the conditions could improve the existing condition, that the neighbors may consider to engage in private negotiations to address the existing conditions in case there would be economies of scale for any construction improvements, that if the Council decided to condition additional requirements then the findings must be made as a result of the proposed development and not because of existing conditions.

Council discussed that the spa equipment would now be enclosed reducing noise and vibration, that this equipment enclosure would be 6 ft. from the property line, that an ADU cannot be restricted due to existing state law, that the new plans submitted have restricted the landscaping height to 12-15 ft, and they would restrict windows on 2<sup>nd</sup> story of the south side of the project.

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

**Motion:** Moved by Mayor Heebner and second by Deputy Mayor Zito to approve with an additional condition to restrict windows on the 2<sup>nd</sup> story on the south side of the structure and battery backup for the sump pumps. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

**B.2. Public Hearing: 667 Marine View, Applicant: Dominguez, Case: DRP21-013.** (File 0600-40)

The proposed project could be found to be consistent with the General Plan and the SBMC and could 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 15304 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2023-108** conditionally approving a DRP to conduct grading in excess of 100 cubic yards and perform associated site improvements on a lot with an existing single-story single-family residence at 667 Marine View Avenue, Solana Beach.

[Item B.2. Report \(click here\)](#)

Greg Wade, City Manager, introduced the item.

John Delmer, Assistant Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Bryan Ardolino, Pasco, Laret, Suiter, Applicant representative, said that the goal was to create a building pad and that possibly in the future the existing cottage may be converted to an ADU.

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

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

Mayor Heebner adjourned the meeting for a break at 7:57 p.m. and reconvened at 8:04 p.m.

**C. STAFF REPORTS:** (C.1. – C.3.)

*Submit speaker slips to the City Clerk.*

*All speakers should refer to the public comment section at the beginning of the agenda for time allotments. Please be aware of the timer light on the Council Dais.*

**C.1. Miscellaneous Driving Rules Adoption (2<sup>nd</sup> Reading) of Ordinance 531 and Training and Diversion Program.** (File 0230-20)

Recommendation: That the City Council

1. Adopt **Ordinance 531** amending Chapter 10.44 (Miscellaneous Driving Rules) of Title 10 (Vehicles and Traffic) of the Solana Beach Municipal Code regarding bicycles.

2. Approve **Resolution 2023-113** allocating \$10,000 to the Community Services – Professional Services account to provide training and diversion programs for first time violators.

[Item C.1. Report \(click here\)](#)

[Item C.1. Supplemental Docs \(updated 9-27-23 at 2:50pm\)](#)

Greg Wade, City Manager, said that the ordinance was meant to provide enforcement tools primarily for electric bicyclists for the Sheriff's Deputies, which were recently implemented in Encinitas and Carlsbad and would be implemented soon in Del Mar, that it provided educational classes to be taken in lieu of payment of a citation, and that the resolution allocated funds to actively engage with Bike Walk Solana and the San Diego Bicycle Coalition for more broad practical e-bike safety programs.

Council discussed returning to Council with an 8 mph speed limit on the Coastal Rail Trail (CRT), whether e-bike speeds could be regulated, and to consider allowing school aged children on the sidewalk for certain routes.

Johanna Canlas, City Attorney, read the title of the ordinance.

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

## **C.2. La Colonia Tot Lot Construction Contract.** (File 0720-30)

Recommendation: That the City Council

1. Adopt **Resolution 2023-111:**
  - a. Awarding a construction contract to Western Rim Constructors, Inc. totaling \$1,124,554 for the La Colonia Tot Lot Replacement, Bid No. 2023-08.
  - b. Approving an amount of \$95,056 for construction contingency.
  - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
  - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
  - e. Authorizing the City Manager to execute any and all agreements necessary to purchase the integrated components (including alternative dome/net structure) of the La Colonia Tot Lot playground equipment from GameTime, or their approved equipment supplier, at a cost not to exceed \$175,000.
  - f. Authorizing the City Manager to amend the PSA with Van Dyke Landscape Architects to increase the compensation by \$12,000 for additional expenses incurred during design and construction support services associated with the La Colonia Tot Lot Replacement.

[Item C.2. Report \(click here\)](#)

[Item C.2. Updated Report #1 \(added 9-27-23 at 4:00pm\)](#)

Greg Wade, City Manager, presented a PowerPoint (on file).



Denise Armijo, Van Dyke, said that the playground was designed with a fall zone with rubberized surfacing to attenuate the fall, that all of the options were designed for ages 5-12, and the preference for the Orbiter design.

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

**C.3. Purchasing Authority - Introduce (1<sup>st</sup> Reading) of Ordinance 532.** (File 0370-10)

Recommendation: That the City Council

1. Introduce **Ordinance 532** amending Solana Beach Municipal Code (SBMC) Chapter 3.08 to increase the City Manager's purchasing authority from \$25,000 to \$50,000, and to revise the thresholds for procurement process.

[Item C.3. Report \(click here\)](#)

Greg Wade, City Manager, presented a PowerPoint (on file) reviewing the increase of purchasing contract authority to \$50,000.

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

**WORK PLAN COMMENTS:**

*Adopted June 28, 2023*

**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 8:52 p.m.

Angela Ivey, City Clerk

Council Approved: October 25, 2023