

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



MINUTES

Joint REGULAR Meeting
Wednesday, January 24, 2024 * 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

Jewel Edson
Deputy Mayor / Councilmember District 3

Kristi Becker
Councilmember District 2

Jill MacDonald
Councilmember District 4

David A. Zito
Councilmember District 1

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 6:20 p.m.

Present: Lesa Heebner, Jewel Edson, Kristi Becker, Jill MacDonald, 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.

Rachel Jacobs, Finance Dir.

Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:

PRESENTATIONS/ PROCLAMATIONS/CERTIFICATES:

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

- Farewell and Thank You to City Manager Gregory Wade

Mayor Heebner read a proclamation from the City of Solana Beach.

City Council made comments acknowledging Greg Wade and presented a gift to Belly Up.

Greg thanked current and past City Councils, Staff, the community, family and friends.

Mo Sammak, Dir. Engineering/Public Wks, presented Greg with a City street sign in his name from Staff.

Shannon Bradley, Mike Levin's office, presented a proclamation.

Matt Rubel, State Senator Catherine Blakespear's office, and Ross Tritt, Tasha Boerner's office, presented a proclamation.

Cipriana Vargas, Supervisor Terra Lawson-Remer's office, presented a proclamation.

Peter Zahn spoke about his time working with Greg on Council and his accomplishments.

Pete Cohen spoke about Greg's history and contributions.

Mayor Heebner recessed the meeting at 6:56 p.m. for a break and reconvened at 7:00 p.m.

APPROVAL OF AGENDA:

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

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.

Wallace Cook asked the City Council to front the money for underground utilities and would like to get his underground district completed.

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.4.)

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.

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

A.1. Minutes.

Recommendation: That the City Council

1. Approved the City Council Meeting's Minutes of November 29, 2023.

Approved Minutes <https://www.cityofsolanabeach.org/en/government/public-meetings/agendas-minutes-videos>

Motion: Moved by Deputy Mayor Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, 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 December 16, 2023 – January 05, 2024.

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

Motion: Moved by Deputy Mayor Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. 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 2023-2024 General Fund Adopted Budget.

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

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

A.4. Ocean Ranch Estates Final Subdivision Map. (File 0600-40)

Recommendation: That the City Council

1. **Resolution 2024-009:**
 - a. Approving the Ocean Ranch Estates final map.
 - b. Authorizing the City Engineer, City Attorney, City Treasurer and City Clerk to sign the final map.
 - c. Authorize the recordation of the final map.

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

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

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 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: 1435 Highland Dr., Applicant: Karen and Steven Gray, Case: DRP23-009, SDP23-011. (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. 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 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2024-003** conditionally approving a DRP and SDP for construction of 1,416 square-foot second-floor addition to an existing one-story, single-family residence with an attached garage at 1435 Highland Dr., Solana Beach.

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

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Andrew Crocker, Applicant's Representative, T7 Architecture, and Karen Gray, Applicant, thanked Council and Staff and stated that they had no presentation.

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

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

C. STAFF REPORTS: (C.1. – C.5.)

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. Revised Design for the Marine Safety Center, Review of Photo Simulations, and PSA Design Amendment of the Project. (File 0730-30)

Recommendation: That the City Council

1. Receive this report and provide input and direction on the revised Marine Safety Center design and potential view impacts to the public and surrounding residents.
2. Consider adoption of **Resolution 2024-014** authorizing the City Manager to execute an amendment to the Professional Services Agreement with Domusstudio Architecture to complete environmental studies, obtain discretionary permits and complete the final design package.

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

[Item C.1. Updated Report #1 \(added 1-22-24\)](#)

[Item C.1. Supplemental Docs \(updated 1-24-24 at 5:15pm\)](#)

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

Maureen Finklestein spoke about her objection to any obstruction to her view of the water.

Ron Kassan (time donated by Dana Kassan) stated that he appreciated the new updates, his support for rebuilding the station, questioned whether all of the space was necessary, potential offsite storage, he submitted an alternative plan that lowered the tower, that the newly proposed tower was still too high, the LUP stating that the height of structure shall not block neighborhood views, and that if the tower could be lowered it would reach their objective.

Vip Patel stated that the purpose of the Marine Safety Center focused on saving lives, the devastation of the bluff erosions, concerns about disrupting the bluffs, that he was willing to donate cameras or drone delivered flotation devices, and whether it needed to be a 2-story building.

Mac and Astrid Vaccaro said they live just above this project, that they appreciated the work so far, that it feels like the structure was very close, that the building tucks into their front yard, to consider a more natural rooftop so it does not reflect the sun as a beam of light up to those behind it, questions about the lowest point of the large roof structure over the parking garage, concerns about digging into the bluff, story poles, and that they appreciated all the efforts in taking the public comments seriously.

Council and Staff discussed that the structure in the hillside would project up but not above the slope, which continues to rise behind the structure, so the building would never exceed the bluff.

Jon Dominy, Domusstudio, stated that they have welcomed the various reiterations, that they have moved the structure back farther than it ideally should be and that alternative shading options would need to be considered, that they had Captain Shook raised up on a scissor lift to assess the views from various heights to find the minimal point for functional observation, that the bluff issues on the west side would not be touched as part of this project, that they had pulled back the front door and made way for more public space, that the space for the meeting rooms, bathrooms, and the office was reduced slightly, that there was 500 ft. under the tower where there is public entry and first aid, and the observation tower was 133 sq. ft..

Council and Captain Shook discussed the number of Staff using the space which changes throughout the year with seasonal, weekend, weekday, staffing as well as programs such as the Jr. Guard Staff, and that the benefits of the sand replenishment project increase the number of visitors.

Council discussed that they are faced with many objectives including some that compete, such as public v. private views, impacts on the well-used park space, that the goal was to meet the operational needs for many years, honoring the Coastal Commission obligations, approval by Coastal Commission, authorizing enough of the design to move forward with story poles, happy that this project has moved along and improved, story poles will tell us more, the view assessment process being handled by Council, and how this project affects so many facets of the community.

Council stated that the view ordinance does not allow a right to an unobstructed view, but it does provide for a process to address all feasible solutions to find the best balance with the needs of those impacted with the goal of the project.

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

Mayor Heebner recessed the meeting at 8:29 p.m. for a break and reconvened at 8:34 p.m.

C.2. 2024 Annual Citizen Commissions Appointments. (File 0120-06)

Recommendation: That the City Council

1. Appoint two (2) members to the **Budget and Finance** Commission nominated/appointed by individual members (Councilmember Becker and Councilmember MacDonald) for two-year terms.

Motion: Moved by Councilmember Becker and second by Councilmember MacDonald to appoint Scott Hermes (Becker) and Larry Marmon (MacDonald). **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

2. Appoint four (4) members to the **Climate Action** Commission nominated/appointed by *Council-at-large* for the following positions:
 - a. Three (3) *Resident* appointments for two-year terms. Or consider appointing two residents and reinstate a Councilmember to fill the residents and the Councilmember positions.
 - b. One (1) *Professional* appointment for a member of the environmental and/or scientific community (*resident or non-resident*) for a two-year term.

Motion: Moved by Councilmember Zito and second by Councilmember Becker to appoint resident positions to Heidi Dewar and Lane Sharman. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

3. Appoint three (3) members to the **Parks and Recreation** Commission nominated/appointed by *Council-at-large* for two-year terms.

Motion: Moved by Mayor Heebner and second by Deputy Mayor Edson to appoint Shane Noroozi and Michael Budelsky. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

4. Appoint three (3) members to the **Public Arts** Commission nominated/appointed by *Council-at-large* for two-year terms.

Motion: Moved by Deputy Mayor Edson and second by Mayor Heebner to appoint Sharon Klein, Shawn Hethcock, Mark Mennie. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

5. Appoint four (4) members to the **View Assessment** Commission: two (2) positions for two-year terms by individual members (Councilmember MacDonald and Councilmember Zito) and two (2) positions for two-year terms nominated/appointed by *Council-at-large*.

Motion: Moved by Mayor Heebner and second by Deputy Mayor Edson to appoint Frank Stribling (Council), Pat Coad (Council), Bob Zajac (MacDonald), Linda Najjar (Zito). **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

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

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C.3. Funding for AT&T Design and District Boundary Map for the Pacific Avenue – Phase II UUD and Providing Updates and Options for Council’s Consideration for the Glenmont/Mar Vista/Marview UUD and the Nardo/Granados/Rios UUD. (File 1010-90)

Recommendation: That the City Council

1. Adopt **Resolution 2024-005:**

- a. Authorizing payment of \$45,360 from the CIP Fund - Engineering Design Account 4596510.66600 to AT&T for design work for the Pacific Avenue – Phase II Utility Underground District.
- b. Approving the District Boundary Map for the Pacific Avenue – Phase II UUD subject to final voting approval from the District property owners as outlined in the “Steps to Forming a Private Residential Utility Underground District” brochure.
- c. Authorizing the City Treasurer to amend the FY 2023/24 & 2024/25 Adopted Budget accordingly.

~~2. Adopt **Resolution 2024-006**:~~

~~3. Adopt **Resolution 2024-007**:~~

4. Adopt **Resolution 2024-012**:

- a. Authorizing the City Manager to execute an amendment to the Professional Services Agreement with NV5, Inc. for assessment engineering services in the amount of \$40,000 for the Glenmont/Mar Vista/Marview Utility Underground District and \$48,000 for the Nardo/Granados/Rios Utility Underground District to be charged to CIP Fund - Engineering Design Account 4596510.66600.
- b. Authorizing the City Treasurer to amend the FY 2023/24 & 2024/25 Adopted Budget accordingly.

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

[Item C.3. Supplemental Docs \(updated 1-22-24\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Councilmember Becker recused herself due to her property proximity within one of the districts.

Greg Wade, City Manager, presented the item.

Joe Gabaldon, SDG&E Sr. Public Affairs Manager for the coastal communities, said that Rule 20 has funded many undergrounding projects over six decades, that the Public Utilities Commission (PUC) embarked on another overhaul of the tariff, despite issues and concerns that were raised by SDG&E, the League of Cities, City of San Diego, County of San Diego, and various cities across the state, where the commission voted to significantly modify the tariff. He said that these recent decisions had impacted municipalities, that the PUC is the overseer of Rule 20A and SDG&E must comply with those requirements, that they had initially interpreted the new tariff as preventing the use of 20A credits or funds for the design of Glenmont, Nardo, and Granados/Rios, and that their legal and regulatory teams were re-reviewing their analysis of the modified tariff to see if 20A funds could be used for these projects and hoped to deliver their response shortly. He stated that design costs had not been completed for the Glenmont district redesign but they hoped to send it soon. He said that the number one issue remaining was the status of the easements and that they had worked with City Staff to send correspondence, personal calls and visits to connect with the participants.

Council, Staff, and Mr. Gabaldon discussed that a redesign would assume that an initial design had taken place when design fees were initially used from 20A, that the utilities provide allocation in terms of credits, the credits are equal to dollars but the credits do not hit the rate

base until after the project is complete, that no funds had been received for this project since the project was not complete but would be reimbursed once it was completed, not including any 20A funds that were expended previously for the current designs since they would be rolled into the rate base after the completion of the project, funds rolled into the general rate base are paid for by every rate payer, and that any changes to the Glenmont District, adding or subtracting properties, cause the need for a redesign.

Council, Staff, and Mr. Gabaldon discussed the allocation process for 20A funds that is determined by some formula to populations for 20A projects, which has accumulated to 1.4 million allocated to our City, that this project is a 20B project and then after completion can be reimbursed by 20A funds, the tariff being a territory wide tariff, that credits cannot be used for redesign, which was caused by removal of some properties, and that is the estimated cost provided for this redesign.

Council and Mr. Gabaldon discussed seeking determinations from SDG&E whether these very old projects could be grandfathered in prior to this new tariff modification, whether a new project at this time could use 20A funds, and whether it is fair to call this a redesign when the easement or equipment requirements are unknown and may cause the need for modifications.

Council and Staff discussed that the projects have been going for so long, that the City had concerns spending taxpayer dollars that are not guaranteed in case the district does not form, that the benefit would be limited to participating residents, but are entirely beneficial to SDG&E by undergrounding utilities. They discussed that the rules keep changing over time making it difficult to accomplish completion while properties may have turned over ownership.

Council and Staff discussed that the assessment engineer was allocating a benefit cost to each property looking at the frontage and the aesthetic benefit to assess the cost benefit, and that a cost benefit and design is needed to determine a cost estimate.

Council discussed that they should wait on paying SDG&E, only passing Resolution 2024-005 for Pacific Avenue and Resolution 2024-012 for the assessment engineering for the Glenmont/Mar Vista/Marview and the Nardo/Granados/Rios projects, and work with SDG&E for more clarity on design cost estimates.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Edson to adopt Resolutions 2024-005 and 2224-012. **Approved 4/0/1.** Ayes: Heebner, Edson, MacDonald, Zito. Noes: None. Absent: Becker (recused). Motion carried.

C.4. Interim City Manager Appointment. (File 0560-25)

Recommendation: That the City Council

1. Adopt **Resolution 2024-016** appointing Daniel King as the Interim City Manager and authorizing the Mayor to execute an employment agreement with Mr. King with an annual salary of \$250,000, monthly automobile allowance of \$450.00, deferred compensation contribution of \$884.62 per pay period in addition to the employee benefit programs and plans for which the Executive Management Group is eligible,

adopt the corresponding salary schedule and authorize the Mayor to execute the Interim City Manager Agreement.

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

Johanna Canlas, City Attorney, read the resolution title reporting out the salary and benefits.

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

C.5. Army Corps Beach Sand Project Presentation.

No recommendation or report.

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

Mayor Heebner reported more details about the status and phases.

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.

Deputy Mayor Edson reported her reimbursement from North County Transit District.

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 9:48 p.m.

Angela Ivey, City Clerk

Approved: February 28, 2024