

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



MINUTES

Joint REGULAR Meeting
Wednesday, February 22, 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
Deputy Mayor / Councilmember District 1

Jewel Edson
Councilmember District 3

Kristi Becker
Councilmember District 2

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 6:00 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.
Rod Greek, Interim Finance Dir.
Joseph Lim, Community Development Dir.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

Black History Month

ORAL COMMUNICATIONS: None

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.

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.8.)

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 of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council meetings held on January 11, 2023 and January 25, 2023.

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

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 January 21, 2023 – February 10, 2023.

Item A.2. 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.

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 2022/2023 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2022-2023 General Fund Adopted Budget.

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

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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. Fire Station Generator Replacement – Reject all Bids. (File 0370-38)

Recommendation: That the City Council

1. Adopt **Resolution 2023-025**:
 - a. Rejecting all construction bids received for the Fire Station Emergency Stand-by Generator Replacement, Bid No. 2022-06.
 - b. Authorizing the City Engineer to re-advertise the project for competitive construction bids.

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

[Item A.4. Supplemental Docs \(Updated 2-21-23 at 10:45am\)](#)

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.

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. California State Lands Commission Lease for United States Army Corps of Engineers (USACE) Encinitas – Solana Beach Coastal Storm Damage Reduction Project. (File 0740-80)

Recommendation: That the City Council

1. Adopt **Resolution 2023-024** authorizing City Manager to act on behalf of the City of Solana Beach, in consultation with the City Attorney, to sign a lease of State Lands with the California State Lands Commission to ensure Project construction begins on schedule in late 2023.
2. Authorize the City Manager to approve expenditures and amend the Fiscal Year (FY) 2022/23 Budget as needed to execute this 50-year lease up to an amount of \$25,000, but not greater than the cost of this lease.

[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.

A.6. Citywide Landscape Maintenance Services. (File 0750-25)

Recommendation: That the City Council

1. Adopt **Resolution 2023-022**:
 - a. Authorizing the City Manager to execute an amendment to the Professional Services Agreement with Nissho of California, Inc., in an amount not to exceed \$427,411, for Citywide Landscape Maintenance Services for Fiscal Year 2022/23.
 - b. Appropriating \$25,000 from the General Fund – Undesignated Reserves to the Landscape Maintenance Professional Services Agreement with Nissho.
 - c. Authorizing the City Treasurer to amend the Fiscal Year 2022/23 Adopted Budget accordingly.

[Item A.6. 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.7. Fire Station Door Inspection, Maintenance, and As-Needed Repair Services.

(File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2023-016**:
 - a. Authorizing the City Manager to execute a Professional Services Agreement with National Garage Doors in an amount of \$5,900 per year for annual maintenance service, and \$3,000 per year for unforeseen, as-needed repairs, for a total not to exceed amount of \$8,900 per year for Fiscal Year 2022/23.
 - b. Authorizing the City Manager to extend the agreement up to four additional one-year terms, at the City's option.
 - c. Authorizing the City Manager to approve the one-time purchase and installation of six garage doors for the Solana Beach Fire Station in an amount of \$140,000, and a 15% (\$21,000) contingency amount for unforeseen repairs, for a total not to exceed amount of \$161,000 for FY 2022/23.
 - d. Authorizing the City Treasurer to increase the FY 2022/2023 CIP Budget in the amount of \$74,000 and authorizing the transfer of \$74,000 from the Facilities Replacement Fund to the CIP fund.
 - e. Authorizing the City Treasurer to amend the FY 2022/23 Adopted Budget accordingly.

[Item A.7. Report \(click here\)](#)

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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.8. Traffic Signal Maintenance Services. (File 0860-55)

Recommendation: That the City Council

1. Adopt **Resolution 2023-017**:
 - a. Authorizing the City Manager to execute Amendment No. 7 to the Professional Services Agreement with Yunex Traffic to increase the compensation to an amount not to exceed \$71,000 for FY 2022/23 to replace a traffic signal pole and associated equipment at the Lomas Santa Fe/Plaza Entrance intersection.
 - b. Appropriating \$45,000 from the General Fund – Undesignated Reserves to the Traffic Safety Operating Budget.
 - c. Authorizing the City Treasurer to amend the FY 2022/23 Adopted Budget accordingly.

[Item A.8. Report \(click here\)](#)

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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: 147 S. Rios Ave., Applicant: Betsey Von Summer, Case: DRP22-007, SDP22-005. (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 2023-019** conditionally approving a DRP and SDP to construct a new two-story single-family residence with an attached garage and perform associated site improvements at 147 South Rios Avenue, 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.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Jennifer Bolyn, Applicant's Architect, presented a PowerPoint (on file).

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.

Council discussed the Applicant's work with the neighbors, that landscape plans coming before Council should not provide lists of species without specifying vegetation and its locations to assess ultimate height conditions.

Motion: Moved by Councilmember Edson and second by Deputy Mayor Zito to approve including stipulating that two trees that the Applicant offered to remove from the plans. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

B.2. Re-introduce (1st Reading) Ordinance 529 with Amendments – Building Standards Code Amendments. (File 0600-05)

Recommendation: 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 15308 CEQA Guidelines
3. Re-Introduce **Ordinance 529** (1st Reading).

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

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Greg Wade, City Manager, introduced the item explaining that this was a re-introduction of the ordinance with clarifying amendments to the initial adoption of the ordinance in November 2022 which include elements for solar decarbonization efforts, electrification and electric vehicle

installations. He said that the first reading had three minor amendments to clarify such as where single-family homes would be required to provide an EV charging station for development as well as both commercial and multi-family buildings and that this clarifying language comports with standard language found in the City's code. He said that this amendment would be followed by a second reading after which it would be submitted to the Building Standards Commission for review, that this ordinance would not require review by the California Energy Commission as was required for Ordinance 528 which had been submitted earlier this month for their review.

Council and Staff discussed that page 7 of the Ordinance which says "for each dwelling unit with two or more parking spaces, one EV capable space shall be provided" should be clear and consistent with other places noted in the Ordinance so that it is clear, whether or not parking spaces exist, if parking spaces are required then the EV space is required.

Mayor Heebner opened the public hearing.

Council disclosures.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson 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 Mayor Heebner to approve with minor amendment requiring that an EV capable space shall be provided if parking spaces are required. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

C. STAFF REPORTS: (C.1. – C.2.)

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. Annual Comprehensive Financial Report (ACFR) – Fiscal Year 2021-22.

(File 0310-11)

Recommendation: That the City Council

1. Accept and file the City of Solana Beach Annual Comprehensive Financial Report (ACFR) for the Fiscal Year July 1, 2021 – June 30, 2022.
2. Accept and file the Communication of Internal Control Related Matters Identified in an Audit letter.
3. Accept and file The Auditor's Communication with Those Charged with Governance letter.

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

[Item C.1. Updated Report #1 \(added 2-21-23\)](#)

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Greg Wade, City Manager, introduced the item.

Keili Gonzalez, LSL, presented a PowerPoint (on file) reviewing the overview of the audit.

Rod Greek, Acting Finance Dir., presented a PowerPoint (on file).

Council and Staff discussed that the audit reflected the managing of operations during a challenging environment, and that the material weakness discovered was minor and the recommendations would be implemented.

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. 2023 Citizen Commission Appointments. (File 0120-06)

Recommendation: That the City Council

1. Appoint four (4) members to the **Parks and Recreation** Commission nominated/appointed by *Council-at-large* for two-year terms.

Motion: Moved by Councilmember Edson and second by Deputy Mayor Zito to appoint Deborah Sweet, Halle Shilling, Jeanie Grischy, and Vicki Cypherd until 2025 to the Public Arts Commission. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

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

Motion: Moved by Mayor Heebner and second by Deputy Mayor Zito to appoint Sarah Shulkin, Matt Linnik, Debbie Day, and Carol Jensen until 2025, and Shane Naroozi until 2024 to the Parks and Recreation Commission. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

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

[Item C.2. Updated Report #1 \(added 2-17-23\)](#)

[Item C.2. Updated Report #2 \(added 2-22-23\)](#)

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WORK PLAN COMMENTS:

Adopted June 22, 2022

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 7:05 p.m.

Angela Ivey, City Clerk

Approved: March 22, 2023