

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting  
Wednesday, May 10, 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

### SPEAKERS:

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

### 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 6:19 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.

**CLOSED SESSION REPORT:** None

**FLAG SALUTE:**

**PROCLAMATIONS/CERTIFICATES:** *Ceremonial*

- Mental Health Awareness Month

Mayor Heebner presented the proclamation.

**APPROVAL OF AGENDA:**

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

Cindi Clemons spoke on behalf of the Seaweeders Garden Club and said that they would like to thank the Public Works Staff for quickly accommodating their needs during some of their projects including the Monarch Pledge program.

**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.)

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 April 12, 2023.

**Motion:** Moved by Councilmember Edson and second by Councilmember MacDonald 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 April 08, 2023 – April 21, 2023.

**Motion:** Moved by Councilmember Edson and second by Councilmember MacDonald 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.

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

**A.4. Solana Beach Lighting Maintenance District Annual Assessments.** (File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2023-053** approving the Solana Beach Lighting Maintenance District Engineer's Report for Fiscal Year 2023/24 for proceedings of the annual levy of assessments within a special maintenance district.
2. Adopt **Resolution 2023-054** declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing; and scheduling the public hearing for June 14, 2023.

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

**A.5. Solana Beach Coastal Rail Trail (CRT) Maintenance District Annual Assessments.**  
(File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2023-050** initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District for Fiscal Year 2023/24.
2. Adopt **Resolution 2023-051**, approving the Engineer's Report for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.

3. Adopt **Resolution 2023-052**, declaring intention to provide for the annual levy and collection of assessments in Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for June 14, 2023.

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

**A.6. Financial Audit Services.** (File 0310-20)

Recommendation: That the City Council

1. Adopt **Resolution 2023-055** approving a five-year professional services agreement with Davis Farr LLP for audit services (with two one-year options to extend).

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

**A.7. Annual Deputy Mayor Appointment Guidelines.** (File 0410-85)

Recommendation: That the City Council

1. Review and consider adoption of **Resolution 2023-057** updating guidelines for the annual appointment of the Deputy Mayor.

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

**A.8. Sewer and Storm Drain Rehabilitation Project.** (File 1040-26)

Recommendation: That the City Council

1. Adopt **Resolution 2023-059:**
  - a. Awarding the construction contract to Southwest Pipeline and Trenchless Corporation, in the amount of \$649,634, for the Sewer & Storm Drain Rehabilitation Project, Bid 2023-04.
  - b. Approving an amount of \$98,000 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 an appropriation of \$89,802 from the General Fund for the Storm Drain Improvements associated with the project.
  - f. Authorizing the City Treasurer to amend the Fiscal Year 2022/23 Adopted Budget accordingly.

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

**A.9. Property Tax Consulting Services.** (File 0390-70)

Recommendation: That the City Council

1. Adopt **Resolution 2023-056** authorizing the City Manager to execute a Professional Services Agreement with HDL Coren & Cone, in an amount not to exceed \$91,191, for Property Tax Consulting Services for a Five-Year Agreement for Fiscal Year (FY) 2023/24 through FY 2027/28 with two additional one-year options to extend.

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

**A.10. Local Streets and Roads Funding Program (SB 1) Project List - Fiscal Year (FY) 2023/24.** (File 0850-35)

Recommendation: That the City Council

1. Adopt **Resolution 2023-060:**
  - a. Authorizing the City Engineer to establish a project list for Local Streets and Roads Funding Program Road Maintenance and Rehabilitation Account FY 2023/24 revenues and designates the 2023 Annual Street Maintenance and Repair Project, as identified in the City's FY 2023/24 Capital Improvement Program list, to receive the SB 1 funding. It is anticipated that the designated project will rehabilitate the pavement on portions of Lomas Santa Fe Drive and several residential streets including North Acacia Avenue from Estrella Street to Cliff Street, South Nardo Avenue from El Sueno to Corto Street, Patty Hill Drive from Barbara Avenue to North Granados Avenue, and the easterly portion of Via Mil Cumbres. It is also anticipated that the designated project is estimated to be completed by February 2024 and will have an estimated useful life of approximately 15 years.
  - b. Authorizing the City Engineer to submit the project list to the California Transportation Commission for the 2023/24 Local Streets and Roads Funding Program using funds from the Road Maintenance and Rehabilitation Account.

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

**A.11. Traffic Signal and Safety Lighting Maintenance.** (File 0860-55)

Recommendation: That the City Council

1. Adopt **Resolution 2023-062:**
  - a. Authorizing the City Manager to execute a Professional Services Agreement with Yunex Traffic, Inc., in an amount of \$16,669.72 per year for annual maintenance service, and \$16,000 per year for unforeseen as needed repairs, for a total not to exceed amount of \$32,669.72 per year, for Citywide Traffic Signal and Safety Lighting Maintenance.

- b. Authorizing the City Manager to approve a one-time expenditure in the amount of \$114,255 for Fiscal Year 2023/24, for Traffic Signal Phase 1 Immediate improvements.
- c. Authorizing the City Manager to extend the agreement for up to four additional one-year terms, at the City's option.

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

#### **A.12. Solid Waste Review Prop 218 Notification.** (File 1030-15)

Recommendation: That the City Council

1. Adopt **Resolution 2023-061** setting the Solid Waste Rate Review Public Hearing protest vote for June 28, 2023.

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

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

*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. Adopt (2<sup>nd</sup> Reading) Ordinance 530: Zoning Text Amendment – San Elijo Hills.**

(File 0600-05)

Recommendation: That the City Council

1. Adopt **Ordinance 530** adding section 17.68.030(C)(1)(c)(i-vii) to the Solana Beach Municipal Code that would allow for modifications to roof structures of legal nonconforming garages that encroach into the required front yard setback and are located in the Low-Medium Residential Zone north of Lomas Santa Fe Drive and east of the Interstate 5 Freeway.

Councilmember MacDonald recused herself due to the property interest within 500 ft. of the project property.

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

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

#### **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: 424 Santa Bartola, Applicants: Bernier and Fleck, Case: DRP22-009, SDP22-007, MEC23-001.** (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 2023-063** conditionally approving a DRP, SDP, and Minor Exception for construction of a 377 square-foot first-floor and 377 square-foot second-floor additions to an existing two-story, single-family residence with an attached garage, reconstruct the flat roof to a gable roof over the nonconforming garage, and perform associated site improvements at 424 Santa Bartola, Solana Beach.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Tim Bernier and Beth Fleck, Applicants, stated that the new space and remodel was intended for the use of an in-law moving in at a future date.

**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.

Council discussed that this project was a poster case for a rare SDP waiver, the entire garage sitting in front of house on a huge slope, and the benefit of Ordinance 530.

**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.

**B.2. Public Hearing: Adoption of Revised 6<sup>th</sup> Cycle Housing Element Update.**

(File 0610-10)

1. Adopt **Resolution 2023-058** adopting the Revised 6th Cycle Housing Element and submitting the document to the California Department of Housing and Community Development for certification.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Director, presented a PowerPoint (on file) reviewing the timeline since the initial draft of the Housing Element in 2021 and said that the City had received a conditional letter of approval from Housing and Community Development (HCD) of the draft presented this evening, that some items addressed were the site suitability analysis including the non-vacant sites, illustrating parcel specific analysis of existing uses to demonstrate that the City would not prohibit residential development, and that the current ADU numbers were estimated to be around 128 permits during the Element's sixth cycle.

Mayor Heebner opened the public hearing.

Council disclosures.

**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.

Council discussed that there had been many years of working back and forth with HCD, that the City had vigorously opposed the RHNA (Regional Housing Needs Assessment) numbers allocated to the City as they were not reasonable or equitable in the region, that the City had been clear on its duty and committed to reaching the allocation, and Staff's diligence in working through the process.

**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.

**C. STAFF REPORTS: (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.2. Revised Draft Work Plan – Fiscal Year 2023/2024.** (File 0410-08)

Recommendation: That the City Council

1. Review and discuss the modifications to the draft Fiscal Year 2023/24 Work Plan and direct Staff to return to Council with the final Fiscal Year 2023/24 Work Plan for approval with the Budget in June 2023.

Greg Wade, City Manager, introduced the item.



Council and Staff discussed traffic signal update category and leading walk delayed red lights, considering removing references to the geographical segmentation in the LIP (Land Implementation Plan), and a candidate's forum for future elections.

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

**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 6:56 p.m.

Angela Ivey, City Clerk

Council Approved: June 14, 2023