

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting

Wednesday, August 23, 2023 \* 6:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

- 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 6:00 p.m.

Present: Lesa Heebner, David A. Zito, Jewel Edson, Kristi Becker, Jill MacDonald  
Absent: None  
Also Present: Greg Wade, City Manager  
Johanna Canlas, City Attorney

CLOSED SESSION REPORT: None

### FLAG SALUTE:

### APPROVAL OF AGENDA:

**Motion:** Moved by Councilmember Becker and second by Councilmember 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.

Peggy Walker, San Dieguito Alliance for Drug Free Youth, spoke about the Carlsbad City Council voting to draft a smoke-free multi-unit housing ordinance, that it was also in consideration at the City of Encinitas, and asked that Solana Beach reconsider it for future projects.

### **COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

*An opportunity for City Council to make brief announcements or report on their activities. These items are not agendaized for official City business with no action or substantive discussion.*

#### **A. CONSENT CALENDAR:** (Action Items) (A.1. - A.11.)

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 June 14, 2023, June 28, 2023, July 12, 2023, and July 24, 2023.

**Motion:** Moved by Councilmember Edson and second by Councilmember Zito 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 June 24, 2023 – August 04, 2023.

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

**Motion:** Moved by Councilmember Edson and second by Councilmember Zito 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 2023-2024 General Fund Adopted Budget.

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

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

**A.4. League of California Cities' 2023 Annual Business Meeting Voting Delegates Designees.** (File 0140-10)

Recommendation: That the City Council

1. Appoint Councilmember MacDonald, primary voting delegate, Councilmember Becker, 1<sup>st</sup> alternate, and City Manager Gregory Wade, 2<sup>nd</sup> alternate, as the voting delegates for the 2023 Annual Business Meeting of the League of California Cities Annual Conference.
2. Authorize the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities.

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

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

**A.5. Fire Management Agreement Amendment.** (File 0260-10)

Recommendation: That the City Council

1. Adopt **Resolution 2023-095:**
  - a. Approve the Fifth Amendment to the Agreement for Cooperative Fire Management Services by and between the City of Del Mar, City of Encinitas, and the City of Solana Beach.
  - b. Authorize the City Manager to execute the fifth amendment.

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

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

**A.6. Destruction of Obsolete Records.** (File 0170-50)

Recommendation: That the City Council

1. Adopt **Resolution 2023-103** authorizing the destruction of officially obsolete records.

[Item A.6. Report \(click here\)](#)

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

#### **A.7. Irrigation Controllers for the Coastal Rail Trail and Fletcher Cove Park.**

(File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2023-100**:
  - a. Authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Nissho of California, Inc. for Fiscal Year 2023/24.
  - b. Authorizing the City Manager to execute a one-time purchase of four Calsense Irrigation Controllers and corresponding hardware and accessories from Nissho of California, Inc., in the amount of \$24,125.42, for the Coastal Rail Trail and Fletcher Cove Park.
  - c. Appropriating \$24,125.42 from the Asset Replacement Fund to the Parks Operating Budget.
  - d. Authorizing the City Treasurer to amend the FY 2023/24 Adopted Budget accordingly.

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

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

#### **A.8. Heating, Ventilation, and Air Conditioning (HVAC) Maintenance Services and As-Needed Repairs.** (File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2023-101**:
  - a. Authorizing the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Seaside Heating and Air for Fiscal Year 2023/24 increasing the compensation by \$43,685 for the purchase and installation of two rooftop HVAC units at City Hall, HVAC upgrades at the Fire Station, a construction contingency for the City Hall HVAC installation and installation of mini-split unit for IT at the Fire Station and as-needed repairs to the HVAC systems at City Hall and the La Colonia Community Center. Total not to exceed amount of the agreement for Fiscal Year 2023/24 is \$55,145.
  - b. Appropriating \$33,685 from the Facilities Replacement Fund to the Facilities Operating Budget.
  - c. Authorizing the City Treasurer to amend the FY 2023/24 Adopted Budget accordingly.

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

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

**A.9. Door Inspection, Maintenance, and As-Needed Repairs.** (File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2023-102**:
  - a. Authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with National Garage Door for Fiscal Year 2023/24.
  - b. Authorizing the City Manager to approve a one-time purchase and installation of one Stanley ADA Controller at City Hall, in an amount of \$3,000 for Fiscal Year 2023/24.
  - c. Authorizing the City Manager to increase the As-Needed Repairs amount by \$10,000, for Fiscal Year 2023/24.
  - d. Authorizing the City Manager to execute amendments to the Professional Services Agreement with National Garage Door, in an amount not to exceed \$18,900, for Fiscal Years 2024/25, 2025/26, 2026/27.

[Item A.9. Report \(click here\)](#)

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

**A.10. Shoreline Monitoring Program Services.** (File 0610-12)

Recommendation: That the City Council

1. Adopt **Resolution 2023-107** authorizing the City Manager to execute a Professional Services Agreement with Coastal Frontiers.

[Item A.10. Report \(click here\)](#)

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

**A.11. City Attorney Services.** (File 0400-05)

Recommendation: That the City Council

1. Adopt **Resolution 2023-106** authorizing the Mayor and City Manager to execute the First Amendment to the Agreement between the City of Solana Beach and the Successor Agency to the Solana Beach Community Development Agency and Burke, Williams & Sorensen LLP.

[Item A.11. Report \(click here\)](#)

**Motion:** Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. 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: 508 S. Nardo Ave., Applicant: Hartnack, Application: DRP22-020/SDP22-018.** (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 2023-104** conditionally approving a DRP and SDP Waiver to convert a 555 square-foot attached garage to living area, construct a 784 square-foot living area addition and a 668 square-foot two-car attached garage to a single-story single-family residence, and perform associated site improvements at 508 South Nardo 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.*

Greg Wade, City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Andy Crocker, architect, said that they had nothing to present.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to close the public hearing. **Approved 4/0/1.** Ayes: Heebner, Zito, Edson, MacDonald. Noes: None. Absent: Becker (recused). Motion carried unanimously.

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

**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. Bicycle Safety and Education Programs and Consider Introduction (1<sup>st</sup> Reading) of Ordinance 531 - Miscellaneous Driving Rules.** (File 0230-20)

Recommendation: That the City Council

1. Continue to discuss options for bicycle safety and education programs.
2. If the City Council so desires, introduce **Ordinance 531** amending Chapter 10.44 (Miscellaneous Driving Rules) of Title 10 (Vehicles and Traffic) of the Solana Beach Municipal Code regarding bicycles.

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

[Item C.1. Supplemental Docs \(upd. 8-23-23 at 11:45am\)](#)

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Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed the proposed ordinance that would give the Sheriff additional tools to issue citations as well as the option for an educational diversion program, the current City regulations that do not allow bicycles on sidewalks in certain areas such as Highway 101, Lomas Santa Fe, and parts of Cedros, that in some areas, people do not want to share the sidewalk with a bicycle or electric scooter when walking, , that bikes are allowed on sidewalks in neighborhoods unless there is a bike path or bike lane on the adjacent street, age appropriateness for ebikes, education programs with Skyline students, adding signage on the Coastal Rail Trail (CRT), and that most citations are for not wearing a helmet.

Kristin Brinner said that bicyclists feel the danger of fast cars passing them by, she liked section B about it being unlawful to bike on sidewalks, suggested adding “when endangering pedestrians” after the unlawful term, and the concerns of discretionary enforcement possibly leading to unjust and inequitable enforcement against people of color.

Council, Staff, and Captain Lawrence discussed warnings before citations, need for signage and some variations of signage in different areas or along the same path, sending a violator to training, considerations of bikes on sidewalks on the way to school when on busier streets without endangering pedestrians, the purpose of multi-use paths, getting a periodic Sheriff's report, sharing costs or funding programs that have hands on experience, and speed limits.

**Motion:** Moved by Deputy Mayor Zito and second by Councilmember Edson to approve adding the additional language “including yielding to pedestrians” to 10.44.010 A. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

**C.2. California Uniform Public Construction Cost Accounting Act (CUPCCAA).**  
(File 0700-10)

Recommendation: That the City Council

1. Receive the report and provide direction as necessary for the proposed implementation of the California Uniform Public Construction Cost Accounting Act and formation of the Solana Beach Qualified Contractor’s List.

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

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Greg Wade, City Manager, introduced the item and presented a PowerPoint (on file).

Council and Staff discussed the item and also considering increasing the City Manager contract authority to \$50,000 and that this item would return to Council with an ordinance to update the municipal code.

**C.3. City Manager’s Employment Agreement.** (File 0520-00)

Recommendation: That the City Council

1. Consider and adopt **Resolution 2023-105** authorizing the Mayor to execute the Eighth Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade to reflect a base salary increase of 7% to \$263,031.00 effective July 1, 2023, a one-time stipend of \$11,000.00, and a \$1,000.00 increase to the annual vehicle allowance.

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

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Johanna Canlas, City Attorney, stated that there was a requirement to read the issue into the record reporting the 7% salary increase, a one-time stipend of \$11,000 and a \$1,000 increase to the annual vehicle allowance.

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

**WORK PLAN COMMENTS:**

*Adopted June 28, 2023*

Mayor Heebner spoke about becoming a Bee City.

**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 7:31 p.m.

Angela Ivey, City Clerk

Council Approved: September 27, 2023