

CITY OF SOLANA BEACH

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



MINUTES

Joint SPECIAL Meeting
Wednesday, November 29, 2023 * 6:00 p.m.

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 6:08 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: None

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*

None at the posting of this agenda

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

- Santa Fe Irrigation District

Mayor Heebner recused herself due to property interest within 500 ft. of the project property.

Marissa Potter, Director of Engineering Services at Santa Fe Irrigation District, presented a PowerPoint (on file) with updates on the Government Road and Pipeline Replacement Project and the Larrick Reservoir Site.

Council and Marissa Potter discussed restoring the site after construction, the roof and drainpipe as a new project, the staging areas, that the Granados Street repairs would be completed before the project was completed.

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 addictive products like tobacco being marketed to young people in discrete packaging, e-pens doubling as school highlighters, the difficulty in tracking due to ever-changing brands and products, and that she applauded Code Enforcement for prioritizing regulations in the city.

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.

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 October 25, 2023.

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

Motion: Moved by Councilmember Edson and second by Deputy Mayor 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 October 21, 2023 – November 09, 2023.

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

Motion: Moved by Councilmember Edson and second by Deputy Mayor 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 Deputy Mayor Zito to approve.

Approved 5/0. Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.4. Engineering Surveying Services. (File 0810-40)

Recommendation: That the City Council

1. Adopt **Resolution 2023-128:**
 - a. Authorizing the City Manager to approve a Professional Service Agreement with West Coast Civil for As-Needed Engineering and Surveying Services for Fiscal Year 2023/24, for a not-to-exceed amount of \$50,000.
 - b. Authorizing the City Manager to approve a Professional Service Agreement with Nasland Engineering for As-Needed Engineering and Surveying Services for Fiscal Year 2023/24 for a not-to-exceed amount of \$50,000.
 - c. Authorizing the City Manager, at his discretion, to extend the Professional Service Agreement with either or both West Coast Civil and Nasland

Engineering for As-Needed Engineering and Surveying Services for up to four additional years, at the City's option, at an amount not-to-exceed \$50,000 per year per consultant based on satisfactory past performance.

- d. Authorizing a transfer of \$100,000 from the General Fund, Undesignated Reserves to the Engineering - Professional Services Operating Budget Unit for Fiscal Year 2023/24 for As-Needed Engineering and Surveying Services.
- e. Authorizing the City Treasurer to amend the FY 2023/24 & 2024/25 Adopted Budget accordingly.

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

Motion: Moved by Councilmember Edson and second by Deputy Mayor Zito to approve.

Approved 5/0. Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.5. Citywide Tree Maintenance Services. (File 0820-25)

Recommendation: That the City Council

1. Adopt **Resolution 2023-119:**

- a. Authorizing the City Manager to increase the Professional Services Agreement with West Coast Arborists, in the amount of \$50,000, for additional tree trimming, and preventative treatment of South American Palm Weevil and pink rot.
- b. Authorizing the City Manager to execute Amendment No. 5 to the Professional Services Agreement with West Coast Arborists and increasing the agreement amount by \$50,000, to a total not to exceed amount of \$75,000, for on-call, as-needed City-wide tree maintenance services.

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

Motion: Moved by Councilmember Edson and second by Deputy Mayor Zito to approve.

Approved 5/0. Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

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. Oceanside RE: BEACH Project Informational Update. (File 0740-80)

Recommendation: That the City Council

1. Receive the informational update and continue to closely monitor and participate in outreach associated with development of the City of Oceanside RE:BEACH Project through the current phase and any future phases and report back to Council on a periodic basis.

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

Greg Wade, City Manager, introduced the item.

Brian Leslie, Senior Coastal Scientist/Project Manager with GHD, presented a PowerPoint (on file).

Council and Mr. Leslie discussed the trigger points that did not seem to be defined, being aware of the impacts on the south and north flow, and that adjustment could be made to the project if the neighbors appear to be significantly impacted.

Jayne Timberlake, Coastal Zone Administrator for the City of Oceanside, said that they just started finalizing the conceptual design and that next would be the environmental compliance and then the final engineering.

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. Introduce (1st Reading) Ordinance 525 – Accessory Dwelling Unit. (File 0610-10)

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. Consider introduction of **Ordinance 525 – Accessory Dwelling Unit Ordinance.**

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

[Item B.1. Supplemental Docs \(updated 11-29-23 at 5:25pm\)](#)

Greg Wade, City Manager, introduced the item.

Mayor Heebner opened the public hearing.

Council disclosures.

Council and staff discussed the affordability covenant at 99 years being a disincentive for someone to deed restrict their ADU, the current placeholder at 55 years, that the basis for the 55 year recommendation was what existed during redevelopment days, reducing the deed restriction to 25 years, that the incentives were not strong enough to encourage participation, that a lesser period of time may make residents more willing to deed restrict their ADU, and that focus might need to be aimed on obtaining credit for the RHNA allocation.

Greg Wade, City Manager, said that the 25-year timeframe proposed would span at least two housing element cycles and that the City should get credit for them during the housing cycles if the units were affordable and moderate income with a restriction of at least 25 years.

Council discussed the options of keeping the 55-year restriction with the possibility of later reducing it to 25 years upon confirmation of credit from the HCD or reducing it to 25 years and coming back to adjust later if needed.

Motion: Moved by Mayor Heebner and second by Councilmember Becker to approve with a change to the deed restriction requirement from 55 years to 25 years. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. 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. COVID-19 Temporary Use Permit Policy Extension (TUP). (File 0230-20)

Recommendation: That the City Council

1. Adopt **Resolution 2023-129** extending the COVID-19 Temporary Use Permit (TUP) Policy.

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

Greg Wade, City Manager, introduced the item.

Council discussed the importance of extending the TUP to July 1, 2026, and directing staff to update the conditions in the areas of aesthetics, dining area size, parking, cleanliness, and maintenance, that one of the advantages of the state law was that it allowed for the extension of the TUP, that the extension will provide a period of time to test out the proposed changes before it goes to the Coastal Commission, and having a formal full program in place.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve an extension of the COVID-19 Temporary Use Permit Policy for outdoor dining establishments subject to aesthetics, size, parking, cleanliness, and maintenance through July 1, 2026. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

C.3. Army Corps Coastal Storm Damage Reduction Project Update Presentation

Item added 11/28/23 1:20 p.m.

Gregory Wade, City Manager, introduced the item.

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

Council, Staff, and Leslea Meyerhoff, Consultant, discussed that the initial pipeline (subline) was targeted to extend eight feet above mean sea level but the best placement would be

determine once they are in the field, that it will take up as little beach area as possible, that they were proposing to weld flags to the pipe instead of temporary fencing, the use of the alternative staging site, that the project would continue in the rain, that the pipe would most likely have little or no impact on surfing, that additional signage would be posted and enforcement would take place to keep people away from the pipeline, and the importance of getting infrastructure in place so it is ready to go when they begin.

WORK PLAN COMMENTS: None

Adopted June 28, 2023

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 7:58 p.m.

Megan Bavin, Deputy City Clerk

Approved: January 24, 2024