



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

AGENDA

Joint SPECIAL Meeting

Wednesday, August 21, 2024 * 6:30 p.m.

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

Teleconference: Becker – 436 S. Granados, Solana Beach, CA. 92075



- 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](#).

PUBLIC MEETING ACCESS

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's [Public Meetings](#) webpage.

WATCH THE MEETING

- [Live web-streaming](#): Meetings web-stream live on the City's website on the City's [Public Meetings](#) webpage. Find the large Live Meeting button.
- [Live Broadcast on Local Govt. Channel](#): Meetings are broadcast live on Cox Communications - Channel 19 / Spectrum (Time Warner)-Channel 24 / AT&T U-verse Channel 99.
- [Archived videos online](#): The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's [Public Meetings](#) webpage.

AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch [Library](#) (157 Stevens Ave.), La Colonia Community Ctr., and online www.cityofsolanabeach.org. Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings. Writings and documents regarding an agenda of an open session meeting, [received](#) after the official posting, and distributed to the Council for consideration, will be made available for public viewing at the same time. In addition, items received at least 1 hour 30 minutes prior to the meeting time will be uploaded online with the agenda posting. Materials submitted for consideration should be forwarded to the [City Clerk's department](#) 858-720-2400. The designated location for viewing of hard copies is the City Clerk's office at City Hall during normal business hours.

PUBLIC COMMENTS

[Written correspondence](#) (supplemental items) regarding an agenda item at an open session meeting should be submitted to the City Clerk's Office at clerkoffice@cosb.org with a) Subject line to include the meeting date b) Include the Agenda Item # as listed on the Agenda.

- Correspondence received after the official posting of the agenda, but two hours prior to the meeting start time, on the meeting day, will be distributed to Council and made available online along with the agenda posting. All submittals received before the start of the meeting will be made part of the record.
- Written submittals will be added to the record and not read out loud.

And/Or

Verbal Comment Participation:

Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker's slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports.

Public speakers have 3 minutes each to speak on each topic. Time may be donated by another individual who is present at the meeting to allow an individual up to 6 minutes to speak. Group: Time may be donated by two individuals who are present at the meeting allowing an individual up to 10 minutes to speak. Group Hearings: For public hearings only, time may be donated by two individuals who are present at the meeting allowing an individual up to 15 minutes to speak.

COUNCIL DISCLOSURE

Pursuant to the Levine Act (Gov't Code Section 84308), any party to a permit, license, contract (other than competitively bid, labor or personal employment contracts) or other entitlement before the Council is required to disclose on the record any contribution, including aggregated contributions, of more than \$250 made by the party or the party's agents within the preceding 12 months to any Council Member. Participants and agents are requested to make this disclosure as well. The disclosure must include the name of the party or participant and any other person making the contribution, the name of the recipient, the amount of the contribution, and the date the contribution was made.

SPECIAL ASSISTANCE NEEDED

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the [City Clerk's office](#) (858) 720-2400 at least 72 hours prior to the meeting.

As a courtesy to all meeting attendees, please set all electronic devices to silent mode and engage in conversations outside the Council Chambers.

| | | |
|---|--|--|
| <u>CITY COUNCILMEMBERS</u> | | |
| 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 |

Alyssa Muto
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:

FLAG SALUTE:

APPROVAL OF AGENDA:

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.

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.

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. November 5, 2024 General Municipal Election – Consideration of the Certificate of Facts. (File 0430-20)

Recommendation: That the City Council

1. Review the Certification of Facts and choose an option:
 - a. Adopt **Resolution 2024-087** appointing the nominees to elected offices.
 - b. Elect to hold the November 5, 2024 General Municipal Election as planned.

[Item C.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.

WORK PLAN COMMENTS:

Adopted June 26, 2024

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:

Next Regularly Scheduled Meeting is September 11, 2024

Always refer to the City's website Event Calendar for an updated schedule or contact City Hall. www.cityofsolanabeach.org 858-720-2400

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } §
CITY OF SOLANA BEACH }

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the August 21, 2024 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on August 19, 2024 at 4:20 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:30 p.m., August 21, 2024, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk
City of Solana Beach, CA

UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled, or Special Meetings that have been announced, are posted on each Citizen Commission's Agenda webpage. See the [Citizen Commission's Agenda webpages](#) or the City's Events [Calendar](#) for updates.

- **Budget & Finance Commission**
- **Climate Action Commission**
- **Parks & Recreation Commission**
- **Public Arts Commission**
- **View Assessment Commission**



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Alyssa Muto, City Manager
MEETING DATE: August 21, 2024
ORIGINATING DEPT: City Clerk Dept. - Angela Ivey, City Clerk/Elections Official
SUBJECT: **November 5, 2024 General Municipal Election – Consideration of the Certificate of Facts**

BACKGROUND:

On June 12, 2024, the City Council (Council) approved calling of the General Municipal Election for November 5, 2024. Pursuant to the California Elections Code (EC) Section 1301 and Solana Beach Municipal Code (SBMC) Section 2.24.010, the City of Solana Beach (City) was required to conduct its General Municipal Election for the purpose of electing the following three positions to the Council, Mayor, Councilmember District 1, and Councilmember District 3. The expiring seats are that of Mayor, District 1, and District 3.

The nomination period for the General Municipal Election began on July 15, 2024. Three individuals *pulled* nominations papers for candidacy and three, all incumbents, *filed* their nomination papers and associated paperwork. The nomination period ended on August 9, 2024 at 5:00 p.m. The City Clerk’s office then processed the nomination paperwork and were able to qualify all three filers. Those officially nominated were Lesa Heebner (Mayor), David Zito (District 1), and Jewel Edson (District 3). Therefore, only one qualified person has been nominated for each of the three expiring offices.

In the event that an equal number of qualified candidates does not exceed the number of Council positions to be filled, EC Section 10229 allows Council to consider these facts and make a determination of whether to appoint the qualified candidates in lieu of holding the scheduled election. Following the nomination period, if the City Clerk discovers that the above circumstance applies, a certificate of facts would be presented to Council at a Council meeting for the determination on whether to appoint the candidates in lieu of holding an election.

DISCUSSION:

The Certificate of Facts (Attachment 1) stating the outcome of the nomination and the resulting options was submitted to the City Council, posted at City Hall and on the City’s website on August 9, 2024 after the close of the nomination period, and published in *The Union Tribune* on August 14, 2024.

Pursuant to EC Section 10229, the Certificate of Facts informs the governing body of the City that it may, at a regular or special meeting held before the municipal election and by the 75th day prior to the election, adopt one of the following courses of action:

CITY COUNCIL ACTION: _____

- (1) Appoint to the office the person who has been nominated.
- (2) Appoint to the office any eligible elector if no one has been nominated.
- (3) Hold the election, if either no one or only one person has been nominated.

Pursuant to EC 10229, a Council meeting to decide how to proceed must be held no sooner than the sixth day from the newspaper publication of the Certificate of Facts and not later than August 22, 2024.

This item is before the Council to consider either option 1 or 3 (option 2 is not applicable):

1. Adopt a resolution (Attachment 2) to appoint to the office the persons who have been nominated.
OR
3. Hold the election, if either no one, or only one person has been nominated.

If Council chooses to make the appointments, the persons shall take office and serve exactly as if elected at a municipal election for the office. If by the 75th day, August 22, 2024, before the municipal election, no person has been appointed to office, the election shall be held.

Write-In Candidates

If appointments are made, the City Clerk/Elections Official will not accept the filing of any write-in candidates, since the appointment will in turn cancel the election. It is important to note that the write-in candidate process is not automatic and that write-in candidates must qualify by filing the same required nomination and related papers filed by nominees during the nomination period. If no appointments are made, the nomination period for write-in candidates would be September 9 - October 22, 2024.

Appointments in Lieu of Election

Appointments made by Council would be made official at the December 2024 meeting when the current terms expire and the appointed members will take the oath for the term of December 2024 to December 2028. Pursuant to Section 36503 of the California Government Code, *City officers holding elective city office shall hold office for their prescribed terms from the date of the installation of officers following adoption by the council of the official canvass of their election and until their successors are elected and qualified.*

Appointee Seating

The council districts are seated in a sequence that follows the election cycles in this order and rotates as elections occur, District 1, District 3, District 2, District 4. Districts 1 and 3 are elected at the same election, whereas Districts 2 and 4 are elected at the next election. Each election year, the newly elected, re-elected, or appointed Councilmembers are seated at the end of the dais in the sequence as stated above. In addition, every year, a new Deputy Mayor is appointed, subject to a majority vote of the Council. The consideration of Deputy Mayor is usually the next person in line on the dais, following any change in seating as a result of an election.

Appointee Title Designation

Appointees serve in every way that an elected official serves. However, for ballot designations at the next election, these appointees must use a modified of "Appointed" if electing to use their office title, i.e. "Appointed Councilmember" but not "Councilmember."

CEQA COMPLIANCE STATEMENT: Not a project as defined by CEQA.

FISCAL IMPACT:

Biennial general municipal election costs are determined by the Registrar of Voter's costs for services, the various runs on a given ballot, the number of registered voters, and the City's costs for its required publication notices and related translations, materials, etc. The San Diego County Registrar of Voters provided preliminary estimates for the election based on three candidates running for each of the three offices, totaling approximately \$35,000.

If Council elects to make appointments and cancel the election per the election code, the estimated savings, excluding costs already incurred for required notices, supplies, translations and signature verifications, will be approximately \$31,500. Any Candidate Statements paid for (\$1,900 - \$2,200) would be returned to nominees who submitted and paid a deposit.

WORK PLAN: N/A

OPTIONS:

- Appoint three nominees to open offices to meet the August 22, 2024 deadline.
- Do not make appointments by August 22, 2024, and the November 5, 2024 General Municipal Election will proceed as called.

CITY STAFF RECOMMENDATION:

Staff recommends that City Council

1. Review the Certification of Facts and choose an option:
 - a. Adopt Resolution 2024-087 appointing the nominees to elected offices.
 - b. Elect to hold the November 5, 2024 General Municipal Election as planned.



Alyssa Muto, City Manager

Attachments:

1. Certificate of Facts
2. Resolution 2024-087



PUBLIC NOTICE THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

NOTICE IS HEREBY GIVEN that pursuant to Section 10229 of the Elections Code of the State of California relating to the General Municipal Election to be held on Tuesday, November 5, 2024:

As of the close of the nomination period on Friday, August 9, 2024, there are not more candidates than offices to be elected.

The persons so nominated are:

| | |
|--------------------------|---------------|
| Mayor | Lesa Heebner |
| Councilmember District 1 | David A. Zito |
| Councilmember District 3 | Jewel Edson |

That Section 10229 of the Elections Code of the State of California allows one of the following courses of action to be taken by the City Council, when applicable:

1. Appoint to the office the persons who have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

A notice of these facts will be published in a newspaper of general circulation, in the City pursuant to Section 6061 of the California Government Code. After the fifth day following the date of publication, the City Council may meet between Tuesday, August 20, 2024 and Thursday, August 22, 2024, to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office. The terms of the appointments will begin at the December Council meeting, when the current terms expire.

If, by the 75th day before the municipal election, no person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to Section 10229 of the Elections Code of the State of California, the City Clerk shall not accept for filing any statement of write-in-candidacy which is submitted after the appointment is made.

Angela Ivey, City Clerk

August 9, 2024 / 5:05 p.m.

RESOLUTION 2024-087

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 5, 2024.

WHEREAS, pursuant to Government Code 36503 of the State of California, a General Municipal Election shall be held on a date prescribed by Section 1301 of the Elections Code and elective city offices shall be filled by the city electorate. City officers holding elective city office shall hold office for their prescribed terms from the date of the installation of officers following adoption by the Council of the official canvass of their election and until their successors are elected and qualified; and

WHEREAS, the City of Solana Beach called a General Municipal Election to be held in the City of Solana Beach on Tuesday, November 5, 2024, for the purpose of filling three expiring terms of the City Council Mayor and Councilmembers for Districts 1 and 3; and

WHEREAS, pursuant to Section 10229 of the Elections Code, as of the close of the nomination period on Wednesday, August 9, 2024, there were not more candidates than offices to be elected and Section 10229 (a) allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the persons who have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one, or only one person, has been nominated.

;and

WHEREAS, pursuant to Section 10229 (a) of the Elections Code, the Certificate of Facts, which states the outcome of the nomination and the courses of action available to the City Council, was published in *The Union Tribune* on August 14, 2024; and

WHEREAS, pursuant to Section 10229 of the Elections Code, if after the fifth day following the date of the publication and by the 75th day prior to the election, the City Council makes appointments to the open positions, the election will be cancelled; and

WHEREAS, pursuant to Section 10229 of the Elections Code, once appointments are made, the Elections Official shall not accept for filing any statement of write-in candidacy that is submitted; and

WHEREAS, if the City Council desires to make appointments, this resolution provides for the appointment of the nominees for open City Council positions.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve, declare, determine and order as follows:

Section 1. That the above recitations are true and correct.

Section 2. That pursuant to Section 10229(a) of the Elections Code of the State of California, the following action is taken:

The following persons are being appointed to the offices to which they were nominated, and are considered to be the same as being elected, pursuant to Section 10229(a) of the California Elections Code.

| <u>Qualified Candidate</u> | <u>Office</u> | <u>Term</u> |
|----------------------------|--------------------------|-------------|
| Lesa Heebner | Mayor | 4 year term |
| David A. Zito | Councilmember District 1 | 4 year term |
| Jewel Edson | Councilmember District 3 | 4 year term |

Section 3. That pursuant to California Elections Code Section 10229, the General Municipal Election scheduled to be held on Tuesday, November 5, 2024, is cancelled due to the above appointments.

Section 4. The persons appointed shall qualify and take office and serve exactly as if elected at a General Municipal Election for the office. The appointees will take office for this term on December 11, 2024, when they recite their Oath of Office.

Section 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this 21st day of August, 2024, at a Special Meeting of the City Council of the City of Solana Beach, California by the following vote:

- AYES: Councilmembers –
- NOES: Councilmembers –
- ABSENT: Councilmembers –
- ABSTAIN: Councilmembers –

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk