

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting
Wednesday, December 14, 2022 * 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 6:16 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:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zito and second by Councilmember Becker 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. Annual Deputy Mayor Appointment. (File 0410-85)

Recommendation: That the City Council

1. Review and consider designation of the 2023 Deputy Mayor for a term of December 14, 2022 to December 13, 2023.

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

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

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 agendaized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.4.)

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. Marine Safety Vehicle Purchase. (File 0370-26)

Recommendation: That the City Council

1. Approve **Resolution 2022-141** awarding and authorizing the purchase of a replacement vehicle for the Marine Safety Department.

[Item A.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.

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 22, 2022 – November 18, 2022.

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

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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 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 Deputy Mayor Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.4. Lomas Santa Fe Drive Bridge Repairs. (File 0840-35)

Recommendation: That the City Council

1. Adopt **Resolution 2022-136:**
 - a. Awarding a construction contract to Beador Construction Company in the amount of \$153,300 for the Lomas Santa Fe Drive Bridge Repairs Project, Bid No. 2022-03.
 - b. Approving an amount of \$23,000 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. Appropriating \$63,300 to the Lomas Santa Fe Bridge Repairs CIP project, \$48,000 from Gas Tax and \$15,300 from Sanitation.
 - f. Authorizing the City Treasurer to amend the Fiscal Year 2022/23 Adopted Budget according

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

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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.

B. PUBLIC HEARINGS: (B.1. – B.3)

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: 661 E. Solana Circle, Applicant: Scott Sumner, Case: DRP22-002.
(File 0600-40)

The proposed project meets the minimum objective requirements under the Park Del Mar Development regulations and the underlying SBMC, could be found to be consistent with the General Plan and could 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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2022-129** conditionally approving a DRP to demolish a single-family residence, construct a replacement one-story, single-family residence with an attached one-car garage and perform associated site improvements at 661 East Solana Circle.

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

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Greg Wade, City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

The Applicant waived their right to present the project.

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

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

B.2. Public Hearing: 512, 516, 524, 538 S. Nardo Ave., Applicant: Ocean Ranch Estates, LLC., Case No.: MOD22-005. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings to approve a modification to the approved DRP and SUB/TPM. 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. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2022-135** conditionally approving a modification to the DRP and SUB/TPM to relocate the proposed 8-inch sewer line, add a five-foot sewer easement along the cul-de-sac of Bell Ranch Road and add additional opportunities to satisfy the affordable housing requirements for the subdivision on property at 512 through 538 South Nardo Avenue, Solana Beach.

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

[Item B.2. Supplemental Docs \(upd. 12-14-22 at 3:50pm\)](#)

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.

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

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed private sewer system pump issues that might back up into the owner's house rather than other adjacent property owners, pumps are designed to accommodate and be equipped for a few days of storage and are equipped with back flow devices, that prior sewer plans did not materialize, that this design involved individual pumps within a joint trench in a private easement without any shared pressure main and reaches the public system with gravity, that pumps would be maintained by the homeowners in perpetuity, and the existence of audible alarms on the pumps.

Nick Nicholas, Applicant, said that if the affordable housing plan were to be modified in the future that they would have the ability to deed restrict a different property with more units, and that he would ask Council to consider it since he wanted to support the idea.

Justin Suiter, Pasco, Laret, Suiter, and Assoc., said that the sewer pump system is designed to accommodate a loss of power and under normal water use reach about 2-3 days, that it is a duplex pump system so if one is down the other one is redundant, and that it has an alarm system.

Council discussed the affordable housing option, rather than providing one unit the Applicant was proposing to use an impact fee of \$1,000,000 to be used towards a City project, that this funding could unlock units such as in the Pearl project, reviewing the code and the 2011 policy and the fact that it does not allow an either or option, the difficulty in competing region wide due to the price per unit and no charge for parking in the area, the benefit of immediate affordable housing options, difficulty building affordable housing as related to other cities, being creative in attaining affordable housing.

Motion: Moved by Deputy Mayor 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.

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

B.3. Public Hearing: Schedule of User Fees and Charges Update. (File 0390-23)

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. Adopt **Resolution 2022-131** updating the Schedule of Fees and Charges effective January 1, 2023.

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

[Item B3. Updated Report \(upd. 12-14-22 at 8am\)](#)

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Greg Wade, City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Council discussed reviewing project valuations with a more recent time period and related construction prices, and review fees for the community centers and their costs for maintenance.

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

C. STAFF REPORTS: (C.2. – 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.2. Assessment Engineering Services for the Pacific Avenue – Phase 2 Underground Utility District. (File 1010-90)

Recommendation: That the City Council

1. Adopt **Resolution 2022-138:**

- a. Authorizing the City Manager to enter into a Professional Services Agreement, in an amount not to exceed \$32,000, with NV5, Inc. for assessment engineering services for the Pacific Avenue – Phase 2 Underground Utility District.
- b. Authorizing the City Manager to execute any and all agreements with utility communication companies (AT&T, Charter, Cox) in the amount of \$10,000 for the design associated with placing all overhead utilities into one joint trench facilitated by SDG&E
- c. Appropriating \$42,000 to the Pacific Avenue Utility Underground District – Phase 2 from the General Fund – Undesignated Reserves.
- d. Authorizing the City Treasurer to amend the FY 2022/23 Adopted Budget accordingly.

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

[Item C.2. Supplemental Docs \(upd. 12-14-22 at 8am\)](#)

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

Council discussed past City efforts in contribution to districts, undergrounding as an aesthetically public benefit for the community, contributions would be usually expressed as a public safety or mutually aesthetic benefit, considering safety to be related to potential fires of above ground electric lines, districts were formed based on boundaries, past districts had funds fronted to them but not gifted, the unusual case in this district where City property is involved.

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

C.3. Council Board, Committees, & Commissions Appointments. (File 0410-05)

Recommendation: That the City Council

1. Review the Regional Boards/Commissions/Committees to:
 - a. Determine the City Selection Committee 2023 annual term appointment.
 - b. Make new or re-appointments to all other agencies for new two-year terms.
2. Review Council Standing Committees and make appointments for new two-year terms.

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

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Council discussed and made recommendations and nominations.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to closed the public hearing. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDoland. Noes: None. Motion carried unanimously.

Regional Board/Committee/Commission	Primary Member(s)	Alternate(s)
City Selection Committee	Heebner	Edson
Clean Energy Alliance (CEA)	Becker	Zito
CSA 17 - County Service Area	MacDonald	Edson
Escondido Creek Watershed Alliance (ECWA)	Becker / Staff	n/a
League Ca. Cities Exec. Committee (SD County division)	MacDonald	Becker
League Ca. Cities Legislative Subcommittee	MacDonald	Becker
League of Ca. Cities Coastal Cities Group	MacDonald	Becker
North County Dispatch JPA	MacDonald	Becker
North County Transit District	Edson	MacDonald
Regional Solid Waste Assoc. (RSWA)	Zito	MacDonald
SANDAG Board of Directors	Heebner	Zito – 1 st Edson – 2 nd
SANDAG - Shoreline Preservation Working Group	Becker	Zito
San Dieguito River Valley JPA	MacDonald	Becker
San Elijo JPA	Zito / Becker	City Manager
22nd District Agricultural Association Community Relations	Edson	Heebner

Council Standing Committees	Primary Members
Business Liaison	Zito / Edson
Fire Department Management Governance & Organizational Evaluation	Edson / MacDonald
Highway 101/Cedros Avenue Development Committee	Heebner / Edson
Parks and Recreation	Zito / Becker
Public Arts	Edson / Heebner
School Relations	Becker / MacDonald
Solana Beach - Del Mar Relations	Heebner / Edson

Council Serving on Citizen Commission	Primary Members
Climate Action Commission	Zito / Becker (alternate at this time)

WORK PLAN COMMENTS: None
Adopted June 22, 2022

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 7:45 p.m.

Angela Ivey, City Clerk

Council Approved: January 25, 2023