



CITY OF SOLANA BEACH

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

MINUTES

Joint REGULAR Meeting

Wednesday, June 22, 2022 * 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting will be conducted in accordance with California Government Code sections 54953(e) and 54954.3 and other applicable law.

CITY COUNCILMEMBERS

Lesa Heebner, Mayor

Kelly Harless
Deputy Mayor

David A. Zito
Councilmember
District 1

Jewel Edson
Councilmember
District 3

Kristi Becker
Councilmember

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 6:15 p.m.

Present: Lesa Heebner, Kelly Harless, David A. Zito, Jewel Edson, Kristi Becker,

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.

Ryan Smith, Finance Dir.

Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT:

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Deputy Mayor Harless and second by Councilmember Becker to approve.

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

ORAL COMMUNICATIONS: None

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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.9.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 written correspondence for the record to be filed with the record or by joining the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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 discussed immediately after approval of the Consent Calendar.

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the following City Council meetings held March 09, 2022 (Special) and March 23, 2022.

Approved Minutes posted at <https://www.cityofsolanabeach.org/en/government/public-meetings/agendas-minutes-videos>

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. 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 May 28, 2022 – June 10, 2022.

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

A.3. General Fund Budget Adjustments for Fiscal Year 2021/2022. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2021/2022 General Fund Adopted Budget.

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

A.4. Annual Fire Inspection Compliance - SB 1205. (File 0260-20)

Recommendation: That the City Council

1. Adopt **Resolution 2022-060** accepting a report on the status of all state-mandated annual fire inspections in the City of Solana Beach in conjunction with SB 1205 and California Health and Safety Code Section 13146.4.

[Item A.4. 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 Councilmember Becker to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.5. On-Call, As-Needed Traffic Engineering Services. (File 0860-05)

Recommendation: That the City Council

1. Adopt **Resolution 2022-073**:
 - a. Authorizing the City Manager to execute a one-year Professional Service Agreement with STC Traffic, Inc. for on-call as-needed traffic engineering services for a maximum not to exceed compensation amount of \$50,000 for FY 2022/23, effective July 1, 2022.
 - b. Authorizing the City Manager to execute a one-year Professional Service Agreement with Chen Ryan Associates for on-call as-needed traffic engineering services for a maximum not to exceed compensation amount of \$15,000 for FY 2022/23, effective July 1, 2022.
 - c. Authorizing the City Manager, in his discretion, to execute up to four future one-year extensions of the agreements with both STC Traffic, Inc. and Chen Ryan Associates in not to exceed amounts of \$25,000 per year for each consultant starting in FY 2023/24.

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

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

A.6. Federal Public Affairs Consultant Services. (File 0480-05)

Recommendation: That the City Council

1. Adoption of **Resolution 2022-084** authorizing the City Manager to extend and amend the Professional Services Agreement with Warwick Consulting Group.

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

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

Greg Wade, City Manager, introduced Howard Marlowe with Warwick Group for federal lobbying efforts for beach replenishment and Lomas Santa Fe corridor infrastructure.

Howard Marlowe, Warwick, governmental affairs lobbyist consultant, said that they have worked with the City for a long while, that the City had started with a core study and was now finally getting closer to construction with appropriated funding, that shore protection and beach nourishment has been more geared to the east coast and that they had been involved in getting the Army Corps to get proper advice from Los Angeles District, that Solana Beach obtaining funding has been a guide to other cities in California.

Dan Ginolfi, Warwick, said that they had aided in obtaining \$30M for the initial construction which would be coming in September 2023, obtaining \$7M from Congress' FY 2023 for the Lomas Santa Fe Drive project, and that there were an unusually high number of opportunities in Congress for funding City projects.

A.7. Appropriations Limit Fiscal Year (FY) 2022/23. (File 0330-60)

Recommendation: That the City Council

1. Adopt **Resolution 2022-071** establishing the FY 2022/23 Appropriations Limit in accordance with Article XIII B of the California Constitution and Government Code Section 7910 and choosing the County of San Diego's change in population growth to calculate the Appropriations Limit.

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

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

A.8. Continued Emergency Teleconferencing. (File 0240-25)

Recommendation: That the City Council

1. Adopt **Resolution 2022-081** authorizing remote teleconference meetings of the legislative bodies of the City for the period of June 23, 2022 through July 22, 2022 pursuant to the provisions of the Brown Act.

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

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

B. PUBLIC HEARINGS: (B.1. – B.3.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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 have three minutes each.

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.

B.1. Public Hearing: Solid Waste and Recycling Rate Increases for EDCO Waste and Recycling Services – Fiscal Year (FY) 2022-23. (File 1030-15)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, Close the Public Hearing.
2. Following the Public Hearing, consider adopting **Resolution 2022-079** approving EDCO's rate review request increasing solid waste and recycling rates for FY 2022–23 in accordance with the Franchise Agreement.

[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.

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

Mayor Heebner opened the public hearing.
Council disclosures.

Council and Staff discussed that the NPDES fee had not increased and remained the same since the voter's passed it about 10 years ago and that EDCO's proactive efforts with the state's mandate of organic recycling were appreciated.

Jim Ambroso, EDCO, said that they appreciated the working relationship, that increase of costs have required rates to increase, and that they intended to pass on more quality service.

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

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

B.2. Public Hearing: 4250 North Lane, Applicant: Brad Fomon, Case #: MOD 22-003. (File 0600-40)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines.
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2022-074** conditionally approving a Modification to the approved DRP, for a replacement single-family residence at 4250 North Lane, Solana Beach.

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

[Item B.2. Updated Report #1 \(added 6-22, 12:45pm\)](#)

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Greg Wade, City Manager, introduced the item.

Councilmember Becker presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed the gravel drive to the parking area that would be replaced with matching concrete as the main driveway and that the parking area was converted to a sport court which is not permitted in the front yard setback.

Brad Fomon, Applicant, said that additional parking was for guests, that he originally intended to use if for both parking and a sport court, that other neighbors had similar uses but they were within the unincorporated county jurisdiction and his house was in Solana Beach, that he was informed that the sport court was not allowed in the front set back, that he intended to keep the path as gravel which he said he chose after speaking with the engineering department, that not all surrounding neighbors had cement for their parking areas, that this was originally intended to be a spec house but they decided to move there and he made changes for his personal use.

Council and the Applicant discussed that the original plan did not include a concrete pad for parking.

Council and Staff discussed the current surface of the overflow parking area that was not a suitable drivable surface for the purposes of parking, that parking material was not required to be concrete, and that concrete would require a corresponding storm water evaluation to address runoff from that surface.

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

Council discussed the fact that the proposed project was beautiful, that the concrete pad was not part of the proposal since the application was not amended so that Council could consider it, whether the driveway into the area and the parking pad should be matching surfaces, that setbacks were intended to provide a buffer zone and landscape to the property, and that left as

concrete it would be too easy to use as a sport court, and whether the concrete should be removed.

Council and Staff discussed that off-street parking does not have surface material requirements, but it does have dimension requirements, that appropriate drainage issues would have to be addressed that may affect the surface options, that gravel would not be first choice for a permeable surface since it would easily track into the street, and that DG or grass crete might be the best options.

Council and Staff discussed whether the pad as it exists would have been approved, that the standards for a front yard would apply and were defined as the area extending from the front lot line or the existing or future street right-of-way or private road easement, which would be 35 ft. from the road and would result in roughly ½ of the current sport court being in violation of the front yard setback.

Council and Staff discussed that the project could have come back to get a parking pad approved if it was not in the setback area, that the applicant did not include this in the project proposal for review, and that the sport/parking pad was not permitted.

Councilmember Zito said that he would not support the motion because he thought it was too restrictive and that more flexibility could be provided to leave the concrete pad or choose their own material.

Council discussed that the approach to the pad and the pad should be similar materials and that leaving the concrete pad would tempt the use of it as a sport court.

Motion: Moved by Mayor Heebner and second by Councilmember Edson to approve with the concrete sports pad being removed and the surface of the pad and the approach be the same permeable material as approved by Staff in accordance with drainage and tracking of material into the street. **Approved 4/1:** Ayes: Heebner, Becker, Harless, Edson. Noes: Zito. Motion carried.

C. STAFF REPORTS: (C.1. – C.4.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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C.1. Safe Routes to School Master Plan Update. (File 0860-35)

Recommendation: That the City Council

1. Receive the Staff Report and provide direction to Staff as needed.

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

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Greg Wade, City Manager, introduced the item.

Mo Sammak, Engineering/Public Works Dir., presented a PowerPoint (on file).

Jenny An, CR Associates and Katja Dillmann, Cramobility, presented a PowerPoint (on file).

Council, Staff, and Consultants discussed the bollards indicated on Lomas Santa Fe would not be used when the multi-purpose path was constructed since bollards are not used for Class 2 Bike Lanes, implementing delayed pedestrian phase for nearly all signals, pedestrian, and bike safety.

Douglas Alden said that the Safe Routes to School Master Plan will be an important guide for the City to prioritize infrastructure projects and deliver safety improvements for children walking and biking, that he would suggest an east/west pedestrian bicycle bridge traversing the freeway from the intersection of Marine View Ave. and Solana Dr. on the east and Academy on the west, that the freeway cut past connections of east/west connections provided on Academy Dr., Genevieve, and Highland Dr., that a pedestrian bridge at Academy Dr. would reconnect east and west and provide another route to school across the freeway instead of only Lomas Santa Fe, to consider working with American Assets to provide a DG path at the Von's shopping center to reconnect Marine View and Lomas Santa Fe Dr., and he appreciated the Council engagement on this project.

Mayor Heebner recessed the meeting at 8:04 p.m. and reconvened at 8:11 p.m.

C.2. Community Grant Awards – Fiscal Year (FY) 2022/23. (File 0330-25)

Recommendation: That the City Council

1. Select the FY 2022/23 Community Grant Program recipients and identify an award amount to each recipient.
2. Adopt **Resolution 2022-080** authorizing the funding for the selected community grant applicants for financial assistance under the FY 2022/23 Community Grant Program.

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

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Dan King, Assistant City Manager, introduced the item.

Richard Gracash, Community Resource Center, asked that Council consider increasing their request amount to \$5,000 for this year's program.

Kathy O'Leary, Assistance League of Rancho San Dieguito, requested that they be considered for \$4,000.

Marilee Pacheli, Rancho Santa Fe, said that she felt like their name alienated them from receiving funds and that 23% of their players were from Solana Beach.

Council discussed requests and allocations.

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

| | |
|---|---------|
| Assistance League Rancho San Dieguito | \$4,000 |
| BikeWalk Solana | \$2,000 |
| Boys and Girls Club of San Dieguito | \$6,000 |
| Casa De Amistad | \$6,000 |
| Community Resource Center | \$5,000 |
| Disconnect Collective | \$5,000 |
| La Colonia Community Foundation | \$6,000 |
| North Coast Repertory Theatre | \$5,000 |
| Pathways To Citizenship (NCICC) | \$5,000 |
| Solana Beach Civic & Historical Society | \$6,000 |
| San Diego Organizing Project | \$5,000 |

C.3. Budget Update Amendments – Fiscal Year (FY) 2022-23. (File 0330-30)

Recommendation: That the City Council

1. Adopt **Resolution 2022-082:**
 - a. Approving revised appropriations to the Fiscal Year 2022-23 Adopted Budget.
 - b. Authorize the City Treasurer to amend the FY 2022-23 Adopted Budget accordingly.

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

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Greg Wade, City Manager, introduced the item.

Ryan Smith, Finance Dir., presented a PowerPoint (on file).

Council and Staff discussed that the projected property, sales, and TOT tax revenues were higher than pre-COVID conditions, that the \$800,000 in surplus revenue includes the \$1.6 million in federal grants for COVID relief, the City's expenses had increased, many of the proposed Capital Improvement Project's (CIP) expenditures were due to catching up on projects that were put on hold during the first two years of COVID, using one-time funds to catch up on road maintenance, reserving enough funds to set aside in the CIP to redo the entire road on Lomas Santa Fe as part of the Lomas Santa Fe Corridor project, increasing the community grant fund by an additional \$5,000, the estimated \$90,000 for Fletcher Cove was for repairs, and that the Seaweeder's raised \$3,000 for the Glenmont pocket park and that Scientists.com matched that amount.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Harless to approve.
Approved 5/0. Motion carried unanimously.

C.4. General Municipal Election – November 8, 2022. (File 0430-20)

Recommendation: That the City Council

1. Adopt **Resolution 2022-076** calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 8, 2022, for the Election of Certain Officers as required by the Provision of the Laws of the State of California Relating to General Law Cities and determining tie vote provisions.
2. Adopt **Resolution 2022-077** requesting the Board of Supervisors of the County of San Diego to Consolidate a General Municipal Election to be held on Tuesday, November 8, 2022, with the Statewide General Election to be held on that date.
3. Adopt **Resolution 2022-078** adopting regulations for Candidates for Elective Office pertaining to Candidate's Statements.

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

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Greg Wade, City Manager, introduced the item.

Angela Ivey, City Clerk, said that the resolutions for adoption were to officially call the election, consolidate operations with the San Diego County Registrar of Voters, settle a tie vote, and determine the number of words allowed for the candidate statements.

Council and Staff discussed the City's contribution limits currently at \$220, how the cost of the candidate statements is charged to the City, and that 400 words allows a candidate to explain more about who they are and why they are running.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Harless to approve and provide for up to 400 words for the candidate statements. **Approved 5/0:** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.9. Work Plan Adoption – Fiscal Year 2022/2023. (File 0410-08)

Recommendation: That the City Council

1. Consider and adopt the final Fiscal Year 2022/23 Work Plan.

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

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Councilmember Edson pulled the item for discussion.

Greg Wade, City Manager, introduced the item and pointed out a few typo corrections to the Staff Report regarding the current Fiscal Year for traffic calming measures on Nardo.

Councilmember Edson said that they pulled the item to discuss short term vacation rentals (STVR) and their effect in quiet neighborhoods in the community causing frequent evictions of long term tenants from historically affordable housing in Solana Beach, that residents were experiencing frequent party rentals that impact the neighborhood, and that

she proposed a key task to provide Staff direction to do more than evaluate and set a timeframe to address the tasks.

Council discussed including analyzing, proposing, and implementing an update to the STVR permitting in the current fiscal year, and update the pickle ball court plan to include adding a fence around the court, that the Nardo, Solana Circle, Nardito intersection project was expected to be completed in August, and that the study on the stop sign installation at the Nardo and Fresca intersection would be coming at the next Council meeting discussion.

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

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.

ADJOURN:

Mayor Heebner called the meeting to order at 9:28 p.m.

Angela Ivey, City Clerk

Council approved: September 14, 2022