



CITY OF SOLANA BEACH

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

AGENDA

Joint SPECIAL Meeting

Tuesday, June 7, 2022 * 6:30 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.

MEETING LOCATION WILL NOT BE OPEN TO THE PUBLIC

Be advised that due to the COVID-19 pandemic in-person participation will not be allowed, there will be no members of the public in attendance at Council Meetings. Alternatives to in-person attendance for viewing and participating in City Council meetings are being provided under provided below.

AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is posted online www.cityofsolanabeach.org Closed Session Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings.

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.

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 before 3:00 p.m. (or 3 hrs. 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.
- The designated location for viewing supplemental documents is on the City's website www.cityofsolanabeach.org on the posted Agenda under the relative Agenda Item.

OR

Verbal Comment Participation: If you wish to provide a live verbal comment during the meeting, attend the virtual meeting via your computer or call in.

Before Meeting

- Alert Clerk's Office. We ask that you alert us that you will joining the meeting to speak. Please email us at clerkoffice@cosb.org to let us know which item you will speak on. This allows our Staff to manage speakers more efficiently.
- Watch the Meeting and Make a Public Comment
You can watch the meeting on the Live Meeting button on the Public Meetings page OR on TV at the stations provided above OR on the zoom event:

Link: <https://cosb-org.zoom.us/j/88584160054>

Webinar ID: 885 8416 0054

If you cannot log on or need to use a phone for audio, use one of these call-in numbers:

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or
+1 301 715 8592 or +1 312 626 6799 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)
or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free)

- Join/Log-In to the meeting at least 15 minutes prior to the start time so that the City Clerk can verify that you are ready to speak before the meeting begins.

- Audio Accessibility: If your computer does not have a microphone or you have sound issues, you can call-in from a landline or cell phone and use it as your audio (phone # is provided once you log-in to Zoom, see above). If you call in for better audio, mute your computer's speakers to eliminate feedback so that you do not have two audios when you are speaking.

During Meeting:

- o During each Agenda Item and Oral Communications, attendees will be asked if they would like to speak. Speakers are taken during each agenda item.
- o Speakers will be asked to raise their hand (zoom icon under participants can be clicked or on the phone you can dial *9) if they would like to be called on to speak during each item. We will call on you by your log in name or the last 4 digits of your phone #. When called on by the meeting organizer, we will unmute so you may provide comments for the allotted time. Allotted speaker times are listed under each Agenda section.
- o Choose Gallery View to see the presentations, when applicable.

SPECIAL ASSISTANCE NEEDED - AMERICAN DISABILITIES ACT TITLE 2

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 clerkoffice@cosb.org at least 72 hours prior to the meeting.

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	

SPEAKERS:

See Public Participation on the first page of the Agenda for publication participation options.

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:

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

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 joining the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. No written correspondence may be submitted in lieu of public speaking. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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.)

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).

C.1. Resumed Emergency Teleconferencing. (File 0240-28)

Recommendation: That the City Council

1. Adopt **Resolution 2022-072**, authorizing remote teleconference meetings of the legislative bodies of the City for the period of June 7, 2022 through July 6, 2022 pursuant to the provisions of the Brown Act.

[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 23, 2021

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)

- a. City Selection Committee (meets twice a year) Primary-Heebner, Alternate-Edson
- b. Clean Energy Alliance (CEA) JPA: Primary-Becker, Alternate-Zito
- c. County Service Area 17: Primary- Harless, Alternate-Edson
- d. Escondido Creek Watershed Authority: Becker /Staff (no alternate).
- e. League of Ca. Cities' San Diego County Executive Committee: Primary-Becker, Alternate-Harless. Subcommittees determined by its members.
- f. League of Ca. Cities' Local Legislative Committee: Primary-Harless, Alternate-Becker
- g. League of Ca. Cities' Coastal Cities Issues Group (CCIG): Primary-Becker, Alternate-Harless
- h. North County Dispatch JPA: Primary-Harless, Alternate-Becker
- i. North County Transit District: Primary-Edson, Alternate-Harless
- j. Regional Solid Waste Association (RSWA): Primary-Harless, Alternate-Zito
- k. SANDAG: Primary-Heebner, 1st Alternate-Zito, 2nd Alternate-Edson. Subcommittees determined by its members.
- l. SANDAG Shoreline Preservation Committee: Primary-Becker, Alternate-Zito
- m. San Dieguito River Valley JPA: Primary-Harless, Alternate-Becker
- n. San Elijo JPA: Primary-Zito, Primary-Becker, Alternate-City Manager
- o. 22nd Agricultural District Association Community Relations Committee: Primary-Edson, Primary-Heebner

STANDING COMMITTEES: (All Primary Members) (Permanent Committees)

- a. Business Liaison Committee – Zito, Edson.
- b. Fire Dept. Management Governance & Organizational Evaluation – Harless, Edson
- c. Highway 101 / Cedros Ave. Development Committee – Edson, Heebner
- d. Parks and Recreation Committee – Zito, Harless
- e. Public Arts Committee – Edson, Heebner
- f. School Relations Committee – Becker, Harless
- g. Solana Beach-Del Mar Relations Committee – Heebner, Edson

CITIZEN COMMISSION(S)

- a. Climate Action Commission: Primary-Zito, Alternate-Becker

ADJOURN:

Next Regularly Scheduled Meeting is June 22, 2022

Always refer to the City’s website Event Calendar for Special Meetings or an updated schedule. Or Contact City Hall 858-720-2400

www.cityofsolanabeach.org

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 June 7, 2022 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 June 6, 2022 at 6:00 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:30 p.m., June 7, 2022, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk * City of Solana Beach, CA

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: Gregory Wade, City Manager
MEETING DATE: June 7, 2022
ORIGINATING DEPT: City Manager Department/City Attorney's Office
SUBJECT: **Council Consideration and Potential Adoption of Resolution 2022-072 Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City for the Period of June 7, 2022 through July 6, 2022 Pursuant to the Brown Act and Continuing Emergency**

BACKGROUND:

On March 11, 2020, the World Health Organization (WHO) declared COVID-19, the illness caused by the novel coronavirus, a pandemic, pointing at that time to over 118,000 cases of COVID-19 in over 110 countries and territories around the world and the sustained risk of further global spread. This was preceded by declarations of emergency by both the County of San Diego and State of California on February 14, 2020, and March 4, 2020, respectively, followed by a federal emergency declaration on March 13, 2020, as a result of the threat posed by COVID-19. On March 16, 2020, pursuant to Section 2.28.060(A)(1) of the Solana Beach Municipal Code (SBMC), the Director of Emergency Services/City Manager proclaimed a state of local emergency in the City of Solana Beach due to COVID-19, which was ratified by the City Council through adoption of Resolution 2020-036.

Since that time, there have been numerous Orders and Guidance by the California Department of Public Health (CDPH) and the Health Officer of the County of San Diego to curtail the spread of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order No. N-29-20, suspending the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. Pursuant to Executive Order No. N-29-20, the

COUNCIL ACTION:

AGENDA ITEM #

City Council and City Commissions have meet by remote teleconferencing following applicable requirements, preserving and nurturing public access and participation in meetings while preserving public health and safety.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21 to roll back certain provisions of his COVID-19-related Executive Orders and to clarify that other provisions remained necessary to help California respond to, recover from and mitigate the impacts of the COVID-19 pandemic. Paragraph 42 of Executive Order N-08-21 waived and set forth certain requirements related to public meetings of local legislative bodies and specified that it would be valid through September 30, 2021.

On September 16, 2021, Governor Newsom signed into law Assembly Bill 361 (AB 361), which pertains to the same subject matter as Paragraph 42 of Executive Order N-08-21, which took effect immediately pursuant to an urgency clause, and which amended the Brown Act, in Government Code section 54953(e)(1)(B), to allow local legislative bodies to continue meeting by teleconference during a gubernatorial proclaimed state of emergency if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

On October 13, 2021, the City Council adopted Resolution 2021-120 authorizing remote teleconference meetings of the legislative bodies of the City for the period of October 13, 2021 through November 12, 2021 pursuant to the new provisions of the Brown Act. If the state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to remote teleconference, Government Code section 54953(e)(3) requires that every thirty (30) days, the City Council make certain findings by majority vote.

On November 10, 2021, the City Council adopted Resolution 2021-127 authorizing continued teleconference meetings of the legislative bodies of the City for the period of November 10, 2021 through December 10, 2021 pursuant to the new provisions of the Brown Act. On December 8, 2021, the City Council adopted Resolution 2021-137 authorizing continued teleconference meetings through January 7, 2022. On December 15, 2021, the City Council adopted Resolution 2021-141 authorizing continued teleconference meetings through January 14, 2022. On January 12, 2022, the City Council adopted Resolution 2022-008 authorizing continued teleconference meetings through February 11, 2022. On February 9, 2022, the City Council adopted Resolution 2022-015 authorizing continued teleconference meetings through March 12, 2022. On March 9, 2022, the City Council adopted Resolution 2022-023 authorizing continued teleconference meetings through April 8, 2022.

This item before the City Council is to consider and adopt Resolution 2022-072 (Attachment 1), authorizing remote teleconference meetings of the legislative bodies of the City for the period of June 7, 2022 through July 6, 2022 pursuant to the provisions of the Brown Act.

DISCUSSION:

There has been a resurgence of COVID-19 cases and COVID-19 hospitalizations are up 44 percent in California as of May 31, 2022.¹ According to a May 18, 2022 USA Today report, in a White House briefing, health officials said that COVID-19 infections continue to rise, driven by new and more infectious omicron subvariants, waning immunity from both vaccines and previous infections and fewer people masking up.² A rising tide of omicron subvariants is in part behind the rise. There are now at least four omicron subvariants circulating in the United States. The newer strains are even more infectious than previous strains, adding to the increase in cases.³

As of June 6, 2022, City Hall is now an outbreak site under the California Department of Industrial Relations, Division of Occupational Safety and Health's COVID-19 Prevention Emergency Temporary Standards. Those Emergency Temporary Standards were last updated on April 22, 2022 and impose an ongoing requirement on employers to assess workplace hazards and implement controls to prevent transmission of disease. Now that there have been at least three employee COVID-19 cases who have visited City Hall within the last 14 days, additional precautions are required under Cal/OSHA's workplace standards.

Cases of COVID-19 continue to increase in the region and County Health and Human Services reported that the weekly average coronavirus cases have more than tripled in the past 30 days, with Hospitalizations and ICU admissions also up. The growing case counts are prompting the County, consistent with the state's [SMARTER Plan](#), to remind San Diegans to continue using established protective measures. This includes the State's strongly recommended guidance of voluntary masking when out in public. Masking is particularly important when traveling or moving through crowded indoor spaces, as is avoiding large gatherings, especially if you are immunocompromised.

The Weekly Case Rate per 100,000 increased from 239.3 to 279.3, keeping the County well within the "High Transmission" Case Rate threshold of over 100.0 for Community Transmission. The weekly Testing Positivity also increased from 9.1% to 10.7% moving this metric to the "High Transmission" level of 10.0% or greater.

The Average Daily Case Rate increased last week from 25.1 to 35.7 as did hospitalizations from 180 to 203 while ICU patients increase from 22 to 27 from last week. Fifteen (15) deaths were reported since May 26th pushing the total to 5,303 deaths in the County.

The Omicron and Delta variants have caused, and will continue to cause, conditions of imminent peril to the health safety of persons within the City that are likely beyond the control of services, personnel, equipment and facilities of the City and there is a risk of

¹ <https://www.beckershospitalreview.com/public-health/covid-19-cases-tick-up-in-9-states.html>

² <https://www.usatoday.com/story/news/health/2022/05/18/omicron-waning-immunity-rising-covid-cases/9823740002/>

³ Ibid.

new variants emerging. In other words, the local emergency continues and as a result, meeting in person would present imminent risks to the health or safety of attendees.

All meetings of the City's legislative bodies are open and public, as required by the Brown Act (California Government Code §§54950 – 54963), so that any member of the public may attend, participate and watch the City's legislative bodies conduct their business. The recently amended Brown Act, Government Code section 54953(e)(1)(B), allows local legislative bodies to hold a meeting by teleconference during a gubernatorial proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Resolution 2022-072 (Attachment 1) would make the necessary findings under Government Code section 54953(e)(1)(B) and authorize the City's legislative bodies to resume meeting by remote teleconferencing within the requirements of applicable law. To continue to meet by remote teleconference, Council will be required to revisit the Resolution within thirty (30) days and find that the state of emergency continues to directly impact the ability of the members to meet safely in person pursuant to Government Code section 54953(e)(3).

CEQA COMPLIANCE STATEMENT:

The proposed City Council action is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because there is no possibility that the Resolution may have a significant adverse effect on the environment, the action is exempt from CEQA.

FISCAL IMPACT:

There are no direct fiscal impacts related to the adoption of the Resolution.

WORKPLAN:

N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with modifications consistent with the Brown Act.
- Do not approve Staff recommendations and resume in person meetings.

- Provide direction / feedback.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2022-072, authorizing remote teleconference meetings of the legislative bodies of the City for the period of June 7, 2022 through July 6, 2022 pursuant to the provisions of the Brown Act.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager/Director of Emergency Services

1. Resolution 2022-072