



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, January 12, 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.

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

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:

Mayor Heebner called the meeting to order at 6:00 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: None

FLAG SALUTE:

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

SDG&E Via de la Valle Utility Line Reconfiguration

Joseph Gabaldon, Public Affairs Manager, introduced the item and SDG&E staff.

Kelli Fitzgerald, project manager, presented a Powerpoint (on file) reviewing the project.

Claudia Valenzuela, Public Affairs projects, said that they had been in communication with the Fairgrounds regarding events and had met with Solana Beach and Del Mar.

Council and the public speakers discussed the plans in place to make sure traffic was not at a standstill during events but permitting work from 9:00 p.m. to 5:00 a.m., providing a detour for lane closures, waiting to start work until after some major events are over which would take them to around a May-August timeframe. Discussion continued regarding certain poles that run down the south side of Via de la Valle would not be a part of this project, that the project goal is to remove existing transmission lines but reconfigure another existing transmission line by installing a new underground section in Via de La Valle, they will be undergrounding two existing overhead circuits, that the undergrounding of transmission lines is being done under the Public Utilities Commission process.

APPROVAL OF AGENDA:

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

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 having submitted written comments 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.

Comments relating to items on this evening's agenda are taken at the time the items are heard. 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 speaker is THREE MINUTES (SBMC 2.04.190).

Camilla Rang spoke about NCTD proposing a 1.7 mile long "ecologically and geologically destructive" fence prohibiting public access through these areas, that it was not in line with the Coastal Act or the desires of Del Mar, the lack of negotiation with surrounding cities on the height or placement of fences, having sent emails and letters to NCTD, Del Mar, and the California Coastal Commission pleading with them to stand up for the Coastal Act as co-applicants to the fencing grant that NCTD was relying on, and she requested that Council advise its NCTD board members to vote no on Jan 20th to protect the Coastal Act.

John Stahl spoke about NCTD holding a vote to approve fencing along Del Mar's entire upper bluff and an additional fencing track level for 1.7 mi. that would eliminate beach access. He said that drilling 2,000 fence post holes 3 ft. deep and filled with concrete would allow more water intrusion into an already fragile bluff, that the Coastal Commission

issued a letter on January 5th that called the north county plan disjointed and ineffective and potentially result in significant adverse impacts to coastal access and recreation, prevent natural erosion of the beach and would disrupt or eliminate pedestrian access. He asked Council to influence anyone who sat on the North County Transit Board to vote no on this ill-conceived fencing plan.

Drew Cady spoke about the proposed “damaging of the natural landscape” along coastline to fence off the 1.7 mi. of trails along the beach, Del Mar proposing that NCTD limit the installation of fencing from Coast Blvd. at the North end to 13th St. and increase safety signage which aligns with the safety records along with the tracks through Del Mar, that NCTD data showed the number of fatal and non-fatal incidents occurring between Coast Blvd. and 13th St. was higher than other stretches along the coaster track of north county, and moving forward without a geotechnical or environmental review could ruin the City of Del Mar and public beach access.

Mike Maier spoke about NCTD focusing on improving safety in this area by installing signage and track lights, the fencing of the upper bluff of a residential area that has no current access was overreach and unjustified, installing a fence on the upper bluff would expose dozens of homes to erosion causing a dangerous situation, and NCTD’s ability to fence without Coastal Commission approval meant that the Commission will no longer be able to protect the coastline.

Brad Klos presented a PowerPoint (on file) and spoke about wood-smoke contributing to air pollution in Solana Beach, facts of the AQI (Air Quality Index) in different areas of the city, there being no fire wood burning bans in San Diego County, one fireplace in a neighborhood creating more pollution in one hour than 30 cigarettes, a difference with Orange County woodsmoke ban comparing to San Diego County which had no bans, educating residents on how this could affect their health, and considering the creation of a wood pollution ordinance similar to the current noise pollution ordinance.

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.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 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).

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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for November 6, 2021 – December 17, 2021.

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

A.2. 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.

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

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

A.3. 2022 Council Meeting Schedule. (File 0410-05)

Recommendation: That the City Council

1. Review, edit, and/or approve a 2022 anticipated Council Meeting schedule with proposed cancellations and/or additional meetings.

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

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

A.4. 2020 Sewer & Storm Drain Rehabilitation Project. (File 1040-26)

Recommendation: That the City Council

1. Adopt Resolution **2022-005**:
 - a. Authorizing the City Council to accept, as complete, the 2020 Sewer & Storm Drain Rehabilitation Project, Bid No. 2020-01, performed by Southwest Pipeline & Trenchless Corporation.
 - b. Approving a change order in the amount of \$38,759 with Southwest Pipeline and authorizing the City Manager to execute the change order.
 - c. Authorizing an appropriation of \$14,487 to the project budget unit from the General Fund.
 - d. Authorizing the City Treasurer to amend the Fiscal Year 2021/22 Adopted Budget accordingly.
 - e. Authorizing the City Clerk to file a Notice of Completion.

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

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

A.5. Successor Agency Recognized Obligation Payment Schedule (ROPS) 2022-23 and Administrative Budget. (File 0115-30)

Recommendation: That the Successor Agency

1. Receive the Successor Agency's enforceable obligations payment information and administrative budget for the period July 1, 2022 to June 30, 2023.
2. Adopt **Resolution SA-029** approving the SA Administrative Budget for July 1, 2022 to June 30, 2023.
3. Adopt **Resolution SA-030** approving the ROPS 22-23 for July 1, 2022 to June 30, 2023.

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

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

A.6. Community Development Block Grant – Corona Virus (CDBG-CV) Funding for Community Resource Center's Food and Nutrition Center Program.

(File 0390-32)

Recommendation: That the City Council

1. Adopt **Resolution 2022-002:**
 - a. Approving the funding allocation of \$29,715 from the CDBG-CV Fund to Community Resource Center to administer the Food and Nutrition Center Program to benefit Solana Beach residents impacted by the Coronavirus pandemic.
 - b. Authorizing the City Manager to submit an application and any other necessary documents to the County to approve the Food and Nutrition Center Program as an authorized use of CDBG-CV funding and get reimbursement.
 - c. Authorizing the City Manager to execute a contract with the County for management and implementation of the CDBG-CV program and such other agreements, memoranda of understanding and documents related thereto.
 - d. After the contract with the County is executed, authorizing the City Manager to execute an agreement with the Community Resource Center in the amount of \$29,715 to administer the Food and Nutrition Center Program.

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

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

A.7. EDCO Franchise Agreement Amendment. (File 1030-15)

Recommendation: That the City Council

1. Adopt **Resolution 2022-004** approving Amendment 1 to the EDCO Franchise Agreement to address State organics recycling mandates.

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

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

A.8. State Parks Grant Application for Beach Restoration and Shoreline Erosion. (File 0610-12)

Recommendation: That the City Council

1. Adopt **Resolution 2022-001** authorizing submittal of a Grant application to the State of California Department of Parks and Recreation, Division of Boating and Waterways and authorize the City Manager to act on behalf of the City of Solana Beach, in consultation with the City Attorney, to negotiate and execute all agreements and amendments necessary to comply with the State Parks, Division of Boating and Waterways grant requirements.

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

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

A.9. Local Emergency Teleconferencing. (File 0240-25)

Recommendation: That the City Council

1. Adopt **Resolution 2022-008** authorizing remote teleconference meetings of the legislative bodies of the City for the period of January 12, 2022 through February 11, 2022 pursuant to the new provisions of the Brown Act.

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

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

D. PUBLIC HEARINGS: (D.1.)

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

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D.1. Redistricting Process. (File 0430-60)

Recommendation: That the City Council

1. Receive Staff Report.
2. Conduct second public hearing.
3. Review submitted draft maps; and/or
4. Provide instructions to demographic consultant.

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

[Item D.1. Supplemental Docs \(upd 1-12-22 at 12:57pm\)](#)

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.

Shannon Kelly presented a PowerPoint (on file).

Council, Staff, and Consultant discussed Maps 101 and 102, why the change in population was not taken from District 3 and allocating it to District 2, that the initial draft maps were created making the fewest or minimal changes to the current districts and then looking for further direction for District 2 and 3 from Council.

Tracy Richmond stated that he and Gary Martin submitted a letter proposing a map they labeled 100A that constituted minimal changes for District 2 and District 3, that preserved the core of the existing districts, and that he did not support maps that divided neighborhoods as it changed the 2 Districts that needed to be balanced and created unnecessary changes to District 4 and 1.

Vicky Driver said that she was speaking for Santa Fe Hills HOA and requesting a total of 408 neighborhood homes to be considered as a community of interest, that they should be considered geographically contiguous in one Council district, the current Districts have their HOA in District 1 and District 4, that they would like to be included with other HOA's on the east side of I-5, and asked Council to consider this change as they proceed with the revised districting procedures.

Council, Staff, and Consultant discussed the possibilities for shifting population from District 3 to District 2, take two communities of interest into consideration who didn't have their needs met which were Santa Fe Hills HOA and Blufftop condos as they believe they have representation, that Districts were interested in sharing the train station, the coastline, San Dieguito Park, School, and trying to keep HOA's together. They discussed that redistricting was made in an effort to meet criteria that included having multiple

districts along the coast, freeway, commercial zones, keeping HOA's intact, along with La Colonia in a single district.

Council discussed providing more time to the public for review and submittals by moving the next redistricting meeting from February 23rd to March 9th.

Council reached consensus to move the next re-districting meeting to March 9th.

Mayor Heebner recessed the meeting at 7:15 p.m. for a break and reconvened at 7:25 p.m.

B. PUBLIC HEARINGS: (B.1. – B.2.)

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 Continued: 211 Ocean St., Applicant: Blakely, Case: DRP21-004/ SDP21-004. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and SDP. Therefore, Staff recommends that the City Council:

1. Conduct the continued 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 2021-128** conditionally approving a DRP and SDP to demolish a single-family residence, construct a replacement two-story, single-family residence with an attached two-car garage, and perform associated site improvements at 211 Ocean Street, Solana Beach.

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

[Item B.1. Updated Report #1 \(added 1-12-22\)](#)

[Item B.1. Supplemental Docs \(upd. 1-12-22 at 10:45am\)](#)

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 that was continued from the November 10, 2021 Council meeting.

Katie Benson, Sr. Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed the SDP waiver, view impairments, and View Assessment Commission noticing.

Ford Blakely, Applicant, presented a PowerPoint (on file) reviewing the changes to the project.

Michelle Stribling said that she lived across the street, that she saw the impact of the proposed southeastern deck that was still very large and looked into Ms. Carome's home, that would block the light to her home, and looked down into the privacy of her home.

Julie Hamilton (time donated by Asli Carome and Ronald Everett) presented a PowerPoint (on file) reviewing the remaining issues from the proposed project that would impact the neighbor's privacy, a significant shadowing effect on Ms. Carome's home, an outdoor living space of 1,140 sq. ft., the bulk and scale, and options to remove the second-floor balcony or move it further back to reduce the privacy issue and lessen the bulk and scale.

Dave Babbe said that he lived east of the Blakely's home, that he agreed with the issues of bulk and scale and impacts on privacy, that it would interfere with the light to his home in the afternoon in the backyard and the house, and recommended that Council approve the project with the two modifications proposed by Ms. Hamilton

Monty James said that he was a local real estate agent who had managed Ms. Carome's home for the last few years while she was away working and that he agreed with the recent speakers that the large deck would negatively impact Ms. Carome's home value.

Erin McBriar said that she supported the Blakely's project, she lived west of the project, that they were able to compromise and share in the cost of a mutually beneficial wall between their properties, that the Blakely's had been proactive showing the plans before story poles were erected, and that their new plan of pulling back the deck was a good compromise to that side of the house.

Ford Blakely, Applicant, (rebuttal time) said that they had focused on removing chimneys, raising windows, moving back the deck in line with the roofline, that the daylight planes were in compliance with the City regulations preserving plenty of abundant daylight, that they had worked with the neighbors to accommodate their concerns, they had received support with no comments from neighbors, and that most of the issues presented now were new. He said that in their initial conversation with Ms. Carome she has expressed her thoughts that they had blocked her ability to build a roof deck, which was not true since the City did not grant her the roof deck, that they had asked Ms. Carome for a small change when she submitted her deck proposal when she made it, they retracted their view claim, and that her prior roof deck proposal would have looked onto their property if it had been built.

Johanna Canlas, City Attorney, said that the resolution that outlined the specific findings that the Council was required to make, that privacy was not included nor required to be protected, that there was no right to privacy, and that Council can take it into consideration with the bulk, mass, and scale.

Council, Staff, and Applicant discussed how privacy does not fall into the findings of projects, concerns about bulk and scale, making further adjustments so the 2nd story deck so as not to overpower the neighbors on the east side, the Applicant's efforts to make some changes in response to the prior Council meeting, to consider removing the cover over the deck, moving back the 2nd story deck 10 ft. or more, the Architect needing further time to review to see if and how this could be done to maintain aesthetics, pulling back the 2nd story would help reduce the bulk, mass, and scale of the outside covered decks, and whether to vote on the existing project or continue the item for time to redesign.

Motion: Moved by Councilmember Edson and second by Deputy Mayor Harless to continue the public hearing until February 9, 2022.

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

B.2. Public Hearing: 135 S. Sierra Ave., Applicant: Las Brisas Homeowners Association, Case: DRP21-012, SDP21-014. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and SDP. 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 2022-007** conditionally approving a DRP and SDP to add an elevator to an existing multi-family residential development at 135 S. Sierra Avenue, Solana Beach.

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

[Item B.2. Supplemental Docs \(upd. 1-12-22 at 5:15pm\)](#)

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Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Brian Caine, Applicant, said that they were available for questions.

Renee Wrestler, HOA President, said that they were proud of the transformation of the property and that the elevator was important to their community.

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

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

C. STAFF REPORTS: (C.1.)

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

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C.1. Council Boards, Committees, & Commissions Mid-Term Review. (File 0410-05)

Recommendation: That the City Council

1. Review the Regional Boards/Commissions/Committees and make alternate appointments, if necessary.
2. Review Council Standing Committees and make alternate appointments, if necessary.

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

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No changes.

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 8:38 p.m.

Angela Ivey, City Clerk

Council Approved: March 9, 2022