



# 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, September 14, 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 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**

**Jewel Edson, Councilmember**

**Kristi Becker, Councilmember**

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

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#### **CALL TO ORDER AND ROLL CALL:**

Mayor Heebner called the meeting to order at 6:06 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  
Megan Bavin, Deputy 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.

#### **EDCO Organics Recycling Update**

Jim Ambroso, EDCO, presented a Powerpoint (on file).

#### **APPROVAL OF AGENDA:**

**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.

## **ORAL COMMUNICATIONS: None**

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

### **A. CONSENT CALENDAR: (Action Items) (A.1. - A.7.)**

**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 April 23, 2022 (Special) and June 22, 2022.

Approved Minutes [http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B\\_BASIC](http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC)

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**Motion:** Moved by Councilmember Zito 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 August 6, 2022 – August 26, 2022.

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

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

### **A.3. General Fund Budget Adjustments for Fiscal Year 2022/2023.** (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 Zito and second by Councilmember Becker to approve.

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

### **A.4. Solana Energy Alliance (SEA) - Power Content Label and Attestation.**

(File 1010-45)

Recommendation: That the City Council

1. Adopt **Resolution 2022-116** attesting to the veracity of information provided in Solana Energy Alliance's 2021 SEA Choice Power Content Label; SEA Green Power Content Label and SEA's Power Source Disclosure Report based on staff's review, consultant input and review.

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

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**Motion:** Moved by Councilmember Zito and second by Councilmember Becker to approve.

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

### **A.5. Salary, Classification and Compensation Plans.** (File 0520-10)

Recommendation: That the City Council

1. Adopt **Resolution 2022-101** approving the Fiscal Year (FY) 2022/2023 Salary and Compensation schedules and the creation and addition of the Risk Manager to the City's Classification and Compensation Plan.
2. Adopt **Resolution 2022-102** approving the Memorandum of Understanding Agreement between the City and the Solana Beach Fire Association.
3. Approve a Fiscal Year 2022/23 appropriation of \$182,000 to the General Fund allocated between salary and benefits as determined by the Finance Department.
4. Authorize the City Treasurer to amend the Fiscal Year 2022/2023 Adopted Budget accordingly.

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

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**Motion:** Moved by Councilmember Zito and second by Councilmember Becker to approve.

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

## A.7. State Homeland Security Program 2021 Grant Funds. (File 0240-60)

Recommendation: That the City Council

### 1. Adopt **Resolution 2022-105:**

- a. Accepting \$12,243 in federal funds from a 2021 State Homeland Security Program (SHSP) grant awarded to the City of Solana Beach for the purchase of structural firefighting turnouts.
- b. Authorizing the City Manager, or his designee, to sign and submit the required California Governor's Office of Emergency Services Fiscal Year (FY) 2021 Standard Assurances for Cal OES Federal Non-Disaster Grant Programs
- c. Approving an appropriation of \$12,243 to the Federal Grant revenue account and the Minor Equipment expenditure account for the Fire Department both in the Public Safety Special Revenue fund.
- d. Authorizing the City Treasurer to amend the FY 2022/23 Adopted Budget accordingly.

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

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**Motion:** Moved by Councilmember Zito and second by Councilmember Becker to approve.

**Approved 5/0:** Ayes: Heebner, Harless, Zito, Edson, Becker. 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: 434 San Lucas Dr., Applicant: Jason & Jennifer Stein, Case: DRP21-019, SDP21-018. (File 0600-40)

The proposed project could be found to be consistent with the General Plan and the underlying SBMC 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 2022-112** conditionally approving a DRP and SDP to allow for the construction an addition and remodel to an existing one-story, single-family residence with an attached garage and perform associated site improvements at 434 San Lucas Drive, Solana Beach.

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

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Greg Wade, City Manager, introduced the item.

Tiffany Wade, Assistant Planner, presented a Powerpoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Councilmember Zito and Staff discussed that the City's code required doubling the square footage of the clear story areas of the home, that the square footage recorded at the County does not include the clear story area so it would likely be reported as a lower number, that when you look at the lower square footage number the house fits in with others in the neighborhood.

Applicant had no presentation.

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

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

**B.2. Public Hearing: 738 Castro St., Applicant: Brian and Elizabeth Tresp, Case: DRP21-021, SDP21-020.** (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, 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 2022-111** conditionally approving a DRP and SDP to remodel and add to an existing single-family residence with a two-car garage and perform associated site improvements at 738 Castro Street, Solana Beach.

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

[Item B.2. Supplemental Docs \(updated 9-12 at 9am\)](#)

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Greg Wade, City Manager, introduced the item.

Deputy Mayor Harless recused herself due to a family member's past working relationship.

Tiffany Wade, Assistant Planner, presented a Powerpoint (on file).

Mayor Heebner opened the public hearing.

Council Disclosures.

Brian Tresp, Applicant, and Craig Frieauf, Architect, presented a PowerPoint (on file).

Manny Aguilar, Claimant, presented a PowerPoint (on file).

Kent Malmberg, neighbor, presented some pictures (on file) and spoke about the applicant's previous structure that was built 5 ft. from his fence, that the Applicant did not try to work with him, and that he had concerns that the proposed roof top deck would be an eyesore and cause additional view blockage.

Brian Tresp, Applicant, utilizing rebuttal time, stated that the history of the project should be disregarded, that the project should be accepted as it is today, that they attempted to meet with the Claimant 17 times over four months and were able to meet with him for the first time last week, that the project had no impact on his other neighbor's view, and that the VAC found that the claimant's main view to be from the living room.

Manny Aguilar, Claimant, said that it would have been a lot easier to get through the process if his neighbor had contacted him earlier in the design phase before the application was submitted and the story poles were up, that he wished his relationship with his neighbor was better, and that he finds his view to be from his couch in his living room.

Council discussed that the primary view was from the living room located in the west facing portion of the second floor, the structure, mass, and placement of the building, the topography and angles, that the claimant's home was set back on their own property, preserving the neighbors' views, the maximized use of the allotted space, the appearance of a third story element due to the lot's topography, and the impact on the neighbors.

Council and Mr. Tresp discussed returning to Council at a later date with design modifications.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to continue the Public Hearing to a date certain of November 9, 2022.

**Approved 4/0/1.** Ayes: Heebner, Zito, Edson, Becker. Noes: None. Absent: Harless—Recused. Motion carried.



Mayor Heebner recessed the meeting at 7:44 p.m. for a break and reconvened at 7:50 p.m.

**B.3. Public Hearing: 418 S. Granados Ave., Applicant: Jason and Danielle Kruger, Case: DRP20-015, SDP20-021.** (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. Therefore, should the City Council be able to make the findings to approve the SDP, 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 2022-115** conditionally approving a DRP and SDP to demolish a single-family residence, construct a replacement 3,319 square-foot, two-story single-family residence built above a 1,011 square-foot basement storage and living area with a 487 square-foot basement-level two-car garage, and perform associated site improvements at 418 South Granados Avenue, Solana Beach.

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

[Item B.3. Supplemental Docs \(updated 9-12 at 9am\)](#)

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Councilmember Becker recused herself because she has property within 500 ft. of the project site.

Greg Wade, City Manager, introduced the item.

Katie Benson, Senior Planner, presented a Powerpoint (on file).

Council disclosures.

Council and Staff discussed that if the Lirio Street access relinquishment was not approved then the yard area adjacent to Lirio Street would be considered a front yard and it would not allow the sport court, pool equipment, or the trash enclosure, and that the patio had been story poled.

Jason Kruger, Applicant, thanked Staff and said that he had worked with his neighbors and some of them had sent in letters of support.

Council and Staff discussed relinquishing the setback in the back area out of respect for the neighbors and the appearance of the neighborhood, a condition that no construction be allowed in the DG area on Lirio, that it's assumed that the DG areas are not supposed to have obstructions that would prevent vehicles from parking and people from walking but that it wouldn't hurt to add it as a condition.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to close the public hearing. **Approved 4/1:** Ayes: Heebner, Harless, Zito, Edson. Noes: None. Absent: Becker-Recused. Motion carried.

**Motion:** Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 3/1/1.** Ayes: Heebner, Zito, Edson. Noes: Harless. Absent: Becker-Recused. Motion carried.

### **C. STAFF REPORTS: (C.1.)**

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#### **C.1. Clean Energy Alliance Update.** (File 1010-45)

Recommendation: That the City Council

1. Receive the report on the CEA (Clean Energy Alliance).

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

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Greg Wade, City Manager, introduced the item.

Barbara Boswell, Clean Energy Alliance, presented a PowerPoint (on file).

Council, Staff, and Ms. Boswell discussed that the Power Charge Indifference Adjustment (PCIA) going negative meant that SDGE could sell that energy and make money and the positive net result would be refunded back to the Solana Beach customers, that the PCIA decision would be finalized in December, that the numbers shown were based on SDGE's rate application but that it's not anticipated that the numbers will materially change because of the current energy market, and that in the future they would like to see rate comparisons with SDGE and with other competitive energy providers in the region, the positive financial aspects of the SEA roll down.

#### **A.6. Continued Emergency Teleconferencing.** (File 0240-28)

Recommendation: That the City Council

1. Adopt **Resolution 2022-114** authorizing remote teleconference meetings of the legislative bodies of the City for the period of September 15, 2022 through October 14, 2022 pursuant to the provisions of the Brown Act.

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

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Greg Wade, City Manager, introduced the item.



Staff and Council discussed that only one other city in the region (Del Mar) was still doing remote meetings, that as a small City there wasn't the capability to do hybrid meetings, that no other cities in North County appeared to be doing hybrid meetings, that if the City returned to in-person meetings and cases increased then a special meeting could be held remotely to adopt a resolution to move back to teleconferencing.

**Motion:** Moved by Councilmember Zito and second by Councilmember Becker to approve with an end date of September 30, 2022. **Approved 5/0:** Ayes: Heebner, Harless, Zito, Edson, Becker. Noes: None. Motion carried unanimously.

**WORK PLAN COMMENTS:** *Adopted June 22, 2022*

Council discussed reviewing the current leaf blower ordinance, the new stop signs at Solana Circle, Nardito and Fresca, contacting American Assets about a DG path at the Vons Shopping Center to reconnect Marine View to Lomas Santa Fe Drive, and that Google, Apple, and Waze have been updated to show Solana Hills as the destination for Annie's Canyon Trail.

**COMPENSATION & REIMBURSEMENT DISCLOSURE:**

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency "City" at the next regular meeting of the legislative body.

**COUNCIL COMMITTEE REPORTS:** [Council Committees](#)

**REGIONAL COMMITTEES: (outside agencies, appointed by this Council)**

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

**CITIZEN COMMISSION(S)**

**ADJOURN:** Mayor Heebner adjourned the meeting at 9:10 p.m.

Megan Bavin, Deputy City Clerk,

Council Approved: October 26, 2022