

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

MINUTES

JOINT REGULAR MEETING
Wednesday, February 12, 2014
06:00 P.M.

Minutes contain a summary of the discussions and actions taken by the City Council during a meeting. City Council meetings are video recorded and archived as a permanent record. The video recordings capture the complete proceedings of the meeting and are available for viewing on the City's website.

CALL TO ORDER AND ROLL CALL:

Present: Campbell, Heebner, Zito, and Zahn.
Absent: Nichols.
Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Wende Protzman, Community Development Dir.
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Dan King, Sr. Management Analyst

Mayor Campbell called the meeting to order at 6:05 p.m.

CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, stated there was no reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

MOTION: Moved by Heebner and seconded by Zahn **Motion carried 4/0/1** (Absent: Nichols)

PROCLAMATIONS/CERTIFICATES:

1. Solana Beach Scout Troop 782

Mayor Campbell presented a Certificate of Recognition for achievement of Eagle Scout.

PRESENTATIONS:

(Ceremonial items that do not contain in-depth discussion and no action/direction) None at the posting of this agenda

Del Mar Shores Stairway Construction Update

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

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. 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 presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Mitchell Miller said that he was surprised at the attention Prop B received, that City Council was meant to represent the entire community, and suggested that usage policies be established beforehand so that there were no arguments after the fact.

Allen Frisch stated that there was a difference of 127 votes on Prop B, that people may have second-guessed, being mislead by the petitioners, that Council had been placed in a bad position and handled the issue well, allowing democracy to work.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

Council reported community announcements.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.6.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be 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 January 4, 2014 through January 24, 2014.

MOTION: Moved by Zahn and seconded by Zito. **Motion carried 4/0/1** (Absent: Nichols)

A.2. General Fund Adopted Budget for Fiscal Year 2013-14 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2013-2014 General Fund Adopted Budget.

MOTION: Moved by Zahn and seconded by Zito. **Motion carried 4/0/1** (Absent: Nichols)

A.3. NextGen Regional Communications System Agreement. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2014-009 authorizing the City Manager to execute the NextGen Regional Communication System agreement.

MOTION: Moved by Zahn and seconded by Zito. **Motion carried 4/0/1** (Absent: Nichols)

A.4. Successor Agency's Recognized Obligation Payment Schedule (ROPS) and Administrative Budget. (File 0115-30)

Recommendation: That the City Council

1. Receive the Successor Agency's enforceable obligations payment information and administrative budget for the period July 1, 2014 to December 31, 2014.

MOTION: Moved by Zahn and seconded by Zito. **Motion carried 4/0/1** (Absent: Nichols)

A.5. Street Maintenance & Repair Project, Bid 2013-08. (File 0400- 10)

Recommendation: That the City Council

1. Adopt Resolution 2014-014:
 - a. Authorizing the City Manager to execute a change order to PAL

General Engineering in the amount of \$100,376 for a total contract amount of \$495,134.

- b. Authorizing the City Council to accept as complete the 2013 Street Maintenance & Repair Project, Bid 2013-08, constructed by PAL General Engineering.
- c. Authorizing the City Clerk to file a Notice of Completion.

MOTION: Moved by Zahn and seconded by Zito. **Motion carried 4/0/1** (Absent: Nichols)

A.6. San Dieguito Watershed Management Area - Water Quality Improvement Plan. (File 0400-10)

Recommendation: That the City Council

- 1. Adopt Resolution 2014-011 approving the MOU (Memorandum of Understanding) and authorizing the City Manager to execute the MOU for developing a Water Quality Improvement Plan for the San Dieguito Watershed Management Area.

MOTION: Moved by Zahn and seconded by Zito **Motion carried 4/0/1** (Absent: Nichols)

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

B. PUBLIC HEARINGS: None

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designees 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. Please be aware of the timer light on the Council Dais.

C. STAFF REPORTS: (C.1. - C.4.)

Submit speaker slips to the City Clerk

C.1. Electronic Cigarettes - Consideration to Regulate. (File 0270-30)

Recommendation: That the City Council

1. Discuss and consider whether to prohibit and/or regulate the use and/or sale of electronic cigarettes and direct Staff as may be needed.

David Ott, City Manager, introduced the item.

Johanna Canlas, City Attorney, presented a powerpoint (on file) reviewing the city's option to regulate electronic cigarettes (e-cigarettes) and local cities efforts that had been done to regulate the use of electronic cigarettes.

Council and Staff discussed that current state laws already prohibited the sale of electronic cigarettes to minors.

Judy Strang, Executive Director for San Diego Alliance for Drug Free Youth, stated that electronic cigarettes were a concern because the device introduced smoking behavior to youth. She passed out samples of electronic cigarettes to Council (picture on file). She stated that the City of Encinitas would also be considering regulating e-cigarettes, that a variety of nicotine flavors were available which were attractive to youth, and that disposable hookas were another device that was popular with teens. She passed out various handouts (on file) of reading materials on the issue of electronic cigarettes, and stated that these devices could be used for other drug use.

Council and speaker discussed that research was taking place on second hand emissions from e-cigarettes, which were not harmless to people, polluted the air, nicotine was still being absorbed, these devices were not associated with quitting smoking, and the differences between a hooka and electronic cigarettes.

Public Speakers

Joe Kellejian stated that there were high levels of nickel present in electronic cigarettes, that there were similar chemicals in electronic cigarettes as in regular cigarettes, and that other cities in the county were addressing this issue. He state that all regulatory options presented in the City of Poway should be used.

Debra Kelly, American Lung Association, stated that they were concerned that electronic cigarettes would undue the work already done by communities to protect the public from the tobacco industry and the devices were a pathway to illicit drug use. She passed out a "dabber" (picture on file) used for various types of illegal substances, which kids were using to get "high." She stated that the number one concern of the American Lung Association was that these products were going to make smoking seem normal, kids would be intrigued by them, and that the products were being marketed aggressively to another generation to become addicted to nicotine.

Council and Staff discussed ways other cities chose to regulate e-cigarettes, that adding a broad definition of e-cigarettes and all related electronic devices to the definition of "smoking" in the City's ordinance would prohibit the use of these devices in the same areas that smoking was prohibited, that additional signage should be considered to

inform the public of the prohibited use of e-cigarettes, and that Council would like to know how many retailers in the City were currently selling electronic smoking devices.

Council discussed regulating the use of electronic smoking devices in the City rather than prohibiting sales of the devices within the city.

MOTION: Moved by Zito and seconded by Zahn to approve proceeding with drafting an ordinance. **Motion carried 4/0/1** (Absent: Nichols)

C.2. Traffic Calming Projects. (File 0400-10)

Recommendation: That the City Council

1. Receive report, provide comment and direction.

David Ott, City Manager, introduced the item.

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

C.3. This Item was removed from the agenda.

C.4. Adopt (2nd Reading) Ordinance 445 - Zoning Code Amendments to Implement Programs of the Certified Housing Element. (File 0610-10)

Recommendation: That the City Council

1. Adopt (2nd reading) Solana Beach Ordinance 445 related to the implementation of certain programs of the certified Housing Element.

Johanna Canlas, City Attorney, read the title of the ordinance.

MOTION: Moved by Heebner and seconded by Zito **Motion carried 4/0/1** (Absent: Nichols)

COUNCIL COMMITTEE REPORTS:

Regional Committees: (outside agencies, appointed by this Council)

- a. City Selection Committee (meets twice a year) - Nichols, Heebner (alternate).
- b. County Service Area 17 - Zahn, Campbell (alternate).
- c. Escondido Creek Watershed Authority - Zito.
- d. League of Ca. Cities' San Diego County Executive Committee - Nichols, Heebner (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Nichols, Heebner (alternate).

- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Nichols, Heebner (alternate).
- g. North County Dispatch JPA - Zahn, Nichols (alternate).
- h. North County Transit District - Nichols, Heebner (1st alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Zahn (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Zito (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Nichols, Heebner (alternate).
- l. San Dieguito River Valley JPA - Zito, Zahn (alternate).
- m. San Elijo JPA - Campbell, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Heebner, Campbell.

Standing Committees: (All Primary Members) (Permanent Committees)

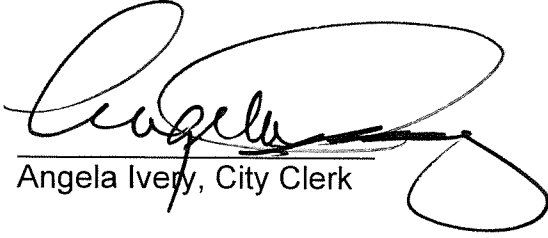
- a. Business Liaison Committee - Campbell, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Zito.
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee - Zito, Zahn.

Ad Hoc Committees: (All Primary Members) (Temporary Committees)

- a. Army Corps of Engineers & Regional Beach Nourishment - Campbell, Nichols. Expires December 10, 2014.
- b. Development Review - Nichols, Heebner. Expires October 22, 2014.
- c. Environmental Sustainability - Heebner, Zahn. Expires December 10, 2014.
- d. Fire Department Management Governance - Zito, Zahn. Expires July 09, 2014.
- e. Fiscal Sustainability - Campbell, Zito. Expires June 11, 2014.
- f. Gateway Property - Campbell, Heebner. Expires April 9, 2014.
- g. General Plan - Nichols, Zito. Expires July 09, 2014.
- h. La Colonia Park - Nichols, Heebner. Expires June 11, 2014.
- i. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 21, 2015 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 21, 2015.
- k. View Assessment - Heebner, Zito. Expires June 11, 2014.

ADJOURN:

Mayor Campbell adjourned the meeting at 7:55 p.m.



Angela Ivery, City Clerk

Approved: March 26, 2014