

**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 26, 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:**

Mayor Campbell called the meeting to order at 6:12 p.m.

**Present:** Nichols, Campbell, Heebner, Zito, and Zahn.

**Absent:** None.

**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

## **CLOSED SESSION REPORT: (when applicable)**

Johana Canlas, City Attorney, stated that there was no reportable action.

## **FLAG SALUTE:**

## **APPROVAL OF AGENDA:**

**MOTION:** Moved by Heebner and seconded by Zahn. **Motion carried unanimously.**

## **PRESENTATIONS:**

(Ceremonial items that do not contain in-depth discussion and no action/direction.)

### 1. Del Mar Shore Stairs Repairs

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

## 2. Santa Fe Irrigation District

Mike Barden, General Manager, Santa Fe Irrigation District, 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.

Allison Don, of State Senator Marty Block's office representing the 39th Senate District which includes Solana Beach, stated SB850 would allow Community Colleges four-year Bachelor Degrees in high work-force need areas, such as in the Maritime Industry and Fishery Management, and Bill SB911 which would require senior health care professionals to receive more training, and protection from possible whistleblower issues, should they call 911 during medical emergencies. She also stated that she has reached out to the Chamber of Commerce to see where she could be of help in the community.

Patricia Tirona, Solana Beach Library, thanked Council for all their support.

### **A. CONSENT CALENDAR: (Action Items) (A.1. - A.4.)**

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 25, 2014 through January 31, 2014.

**MOTION:** Moved by Zito and seconded by Nichols. **Motion carried unanimously.**

#### **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 Zito and seconded by Nichols. **Motion carried unanimously.**

**A.3. Pedestrian ADA (American Disability Act) Ramps Construction Contract. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2014-016:
  - a. Awarding the construction contract to PAL General Engineering, in the amount of \$29,350, for the ADA Pedestrian Ramps, Bid 2014-01.
  - b. Authorizing the City Manager to execute the construction contract on behalf of the City.
  - c. Approving an amount of \$10,513 for construction contingency and inspection.
  - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
  - e. Appropriating \$39,863 to Budget Project Account and authorizing the City Treasurer to amend the Fiscal Year 2013-14 Adopted Budget.

**MOTION:** Moved by Zito and seconded by Nichols. **Motion carried unanimously.**

**A.4. Oversight Board Legal Counsel Expenditures. (File 0400-11)**

Recommendation: That the City Council

1. Adopt Resolution SA-009 authorizing the Executive Director to increase the total amount of the agreement between the Oversight Board and Kane, Ballmer & Berkman to not exceed \$30,000.

**MOTION:** Moved by Zito and seconded by Nichols **Motion carried unanimously.**

**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: (B.1. - B.2.)**

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.

**B.1. Conditional Use Permit (CUP) for 437 South Highway 101 Suite 107, Applicant: San Diego BeerWorks, LLC, Case No: 17-13-37, (File 0610-60)**

The proposed project meets the minimum objective requirements under the SBMC, is 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, 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 (CEQA) pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2014-017 conditionally approving a CUP for a craft beer bottle shop and tap room located at 437 South Highway 101, Suite 107.

David Ott, City Manager, introduced the item.

Patricia Bluman, Principal Planner, presented a Powerpoint (on file) reviewing the project.

Council and Staff discussed that the applicant did not request live entertainment at this time.

Mayor Campbell opened the public hearing.

Council disclosed their familiarity with the project.

John Holko, applicant, said he and his wife were partners in the business, that they were excited to be in Solana Beach, and presented a Powerpoint (on file) reviewing

the project, their background, and the craft beer industry.

Council and Staff discussion ensued regarding food being served including popcorn, beer pretzels, and sliced salami samples, that the sign would say BeerWorks and not San Diego BeerWorks, and that they could request a modification in the future through their ABC license.

**MOTION:** Moved by Zahn and seconded by Heebner to close the public hearing. **Motion carried unanimously.**

**MOTION:** Moved by Zahn and seconded by Heebner **Motion carried unanimously.**

**B.2. Development Review Permit (DRP) for 710 S. Cedros, Applicant: Nash/Goldstein, Case No: 17-13-32. (File 0600-40)**

The proposed project meets the minimum objective requirements under the SBMC, is 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, 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 2014-021 conditionally approving a DRP for a 571 square foot first floor addition located at 710 S. Cedros Avenue.

David Ott, City Manager, introduced the item.

Christina Rios, Assistant Planner, presented a Powerpoint (on file) reviewing the project.

Mayor Campbell opened the public hearing.

The applicant waived his right to make a presentation during the public hearing.

Council disclosed their familiarity with the project.

**MOTION:** Moved by Heebner and seconded by Zahn to close the public hearing. **Motion carried unanimously.**

**MOTION:** Moved by Heebner and seconded by Nichols **Motion carried unanimously.**

**C. STAFF REPORTS: (C.1. - C.5.)**

*Submit speaker slips to the City Clerk*

**C.1. San Elijo Joint Powers Authority for San Elijo Pump Station Emergency Generator. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2014-015 authorizing the City Manager to execute a reimbursement agreement on behalf of the City with the San Elijo Joint Powers Authority for costs associated with the installation of an emergency generator at the San Elijo Sewer Pump Station.

David Ott, City Manager, introduced the item.

Mo Sammak, Director of Public Works and Engineering, presented a Powerpoint (on file).

**MOTION:** Moved by Heebner and seconded by Zito **Motion carried unanimously.**

**C.2. Introduce (1st Reading) Ordinance 447 - Use of E-Cigarettes. (File 0270-30)**

Recommendation: That the City Council

1. Introduce Ordinance 447 to include e-cigarettes and other similar devices in the definition of "smoking" so that these devices would be prohibited in all areas in the City where traditional smoking is prohibited.

Councilmember Nichols recused himself from the item due to a potential conflict of interest through a family in this industry.

David Ott, City Manager, introduced the item.

Johanna Canlas, City Attorney, presented a Power point (on file) reviewing the amended definition of "smoking" which would be more inclusive to include a variety of devices and not only electronic cigarettes (e-cigarettes) as directed by Council at the previous Council meeting. She stated that at this time there were no federal or state regulations for these products other than California's ban of the sale of e-cigarettes to minors. She read aloud the new proposed definition of "smoking" in Municipal Code Section 6.16.010 (L) and stated that the new definition would also be referenced in Section 11.12.020 (EE).

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

**C.3. Tree Removal Permits. (File 0820-00)**

Recommendation: That the City Council

1. Review the proposed changes to Chapter 11.24 and provide direction to Staff to finalize the ordinance to be brought back for introduction at a later date.

David Ott, City Manager, introduced the item. Gordon Johns said that the City should develop broad rules because of the different needs across the area and that residents had the greatest interest in maximizing home values which may decrease if the planting of new trees would require a long permitting process. Jeff Kayajanian (time donated by Kerry Kayajanian) said that a particular tree on Lynwood and Granados was planted by the previous owner 55 years ago, which caused damage to their property at \$4,500 out of pocket expenses. He stated that it was unfair that the City retained the ownership of the tree but the property owners were liable for the maintenance and incurred the cost. He said that roots had reached their backyard from under the house and would eventually crack the foundation of their home, result in additional expenses, and that it was unfair for the City to make property owners bear the burden for the damage.

Richard Hendlin stated that Torrey Pines and Monterey Cypress trees should be included as protected trees in both the right-of-way and on private property, such as the City of Del Mar had implemented.

Gary Martin stated that trees added value and defined the character of the community, that he supported a heritage tree ordinance amendment and encouraged Council to establish procedures where surrounding neighbors of a proposed tree removal would be noticed to consider public input.

Council and Mr. Martin discussed public trees located on public property that caused damages to a private property and that they would be responsible to pay for them.

Gene Walker supported a heritage tree ordinance to protect both property owners and iconic trees.

Victoria Cypherd said that she supported the amendment because vegetation beautified the community and increased property values, and asked that a fair process be established for both perspectives of trees in the right of way.

Council and Staff discussed including in a proposed ordinance the value of trees to the community, the need to notice neighbors within 500 feet, the differences between heritage and species programs, as well as the classes of trees, need for higher fines, the project applicant providing burden of proof, the adjacent property owner's responsibility, and a faster process when it becomes an issue of public safety.

David Ott, City Manager, stated that he would process new requests under the existing ordinance, once the 45 days passed, which was established at the January 8<sup>th</sup> meeting.

**C.4. Budget Mid-Year Adjustments. (File 0330-30)**

Recommendation: That the City Council

1. Adopt Resolution 2014-023 revising appropriations in the Fiscal Year 2013-14 Budget.

Marie Berkuti, Finance Manager, presented a Powerpoint (on file).

**MOTION:** Moved by Heebner and seconded by Zito **Motion carried unanimously.**

**C.5. Annual Sewer Charges Fiscal Year 2014-15. (File 1040-70)**

Recommendation: That the City Council

1. Set a public hearing date on April 23, 2014 pursuant to Proposition 218 to consider an increase in the annual sewer charge by 2.5% to \$603.06 per EDU.

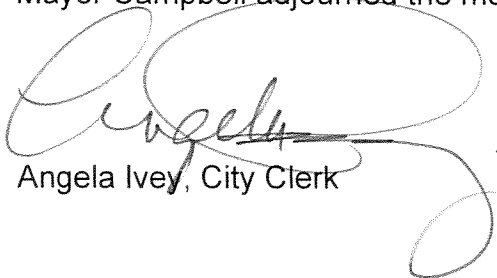
David Ott, City Manager, introduced the item.

**MOTION:** Moved by Zito and seconded by Heebner **Motion carried unanimously.**

**COUNCIL COMMITTEE REPORTS:**

**ADJOURN:**

Mayor Campbell adjourned the meeting at 8:50 p.m.



Angela Ivey, City Clerk

Approved: April 09, 2014