

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

MINUTES

JOINT **REGULAR** MEETING
Wednesday, March 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: 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
Dan King, Sr. Management Analyst

Mayor Campbell called the meeting to order at 6:03 p.m.

CLOSED SESSION REPORT: (when applicable)

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

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS/CERTIFICATES:

March Prescription Drug Awareness Month
Bocce Ball Tournament / Del Mar Solana Beach Rotary Club

Mayor Campbell presented proclamation and certificates.

PRESENTATIONS:

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

- 1. Del Mar Shore Stairs

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

ORAL COMMUNICATIONS: None

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.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

Council made community announcements.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.5.)

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. Minutes of the City Council.

Recommendation: That the City Council

- 1. Approve the Minutes of the City Council Meetings held January 8 and January 22, 2014.

This Item was pulled from the Agenda.

A.2. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

- 1. Ratify the list of demands for February 1, 2014 through February 14, 2014.

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

A.3. 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 Heebner and seconded by Nichols **Motion carried unanimously.**

A.5. Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Report for the quarter ending September 30, 2013.

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

A.4. Declaration of Official Results of the February 11, 2014 Special Election. (File 0430-20)

Recommendation: That the City Council

1. Adopt Resolution 2014-022 declaring the February 11, 2014 Special Municipal Election results.

Mary Jane Boyd said that she wanted to acknowledge the results of this election and point out the high vote turnout and the cost of election, and asked the City Council ask to move the community forward and work together.

Dan Chambers asked Council to implement Prop B as soon as possible.

Celine A. Alson - withdrew her request to speak.

MOTION: Moved by Zito and seconded by Nichols to approve Resolution 2014-22 which declares the results of the election, resulting in the adoption of Ordinance 443. **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 305 S. Highway 101, Applicants: AT&T Mobility, Case No: 17-13-30. (File 0610-60)

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 15301 of the State CEQA Guidelines; and
3. Adopt Resolution 2014-019 conditionally approving a CUP for a new WCF (Wireless Communication Facility) and associated equipment located on the roof of an existing commercial structure at 305 S. Highway 101, Solana Beach.

David Ott, City Manager, introduced the item.

Corey Johnson presented a PowerPoint (on file).

Mayor Campbell opened the Public Hearing.

Danielle Goldman, applicant, explained that they considered existing architectural features, proposed to the property owner to remove the green metallic sign, and incorporated existing wooden slacks to mimic the existing style.

Council and applicant discussed possibility of dividing the sector into two, making it less massive and extending coverage for the surrounding neighbors.

Council and Staff discussed discrepancies brought up by Jonathan Kramer and confirmed that the plans were revised accordingly and explanation memo provided.

Council and applicant discussed options such as moving antennas farther to the west, that reducing the size of the antenna would not offer the solution because it would require putting antenna higher up.

Council requested some alternative design and clarification on how shorter antennas could be used and how they impact the design.

Mayor Campbell stated that the hearing would be continued to May 14, 2014.

C.2. Adopt (2nd Reading) Ordinance 447 - Use of E-Cigarettes. (File 0270-30)

Recommendation: That the City Council

1. Adopt 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 from having a family member in the industry.

Johanna Canlas, City Attorney, introduced the item.

Peggy Walker stated that she was a resident of the City and a member of the Parks and Recreation Commission. She stated that Ordinance 447 was well written, that she understood the purpose of the ordinance was to ban electronic cigarette (e-cigarette) smoking in the City, and questioned whether some of the language could be carried over the tobacco retail licensing ordinance. She asked Council if they would consider regulating the resale of e-cigarettes, and stated that many people in the drug prevention community were concerned about e-cigarettes because adolescent smoking was on the rise again. She stated that at Sunset high school in San Diego about 1 in 4 kids were using e-cigarettes, that these devices were a gateway to other drugs, that there was aggressive marketing of these devices, and that Council should consider regulating the sale by adding them to the tobacco retail permit licensing.

Judi Strang, San Dieguito Alliance for Drug Free Youth, stated that they were pleased with the ordinance, that there were 11 tobacco retailers in the city, and that 4 of them sold e-cigarettes and vapor pens. She stated that the tobacco retailer permit ordinance should be extended to include these items, that there were 4 cities in the county that added e-cigarettes/vapor pens to their tobacco retail licenses, and that there were many public venues that had added e-cigarettes to their no-smoking prohibitions.

Johanna Canlas, City Attorney, stated that when the proposed ordinance was first present to Council the consensus was to move forward with an ordinance to ban e-cigarettes and similar devices in same areas of the city where smoking was prohibited, that if Council decided to move forward with Ordinance 447 it could be adopted as it was, and that if Council desired to direct staff to regulate the retail sales of e-cigarettes and other related devices it would be a separate ordinance to return for a separate introduction and adoption.

Council discussed an article in the New York Times regarding the terminology

issues of definitions of the various electronic smoking devices, that it was good that the city' ordinance had a broad definition, that there was an editorial in the Union Tribune regarding that the second hand smoke from e-cigarettes were not harmful, and that the city regulating these devices was not about cultural politics.

Council and City Attorney discussed the city's current regulations for tobacco licensing under Municipal Code Section 6.17.020, that it was an added procedural step for retailers to get this permit, and permitting would allow the city to track who was selling the electronic smoking devices, and that the city could require certain information to be provided by the retailers.

Johanna Canlas, City Attorney read the title of ordinance 447.

MOTION: Moved by Zahn and seconded by Heebner to adopt Ordinance 447 and bring back another ordinance to add e-cigarettes to the city's current tobacco permitting regulations. **Motion carried 4/0/1** (Recuse: Nichols.)

B.2. Annual Housing Element Progress Report for 2014. (File 0630-10)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt Resolution 2014-020.
 - a. Finding that the proposed action is not a project, and is therefore exempt from the California Environmental Quality Act pursuant to Section 21065 of the State CEQA Guidelines; and
 - b. Approve the 2014 Housing Element Annual Progress Report as submitted and directing City Staff to file the report with the Department of Housing and Community Development and the Governor's Office of Planning and Research.

David Ott, City Manager, introduced the item.

Wende Protzman, Community Development Director, presented a PowerPoint (on file).

MOTION: Moved by Heebner and seconded by Nichols 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.2.) *Submit speaker slips to the City Clerk*

C.1.

Highway 101 Westside Improvement Project, Bid No. 2012-01. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2014-002:
 - a. Authorizing the City Council to accept as complete the Highway 101 West Side Improvement Project, Bid No. 2012-01, performed by Dick Miller, Inc.
 - b. Authorizing the City Clerk to file a Notice of Completion.
 - c. Appropriating \$20,972 into the Reimbursement Agreement revenue account and into the Capital Improvement Project expenditure account for the Highway 101 Westside Improvement project in the City Capital Projects fund for additional costs associated with the relocation of a waterline owned by Santa Fe Irrigation District.
 - d. Authorizing the City Treasurer to amend the Fiscal Year 2013-2014 Adopted Budget accordingly.

David Ott, City Manager, introduce the item.

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

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

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)

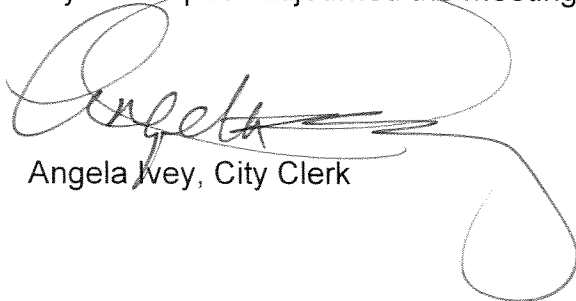
- a. Business Liaison Committee - Campbell, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Zito.
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee - 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 7:44 p.m.



Angela Ivey, City Clerk

Approved: May 20, 2014