

# CITY OF SOLANA BEACH



## **ACTION AGENDA**

The Action Agenda of the City Council Meeting is a document provided immediately following the Council Meeting in order for staff and the public to be aware of the business transacted and actions taken by Council. This is a preliminary draft and not a public record. The meeting's legal record is the Minutes approved by the City Council.

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

**Joint REGULAR Meeting  
Wednesday, February 26, 2014  
6:00 P.M.**

### **PUBLIC MEETING ACCESS**

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live on Cox Communications-Channel 19, Time Warner-Channel 24 (*analog*) or Channel 131 (*digital*), and AT&T U-verse Channel 99. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's website.

### **AGENDA MATERIALS**

A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch Library (157 Stevens Ave.), La Colonia Community Ctr., and online [www.cityofsolanabeach.org](http://www.cityofsolanabeach.org). Agendas are posted at least 72 hours prior to at least 24 hours prior to special meetings. Posted agendas are subject to change up to the meeting's required posting deadline. Please check agenda postings for updates. Writings and documents regarding an agenda item of an open meeting, received after the official agenda posting, will be distributed to Council for consideration, and made available for public viewing. Items received at least 1 1/2 hours prior to the start of the meeting will be uploaded online with the agenda. Material received after this cut-off as well materials handed out at the meeting will become part of the record for filing. Materials submitted for consideration should be forwarded to the City Clerk's department 858-720-2400. The designated location for viewing public documents is the City Clerk's office at City Hall during normal business hours.

### **SPEAKERS**

Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker's slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports.

### **AMERICAN DISABILITIES ACT TITLE 2**

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office (858) 720-2400 at least 72 hours prior to the meeting.

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode and engage in conversations outside the Council Chambers.

**CITY COUNCILMEMBERS**  
**Thomas M. Campbell, Mayor**

**Lesa Heebner,  
Deputy Mayor  
Peter Zahn,  
Councilmember**

**David A. Zito,  
Councilmember  
Mike Nichols,  
Councilmember**

David Ott  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

**SPEAKERS:**

*Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.*

**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:**

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

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**COUNCIL ACTION: Approved 5/0**

**PRESENTATIONS:**

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

1. Del Mar Shore Stairs Repairs
2. Santa Fe Irrigation District

**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.

**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 P-Ublic 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.

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

**COUNCIL ACTION: Approved 5/0**

**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.

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

**COUNCIL ACTION: Approved 5/0**

**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.

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

**COUNCIL ACTION: Approved 5/0**

**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.

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

**COUNCIL ACTION: Approved 5/0**

**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.

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

**COUNCIL ACTION: Approved 5/0 to close the public hearing.**

**COUNCIL ACTION: Approved 5/0**

**B.2. Development Review Permit (DRP) for 710 5. 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.

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

**COUNCIL ACTION: Approved 5/0 to close the public hearing.**

**COUNCIL ACTION: Approved 5/0**

**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.

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

**COUNCIL ACTION: Approved 5/0**

**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.

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

**COUNCIL ACTION: Approved 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.

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

**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.

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

**COUNCIL ACTION: Approved 5/0**

**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.

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

**COUNCIL ACTION: Approved 5/0**

**COUNCIL COMMITTEE REPORTS:**

**ADJOURN:**