

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

JOINT **REGULAR** MEETING

MINUTES

6:00 P.M.
Wednesday, September 12, 2012

CITY COUNCIL CHAMBERS
635 S. HIGHWAY 101,
SOLANA BEACH, CALIFORNIA

The City Council acts as the City of Solana Beach Redevelopment Agency and the Public Financing Authority.

CALL TO ORDER AND ROLL CALL:

Mayor Kellejian called the meeting to order at 6:06

Present: Kellejian, Roberts, Nichols, Campbell, and Heebner.

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Wende Protzman, Deputy City Mgr/Community Development Dir.
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Dan King, Sr. Management Analyst

CLOSED SESSION REPORT: (when applicable)

City Attorney Johana Canlas stated there was no reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

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.

Peter Douglas stated that he represented TurnKey Operations and the California 10/20, a walk/run from Del Mar-Solana Beach-Encinitas had been rescheduled to February 16, 2014, and asked for cooperation from all three cities.

Councilmembers and Staff discussed putting together a work plan to include community outreach.

Tom Ryan stated he lived on S. Sierra, that his condo association was given City Council permission in 1978 to build a seawall and years later given permission to repair the seawall, which resulted in lawsuits, and that he believed the City used the correct language of "minimize impacts" in the ordinance.

Tom DiNoto stated he lived on Pacific, asked that the Land Use Plan (LUP) be brought to a City Council vote, that it was incorrect to assume there were no mortgages on bluff top homes, and to reject the LUP would be a waste of money.

David Winkler stated that he was a resident and supported concerns about the way in which negotiations were proceeding with the LUP, that it was important to let California Coastal Commission know that Council would reject the LUP, to reconcile the statement of avoid v. minimize impacts and the reduction of the 75 year permit life down to 18 years, that properties would be devalued, and that it would impact all property owners in loss of equity as well as revenue beyond the bluff top homes.

Stan Skripkus stated that the work on the Hwy 101 Project should have only been done on the south side of Lomas Santa Fe and then the other side in later phases, there should have been better planning, that during drives by at 7:00 a.m. there was no one working early or later and that the City should insist on on it, that there was no work on the weekends, that the implementation was bad, that the speed limit was 35 before construction and now it was 25 with terrible congestion.

Kathleen McKay stated that she had worked near a marijuana dispensary and wanted to share her experience, that they had keep all of their valuables out of sight because there had been break ins and thefts in the area, that people loitered in front of their office, that parking lot was always full of people hanging out, that since it was gone there was no longer traffic issues in the area, and asked people to vote down the initiative on the ballot.

Doug Hardwood said that he could see the foundations sticking out of homes on the bluffs but could not afford to build a million dollar seawall with a 20 year permit, that homes would dwindle away, that the City would be forced to condemn homes due to safety, and that buyers would be affected on their ability to obtain lending for purchase of homes in the area, that it was an immediate unfairness to those owners and the City, and asked that Council reject the LUP.

APPROVAL OF AGENDA:

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

PRESENTATIONS:

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

Highway 101 Improvement Project Update

Public Works Director Mo Sammak presented a PowerPoint (on file) reviewing the phasing plan, construction related issues, traffic mitigation, parking, project schedule and proposed changes to previously approved bike racks.

Council and Staff discussed the project being on schedule and on budget even with unanticipated issues and hours / timeline of the construction.

Council asked Staff to bring the requested bike rack changes to the project's subcommittee.

PROCLAMATIONS/CERTIFICATES:

1. Mira Costa Community College President of the Board of Trustees
2. 2012 Rideshare Week and Rideshare Month
3. 2012 Walk and Bike to School Day

Mayor Kellejian presented proclamations/certificates.

COUNCIL COMMUNITY ANNOUNCEMENTS:

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. Waive the reading of Ordinances.

Recommendation: That the City Council

1. Approve waiving the text reading of ordinances on this agenda pursuant to Solana Beach Municipal Code Section 2.04.460.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for August 1 - 17, 2012.

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

A.3. General Fund Adopted Budget for Fiscal Year 2012-13 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2012-2013 General Fund Adopted Budget.

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

A.4. Emergency Storm Drain Repair of Acacia Ave. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-135:
 - a. Receiving this report detailing the specifics of the emergency nature of this project.
 - b. Making a finding, based on substantial evidence set forth in the Staff Report, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.
 - c. Ratifying the agreement with LCI Backhoe Services for the emergency storm drain repairs on South Acacia Avenue.

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

A.5. General Plan Phase I Update Consulting. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-136:

- a. Amending the General Plan Phase I Update contract to Project Design Consultants in the amount of \$200,000 and including the scope of work identified for FY2012-13.
- b. Authorizing the City Manager to execute the amended General Plan Phase I Update contract on behalf of the City.

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

A.6. Legal Services Agreement with McDougal, Love, Eckis, Boehmer & Foley. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-141 authorizing the Mayor to execute the Third Amendment to the Agreement between the City of Solana, Successor Agency to the Solana Beach Redevelopment Agency, and Solana Beach Public Finance Authority and McDougal, Love, Eckis, Boehmer & Foley effective July 1, 2012.
2. Adopt Resolution SA-006 authorizing the Chair to execute the Third Amendment to the Agreement between the City of Solana, Successor Agency to the Solana Beach Redevelopment Agency, and Solana Beach Public Finance Authority and McDougal, Love, Eckis, Boehmer & Foley effective July 1, 2012.

MOTION: Moved by Campbell and seconded by Heebner. **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.3.)

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), Development Review Permit (DRP), MEC, and Structure Development Permit (SDP) for 120 Stevens Ave., Applicant: Solana Beach Presbyterian Church, Case # 17-11-29. (File 0610-60)

Recommendation: 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 CUP, DRP, MEC and administratively issue a SDP. Therefore, Staff recommends that the 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 15302 of the State CEQA Guidelines; and
3. If the Council makes the requisite findings and approves the project, adopt Resolution 2012-134 conditionally approving a CUP, DRP, MEC and an administrative SDP to demolish and reconstruct a chapel/support building and classroom building, maintain the existing fellowship hall and sanctuary and reconfigure the existing parking, circulation and landscaping at 120 Stevens Avenue, Solana Beach.

Councilmember Nichols recused himself due to the applicant being a source of income to his prior employer within the last 12 months.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a powerpoint (on file) reviewing the project.

Council and Staff discussed the total square footage of the entire site being 42,000, that the parking requirement was defined by the primary sanctuary building, that the parking was increased from 213 to 237 spaces and that the preschool had been moved to the other property, that the City required 200 spaces so the project was over and above the required parking, and that some other developments allowed this type of circulation and parking in set back areas.

Mayor Kellejian opened public hearing. Council disclosed their familiarity with the project area.

Applicant Presentation:

Mike McClenahan, applicant, said that he was the Pastor of the Church of 3500

members with 1000 worshipers on Sundays, that they have continued to improve relations with the community. Virgil Thompson said that he co-chaired the building committee, that he and his wife were residents, that Council had approved their lower campus which provided for the remodel of their hispanic ministry center and preschool, and that it recently opened with a state of the art safer preschool. Jon Dominey, architect, said that he grew up in the City, that the proposed improvements were redirecting the front to the community including improving vehicular circulation. He stated that they agreed with Staff with the only exception of Condition 6 which proposed a 10 year sunset on the entitlement and that it was unfair and inconsistent with the Solana Beach Municipal Code because 1. that a CUP should run with the land and was not the intent of the code to have a finite duration of a CUP, per Chapter 17.68.010 2. that the project complied with all the existing entitlements, that the City required that they put their existing MUP, previously issued by the County, into the City's current format, 3. and that it was unfair treatment since it would make them the first and only church within Solana Beach with a sunset clause on a use permit, churches are non-profit and contribute to the community, cited other churches that did not have a sunset clause on their permits, and that they requested that Council amend the permit removing the condition requiring a sunset clause.

Douglas Alden stated that he liked the project and had a few suggestions including adding another walkway at the northeast end of the property providing more walkability, that he sent a picture of a preferred bike rack design used in Carlsbad that he suggested the applicant consider, adding zebra striping to the cross walk at Stevens and Lomas Santa Fe, similar to that at San Rodolfo and Stevens, installation of a bike lane or sharro on Stevens, restriping of bike lane on Lomas Santa Fe, since this a vital corridor children using this route to school.

Council and Staff discussion ensued regarding a sunset clause that was issued on the applicant's previous pre-school project, which they contested, that the City's code requires that they bring their permit up to local codes if significant changes were proposed, that Santa Fe Christian had been issued a term and had renewed it on four occasions, and that there were changes over 26 years which require review.

Discussion continued regarding that Council would not just say no to renewal request, that if nothing had changed on the existing use and the finding could be met then the CUP could be extended, they the Council could not revoke the permit without having an hearing to review applicant having an opportunity to be heard and that proof of violations of changes would be presented.

Discussion continued regarding that this was the first time a place of worship was before Council with this type of scope, that previous entitlements for places of worship were tweaks and this project involved four different entitlements, that it was within the discretion of the Council to place time limitations in terms of discretionary permits, and that Council would need the opportunity to revisit the issue in case any conditions had changed over time in order to ensure that the use was still compatible.

Discussion ensued regarding that there was not a nexus since here was not an intended increase in attendance at the site, that there were not sufficient funds at this

time to complete other street improvements on Stevens Ave., that the sunset clause was the language previously agreed to on the prior project at this location, and that Staff had reviewed the suggestion for the northeast accessibility and that it was difficult to make the connection due to the elevation of the area.

Applicant Rebuttal:

Robin Madaffer, applicant's attorney, asked to modify the language in the condition to make it clear that they would be required to ask for an extension instead of a new permit, given there were no enforcement actions, that it was more than expense in order to apply for a CUP, that they were hoping to make it clear that they would not be required to include plans and specifications but a review of the status of the permit and apply for an extension, and that the fees would be significantly different. Jon Dominey, architect, stated that the prior project of the preschool was a Monday-Friday facility which was different than a church, that it was not about the permit fees but the cost of tens of thousands of dollars to put together the submittal package which was a huge expense for a non-profit, and that they had not seen a lot of traffic from the northeast area but that they would look at it.

MOTION: Moved by Campbell and seconded by Heebner to close the public hearing. **Motion carried 4/0/1** (Recuse: Nichols.)

Council discussion ensued regarding the term which seemed reasonable from the City's point of view, that they could understand the concern about costs and that some adjustment in language to make it more affordable could be considered, that they should be treated the same as everyone even though they were a non-profit, and that CUP's should be reviewed over a reasonable period of time.

Johanna Canlas, City Attorney, stated that modifications to Condition 6 would read that the term of the Conditional Use Permit is for 10 years or until September 12, 2022. The City Council may extend the term of the Conditional Use Permit after the initial term. If determined by Staff no change in the approved use, a new application for an extension of the Conditional Use Permit shall be required one year prior to the end of the term. Should there be material changes in the use, a new Conditional Use application shall be required. And the final sentence of this paragraph will remain.

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

B.2. Development Review Permit (DRP) and Structure Development Permit (SDP) at 545 Stevens Avenue, Applicant: PropTech, George Hunt, Solana Beach Self Storage, Case 17-12-10. (File 0600-40)

Recommendation: 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 and administratively issue a 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. Determine that the Project does not have any additional significant impacts to the environment that were not adequately addressed, therefore not requiring revisions to the Initial Study (IS), Mitigated Negative Declaration (MDN) and Mitigation Monitoring and Reporting Program (MMRP) adopted and certified by the Solana Beach City Council November 12, 2008 pursuant to the California Environmental Quality Act (CEQA) per §15162, §15163, and §15164 of the 2012 State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2012-133 conditionally approving a DRP and an administrative SDP to replace Building 5 and Building 7 with two (2) new, three (3) story self storage buildings at 545 Stevens Ave.

David Ott, City Manager, introduced the item. Catherine Lorbeer, presented a powerpoint (on file) reviewing the proposed project.

Mayor Kellejian opened the public hearing. Council disclosed their familiarity with the property.

Dave Bubnash, Solana Beach Storage, Applicant, reviewed the proposal in revising the original project including refurbishing entire buildings, and adding additional square footage, and that the project would be implemented in four phases.

Douglas Alden stated that it was a scaled back project but that the prior larger project included a restriping plan and wondered why it was dropped in this project, that the bike/walk group did an assessment on Stevens and suggested that the applicant consider allowing the blank wall being painted with a mural by a community organization.

David Ott, City Manager, stated that the original project had a new entrance on Stevens which would require some restriping as well as some additional work we would have had them do and reimburse them for, but this project would maintain the original driveway so there is no need for requiring these improvements, and confirmed that the project had complied with the offstreet parking manual in terms of landscaping including the retaining wall providing screening.

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

Councilmember Kellejian stated that they should consider creating a policy regarding large murals since it was a nice area and that other options should also be considered such as heavy landscaping.

Councilmember Campbell stated that they should keep an open mind in order to explore alternatives which might include landscaping and to have some people look at various possibilities.

MOTION: Moved by Campbell and seconded by Kellejian. **Motion carried unanimously.**

Mayor Kellejian recessed the meeting at 8:20 p.m. for a break and reconvened at 8:25 p.m.

B.3. Introduce (1st Reading) Ordinance 440 Amending Section 17.60.080(D) of the Solana Beach Municipal Code Regarding the Storage and Handling of Hazardous, Flammable, and Toxic Materials or Chemicals. (File 0610-10)

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. Find the project categorically exempt from the California Environmental Quality Act pursuant to Section 15308 of the State CEQA Guidelines; and
3. Introduce Ordinance 440 related to Storage and Handling of Hazardous, Flammable, and Toxic Materials or Chemicals.

David Ott, City Manager, introduced the item and stated that it came to the City's attention that the code restricted propane use within 300 ft. of residential areas, that the fire code already regulated these uses effectively, and this would modify the code to comply with the state fire law.

Wende Protzman, Community Development Dir., presented a powerpoint (on file).

Mayor Kellejian opened the public hearing.

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

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

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk

C.1. Fletcher Cove Community Center Potential Community Use. (File 0730-80)

Recommendation: That the City Council

1. Receive this report and discuss recommendations.
2. If the City Council gives direction to proceed, approve Resolution 2012-140 authorizing the City Manager to solicit proposals and enter into an agreement for a not to exceed \$25,000 contract to complete the required CEQA Initial Study.

David Ott, City Manager, introduced the item.

Danny King, Sr. Management Analyst, presented a powerpoint (on file), reviewing the status of discussions regarding the use of the Fletcher Cove Community Center.

Richard Jacobs (time donated by Marlena Jacobs) stated that the facility was a great addition to the community and that he had made a small donation for the renovation of the center. He stated that he was unaware that his donation would contribute to the potential resurrection of the 90s when parties were allowed in the neighborhood. He stated that safeguards should be put in place to prevent this from occurring again, that there were unresolved issues such as traffic and alcohol which could negatively affect the community, and that the neighborhood would have to endure rowdy groups that may use the facility. He stated that a group was formulated to attempt to reach consensus on the issue, in which he participated, it was weighted heavily with proponents, that they used a proposal put together by the neighborhood, with some progress, unresolved issues included parking and alcohol use, a second meeting was requested and denied, and that the proponents had a sense of urgency for a trial period. He stated that the only completed environmental document on the property was the Initial Study and Mitigated Negative Declaration completed in March 2010, that the document only addressed construction impacts of the facility and not issues related to the use of the facility, the facility had not been used for private use in 15 years, the environmental report never addressed the expanded use, and that he supported hiring a consultant to examine the use and mitigations of the center.

Judy Hegenauer (time donated by Jack Hegenauer) stated that she was on the Fletcher Cove Remodeling Community Advisory Committee and on the Fletcher Cove Use Committee. She stated that in October 2007, Council approved the initiation of discussions regarding if and how the community center could be brought back to its former glory, and that it was the beginning of a new life for the community center, that many monthly meetings were held on the renovation of the community center with over a dozen volunteers, meetings regarding the renovations of the building took place in 2008, 2009, and 2010, and that by the Summer of 2011 everyone worked hard to prepare the facility to open for the City's 25th anniversary. She stated that there was a lot of community involvement in the process to bring the community center back to use, that the Use Committee came to agreement on 90% of the issues, all views and perspectives had been presented to Council at least once, Council and Staff had

followed the correct process, and that now the City and the community should be able to move forward with a one year trial period. She stated that following the trial period a follow up, that a report should be taken to Council regarding any issues that needed to be addressed.

Alessandra Azuarnagel stated that her home was next door to the community center, that she had resided in Belgium, but that this was her family home. She stated that she had privacy concerns being the next door neighbor to the center, that she shared a fence with the community center, and that people would peak over the fence into her home. She stated that there had been an incident over the summer with an individual going to her home looking for a party, she had concerns regarding safety and how safety concerns would be managed when unknown people would be using the center. She stated that there should be a sheriff present at events, she did not mind some noise but would be affected if the noise was on-going, that her concerns were regarding the length of parties, and that 6 hours of drinking took a toll on how people acted and reacted.

Bruce Gresham stated that he participated in the group that produced the Golich report, and that he supported the use of the community center for parties. He stated that it was an amazing place, that there was an opportunity to make it possible for amazing things to happen there, and that the big concern was when parties would get out of control. He stated that when parties at San Diego State were out of control and required law enforcement a \$1,000 fine would be issued to each person who was responsible for the party, people using the facility would be Solana Beach residents, he supported a study, and that most of the issues could be resolved.

Margaret Schlesinger stated that she understood that the point of the discussion which was whether to approve an amount of money for an environmental study regarding the weekend use of the community center. She stated that the building was remodeled with a large amount of private money, that it was previously maintained by funds from the women's club, that it was all done for the use of the public, that the study was a logical step for Council to take, and that the study should determine the impacts and mitigation from the use of the center. She stated that she was involved in the neighborhood committee on the use of the center, that she was under the impression that the purpose of the committee was to try to reach agreement on the conditions to allow weekend use of the center with the least amount of impacts to the surrounding neighborhoods and not on whether the members were opposed or in favor of the use. She stated that the report by Tom Golich summarized the discussions, the discussions were based off the neighborhood letter, the conditions that came out of the meetings were more restrictive than the recommended conditions in the original document, that it was inaccurate to say that members refused to meet for a second time, and that it was time to return the issue to the Council for a determination. She urged Council to move forward with an environmental study. She stated that many constituents who donated funds for the building were waiting for a trial run of community use of the building.

Robert Saylor stated that his home was 3-4 homes away from the community center and that he was not opposed to the expanded use of the center. He stated that he supported the study to address the impacts of alcohol, traffic, parking, and noise in the

area, and that many years ago events were not welcome by the neighborhood and were eventually terminated, and that he did not want to support expanded use activities that would create the same issues as in the past.

Kelly Harless (time donated by Linda Karecki) said that the staff report stated that Tom Golich and Margaret Schleginger were responsible for putting the CCC Committee together, that she took it upon herself to call Tom Golich to participate on the committee, and that she was directed to Staff who stated that it was not Tom or Margaret's responsibility. She stated that there should have been one person from each side of the debate to choose an equal number of committee members, that Tom and Margaret had been on record as favoring the use, that there were 9 members on the committee, that 5 members were on record as favoring the expanded use, 3 were opposed, and that there was 1 un-committed member. She stated that she wanted to correct the perception that her action or the actions of neighbors were driven by a particular individual, she gathered information on her own without any outside influence, and that it had been implied that one individual had been directing them on how to proceed. She stated that neighbors had brought forward a lot of negative impacts such as traffic, parking, safety with alcohol and children in the area, and neighborhood character, and that she questioned whether a study was needed to determine the impacts. She said that this neighborhood should be treated like the Eden Gardens area who stated that they did not want alcohol at the Community Center, that consideration was given to the residents, and that the same consideration should be given in this situation as well. She stated that a majority of the neighbors had stated their opposition to the proposal, that the community center was a well used community resource, that it was used every day during the week, and that there should not be a private party hall in a family neighborhood. She stated that the intent of the renovation was not for private parties, that there were many documented reasons of the negative impacts of community use, and that taxpayer money should not be used for a study for private use of the building.

Tom Golich stated that the renovation of the community center had been a topic for a long time, funds used for the renovation were from private and public sources, that over the past 8 years many people worked to complete a successful renovation, and that \$400,000 were raised. He stated that the funds were intended to bring the community center back to the use that it before it fell into disrepair, part of the process was to allow the anticipated uses of the building to be studied under the CEQA initial study before moving into the implementation process, and that he supported the funding of the CEQA study. He stated that spending all that money on the building and not using it was like buying an expensive car and parking it in the garage.

Vicki Cypherd stated that she had attended most meetings regarding the renovation and use of the community center, and that she had made it clear at each meeting that she opposed private parties at the center because of the negative impacts that she and neighbors had experienced when private parties were allowed. She said that others had felt the same way, that she was still opposed to the use of the center, that she participated on the Community Center Use Committee, and that the main sticking point was whether or not to allow alcohol, that the neighborhood had to be protected and remain safe, and that private funds rather than tax payer funds should be used to

pay for the study. She stated that this was an unfortunate situation, that she was curious to see the impacts of 6 hours of drinking, there was a trial use period in the past and it failed, and that the residents did not want drinking in their neighborhood like the Eden Garden residents did not want alcohol in their neighborhood.

Council and Staff discussed that the highest level of activity at the community center would be studied, and that use of public funds to study community use was responsible due to the threat of litigation that the City had received the last time the issue was heard.

Councilmember Nichols stated that the issue had gotten out of control, that Council had to consider all the facts, and that this was a divisive issue. He stated that in the Fall of 2007 there was a meeting for the vision of the community center where people expressed concern about private parties, during the initial discussions of the renovations Council discussed that they did not want the community center to be a party center, that in 2007 the Council was clear that the intent of the community center was not to have private parties, the vision from 2007 had been set out to have the center as a community meeting area. He stated that the center was highly used now, and that public money should not be used for private benefit.

Councilmember Heebner stated that during the initial environmental report there was no intention for the private use of the center, that the community had requested to explore private use, and that neighborhoods had to be protected by doing the studies. She said that the public wanted to enhance the public use of the center, there could be a limitation of the hours for private use, the neighborhood should be considered, an environmental report be done, and that families wanted to use the community center for gatherings.

Councilmember Kellejian stated that restrictions could be placed on the use of the center, hours could be limited, events could be held for the entire community, and that the community had requested for expanded use of the facility.

Council and Staff discussed that the Environmental Impact Report (EIR) could not be done internally, that Staff would assist with the study but a consultant would be needed to lead the review, that first an initial study would be done and then it could be determined what kind of study would be required, that it would review traffic, noise, amount of people, and how, if any, impacts would affect the environment, and that alcohol use would fall under the noise category. Discussion continued on whether there could be appropriate mitigation to the issues, that the EIR should be done to gather all the information for the public, Council had concerns regarding any additional costs that might be required, and that at first the identified issues would be reviewed and then delved into individually, as needed, there would be a traffic analysis, the parking shortage would be reviewed, an alcohol expert should be hired to review behavior during alcohol consumption for safety concerns, any costs incurred above the \$25,000 should be brought back to Council, and that the EIR would only be regarding the community center and the surrounding property. Discussions continued regarding tracking the funds spent on the study so that funds could be recouped in the facility rental fee.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried 4/1** (Noes: Nichols.)

WORKPLAN COMMENTS:

(Adopted June 27, 2012)

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 at the next regular meeting of the legislative body.

Mayor Kellejian and Deputy Mayor Roberts reported that they attended the League of Ca. Cities Conference and Expo, which the City paid for.

COUNCIL COMMITTEE REPORTS:

Council reported community activity.

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

- a. City Selection Committee (meets twice a year) - Roberts, Kellejian (alternate).
- b. County Service Area 17 - Campbell, Nichols (alternate).
- c. Escondido Creek Watershed Authority - Nichols, Roberts (alternate).
- d. League of Ca. Cities' San Diego County Executive Committee - Roberts, Kellejian (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Kellejian, Roberts (alternate).
- g. North County Dispatch JPA - Nichols, Campbell (alternate).
- h. North County Transit District - Roberts, Nichols (1st alternate), Heebner (2nd alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Roberts (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
- l. San Dieguito River Valley JPA - Heebner, Nichols (alternate).
- m. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Heebner, Roberts.

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

- a. Business Liaison Committee - Roberts, Campbell.

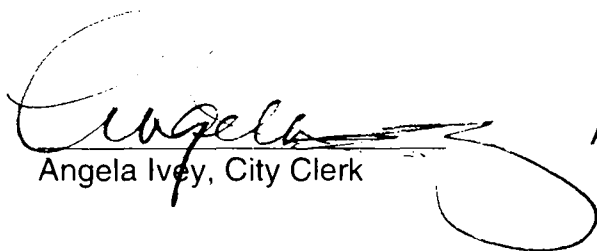
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Parks and Recreation Committee - Heebner, Nichols
- e. Public Arts Committee - Roberts, Nichols.
- f. School Relations Committee - Roberts, Nichols.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 6, 2012.
- b. Development Review - Nichols, Heebner. Expires November 15, 2012.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 6, 2012.
- d. Fire Department Management Governance-Kellejian,Roberts. Expires July 12, 2012.
- e. Fiscal Sustainability - Campbell, Roberts. Expires June 12, 2013.
- f. General Plan - Campbell, Nichols. Expires July 12, 2012.
- g. La Colonia Park - Nichols, Heebner. Expires June 12, 2013.
- h. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 7, 2013 or at the California Coastal Commission adoption.
- i. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 10, 2013
- j. View Assessment - Nichols, Heebner. Expires October 21, 2012

ADJOURN:

Mayor Kellejian adjourned the meeting at 9:42 p.m.


Angela Ivey, City Clerk

Approved: October 24, 2012