

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 27, 2013
6:00 P.M.

City Hall Council Chambers, 635 S. Highway 101, Solana Beach, California
 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 Nichols called the meeting to order at 6:00 p.m.

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

Absent: None.

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

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 Campbell. **Motion carried unanimously.**

PROCLAMATIONS/CERTIFICATES:

1. Bocce Ball

Mayor Nichols presented the proclamation.

PRESENTATIONS:

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

1. Highway 101 Project Westside Improvement Project Update

Mo Sammak, Public Works Director, presented a powerpoint presentation (on file) reviewing the status of the project.

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.

Bonnie Kempner stated that she owned a property where an adjacent property had posted story poles for a long time, that she was told by City that story poles could stay up forever and some had been up for years, that the City should address the proper and improper use of story poles including a timeline of when they should be taken down, and that they become a view impairment to neighbors.

Council and Staff discussed what the policy was, that they are posted while the project is being processed, and that Council would receive information regarding an existing policy or agendaize the review of a policy, and that the View Assessment process was addressing it and perhaps this issue could be split out of the that project.

Doug Alden announced the Bike Safety Rodeo event and encouraged families with kids and bikes to come for safety inspections and bike adjustments and the event was sponsored by the Lions Club.

COUNCIL COMMUNITY ANNOUNCEMENTS:

COUNCIL COMMENTARY:

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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for January 19 - February 8, 2013.

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

A.2. 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 Zahn and seconded by Heebner. **Motion carried unanimously.**

A.3. Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Report for the quarter ended September 30, 2012.

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

A.4. Marine Safety Department Staff Vehicle. (File 0370-26)

Recommendation: That the City Council

1. Adopt Resolution 2013-016:
 - a. Approving the purchase of a new replacement Marine Safety Department rescue staff vehicle, necessary emergency response equipment and to retrofit the emergency response vehicle with emergency lights, warning devices, and communication devices.
 - b. Appropriating \$6,500 in the Marine Safety Asset Replacement Budget for the purchase of a communication radio for the vehicle.

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

A.5. Highland Drive at Lomas Santa Fe Traffic Calming Project. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution ~~2013-013~~ 2013-015:
 - a. Authorizing the City Council to accept as complete the Highland Drive at Lomas Santa Fe Traffic Calming Improvements, Bid 2012-05, constructed by PAL General Engineering.
 - b. Authorizing the City Clerk to file a Notice of Completion.

David Ott, City Manager, introduced the item.

Mo Sammak, Public Works Director, reviewed the project and addressing issues being managed in the area.

Douglas Alden stated that he was happy with the striping and asked if there were funds left over that could be used for bike counters.

Council and Staff discussed and stated that funds needed to be reserved until it was finalized to be sure there were funds available.

MOTION: Moved by Campbell and seconded by Zito. **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.)

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. Draft Local Coastal Program (LCP) Land Use Plan (LUP). (File 0610-12)

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 exempt from the California Environmental Quality Act pursuant to Section 15265 of the 2013 State CEQA Guidelines. The LCP (Local Coastal Plan) process is exempt because the criteria under the Coastal Act are the functional equivalent of the EIR (Environmental Impact Report) process; and
3. Provide direction to the City Manager as to which option to proceed with and adopt the corresponding Resolution 2013-018.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, Consultant, presented a powerpoint (on file) reviewing the history and background of the Local Coastal Plan (LCP) and Land Use Plan (LUP).

Mayor Nichols opened the public hearing.

Council reported disclosures of their familiarity with the item and recent contact and/or discussion with the public regarding the item.

Robert Shoecraft stated that he was representing Joseph Steinberg, a City resident. He stated that they had submitted a very large document to Council that provided details of Mr. Steinberg's concerns which were, 1) the 20 year limitation on seawall permits, and 2) the imposition of sand mitigation fees. He stated that the committee working on the document had originally proposed for the permits to last until 2081, that the Coastal Commission had underwritten this issue, and that there was no defense from the city against the Coastal Commission's proposal. He stated that two Coastal Commission staff questioned the other commissioners about the limitation, that if geotechnical information was provided on the need for the seawall there would be no changes in 20 years that would change the bluff situation, and questioned how a homeowner would be able to refinance or sell their home with a 20 year permit. He questioned what the value of homes would be if the 20 year limitation was in effect, and stated that this limitation should be rejected.

John Steel (time donated by Ron Lucker, present) stated that he had been a full time resident since 2003. He presented a powerpoint (on file). He stated that he was the President of the Surfsong Homeowners Association (HOA) and an active member of COOSA. He stated that there were 72 homeowners invested in the City, he thanked the Council for a decade of change that he had seen with the beaches, and stated that Council had demonstrated passion and commitment to protecting the beach. He stated that Surfsong was a 72-unit condominium building, that the approximate value of the complex was \$80 million, and that there was 855 feet of beach front on the property. He stated that additional seawalls may be needed for the property, that they have had

several bluff failures, he showed pictures of bluff that have had failures, and stated that the residents were invested in mitigating the problem.

Bonnie Kempner stated that her family had lived in the city for over 50 years, that yards used to be at least 40 feet, and one would have to walk far to end of the cliffs. She stated that there had been a lot of sand fluctuation over the years, that now she saw a lack of sand, and that the ocean would always come and go with the sand. She stated that wind that she lived in Hawaii for 10 years and had friends who lost homes due to lava flows, that they did not request for the city to repair their homes, that lava flows were part of nature and so were the bluffs.

Margaret Schlesinger stated that the City was at a point where a plan that would satisfy a vast majority of the City could be adopted, that efforts had been made on this issue since the beginning of the city, and that she remembered when bluff owners who wanted to remodel homes signed a provision not allowing for the building of seawalls as a condition of development. She stated that it was the responsibility of the Council and that the LCP was to protect the rights of the public and the beach not the private development. She stated that this process should not be delayed, that it was best to move the process along by adopting option #3 or #6 of the staff report, that it was critical to repair the public stairway on the south end of town, that it was important to collect the land lease fees for the bluff impacts, and that the funds should be used for beach maintenance and access. She stated that the permit process should be a one stop approval for most of the city and urged the Council to adopt either option #3 or #6.

David Winkler (time donated by Chris Hamilton and Tom Dinoto, present) stated that everyone in the room was frustrated because the LCP was not completed, that City staff had worked diligently to work at a compromise with the Coastal Commission, and that it was impossible to complete it in the time frame allocated due to Coastal Commission staff being understaffed and overworked. He stated that it was a logistical problem, he questioned why in lean economic times had the Coastal staff been instructed to re-do the LUP that was approved in March 2012, and why had the previous City Council direct its Staff to do the same. He stated that the problem was that the document was flawed, that he was concerned if option #6 was adopted a flawed piece of legislation would be on the city books, and that the underfunding of Coastal staff could result in a delay of adopting the amendments of upwards of 2. He stated that the better course was to adopt option #7, that it would result in resolution of the few remaining issues in the next 2 weeks, that the amendments would then be posted for a 6 week public review period, and then the document could be resubmitted to the Coastal Commission. He stated that this would provide time or submitting an LUP that was clear without ambiguities, that the city would have a good piece of legislation, and that the city could then proceed with the LIP. He stated that bluff top owners were not opposed to paying mitigation fees, that he would pledge to resolve the mitigation fee issues, that only recreation fees were being withheld, and that the city should present the cleaned up LUP.

Mayor Nichols thanked David Winkler for the time that he had spent working with Staff on this issue.

Council and speaker discussed clarification of option #7, that this option meant to adopt the March 2012 LUP, that the document would then be amended, submitted for public comment, and that the LUP would be submitted concurrently with an adoption and an amendment.

Johanna Canlas, City Attorney, stated that the Public Resources Code dictated the time frame for the LUP, that per the Coastal Commission if the City rejected the LUP and resubmitted a new one, the City would go to the back of the line.

Mr. Winkler stated that the March document could be adopted but made subject to the amendment, and that there would only be a problem with the Coastal Commission if there was a gap in approval.

Council and Mr. Winkler discussed the 2 year time frame for the amendment to be approved, that this number was gathered from information submitted in the Coastal Commission's Strategic Plan, and that this was the case due to underfunding of the Coastal Commission.

Johanna Canlas, City Attorney, stated that depending on Council direction there would be continuous meetings with Coastal Staff targeting their October meeting which meant there would have to be a quick turn around of the document.

David Ott, City Manager, stated that there had already been continuous work on amendments, and that he had discussed time frames the City would have to meet in order to make the October San Diego Coastal Commission meeting.

Chris Hamilton (continued the 15 min. group presentation). He stated that he was Chairman of the Beach and Bluff Conservancy (BBC), that they were pleased that the City was going through the process, and that the negotiations to get all the parties in one place was important. He stated that he had a law suit that he wanted to drop, that for this to happen there would have to be a plan that was acceptable to the BBC, and that he believed that if the LUP was adopted by Coastal Commission it must be adopted subject to the City's changes. He stated that if the LUP was adopted in its current form the City would be responsible for enforcing it, and that it would be difficult for the City to enforce this law.

Tom Ryan (15 minute group presentation, time donated by Jon Corn and Edwin Fields, present) stated that he was the President of COOSA (Condominium Organization of South Sierra Ave.). He urged Council to continue the process that had taken place in the last few months, he stated that many people had worked hard to resolve issues, and that the momentum should not be stopped. He stated that discussions should continue, that it could not harm any stakeholders or the City, and that he had submitted a letter to the Council in which he referred to "the broken promise." He stated that he was asking for the City to listen to public and to give them the opportunity to provide comments.

John Corn (continued the group presentation) presented a powerpoint (on file). He

stated that he was an attorney representing the BBC and COOSA, and that he urged Council to adopt option #7. He stated that option #7 kept all options open, that there was no reason to change the course tonight, that great progress had been made, and that there was no down side to keep things going as they were. He stated that option #7 would allow progress to continue, that time would not be lost, that mitigation funds could be released, and that there was downsides to the other options such as option #6. He stated that this option would change a process that was working fine and would increase uncertainty. He stated that it required the adoption if a piece of legislation that had a lot of problems, that the amendment process was not easy, that peer cities had a lot of other problems with amendments in the past, and that the Deputy Director of the Coastal Commission stated that there were no guarantees that changes would be accepted by the Commission and that they could not guarantee any time certain for the amendment process. He stated that the Commission was underfunded and understaffed so they wanted the March LUP to be adopted, that once it was adopted there would be no more incentive for them to work closely with the City. He stated that he was unsure of whether the the March 2012 document could be adopted since it did not exist in any one place, that members of the public could not look at the entire document, that pieces would have to be picked out from various documents, and that the Coastal Regulations and Government Code required the document to be compiled in one place and put out for public review, and that the March 2012 document never came out for public review.

Council and speaker discussed that the March 2012 LUP was converted to the October 2012 LUP, that the March 2012 had all changes in it, that the new LUP was the March 2012 LUP with changes that arised out of the matrix, and that a new LUP would be slightly modified March LUP. Discussion with the speaker continued regarding that a completely new submittal would not be fast tracked and could be delayed as long as the Coastal Commission wanted.

Johanna Canlas, City Attorney, stated that it was confirmed with the Coastal Commission that a rejection and submittal with slight modifications would be considered an entirely new submittal.

Council discussion continued that a new application opened up every issue again, not only the 18 points, and that the Commission had been more restrictive with newer applications.

John Corn stated that all risks were the same with either an amendment process or a new submittal, that the Coastal Commission would do what they wanted, and that the Coastal Act stated that the Commission was supposed to act within 90 days and could only do an extension with "good cause."

Johann Canlas, City Attorney, stated that on March 12, 2012 the Coastal Commission approved the suggested modifications to the City's draft LUP, that this document did not become official because in June of 2012 the Coastal Commission amended the document, and that in September 2012 the city received a letter packet from the Coastal Commission including everything that was approved in March and June that was the

basis for October meeting. She stated that the package was made available to the public in a timely manner according to the Brown Act, that the direction of the September 26, 2012 meeting was the basis of the October 2012 draft LUP that was circulated for a 6 week public review period, and that the document was available to the public at the City, online, and at the library.

Jon Corn continued his presentation. He stated that option #7 allowed for the status quo to remain the same while allowing time to sort out issues in the next 6 weeks, that no ground would be lost, and that he did not know the procedural issues of whether it would be considered a rejection with submittal of a new document or rejection with an amendment. He stated that there was a lot of confusion about that issue, that whether something was put out for public review or not was hard to tell, that going with option #7 kept options open, and that if the LUP was adopted today the City would be potentially signing up for a world of hurt.

Johanna Canlas, City Attorney, commented regarding the references to the "matrix" that had been made at the meeting. She stated that if the Council directed Staff to circulate a potential policy amendment whether to the old LCP or a brand new LCP, the policies that were identified in the matrix would be incorporated in the proper chapters, that the matrix was provided to isolate the topics that were still outstanding and being worked on, that a new document would be circulated which would include the March, June, and all other policies that went before the Council.

Jim Jaffe, Julia Chunn, Kristin Brinner (group presentation) presented a powerpoint (on file). Julia Chunn stated that she was the Campaign Coordinator for Surfrider San Diego, that the members in the audience had participated in the process, and that a few people should not hold the process hostage. She stated that it seemed like a crime to let a few hold the 12 year process up, that homeowners would do whatever needed to get their way, that they would sue or delay the process, that everyone had compromised, that things should move forward, and that the best way to limit discussions to the small areas of contention was to adopt the March LUP that was approved unanimously by the Coastal Commission. That adopting the March LUP would also protect the city from litigation, that the Coastal Act was written to help protect irreplaceable coastal resources, and that Policy 3007.5 of Coastal Act stated that when there was a conflict between one or more policies it should be decided in the best interest of protecting the coastal resources. She stated that any remaining tweaks could be done through an LIP or amendment process, that after many hours and dollars put into this topic the best choice was to adopt option #6 and adopt the Coastal Commission adopted LUP. She stated that homeowners did not want new fees or the 20 year clause on seawalls, that the City should do what is right for beaches, that people had waited long enough, and that a LIP was still needed which would take a couple of years. She stated that the option was either to adopt option #6 now or later, that both sides stood to lose something, that there was benefit in locking in option #6, that it would allow to stay within legal protection of the Coastal Commission, and that the Coastal Commission wanted to help complete 11-12 year process.

Kristin Brinner stated that she was a homeowner and resident of the City, that Council

should adopt the March LUP that was approved by the Coastal Commission, and that the LUP complied with the Coastal Act and any changes could be done through amendments for the LIP. She stated that the amendments to the LUP could be done concurrently while working on the LIP, that this was the best compromise for both sides, that further delays would negatively affect all residents because of the double permitting process, and would prevent the timely collection of land use fees. She stated that without land use fees beach access could not be fixed, that issues had been caused by a few whom had already benefited from lack of an LUP, that seawalls served a small percentage a loss to the 98% that loved beaches, that public land should not be given away for private uses, that delaying the process any further would not bring an improved LUP.

Jim Jaffe continued the presentation. He stated that he was a member of the original LUP Committee, that Surfrider had tried to act in good faith throughout process, that they had sacrificed, and that they had done what the City wanted. He stated that during negotiations and after the 1st meeting Surfrider had received a letter from Seascope Sur threatening litigation, that he had reached out to Mr. Winkler to see if there could be an agreement, and that he heard from Mr. Winkler it would not be an acceptable approach. He stated that property owners were talking to the Pacific Legal Foundation, that this organization had tried to crush the Coastal Commission on many occasions, that there were 4 parties at the table during negotiations, City Staff, Coastal Commission, Surfrider, and Mr. Winkler's group from the BBC, that two parties wanted option #6, that the City was the swing vote to make option #6 happen, and that the Council should make option #6 work. He stated that the 20 year option troubled the other side the most, that their other issue was the stairs, that the city could live with stair issues for another 2 years, and that fees were not assessed only deposits were assessed. He stated that it had been 8 years since Surfrider called off their law suit in order to move this forward, that mitigation fees were supposed to be collected to improve beach access, that Surfrider was still losing because fees were not put into place, that they were the party that had lost the most, and that they had lost 10 years and lost beach stairs. He stated that Surfrider would not be at the negotiation table unless option #6 was approved, he urged Council to adopt option #6 with a narrowed scope, and that the amendment could be put out for public comment within 2-3 weeks.

Council and speaker discussed the amendment language that Surfrider had seen was workable, that Surfrider had addressed issues that needed tweaking in the comment letter submitted to Council, that Surfrider would continue to participate in the process if Council adopted option #6, that the Coastal Commission supported Surfrider, that Surfrider had been successful at lobbying the Fletcher Cove Project with Coastal Commission, and that Surfrider believed the Coastal Commission would assist the City to move forward if they were participating in the process.

Wayne Brechtel stated that he was speaking on behalf of Norton and Gretchen Sloan who owned a home on Pacific Ave. He stated that his issue was really hard, that he had been involved in this topic for many years, and that last time he had spoke on this issue was regarding non-conforming uses. He stated that Staff had made changes to those policies, that those issues were not part of the March LUP, that he was hearing tonight

that changes could not be proposed because it would be a new LUP and start clock over, and questioned why the City took so much time on the document if the March LUP could not be altered. He stated that the LUP had problems, that there should be approval of the March LUP and that staff should bring the amendment document back for Council review so that there would be clarity on what the amendments would be.

Council discussed that it was their understanding that the only way to get changes was 1) to accept Coastal Commission's approval and hope that Coastal would entertain amendments, and 2) that if Council rejected the document the city would have to start over with a new document.

Johanna Canlas, City Attorney, confirmed that there were some aspects of the changes could be done through the LIP, that an administrative approvals such as typos could be done, but based on comments and negotiations there were substantive policy changes that could not be done administratively, and that the conservative option was to submit an amendment or a new LUP depending on time threshold.

Council and speaker discussed that the speaker's comment that the March 2012 LUP could not be adopted since the document that was put out for public review was the October 2012 document, that amendments should be finalized prior to approving the March LUP so there is clarity on what the circulated document would be.

Johanna Canlas, City Attorney, clarified for the record that the October LUP contained redlines and strike outs, that the base document was the March 2012 approved LUP, that the introduction section clearly stated that the October document was from the March 2012 approved LUP, that all the legal thresholds had been met, and that the document was released in September and was made available in all required areas.

Council and City Attorney discussed that the matrix reflected the issues discussed by the stakeholder groups, that those were the major issues, and that Mr. Jaffe's and Mr. Winker's group agreed those were the remaining issues to work on.

Todd Cardiff did not respond when called to speak.

Johanna Canlas, City Attorney, stated that Mr. Cardiff was not present when called and had written a note on the speaker slip. She stated that the written note could not be read by herself or the Staff since the City's Municipal Code first required a majority vote from Council, that according to the Brown Act if there was written correspondence to the Council it had to be distributed at the same time as it was made available to the public, as a result Mr. Cardiff had been provided with the opportunity to speak and be heard so his comment could be made on the record.

Council and City Attorney discussed why the note could not be read, that it was submitted after the opening of the public hearing, and that Council had consensus for the note that was written on the speaker slip by Mr. Cardiff to be read aloud by the City Attorney.

Johanna Canlas, City Attorney, read the note aloud submitted by Mr. Cardiff at 6:49 p.m. for Item B.1. The note stated, "not speaking (comment on back)," which stated that, "support option #3."

Mayor Nichols called for a recess at 8:30 p.m. and reconvened the meeting at 8:44 p.m.

Councilmember Campbell stated that there was some confusion about what option #7 meant, that there were concerns about option #6, that all proposed amendments should be seen that were prepared by City Staff and Coastal Commission staff, that Coastal Commission staff should have written out that they would review and approve the amendments, that option #6 could not be supported now not knowing what the amendments were, that the city had been dealing with delays from the Coastal Commission for years, and that the Coastal Commission's letter stated that there were no guarantees on approval of the changes.

Mayor Nichols stated that the Coastal Commission Staff letter did not say they would completely support any amendments, that there were no guarantees on anything, that a good faith leap was needed, that there was a lot of different interpretations of option #7 which would cause a lot of delay in the process, and requested Mr. Winker to present his idea.

David Winker stated that option #7 could be modified to state that in no longer than 2 weeks a final matrix would be sent to Council, that Council could adopt the last Coastal Commission LUP subject to amending the LUP with the matrix, and state that the 2 documents were conditioned on each other.

Council discussed that if the March 2012 LUP was adopted and then amended that those amendments would still have to go to Coastal Commission and could be ignored by Coastal Commission, that by adopting and amending it did not strengthen the document, there would still be a period of uncertainty to approve March 2012 with amendments, that the Coastal Commission could reject the amendments and the city would have to wait on them to review, and accept or reject the document.

Council continued to discuss that Council could make a hybrid of option #6, that the March 2012 LUP could be adopted and on a parallel path work on matrix that would become the amendments, which would keep the momentum, that either option #6 or a hybrid of option #6 should be adopted to continue momentum.

Council discussed hybrid of options, that deadlines would be needed for the options, that a lot of time and money been put into this issue, that everyone was operating in good faith, that Council had an obligation to get through the process, that there were some concerns about the Coastal Commission's potential lack of motivation, that it was stated in the Coastal Commission's letter that they were committed to act expeditiously, that option #6 with tight deadlines would be good in order to get to Coastal by October get submittal in by June, the only way to keep Coastal involved would be for Coastal to show what changes they would approve in the matrix, and that option #6 would keep

Surfrider involved in the process.

Johanna Canlas, City Attorney, stated that she wanted to clarify that there had been insinuations about the faulty procedures by the City on the September 2012 document, that under the Public Resources Act (14 CCR Sec 13554.5), Coastal Act, and the Code of California Regulations, there was no requirement for the City to release the document other than for the Council to consider it, that the City had gone above and beyond to have the document available to the public, that the resolutions clearly outline that all required steps had been done by the City.

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

Mayor Nichols stated that he preferred option #6, that it locked in the work that had already been done, that it would be a mistake to start over again, that there had been over a decade of work, that he would like to see the momentum continue, that he would take leap of faith with Coastal Commission and work with them, that a time frame was needed, that in order to meet the May 22, 2013 Council meeting there would only be 2 weeks for negotiations then the 6 week comment period.

Johanna Canlas, City Attorney, stated that perhaps Mayor Nichols intended to say that the City Manager would release the revised policies for a 6 week public review period.

Mayor Nichols confirmed.

David Ott, City Manager, stated that he would get back to Council on a time frame, that he needed Council to give him direction on when the item would return to Council and then they would work backwards.

Council discussed that the date to place into the resolution would be "in order to be prepared for the May 22, 2013 Council meeting."

Council discussed that this had been a costly process, that Council had a duty to the City to be conscious of the costs of the item, needed to get through as cost effectively as possible.

Councilmember Zito stated that this was an important topic and would spend more money if needed, that he respected Councilmember Campbell's opinion and expertise on the Council, that he could not imagine rejecting and starting over again, and that there would be time lines and everyone would have incentive.

Councilmember Campbell stated that he didn't feel like being the odd guy out, that adopting 7 did not mean that Council was rejecting and did not mean the City would be starting over.

MOTION: Moved by Nichols and seconded by Zito to approve Option 6. And consensus

to work with stakeholders to define a proposed amendment to prepare for a May 22nd Council Meeting. **Motion carried 4/1** (Noes: Campbell.)

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.

Deputy Mayor Campbell left the meeting 9:20 p.m.

COUNCIL COMMITTEE REPORTS:

Council reported committee activity.

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 - Heebner, Nichols (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.

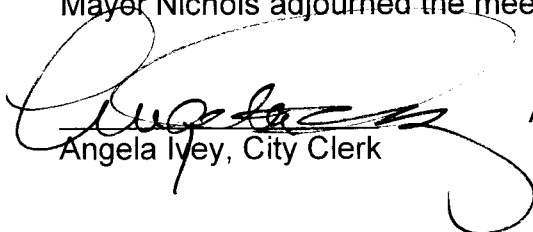
- c. I-5 Construction Committee - Heebner, Zito.
- d. Parks and Recreation Committee - Nichols, Heebner.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee - Zito, Zahn.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Campbell, Zito. Expires December 5, 2013.
- b. Development Review - Nichols, Heebner. Expires October 23, 2014.
- c. Environmental Sustainability - Heebner, Zahn. Expires December 5, 2013.
- d. Fire Department Management Governance - Zito, Zahn. Expires July 10, 2013.
- e. Fiscal Sustainability - Campbell, Zito. Expires June 12, 2013.
- f. General Plan - Nichols, Campbell. Expires July 10, 2013.
- g. La Colonia Park - Nichols, Heebner. Expires June 12, 2013.
- h. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 22, 2014 or at the California Coastal Commission adoption.
- i. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 8, 14.
- j. View Assessment - Heebner, Zito. Expires June 10, 2013

ADJOURN:

Mayer Nichols adjourned the meeting at 9:22 p.m.



Angela Ivey, City Clerk

Approved: March 13, 2013