

CITY OF SOLANA BEACH

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

MINUTES

JOINT **REGULAR** MEETING

Wednesday, April 24, 2013

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, Deputy City Mgr/Community
Development Dir.
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Dan King, Sr. Management Analyst

Mayor Nichols called the meeting to order at 6:05 p.m.

CLOSED SESSION REPORT: (when applicable)

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

FLAG SALUTE:

APPROVAL OF AGENDA:

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

PROCLAMATIONS/CERTIFICATES:

1. Bike to Work Month

Mayor Nichols presented a proclamation to Doug Alden, Bike Walk Solana.

2. Community Service Day Recognition

Mayor Nichols presented a proclamation to the Solana Beach Presbyterian Church, Hispanic Society, and Solana Beach Civic and Historical Society for providing volunteer services to City facilities.

PRESENTATIONS:

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

1. San Diego County Fair 2013

Linda Zweig, spokesperson for SD County Fair, stated that the Fair would be open on a Saturday, June 8th - July 4th, that more information could be accessed on their website sdfair.com, they were working hard with NCTD (North County Transit District) to provide a Fair Tripper for guests for \$15.00 to use the coaster, take the bus, and enter the fair, and that they would have a shopper shuttle this year to take participants into Del Mar and Solana Beach to eat, shop, etc.

2. Highway 101 Project Westside Improvement Project Update

Mo Sammak, Director of Public Works, presented a powerpoint (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.

David Winkler stated that there was a problem making a connection from Solana Beach and Cardiff State Park for walkers since there was not yet a sidewalk on Highway 101, that the base of Tide Park steps to reach Cardiff State Beach was the safest way to access that beach to walk dogs, currently dogs passing through this way are illegal, and asked that Council consider making this area legal for dogs to enter in order to cross over to the state beach where they are allowed.

Ira Opper said he was on behalf of his dog Cash, appreciate if consider dogs on leash on beach, to try it for a while, and that he had spoken with the Lifeguards

and Code Enforcement and they said that they would support dogs on the beach.

Allison Don stated that she was with Marty Block's office, that residents should contact her with any state level concerns and announced that they would have an open house tomorrow at their District Office.

COUNCIL COMMUNITY ANNOUNCEMENTS:

Council reported community announcements.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.3.)

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 March 20, 2013 and March 27, 2013.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for March 16 - 29, 2013

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

C. STAFF REPORTS: (C.4.)

Submit speaker slips to the City Clerk

C.1. Fiesta Del Sol Event Discussion. (File 0130-90)

Recommendation: That the City Council

1. Review and discuss the plans for this year's Fiesta Del Sol.

David Ott, City Manager, introduced the item. He stated that Fiesta Del Sol had been an annual event in the City for over 30 years, and that about 50,000 people attended the event annually.

Carolyn Cohen, President of the Solana Beach Chamber of Commerce, stated that her colleagues Kimberly Duggan, Board of Directors of the Chamber of Commerce, and Nichole Peterson, Executive Director of the Chamber of Commerce, would be presenting on various aspects of the upcoming Fiesta Del Sol Event. She presented a powerpoint (on file) reviewing an overview of the Chamber of Commerce's accomplishments, and community outreach efforts over the past year.

Kimberly Duggan, Board Member of the Chamber of Commerce, presented a powerpoint (on file) reviewing the layout of the Fiesta Del Sol Event. She reviewed the layout of the event last year and plans for the layout of the 2013 event. She stated that 90% of booths had already been booked and the entertainment had already been booked as well.

Nichole Peterson, Executive Director of the Chamber of Commerce, continued the powerpoint reviewing the art vendors for Fiesta Del Sol and the financial overview for the event over the last 3 years.

Carolyn Cohen concluded the presentation by stating that due to private funding, County grants, and City funding the Chamber had been able to provide more and improved services to visitors and businesses. She stated that the Chamber was currently working on forming a Tourist Bureau, to maximize exposure of businesses, and that they had applied for a grant to assist in funding this project.

Council, Staff, and Speakers discussed the locations at the food trucks at the Fletcher Cove lot, Dog Wash lot, and additional areas such as south of the stage area, Council's concern regarding the location of food trucks at Fletcher Cove Park due to the landscaping getting potentially damaged, that there was an arrangement that the City would be reimbursed for any damages, that there would be additional security and cleaning staff to maintain safety and cleanliness of the area, and concern that all booths should stop before the

residential area begins, and that the booths were shifted due to the 15 ft requirement between the fire hydrant. Discussion continued regarding ADA parking areas, that the Chamber's profits from last year's event was \$26,000, that corporate sponsors and beer income was a majority of funds received, that Fiesta Del Sol paid for 50% of the Chamber's annual expenses, and that there should be maps or large flags directing people to food areas, children's areas, and other areas of interest.

Keith Spears stated that he lived in the City and was a member of the Fiesta Del Sol Committee. He stated that he was responsible for all of the technical design of the event, thanked Staff for assistance with the event, and stated that the Chamber would be assuming a lot of the work typically provided by the City to save Staff time. He stated that this was a community event that promoted businesses and kicked off the summer.

Carl Turnbull stated that he had a business in the City since 1979, that in the early 80's Councilmember Campbell and himself had co-chaired a Fiesta Del Sol event, that it had become a more complicated event, and that he had been following the event planning through the Business Liaison Meetings. He stated that the Chamber leadership had been very responsive in the City, and that he had lost his title of "Mr. Bonfire" in 1986.

Council thanked the Chamber for presenting and making the event the least impactful to the residents and supporting the local businesses.

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. Development Review Permit for a Sea Cave Infill Maintenance and Repair at 447 S. Sierra Ave., Applicant: Solana Beach and Tennis Club, Case No: 17-12-11. (File 0600-40)

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 requirements of CEQA pursuant to 2011 State California CEQA Guidelines Section 15304, minor alteration of land.
3. Adopt Resolution 2013-039 approving DRP 17-12-11 for the maintenance and repair of five existing concrete infills located at the base of the lower coastal bluff below 447 South Sierra Avenue.

David Ott, City Manager, introduced the item.

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

Leslea Meyerhoff, Consultant, continued the PowerPoint reviewing the CEQA exemptions of the project.

Corey Johnson, Associate Planner, continued the powerpoint, reviewing the project.

Council and the City's Geotechnical Engineer, Mr. Knowlton discussed the type of mixed concrete that would be used for the project, that the new concrete would be notched into the native material so it would not move, and that there was nothing that would minimize the water coming in and around the concrete which caused the erosion initially. Discussion continued regarding re-facing and re-contouring the infills to look more "bluff like," there would be grinding on the old concrete to make it more flush with the natural existing materials, and that the grinding action would not cause movement in the bluffs.

Mayor Nichols opened the public hearing.
Council reported their familiarity with the project area.

Dave Nevins, Applicant Representative, Project Engineer with Terra Costa Consulting Group, presented a PowerPoint (on file) reviewing the proposed project. He stated that there were a total of 5 existing infills, that the Coastal Commission Development Permit required maintenance of the infills, reviewed the details of the repairs to the 5 infills, and stated they would be providing

inspection services for the project.

Council and speaker discussed that two different mechanisms caused the formation of these sea caves 1) wave abrasions and 2) that erosion was accelerated by local faults in the bluffs, that these bluffs were typical of what was seen in the City, that the existing faces would be grinded back to be flush with the existing bluffs, and that about 3-4 inches would be ground down to make them flush with the bluff face.

Livia Borak, Coastal Environmental Rights Foundation, stated that Council had a letter from them in the record, that Staff had provided an updated Staff Report with responses to their letter, and thanked Council for the update, which answered many of their questions regarding CEQA. She stated that they had additional concerns regarding the initial mitigation that was required for the 1996 approval regarding public access, recreation, and sand replenishment, that there was a disagreement regarding the assessment of what constituted an exemption for CEQA, this was an odd situation because it was a repair of an existing structure that was relatively small, and that they would hope that the process would address the impacts through CEQA and the Coastal Act in the future.

Council and City Attorney, Johanna Canlas, discussed that the fees paid on the project were not addressed in the 1996 Coastal Commission approval, the fees could not be retroactively assessed but would move forward from this point, that the Coastal Commission would impose their own conditions since they would have final approval of the project, since the City did not have a final LCP, and that aesthetically treating an existing wall would not be included in the fees.

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

Council and Staff discussed that fees were based on horizontal measurements of the project, that some of the project had significant expansion of vertical areas which would not be considered in the fees, the fee would be a deposit, that fees were based on linear feet, and that this project was 9 ft of linear feet eligible for fees.

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

MN recessed the meeting at 7:40 p.m. for a break and reconvened at 7:45 p.m.

C. STAFF REPORTS: (C.2. - C.4.)
Submit speaker slips to the City Clerk

C.2. Solana Beach Lighting District. (File 0497-30)

Recommendation: That the City Council

1. Adopt Resolution 2013-040 approving the Engineer's Report for proceedings for the annual levy of assessments within a special maintenance district.
2. Adopt Resolution 2013-041 declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing; and scheduling the public hearing for May 22, 2013.

David Ott, City Manager, introduced the item.

Mo Sammak, Director of Public Works, presented a Powerpoint (on file) and stated that there was no increase recommended.

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

C.3. Solana Beach Coastal Rail Trail Maintenance District. (File 0495-20)

Recommendation: That the City Council

1. Adopt Resolution 2013-036, initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District.
2. Adopt Resolution 2013-037, approving the Engineer's Report for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
3. Adopt Resolution 2013-038, declaring intention to provide for the annual levy and collection of assessments in Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for May 22, 2013.

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

C.4. Petition from the Unitarian Universalist Fellowship of San Dieguito Regarding Gun Sales and the City's Limited Ability to Regulate Firearm and Ammunition Retailers. (File 0610-10)

Recommendation: That the City Council

1. Discuss and provide direction as may be needed.

David Ott, City Manager, introduced the item.

Johanna Canlas, City Attorney, presented a powerpoint (on file). She reviewed a petition by the Unitarian Universalist Fellowship of San Dieguito (UUFSD) which was in response to the Newtown, Connecticut incident. She noted that the State of California had the most restricted regulations for firearm sales and gun laws and spoke about the regulations of firearm sales and possession at all levels of government, what the City could not restrict due to Federal and State regulations, and that the City could restrict the sale of firearms to certain zones.

Gregg Stockwell stated that he was the owner of Direct Action Solutions, and that his business was monitored and inspected by the ATF, California Department of Justice, IRS, Bureau of Equalization and US Department of State, and that he had operated a safe and secure business for three years.

Rob Morse (time donated by Jennifer Morse) stated that he did not see recommendations from the Professional Society of First Responders addressed in the comments of the petition from the UUFSD and by Sacramento.

Brian Brady (time donated by Elaine Schmidt) stated that he was a resident and a business owner in Solana Beach and that the petition was not a reasonable request because the Church requested that permits be granted to only one provider. He asked that the item be removed from the docket.

Lynne Talley stated that she was a member of the UUFSD and a resident of Solana Beach and asked that Council become members of the Mayors Against Illegal Guns organization and consider a petition amendment to not grant any future gun business licenses.

Paul Breed stated he was a resident of Solana Beach and that violent crime rate decreased in every state that had liberalized gun laws and put guns in the hands of law abiding citizens and the vast amount of guns purchased from a gun store had a lower chance of shooting the wrong person. He noted that the Sheriff should enforce the law.

Reverend David Miller stated that he was the minister of the UUFSD and that his congregations intention was to do something for the local community after the Newtown incident.

Sean Slattery stated that he was a customer of a local gun store and did not believe the items presented in the petition had anything to do with safety or the church.

Jeff Severinghaus stated that he was a resident of Solana Beach and talked

about gun statistics in other countries and the misunderstanding of the Second Amendment.

Ken Leung stated that he grew up in the area and supported the Del Mar gun show, gun stores, and the right to bear arms.

Jonathan Mighdoll stated that he was opposed to the petition and to the limitation of gun stores within a community.

John Hermsen stated that he represented approximately 9,000 individuals in competitive sports and that the UUFSD proposal was ignorant and misguided. He asked Council to not support any aspect of the petition.

Steve Ostrow stated that he was a resident and suggested that there was a video game mentality in some people causing them to commit a crime with a fire arm.

John Huey stated that he grew up in Solana Beach and was a customer of the gun store, Direct Action Solutions, and was opposed to the petition.

Councilmember Zahn explained that he would like the Council to express that they are not in favor of assault style weapons and ammunition in a nonregulated manner.

Deputy Mayor Campbell stated that he would like to focus on what was stated in the Staff Report because he did not feel he had the right to tell someone that they could not own a gun. He said that he could not support the restriction of fire arm sales to a single business within the City, and supported a regional gun buyback program.

Mayor Nichols stated that he was not in favor of restricting businesses, he would like to know more about the Mayors Against Illegal Guns organization, and he agreed that a gun buyback program would have to be supported by the region.

Councilmember Zito stated that he could not support the limitation of one gun shop in the City, could support a membership with the Mayors Against Illegal Guns organization, and agreed that gun shops could exist only in certain zoning districts.

Councilmember Heebner thanked the UUFSD for coming forward to start a discussion on this topic. She stated that she could support a membership with the Mayors Against Illegal Guns organization, agreed that gun shops could be restricted to only certain zoning districts, and that she supported the 22nd District Agricultural Association responsible policies and extensive policing at the gun shows.

David Ott, City Manager, stated that there was consensus to provide Council with information regarding the Mayors Against Illegal Guns organization.

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.

Councilmember Zahn reported that he attended a League of California Cities luncheon which was paid for by the City.

COUNCIL COMMITTEE REPORTS:

Council reported community 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.

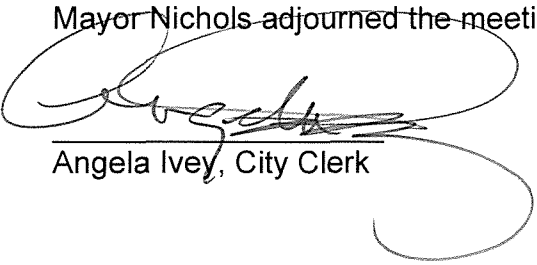
- f. School Relations Committee - Zito, Zahn.

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. Gateway Property - Campbell, Heebner. Expires April 9, 2014.
- g. General Plan - Nichols, Campbell. Expires July 10, 2013.
- h. La Colonia Park - Nichols, Heebner. Expires June 12, 2013.
- i. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 22, 2014 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 8, 2014.
- k. View Assessment - Heebner, Zito. Expires June 10, 2013.

ADJOURN:

Mayor Nichols adjourned the meeting at 9:10 p.m.


Angela Ivey, City Clerk

Approved: May 22, 2013