

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

# MINUTES

JOINT **REGULAR** MEETING  
Wednesday, June 12, 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 6:00 p.m.

## **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 Zahn. **Motion carried unanimously.**

## **PRESENTATIONS:**

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

## 1. San Diego County Sheriff Annual Report

Captain Robert Haley presented a PowerPoint (on file) reviewing the San Diego County Sheriff Annual Report. He stated that the crime trend had went up in the entire County in 2012, that a majority of the crime was property driven, that overall crime in the city had gone up 22.5% but that violent crimes went down by 27%. Captain Haley reviewed the 2012 calls for service, deputy initiated actions, traffic citations, challenges in the city which included special events, and the beaches, and reviewed the goals for 2013.

Council and Captain Haley discussed that speeding citations could be tracked by date and street, that there would be a future Council meeting regarding speeding throughout the City, that any traffic complaints were logged and the complainant was contacted by the Sheriff's department regarding their review of the issue. Discussion continued regarding the effectiveness of red light cameras in the city, that crashes were down significantly with the cameras, regarding car thefts in the city, that break-ins typically occurred at beaches and fitness centers, and that robbers would first attempt to open doors and then would break-into the cars if the doors were locked.

## 2. Highway 101 Project Westside Improvement Project Update

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

Council and Staff discussed synchronizing traffic lights after the completion of the project, that the project completion was within a July time frame, that the gathering places were being finalized before the installation of furniture took place, and crosswalks would be painted.

### **ORAL COMMUNICATIONS: None**

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

### **COUNCIL COMMUNITY ANNOUNCEMENTS:**

### **COUNCIL COMMENTARY:**

#### **A. CONSENT CALENDAR: (Action Items) (A.1. - A.8.)**

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 May 8 and May 15, 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 April 27 - May 1, 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.**

**A.4. Appropriations Limit Fiscal Year 2013-14. (File 0330-60)**

Recommendation: That the City Council

1. Adopt Resolution 2013-069 establishing the FY 2013-14 Appropriations Limit in accordance with Article XIII B of the California Constitution and Government Code Section 7910 and choosing the County of San Diego's change in population growth to calculate the Appropriations Limit.

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

**A.5. City Investment Policy. (File 0350-30)**

Recommendation: That the City Council

1. Adopt Resolution 2013-063 approving the City's Investment Policy for FY 2013-14.

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

**A.6. Municipal Improvements Districts Benefit (MID) Fees of the Fiscal Year 2013-14. (File 0495-20)**

Recommendation: That the City Council

1. Approve Resolution 2013-064, setting the Benefit Charges for MID No. 9C, Santa Fe Hills at \$232.10 per unit for FY 2013-14.
2. Approve Resolution 2013-065, setting the Benefit Charges for MID No. 9E, Isla Verde at \$68.74 per unit for FY 2013-14.
3. Approve Resolution 2013-066, setting the Benefit Charges for MID No. 9H, San Elijo Hills # 2 at \$289.58 per unit for FY 2013-14.
4. Approve Resolution 2013-067, setting the Benefit Charges for MID No. 33, Highway 101/Railroad Right-of-Way at \$3.12 per unit for FY 2013-14.

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

**A.7. I.T. Technical Support. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2013-061 authorizing the City Manager to sign an I.T. support agreement with the City of Del Mar.

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

**A.8. Fire Benefit Fee Fiscal Year 2013-14. (File 0390-23)**

Recommendation: That the City Council

1. Adopt the Resolution 2013-068:
  - a. Setting the FY 2013-14 Fire Benefit Fee at \$10.00 per unit, and
  - b. Approving the Fee for levying on the tax roll.

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

**C. STAFF REPORTS: (C.1. - C.6.)**  
*Submit speaker slips to the City Clerk*

**C.1. Community Use of the Fletcher Cove Community Center Project Environmental Review. (File 0730-80)**

Recommendation: That the City Council

1. Adopt Resolution 2013-071 to:
  - a. Adopt the Final Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;
  - b. Adopt the Council Use Policy to allow for private weekend rentals of the existing Fletcher Cove Community Center for a one-year trial period;
  - c. File the Notice of Determination with the County Clerk and State Clearinghouse; and,
  - d. Report back to the City Council following the one year trial period for evaluation and discussion.

David Ott, City Manager, introduced the item.

Dan King, Sr. Management Analyst, presented a PowerPoint (on file) reviewing the history of community meetings, draft policy, polling of certain issues among other cities, and issues to be addressed regarding the Fletcher Cove Community Center (FCCC).

Leslea Meyerhoff, Consultant, continued the PowerPoint reviewing CEQA (California Environmental Quality Act).

Justin Rasas, LOS Engineering, said that he prepared the traffic study, had 20 years experience, was a Registered Civil Engineer and Traffic Engineer in the State of California and had a national PTOE (Professional Traffic Operations Engineer) Certification. He continued the PowerPoint and stated that the traffic study found no direct impacts and no cumulative impacts in an analysis of the Lomas Santa Fe intersection area because the project traffic was well below the significant thresholds, that the parking analysis determined that 62 spaces would be required for a 100 person event and there was sufficient off-site parking in surrounding lots and street which is used on a first come first serve

basis. He said that the City had collected parking data since 2010 for monitoring per the Coastal Commission Permit, showed a summary of the 2000 public parking spaces in the City, reviewed other City data collected for comparison, that his parking study was a review of 5 parking lots for an independent validation, and found 62 spaces in one lot, and this was why he had a one day analysis. He said that he had sufficient data for an analysis, and that 50 day analysis of parking supply substantiated conclusions as well.

Leslea Meyerhoff, consultant, continued the PowerPoint presentation, reviewing the letter received from Coastal staff and stated that the staff opinion was based on mistaken assumptions and their staff had not contacted the City regarding this issue or opinion. She said that there was no reservation or exclusive use considered or proposed by the policy for any public parking lots or street parking. She said that the parking study looked at various parking lots, that the Distillery Lot was continue to comply with the Coastal Permit requirement including no leasing of parking places, and that 72 spaces must be available for public use. The policy expresses the rules of the Distillery parking lot including the 4 hour limit. Therefore, there was adequate parking allowed for existing use as well as the proposed policy for the center use.

Council, Staff and Consultant discussed whether the traffic data collected was sufficient to make an adequate conclusion, that it was data collected from one day on a Friday, that is compared and confirmed with existing City and whether the City data was more influential than a new study, that Staff data was collected during the summer in compliance with Coastal's conditions, that it appeared that the parking analysis conclusion was based on one day without the other 50 days, since they were not part of the document, and that all information presented in written or presentation was part of the record including any clarifications, if legally challenged.

Council, Staff and Consultant continued discussion regarding the use of a Friday for the analysis instead of Saturday or Sunday since Engineering had seen more traffic on Fridays than Saturdays during their monitoring, so Friday was chosen as an appropriate reference, that there would always be changes at times to the normal traffic, that Saturday would probably be requested more than Fridays, the traffic consultant used the data reviewed to determine which day to monitor, and that the Highway 101 project added 47 spaces.

Discussion continued regarding stopping an event or shutting down rentals if something occurred to cause issue with continuing to rent it, which was noted in the contract, that the measurement of distance was measured from the furthest Community Center building to the farthest corner of the parking lot, that a special event was defined as a number of 25 people or more in a park, it would be an individual permit with individual conditions based on what they request to do, that the Code defined it as an event that the public could be invited, that public could not be restricted in a park from walking through, that alcohol would be required to be roped off, that the valet parking could use any lot, their assigned valet would have to have a valid driver's license, that the agreement would shift the liability to the user. Discussion continued regarding

whether requests had been to use alcohol at La Colonia or the Parks at events, that the City Manager did not have knowledge of written requests for alcohol, that alcohol was not allowed, and that security guards would be required to shut down event if violating a permit including parking in the wrong areas, that Staff did go to look after hearing later comments about Saturday at 5:00 p.m.

Council and Staff discussed that Engineering shared its data at some point for reference, that it seemed like an oversight to not include the 50 day data of parking within the parking analysis, that every project is independent in study, that this was for the use of a community center, that the initial study was based on MND which was the appropriate vehicle to address certain concerns, and that each project was scrutinized and studied based on the proposal. Council and Staff discussion continued regarding how to contain roped off areas for alcohol with the doors open, that alcohol required a boundary, that the building could be determined to be the barrier, that a condition could require a roped off area, posing additional guidelines, that there was no hard fast rule on the MND and depends on the data, could be outdated in a year or valid for 5 or 10 years, that issues were raised by Mr. Brohard that may need to be reviewed, and that alcohol use was currently prohibited at all city properties.

#### Public Speakers

Tom Golich (time donated by Donna Golich) stated that it was not an easy topics to obtain consensus on, that facility should be available for renting and alcohol or the audience renting would be limited, that it was not as feasible to have a children's birthday at the facility with the proposed fees than to have it in the park, that adult type parties would allow sustaining income to maintain the building, that the Historical Society had long history of using the facility, that the Women's Association was responsible for the maintenance before the City's incorporation under the County, that the renovation of the building was strongly supported by the Society as well financially, that they meant for it to be available to the entire community, and that they strongly urge a policy be set for the public rental of the facility.

Cindi Clemons stated she was a member of the Civic and Historical Society, that she requested that they be allowed to continue their events as a non-profit, that they had a little alcohol in the past, and asked that the doors be left open.

Mayor Nichols stated that the current use would continue, that alcohol was not allowed, but that their use would not be removed since it is an approved current use.

Richard Jacobs (time donated by Marlena Jacobs) said he was directly across from the Community Center, that the parties in the past were an issue, that he was a registered civil engineer and had prepared numerous environmental documents under CEQA, that the study was flawed in his opinion, he said that aside from 2 handicapped spaces, there was not parking on site for the center, and reviewed parking issues in the area, and asked Council to vote no on the

proposed policy.

Kim Burnett (time donated by Torre Middleton) said that she was troubled by the proposal, asked how valets would get cars to the people due to the tight intersection and no dedicated drop off zone, that the issues were due to a lack of planning, that the concerns of the neighborhood was alcohol, that she heard there were not many children in the past on these streets but now there was a park and many, bikes, skateboards, and dogs occupied the sidewalks and streets, that mixing these activities with drinking nearby would be a risk, that the general public would be limited to visit the site for the bluff outlook, that it was her right as a citizen to protect her neighborhood and its character, the current quality of life would be lost, she realized she would face traffic from the County Fair, Fiesta del Sol, the races, and dog walking but had no idea that these issues were up for a vote when the center was remodeled, that the current use for daily classes was a good use for a small quaint building with few amenities and little or no parking, and that the current use was perfect.

Eric Lodge said there were parties in the past, that he hoped they could be more civilized with conditions imposed, that the Brohard study was submitted by two prominent citizens today, that it should have been submitted during the 90 day comment period and it appeared to have been submitted now to put breaks on the issue, that the current use by the Civic and Historical Society have more than 50 people, suggested to go ahead with a trial period, and that the City Manager could put the breaks on that at any time.

Jim Nelson stated that the proposed fees were much more than the surrounding areas of Del Mar and Encinitas, that a \$150 hr. fee with insurance should cover all expenses, that it would still have a cost per person higher than the other cities, to request that the Fire Marshall recalculate the allowed capacity to consider the 7 doors, to drop the deductions for caterers, musicians, and security guards, which were not included in Encinitas calculations, and to drop security guard requirement in favor of a representative designed to review noise and alcohol, and allow more than 2 events a weekend.

Council and Mr. Nelson discussed the fee for Encinitas which were \$350 hr. for residents and \$550 hr., that the chairs were not adequate for most events, which were the same chairs as La Colonia.

Nina Williams said she was a resident, that it should not be used for private party use, that her main concern was alcohol, that limited bathroom facilities, which the local residents experience during Fiesta and triathlons and the lack of bathroom facilities, that alcohol was not allowed in the park and other facilities so why allow it here, and that there were 20 children on one side of the street near the center.

Margaret Schlesinger asked Council to go forward with trial period, that the early days of incorporation should not be used to prevent use by citizens today, that many people contributed to the upgrade of the building with



expectation of more use than flower classes, that the proposed fees would not be affordable for all, that the Civic and Historical Society gatherings of 50-60 guests had produced approximately 30-40 cars, that a reasonable price should be established, that the City should not dictate the type of music and rely on the Municipal Code's rules for decibel regulations.

Stephan Miller said he lived close to the Community Center, that they were already having significant impact with events in the park and the summer Concerts in the Cove, to not approve events every weekend, that there could be as many as 3-4 events a week during the summer Concerts 6 week event, and there were already parking issues.

Laura Limber said that she lived on Helix, 3 doors from the Community Center, that it was being utilized, urged Council to not expand its use, that a 5 hour time span was not an accurate sampling of the local parking issues, and it was done during the Highway 101 construction project, that public lots should be used for private use, and that valet would create a huge traffic back-up in the neighborhood.

Celine Olson stated they were not private parties because they were community members using a community center, that among the many parties in the old Community Center there were maybe 3-4 that were outrageously noisy, that the City had more monitoring that when the area was under San Diego County, that it should be used for the people that lived in the City, she had wanted to plan her granddaughter's wedding reception and tried to talk to Staff to reserve a date ahead of time but had to rent a public facility in San Diego.

Rolland Othick - did not respond when called.

Masuo Sato (time donated by Linda Karecki) stated that they had a restaurant called Masuo on Highway 101, that the last few years the economy had been down, that the Highway 101 project had added nice sidewalk, that he was concerned about parking issues for businesses so added parties down the street would add to the current parking issues. Linda Karecki said that the restaurant was 12 years old, that they had parties of 50 people and needed parking for those parties in their party rooms, that they would lose those spaces if this proposal went through, they live 2-3 blocks from the restaurant and already have residential parking issues, that they would like to do what the private parties want to do to include music, and that their business feels in competition with this proposal.

Victoria Cypherd (time donated by Robert Saylor) passed out a handout (on file) and said that she was opposed to the private party, she supported the project improvement in the past but only if private parties were not part of its future, that she heard that businesses were not made aware of this proposal and that the distillery lot could be used for valet parking, that business owners had struggled through the recent construction, and now discovered that the City wanted to use the area parking for FCCC events, that residents of the City would like to go to the beach and many have to drive to get there, and that the

City should consider the parking impacts on business owners and residents parking for other purposes in the park area.

Marion Dodson stated that the timing was unfortunate in that it was taking such a long time to resolve the matter, that the facility was grandfathered without parking, that her daughter was looking at this facility a long time ago, it was renovated nicely within the same footprint, that it should be used, that the longer the wait the harder it would be to realize what a good facility it is and not used as much as it should be, the cost scale is prohibitive and would not attract big parties, that all the work and funds contributed and that it sits without the broader use it had in the past for the community.

Kelly Harless (time donated by Rob Glatts, Ed Radcliffe) said she lived near the FCCC, that the Coastal Commission permit was not for a new development but to refurbish the building within the current footprint, that MND stated that it was not meant for any intensification for the use, and now it appeared it was for a new use and triggered review under CEQA, that any new business had to remedy or mitigate impacts for expanded use, that expanded uses were not grandfathered in, asked if the City was allowed to apply a different rule to itself, that her main concern was safety to safeguard her three children, that an accident occurred the driver having signed a form and only drank beer or wine would not be a comfort, there were many questions about how a valet would operate, that events would decrease access to Fletcher Cove Park, the Coastal Commission had said that the distillery lot could not be used for parking of private parties but for public use, that the impacts were far more serious than the style and size of a home, that the Powerhouse in Del Mar was located in a commercial area and was not located within a residential area, that they do not allow alcohol, but the FCCC could not be compared to any other Community Center since it was not similar to any facilities in surrounding cities.

Gerri Retman (time donated by Ira Opper) said that it was difficult to speak out, that she had served on Parks and Recreation Commission for 7-8 years, she had the opportunity to work with Kirk Wenger and would ask him if he received requests for serving alcohol for events, that she believed people do request it but are told no because of the City's policy, that Staff was directed to review an expanded use of the facility so referencing adult events was confusing, did not understand how the distillery lot could be counted twice for two different uses, that 20 days of data was not enough to analyze the various issues in this area, the the consultant said that his conclusions were based on information provided by Wende, a one year trial period and a threat of cancellation would not attract many people, how would the valets get to the cars, would they be mandated to have shuttles, that the special event definition including birthday parties at Fletcher Cove Park, and that private parties may not be defined the same way since they were not in an open public area, that when she lived in the neighborhood there were many more than 2-3 parties, and that she hoped the Council get the correct results for the use of this center.

Mayor Nichols recessed the meeting at 8:45 p.m. for a breack and reconvened 9:52 p.m.

### Council Discussion

Councilmember Heebner said that age of those encouraging the trial period may be an indicator of the level of wild parties that may occur and it did not appear that would be an issue, that she would not stand behind this MND for a permanent bldg, that it was only adding 3 events a month, that it would be a real life study, would suggest a few modifications including only one event per weekend, either Friday after 5:00 p.m., Saturdays, and Sundays, that if a Civic and Historical Society event was on one of these days it would count towards the one event per weekend rule, that a monthly memo be sent to Council how things were processing, a quarterly report at a Council meeting, that she did not believe in a policy of pay-to-play and that funds contributed to the Community Ctr. should not have their voice heard more, that there is much interest in having events and the neighbors also have some valid concerns, that a trial period would act as a study, that 50 days of parking data would have been better, to limit the capacity to 50 people, to contact the owner of the Solana Beach motel to see if they would allow use of their parking for events, that alcohol was legal and not everyone indulges so to allow it at parties, but it is a regulated substance and to keep more regulations than any other cities have, that it was an expanded use because it was not used for parties for a long time, that the surrounding park area would not be limited to the public during parties, and the Coastal Commission permit states that spaces could not be reserved but that they could be used by anyone.

Councilmember Heebner made a motion to adopt the Mitigated Negative Declaration and go forward with the trial period.

Councilmember Zahn stated that it was a a community asset and had to weigh the right of the asset with significant impacts including safety, alcohol, parking, whether a security guard could handle all the duties, think trial conditions are too much even though it should move forward, that he could support 1 event a weekend, may be flexible about the number of attendees, that conditions would be fine as long as there are limitations, certain items should be addressed even during the trial including valet operations, adequacy of the restrooms, to consider any contradiction to the regulations at La Colonia Park, and that he would support the motion cutting down intensity with modifications to that extent.

Councilmember Zahn seconded the motion.

Councilmember Heebner restated and modified her motion that her motion to proceed with the Council Draft Policy with a one year trial period, to limit capacity to 50 people, Friday events would be 5:00 p.m. - 10:00 p.m., Saturdays 10:00 a.m. - 10:00 p.m. Sunday 10:00 a.m. - 8:00 p.m. or 5:00 p.m., all clean up completed by 10:30 Fri and Sat and 8:30 Sun, live music in as stated in the Policy, allow beer and wine only offered to only those of 21 years and older, no alcohol sales permitted, limited to not more than 1 event per weekend, no back-to-back events which would not be applicable, same valet reference in

the Policy, and add that a valet policy should be developed, that events should be 4-5 hours maximum in length, must be residents or resident sponsored.

Councilmember Zito asked for clarification, that a limit to 50 guests would no longer require a valet.

Councilmember Heebner agreed and continued reading other items on the Policy, and that servers would also have to attend the required ABC training.

Deputy Mayor Campbell said that he believed that the neighborhood always came first, that there were significant safety concerns which all had to do with alcohol since it is not allowed in any City facility or property, that the security guard plan does not seem like it would work, that indemnifying the City would have a limit since not everyone would have the wherewithal to respond, that if there was a significant accident the City would be involved. He said that he could support occasional events, that MND was full of holes especially in terms of parking, and that there was still an ongoing debate of the definition of special event means.

Mayor Nichols said that after hearing both sides he had evolved his thinking and that he would be willing to consider a conversation to support private parties, that he did has issued identified in the MND that were not properly mitigated related to the parking, he could not support the MND, that he did not think a trial period would be good to figure out parking, but would be good to work through fees, operation, and other things, that alcohol is legal but not in the City's parks and property, that he love to support a trial period so would make some suggestions limiting to 40-50 people, require renter of facility to be present at the entire event, that the City mails out a notice to the surrounding area with the hosting contact information, could support two events a month, which eliminated the need for security guard and alcohol, and with these limitations to see how things go, could not support the motion as stated so far but with other modifications he could.

Councilmember Zito said that he could not support the motion as it currently stood, that his approach was from a baseline of a parity, how to treat our assets in the rest of the community, the similarities and differences with La Colonia, that he could see renting since the City did that with other assets, that parking could be rectified and additional conditions or shut down could be implemented, that he biggest concern is the alcohol use changed the character with the current type of events, without alcohol it would be similar to the current use, support the capacity limit of 50 people, that he could support three events a month, and to ensure that the host was clear on the notice with a signature acknowledging that events could be canceled during this trial period.

Councilmember Zahn stated that he did not see how not having alcohol would make a trial period valid, that he would not support alcohol being allowed in any other park or facility and that it would have to be contained in the building, that parking for a limit of 50 people could be more easily accommodated, would support requiring the renter to be at the event entirely, notification of

neighbors,

Mayor Nichols made a substitute motion, since the question had not been called for. His motion stated modifications to the policy, limiting the attendees to 50, the resident sponsor must be present during the entire event, no alcohol, required email notification residents to all within 300 feet by sign up and notified within one week of event, limit rental to two times per month, require a separate signature line to notify the renter of possible cancellation, and fees to cover the cost at this frequency.

David Ott, City Manager, said that fee provided was an amortization over a 30 year period.

Mayor Nichols added \$350 hour.

Deputy Mayor Campbell seconded the motion and asked how they could deal with the MND.

Mayor Nichols stated that he justified it by staying under the threshold that initially required the MND, less than 50 attendees.

Deputy Mayor Campbell said that he could not look the other way on a MND that did not properly mitigate regardless of the number of people.

Mayor Nichols explained that in the spirit of wanted to work through this, that 50 people would create approximately 30 cars, which would be in line with the current use.

Deputy Mayor Campbell asked Counsel how this Council could move forward when they did not agree with the MND.

Johanna Canlas, City Attorney, stated that the MND looked at the worst case scenario, that mitigation called for valet and guards if there was alcohol, so with the motion on the table there is no need for the mitigation any longer, by minimizing the maximum attendees allowed resulted in eliminating the identified impacts, and that that the current motion was not a expanded use since the attendees were limited to 50 people which was the current use of the facility.

Deputy Mayor Campbell confirmed that he seconded the motion.

Councilmember Heebner stated that she could not support the motion, that she did not want to waste more Staff time in order to go further because no would rent it with the current fee, that the Powerhouse with alcohol was less expensive, confirmed that La Colonia was \$10 hour for non-profit and \$50 for all others.

Councilmember Zito said that he had the same question regarding the price, that the price was based on a market comparison that was no longer similar, that he was against City facilities allowing alcohol, he was not sure

there was a way to recover the cost of the facility, it would be wasting Staff time for a trial period when there may not be a chance of the facility being used, and that he would be inclined to consider \$150 hour as reasonable.

Councilmember Zahn said that he was concerned that there was not a point if the facility would not attract the use, and that it may prohibit people from applying for a special event under these conditions.

Mayor Nichols stated that he did not want to subsidize private parties, whatever the cost was to administer the program and maintain the building for this use should not be public money, but a recovery of costs from those using it, that the City should recoup the cost of maintaining the facility for private rental use dollar-for-dollar, since it restricts access for the general public, that any private use should be paid for, and that he could not support a fee that would cause the City to subsidize the true cost.

Councilmember Zahn asked if the point Mayor Nichols made was that Special Event permits should not be granted under the current scheme for that facility since it was not recovering the cost. David Ott, City Manager, confirmed that the existing use was for adult education and non-profits and not for special events at this time. Councilmember Zahn asked if the point Mayor Nichols made was that Special Event permits should not be granted under the current scheme for that facility since it was not recovering the cost.

David Ott, City Manager, confirmed that the existing use was for adult education and non-profits and not for special events at this time.

Councilmember Heebner stated that people were not asking for the use of alcohol at La Colonia and that no one from Eden Garden had requested the use of alcohol or the City would have considered it.

Deputy Mayor Campbell withdrew his second motion.

Councilmember Heebner asked Councilmember Zito that if parity was the point on his decision referencing La Colonia, however La Colona had not had requests for alcohol, so that would be the only parity, and that this was a way to begin.

Councilmember Zito said that if alcohol would be introduced at a facility he would not prefer it started it here, that he was interested in supporting the motion with a lower price of \$150.

Mayor Nichols stated that he could support the \$150 for the trial period and a future cost analysis.

Councilmember Heebner said that she would say \$50.

Councilmember Zahn said that he could not support it and that a cool off period may be needed before making a decision, and that more creative ideas from the

community might be needed.

Mayor Nichols said that public consensus was not successful. He said that he would withdraw his motion and that there would not be a resolution to this issue at this time.

**C.2. Re-establish Council Ad Hoc Committees. (File 0410-48)**

Recommendation: That the City Council

1. Adopt Resolution 2013-057 re-establishing the View Assessment Ad Hoc Committee until June 11, 2014.
2. Adopt Resolution 2013-058 re-establishing the Fiscal Sustainability Ad Hoc Committee until June 11, 2014.
3. Adopt Resolution 2013-059 re-establishing the La Colonia Park Ad Hoc Committee until June 11, 2014.
4. Re-appoint two existing Councilmembers, View Assessment (Heebner, Zito), Fiscal Sustainability (Campbell, Zito), La Colonia Park (Nichols, Heebner), or alternative appointments.

David Ott, City Manager, introduced the item.

**MOTION:** Moved by Nichols and seconded by Heebner to approve appointing the existing members: View Assessment (Heebner, Zito), Fiscal Sustainability (Campbell, Zito), La Colonia Park (Nichols, Heebner). **Motion carried unanimously.**

**C.3. Del Mar Shores Beach Stairway. (File 0730-20)**

Recommendation: That the City Council

1. Accept this report and provide direction.

David Ott, City Manager, introduced the item. He stated that the stairs had originally been built in the 1970s, that the City had shut down public access to the stairway last November due to some significant structural issues, and that there were 8-9 months remaining on the Coastal Development Permit that the City had applied for. He stated that the replacement design had been approved by Council, that the construction plans ready for bid, and that potential financing for the project would be reviewed at this meeting.

Mo Sammak, City Engineer/Public Works Dir., presented a PowerPoint (on file) reviewing the conceptual design of the stairway, the funding sources for the project which included using Beach Recreation fees, Land Lease and Public Recreation fees, private fund-raising efforts, and potential grant funds from the

California Coastal Conservancy. He stated that Staff obtained a Coastal Development Permit for the project in January 2011 and with the extension the permit would expire in 2014 if work had not begun on the project. He also reviewed the repairs needed for the Tide Beach Park stair access project.

Marie Berkuti, Finance Director, continued the PowerPoint presentation reviewing the fiscal impacts of the project including the potential revenues and shortfalls.

Council and Staff discussed that the borrowed funds would not affect the general fund reserves, why the amortization period of the loan was presented as being 8 years rather than 5 years, that if the amortization period could be shortened, and how the amortization period could be shortened. Council and Staff discussion continued regarding that the funds would be borrowed internally so the fund balance would remain intact, that the interest rate on the loan would be handled similar to a variable loan, and the possibility of stretching out the amortization period if the grant funding was not available.

Council and Staff discussed that the wood steps at Tide Park Beach would also be fixed as part of the project proposal and that those costs were already reflected in the projected project costs.

**C.4. Temporary Public Art Program New Site Location. (File 0910-45)**

Recommendation: That the City Council

1. Approving the addition of the grassy area in front of the Fire Station as a new location in the City's Temporary Public Art Program.

David Ott, City Manager, introduced the item.

Dan King, Sr. Management Analyst, presented a PowerPoint (on file) reviewing the proposed temporary art location which would be the grassy area in front of the fire station, and the fiscal impacts of moving the art to this location.

Council and Staff discussed that Council did not want all the trees removed from the proposed location, that a Request for Proposal (RFP) would be sent out for the project and would then return to Council for approval on details of the location design area submitted by the vendor.

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

**C.5. The Patient Protection Affordable Care Act. (File 0520-30)**

Recommendation: That the City Council



1. Adopt Resolution 2013-060 determining and approving the City's "standard", "initial" and "stability" measurement periods as mandated under the Affordable Care Act.

Marie Berkuti, Finance Manager, presented a PowerPoint (on file) reviewing the measuring period, administrative period to review and prepare, and the stability period for existing and new employees.

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

**C.6. Introduce (1st Reading) Ordinance 442 - Transient Lodging Facilities. (File 0260-00)**

Recommendation: That the City Council

1. Introduce Ordinance 442 related to transient lodging facilities.

David Ott, City Manager, introduced the item.

Johanna Canlas, City Attorney, stated that having a comprehensive regulation for transient lodging facilities for all contract cities was one of the Sheriff's Department goals, and that this type of regulation had been upheld by the courts.

Councilmember Zahn questioned how the new process imposed by the ordinance would differ from the current hotel practices, whether the two hotels in the city were made aware of this ordinance, and whether there were privacy concerns associated with this regulation.

Johanna Canlas, City Attorney, stated that this type of ordinance existed throughout the State of California, that the Los Angeles 9th District Circuit Court ruled that privacy was not being compromised with this regulation, that the city would be the 5th city in the County to have adopted the regulation and the 3rd in the Sheriff contract services, and that the two hotels in the city had not been noticed outside of the regular agenda noticing. Councilmember Zahn stated that he would not be supporting the item until there was input from the hotels and suggested that direct notice be given to the hotels.

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

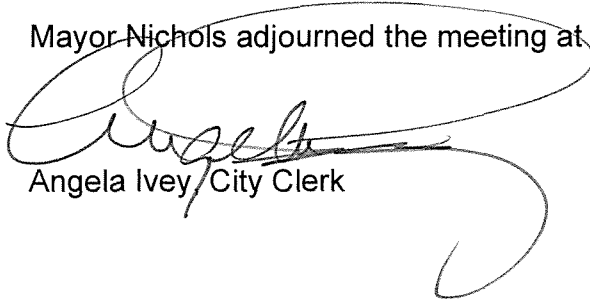
**COMPENSATION & REIMBURSEMENT DISCLOSURE:**

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 Nichols stated that he attending the League of California Cities luncheon which the City paid for.

**ADJOURN:**

Mayor Nichols adjourned the meeting at 10:17 p.m.

A large, stylized handwritten signature in black ink, appearing to read "Angela Ivey". The signature is written over the text "Angela Ivey / City Clerk" and extends upwards and to the right, overlapping the "ADJOURN:" section header.

Angela Ivey / City Clerk

Approved: July 10, 2013