

CITY OF SOLANA BEACH

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

MINUTES

JOINT **SPECIAL** MEETING
Wednesday, August 7, 2013
6:00 P.M.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California
and Teleconference Location (Campbell) 15 Grindell Ave., Dennis Port, MA 02639

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, Peter Zahn, and David Zito.

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Wende Protzman, Dir. Admin. Serv./Deputy City Mgr
Mo Sammak, City Engineer/Public Works Dir.

Mayor Nichols called the meeting to order at 6:00 p.m.

CLOSED SESSION REPORT:

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

FLAG SALUTE:**APPROVAL OF AGENDA:**

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

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.

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk

C.1. Council Use Policy - Community Use of the Fletcher Cove Community Center for Private Events. (File 0730-80)

Recommendation: That the City Council

1. Continue Discussion of Community Use of the Fletcher Cove Community Center for Private Events.
2. Should Council Reach Consensus on a Policy:
 - a. Adopt Resolution 2013-071 to:
 - i. Adopt the Final Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;
 - ii. Adopt the Council Use Policy to allow for private weekend rentals of the existing Fletcher Cove Community Center for a one-year trial period;
 - iii. File the Notice of Determination with the County Clerk and State Clearinghouse; and,
 - iv. Report back to the City Council following the one year trial period for evaluation and discussion.

Mayor Nichols reviewed the last meeting on the topic and stated that it was frustrating for Council and the community, that there had been time for reflection, and that Council believed that they may be able to reach consensus. He said that Council would review each item for consideration and formulate consensus on each item, which would result in a resolution presented at the next meeting.

Jim Burnett (time donated by Kim Burnett) presented a Powerpoint (on file) and said that Solana Beach was considered to be the most progressive and forward thinking community in the area, that the City was on the right track, and that he was underwhelmed by the signature gatherer for the Community Center initiative as well as talking about the threat of Las Vegas style casinos, that he was not aware that this was an issue in Solana Beach, no neighborhoods were appropriate for alcohol, that parking was the lower of his concerns, that Pacific Avenue had its challenges in parking now, and that comments would be left in the hands of the Council.

Richard Jacobs said that he was a resident of the Helix neighborhood, this issue had

been discussed for 16 months, and that he appreciated Council's willingness to listen to everyone's concerns. He said that three Councilmembers decided that alcohol was not appropriate so consensus was not reached in July and then a local initiative was a threat to take the issue to the voters. He stated that the community's character and integrity should be protected, that the center should be allowed a maximum of 50 attendees, only one private event per alternating weekends, not allow amplified music, and that if alcohol was allowed it should only be beer and wine and that the regulations should be enforced by a City employee.

Tom Golich (time donated by Mary Jane Boyd, Jim Nelson) read a statement prepared by the Friends of the Fletcher Cove Community Center regarding the various attempts made to compromise on regulations for use of the Fletcher Cove Community Center. The letter included statements such as, that there had been nearly 2 years of discussion on the use of the community center, that various proposals had been tabled on regulations, that proposals had been rejected by those who refused any use of the community center, that various proposals included items such as allowing only the use of certain types of musical instruments, having the doors remained closed while music was playing, requiring the use of valet parking rather than public parking, and that all these attempts of compromise had been unacceptable with neighbors. The letter stated that some additional suggestions for use regulations included the use of caterers at the center, limiting the size of events, and limiting how many events could be held at the center, all of which were also rejected proposals, and that the Friends of the Fletcher Cove Community Center understood that Council was faced with a difficult decision on the issue to find a compromise with the neighbors and community. The letter went on to state that the Friends of the Fletcher Cove Community Center wanted to present the residents with a citizen initiative to vote on the use of the center, that the center was a unique community asset that should be available to all residents for meetings and celebrations, the initiative would allow residents to vote on whether the center should be used for private events or not be used by residents at all, that everything related to the issue had been said multiple times, that the positions were clear, that the position of the advocates were well known, and that the group was now focused on signature gathering. The letter continued to state that there had been a two year history of grid lock on this issue, and outlined the initiative language. Mr. Golich read the initiative petition language as stated in the letter. He stated that the Council was in control of what went on in the Community Center and in conjunction with law enforcement had the right to enforce any Municipal Code and State Laws.

Vicki Cypherd said that she got involved to help the neighborhood because she was aware of what the neighbors had gone through in the past, had attended all the early meetings and tried to reach a compromise with the Civic and Historical Society, that a petition had been circulated full of omissions such as passing something that could not be modified or pointing out that they asked for a special election, and a petition without any restrictions. She said that she would suggest regulations including alternating weekends, enforcement of City Staff at events, and not to allow alcohol, but if approved, to allow the ability to modify the allowance in the case of occurrences that would warrant that change in policy.

Kelly Harless (time donated by Rob Glatts, Torre Middleton) said that she spoke on behalf of a new local committee the Friends of Fletcher Cove, that a forced special election would cost \$300,000, a loss of parking spaces would restrict access to the park and beach, and that the initiative overrode two laws and once enacted could not be overturned by Council. She said they were concerned about the misinformation being disseminated by emails, articles, and paid signature gatherers and reviewed a few articles. She said that the existing use of the Community Center continued up until the building was demolished was resumed after its remodel. She stated that initiative sponsors had claimed they were promised the use of the community center for private parties on weekends, they had sent a spam email that stated "as promised, on a colorful posted about the community center's renovation, the proposed design is versatile and can facilitate classes, meetings, civic events, and celebrations", but that the poster was designed and paid for by the Solana Beach Community Foundation and not the City, the Foundation was set up to Peter House and John Chamberlain, and Bryan Pruden, and that the Foundation collected all donations and gave them to the City. She continued that there was no mention that the funds were for private parties, celebrations and ceremonial events mentioned on the Foundation's website fundraising page. She said that numerous city documents including staff reports, permit applications, studies, established and confirmed that the existing use would not be expanded because there was not available parking, that the project stated that it would not change the use or intensity and therefore no increased in parking would result from the project, a reporter wrote on December 1st that the goal was to FCCC desirable meetings, city events, and gatherings where the public may attend, that Deputy Mayor Heebner at the time had said there would be no private parties because there was an agreement with the neighbors and could not create a need for more parking. She continued that the neighbors had always remained open to compromise, that Ms. Boyd had stated in an article that they had made numerous concessions but that the neighbors were unwilling to compromise, and that in fact the neighbors had submitted a proposed policy in a letter dated June 14, 2012 copied to the City. She said they were willing to compromise on all issues except alcohol, which was not allowed by code, that the concerned were not a few neighbors but were shared by various residents from all areas of the City due to impacts that an unreasonable policy might have including parking issues and traffic safety hazards. She continued that residents had shared that they wanted to drive to the beach and park and be able to visit with reasonable parking, that they supported all uses including private uses as long as policies were established to protect public access and maintain the safety of visitors and residents in the area. She stated that a new compromise petition recently being circulated was a good start, that they would propose allowing one event per weekend on alternating weekends, hours should be Friday 5:00 p.m. - 10:00 p.m., Saturday 11:00 a.m. - 10:00 p.m., and Sunday 11:00 a.m. - 7:00 p.m., a maximum of 50 people allowed, no amplification or microphones or music since it was not necessary, not restrict the public's access to the outside area with no blocking off areas, that it alcohol was allowed that it should not be consumed outside, limit rentals to residents where the sponsor should attend the event, to not allow alcohol but if it was to only allow indoors and ensure compliance, and to hold a public hearing on the use of alcohol on citywide facilities.

Christine Antonelli said that she lived around the corner from the Community Center,

that parking in the area was already impacted, that she currently had to park around the corner or down the street to get to her house, supported the one event alternate weekend use, and that people should consider the impacts of the surrounding neighborhood.

Matt Lewry stated that he lived on S. Rios, that he appreciated the efforts and hoped that Council could reach a compromise to get the issues reconciled.

David Ott, City Manager, showed a powerpoint of topics for discussion. Dan King, Sr. Management Analyst, modified the powerpoint (on file) as consensus was reached.

Types of Events

Mayor Nichols stated that he felt that the Center should be used for not for profit groups and that scheduling events would prioritize public events over private events, to benefit the greater need of residents and the community.

Deputy Mayor Campbell and Staff discussed that the definition of a one-time celebration would be a 25th anniversary that was hosted at the community center or a wedding or a birthday for a private event, that were not repeated such as monthly meetings.

Council reached consensus that public events would take priority over private events and that they would be non-commercial events.

Area of Events

Council discussed and reached consensus that the outside area surrounding the community center should remain available to the public at all times and not roped off for private use.

Parking

Council discussed whether to provide maps to invitees of where to park, that maps may conflict with the Coastal Commission designation of these lots for Fletcher Cove beach access, that there would not be a reasonable way to to enforce people parking on public streets especially for people not familiar with the area, that a map could guide people to public parking and manage the street parking, and to consider adding a pedestrian safety crosswalk.

Council reached consensus to provide a map to direct private party attendees to public parking options.

Qualification of Renter

Council discussed whether to require the renter to be a resident and whether they needed to be present at the event or whether it would be sufficient that the sponsor/resident would be vested financially, that each household could rent the facility once during a 12 month period, and that enforcement should be enacted on the resident attendance if it was a requirement.

Council reached consensus regarding a household renting the facility once during a

twelve month period and that resident/sponsor must be present at the event.

Max Occupancy

Council reached consensus on the maximum occupancy for an event would be 50 people.

Rental Rate

Council and Staff discussion ensued regarding the rental rate of the facility, that the cost of providing the service should not be subsidized by the City, that the rate should be affordable in order to rent it, that initial proposed rates were based on a projected 5 year maintenance cost, to not burden renters with the entire cost of the maintenance of the building such as the roof would have to be replaced regardless of the rental usage, to require a 2 hour minimum rental, various rates based on frequency of use of the building, and that tables and chairs are provided if they are needed.

Council reached consensus on a rental rate between \$50-\$100 per hour and a 2-3 hour minimum use.

Event Hours

Council reached consensus on event hours: Fridays 5:00 p.m. - 10:00 p.m., Saturdays 11:00 a.m. - 10:00 p.m., Sundays 11:00 a.m. - 7:00 p.m.

Music/Noise

Council discussed amplification of music, presentations, and DJs, that some instruments such as horns made too much noise but that clarinets were not that loud, that recorded music should not conflict with the City's noise ordinance, whether to allow the use of microphones, and to leave the enforcement to the City Manager.

Council reached consensus to live acoustic music with a limited number of band members, prohibit the use of horns, drums, D.J.s, microphones, or amplified music, allow recorded music to comply with the City's Noise regulations, and that music equipment be restricted to inside the building. Further consensus was reached regarding the closing of all street facing windows and doors if music was being played and exceed the Noise regulation thresholds.

Frequency of Events

Council discussed limited events to one day of a weekend, alternate weekends, rental days would exclude City observed holidays, to exempt the Civic & Historical Society from the count requirement.

Council reached consensus to rent on Fridays, Saturdays, and Sunday, with no weekday private events, and scheduling one event per weekend without scheduling consecutive weekends.

Alcohol

Council discussed whether alcohol should be allowed at the community center since other City facilities prohibited it, that if it were allowed there would be no alcohol sales,

required to abide by ABC regulations and local regulations, that a 2 drink maximum be considered to limit potential issues, that the City would still have a huge liability if something happened, that it was difficult to consider alcohol considering statements made about past history, to have a larger discussion focused on only this issue, that the main request of Concerts on the Cove events is to allow alcohol, how to implement enforcement, and to consider a citywide policy addressing all facilities.

Council reached consensus to go forward with the policy and bring back a citywide alcohol policy review and decision.

Enforcement

Council and Staff discussed whether Staff would be present at all events at the community center, that a City employee could represent be accountable to the City.

David Ott, City Manager, stated that La Colonia had part time employees on staff who opened and locked the facility for events, the City operated on a very lean staff so additional staff would need to be hired specifically for this position, that a better alternative would be to contract a security guard to be present at events who would be trained in all City regulations and would know the appropriate steps to take if issues arose.

Council discussed that a uniformed security guard would have more presence at events than a City employee, if issues occurred at events the security guard could create official reports to notify the city, they could contact law enforcement if needed, and that the cost for the security guard would be paid for by the renter of the facility.

Council and City Manager discussed that the security guard would be monitoring the event and would not participate in serving drinks but that a trained alcohol server would be required at events with alcohol.

Council discussed that there should be a security guard present even if there was no alcohol served at the party, that just because there was no alcohol being served at the party would not prevent someone from bringing alcohol to an event, the security guard could also monitor other regulations such as the number of people at the party and the length of the event. Discussion continued regarding groups such as the Civic & Historical Society or Lions Club would not be required to have a security guard present, a security guard would only be required for private one-time occurring events, the security guard would also enforce parking issues and be responsible for opening and closing the facility.

Council came to consensus on all enforcement issues discussed at this time.

Trial Period

Council discussed a trial period from August 29, 2013 to December 31, 2014 and to allow it to be reconsidered if something happens to cause the need for review or modification.

Council reached consensus regarding restricting any modifications of the policy to Council.

Rate

Council reached consensus to assess \$50.00 hour with 2 hour minimum, which would not include costs for trained hosts and other requirements, as necessary.

Mitigated Negative Declaration (MND)

Johanna Canlas, City Attorney, stated that in June it was determined that a MND would be brought back since the initial submittal did not include private expanded use from existing use, that if the MND was adopted all past meetings and record including this meeting would be part of the record.

Council reached consensus to adopt the MND based on the recommendation that it was for 50 people maximum, that all past evidence was part of the record including the submitted studies by KOA and Tom Brohard, and that if at any time the intensity of use was proposed (number of events, increase in occupancy, etc) that a parking study be required.

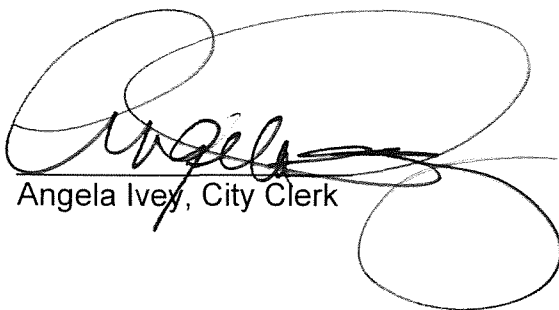
Johanna Canlas, City Attorney, stated that the Resolution would be modified to limit it to the MND adoption and not including the final policy at this time.

MOTION: Moved by Nichols and seconded by Heebner to adopt the modified Resolution 2013-071 adopting the Mitigated Negative Declaration and noting that if at any time the intensity of use was proposed (number of events, increase in occupancy, etc) that a parking study be required. **Motion carried unanimously.**

MOTION: Moved by Peter Zahn and seconded by Heebner providing direction to Staff to return to the next regular meeting with a Resolution and Policy containing some consensus items discussed at this meeting in addition to other standard regulations. **Motion carried unanimously.**

ADJOURN:

Mayor Nichols adjourned the meeting at 8:10 P.M.



Angela Ivey, City Clerk

Approved: October 23, 2013