

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

JOINT **REGULAR** MEETING

MINUTES

6:00 P.M.
Wednesday, August 22, 2012

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

CALL TO ORDER AND ROLL CALL:

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

Absent: None.

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

Mayor Kellejian called the meeting to order at 6:08 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 Heebner and seconded by Roberts. **Motion carried unanimously.**

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.

Tere Renteria stated she was a resident and requested that the City Council agendaize an item to discuss enhancements of the Veteran's Memorial in La Colonia Park and volunteered to be in charge of the fundraising.

Council and Staff discussed whether this request could fit into the City's workplan, that La Colonia Park was noted on the workplan, and that the matter could be brought back to Council before the end of the year.

Tom DiNoto said he was a resident and stated that he would like to make a second request that the Council agendaize the Land Use Plan, the Solana Beach residents should know where the Council stood on the item before the November election, and that the Council should insist that the Coastal Commission approve the version that had already been passed and approved.

Council and Staff reported that it was a very complex topic, the City Manager had talked with the Coastal Commission representatives today and that he had informed David Winkler of the discussion, the point of the September meeting was to explore if Staff could make any changes, David Winkler's suggestion of a meeting with City Staff, stakeholders and Coastal staff.

Paul Cavot stated that he was the President and Founder of Drug Free California and spoke about the importance of banning Medical Marijuana stores and presented the Council with a handout entitled "The Legal Basis for Banning Marijuana Dispensaries" (on file).

COUNCIL COMMUNITY ANNOUNCEMENTS:**COUNCIL COMMENTARY:****A. CONSENT CALENDAR: (Action Items) (A.1. - A.11.)**

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the

City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Waive the reading of Ordinances.

Recommendation: That the City Council

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

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

A.2. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held August 31, 2011 and April 11, April 17, May 9, May 23, June 13, June 27, July 11, 2012.

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

A.3. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for June 16 - July 31, 2012.

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

A.4. 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 Roberts. **Motion carried unanimously.**

A.5. Joint Exercise of Powers Agreement Amendment. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-131 to approve the First Amendment to the Joint Exercise of Powers Agreement Creating the Southern California Intergovernmental Training and Development Center ("the RTC") and to join the RTC

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

A.6. Animal Control Services Agreement with the County of San Diego. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-128 approving a five-year contract with the County of San Diego for Animal Control Services.

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

A.7. Fire Apparatus Maintenance Agreement. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-130 awarding NCEVS the maintenance and repair agreement for specific identified Fire Department apparatus not to exceed \$41,500.

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

A.8. Payment to San Diego Gas & Electric. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution No. 2012-129:

- a. Approving a payment, in the amount of \$50,613.06, to SDG&E for costs associated with the relocation of a guy wire and guy wire pole securing a 69 KW power pole associated with the construction of the Cliff Street Bicycle and Pedestrian Bridge.
- b. Appropriating \$50,613 from General Fund undesignated reserves to the Cliff Street Bicycle and Pedestrian Bridge Project in the City CIP fund.
- c. Authorizing the City Treasurer to amend the FY 2012-13 Adopted Budget accordingly.

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

A.9. Conflict of interest Code Update. (File 0440-10)

Recommendation: That the City Council

1. Adopt Resolution 2012-044 adopting the amended Solana Beach Conflict of Interest Code.

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

A.10. Purchase of Microsoft Office 2010 Software. (File 0370-26)

Recommendation: That the City Council

1. Adopt Resolution 2012-127 authorizing the purchase of Microsoft Office 2010 software in the amount of \$19,000.

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

A.11. Community Grant Request for North Coast Repertory Theatre. (File 0330-25)

Recommendation: That the City Council

1. Approving the payment of \$3,000 from the Reserve Public Art Account in the Coastal Business/Visitors TOT fund to support the NCRT's anti-bullying program as proposed in their FY 2011/2012 Community Grant application.

2. Appropriating \$3,000 from the Reserve Public Arts Account to the Contribution to Agencies expenditure account in the Coastal Business/Visitors TOT fund.
3. Authorizing the City Treasurer to amend the FY 2012-13 Adopted Budget accordingly.

MOTION: Moved by Heebner and seconded by Roberts to approved Resolution 20120-132. **Motion carried unanimously.**

C. STAFF REPORTS: (C.1. - C.2.)
Submit speaker slips to the City Clerk

C.1. Council Discussion on Proposed "California 10/20" 10 Mile Run Race. (File 0910-50)

Recommendation: That the City Council

1. Consider the request for the "California 10/20" and give direction to Staff on whether or not to proceed with discussions with the Applicant.

David Ott, City Manager, introduced the item. He stated that the City had been approached by a major event holder to have a 10 mile run along Highway 101, and that a special event permit had been submitted for a California 10/20 Race for February 13, 2013. He stated that the event was proposed to attract 10,000 participants, that the applicant was the original founder of the Rock N' Roll Marathon and the Carlsbad Marathon, that the request was to close Highway 101 in both directions from 7:00 am to 11:00 a.m., that there would be 6 music stages in the City, and that the event would finish at the Del Mar Fairgrounds.

Rick Kozlowski, TurnKey Events, stated that the California 10/20 was tentatively scheduled for February 2013, that he was a local San Diego County resident, and that the president of TurnKey Events, Peter Douglas, was at the Encinitas City Council discussing the event. He stated that the race was a 10 mile run that went from the Del Mar Race Track to the San Elijo Lagoon and back, that there would be 20 stages for bands along the course, and that a booklet had been provided to the City with details on the event. He stated that the California 10/20 event would bring a health conscious event to the City with national and local media coverage, there would be a projected 8,000 to 10,00 participants, the event would showcase improvements along Highway 101, there would be a \$10,000 donation to 2 or 3 beneficiaries in the City, and that they hoped the event would fill up hotels in the City. He stated that there were benefits to local

businesses such as free booth space for businesses at the Fairground Expo, links to businesses on the event website, and that there may be a train commuter program to encourage people to use the trains for transportation to the event.

Council discussion ensued with the applicant regarding concerns of impacts on the community.

Rick Kozlowski stated that there would be 6 music stages in the City, which would be small bands consisting of 3-6 members, that the stages would be 12x15 ft. in diameter and 2 ft. high. He stated that the music amplified up to 200 feet, that runners absorbed a lot of the sound, that the band would start playing when the first runner went by and stopped playing when last runner went past the stage, and that the bands did not continue to play after the last person had past the stage.

Council and Applicant discussed concerns regarding noise and traffic, the starting point of the race at the Fairgrounds, that the route did not go down the main street of the City of Del Mar, that the Via De La Valle / Stevens Ave. intersection would not be closed down, and that traffic would be allowed through that intersection when there was a break from runners.

David Ott, City Manager, stated that the medians on Highway 101 would be completed, that construction work would be taking place on sections of sidewalks on the west side of Highway 101, and that during the proposed event date construction work would either be taking place on the north side of the plaza or on the south side of the plaza working on the south phase.

Council, Staff and the Applicant discussed the event route, how to manage traffic and runners, that stragglers participants would be placed onto the sidewalks to allow opening of the roads at some point, the event was proposed to end at 10:30 a.m. so that about 9:40 a.m. all walkers would be on northbound side, and that southbound traffic would allowed to be back in operation, that participants would be running northward but on the south side which would allow to open southbound lanes faster, and that the Sheriff had tentatively reviewed the route plan.

A Sheriff representative stated that it would be the largest event managed by this station, that the same event in Austin used 100 police officers at the event, the event could be done if TurnKey was committed to paying for the number of officers needed, and that there had only been preliminary discussions with the event company at this time.

Rick Kozlowski stated that he understood the City's concerns, that residential and business traffic could not be interrupted, that the route was planned to provide the least amount of impact of traffic to the residents and businesses, the

event in Austin required many police officers because there were many intersections to manage along the route, that there were less intersections in this route, and that TurnKey Events would pay for any law enforcement needed for the event.

Council discussed that the concept of the event was good, that there was potential for positive economic impact from the event, that there were benefits to the City, and yet there were concerns regarding the event date due to construction on Highway 101.

Rick Kozlowski stated that spectators would not be encouraged to attend simply for listening to the bands, that the main band would be located at the Fairgrounds, that the music was to entertain the participants during the run, and that all of the music stages were fluid and could be easily moved. He stated that TurnKey would obtain permission to place stages on private property, that stages placed on public property would not interfere with the public right-of-way, and that only 2 lanes would be needed to accommodate the amount of proposed participants in the race.

Council discussion continued regarding TurnKey holding a community meeting with businesses and property owners to obtain their opinions on closing Highway 101 due to the many inconveniences already imposed by the construction in the area.

Council and Applicant discussed that TurnKey Events would fully pay for the law enforcement services needed, that they would also contract out to San Diego Medical for ambulance service, that medical services would be spread throughout the route, power generators would be used, they had tentatively approached businesses regarding the location of the music stages, there would be discussion with the train services for discount tickets, a bus service would be provided from the train station to the Del Mar Fairgrounds, that residents and businesses would be notified of road closures 2 weeks prior to the event, a direct mailer may also go out to residents regarding closures, and that the media would assist in notifying the public of the event.

Council discussion continued regarding why the \$30,000 charity donation would be split into thirds and that a consideration should be made to split it based on where the most impacts took place.

Rick Kozlowski stated that he usually dealt with events that had 1,500 athletes rather than 10,000, that he did not have any safety concerns regarding the event, that impacts to residents concerned him and that he wanted to do the event right so that it might turn into an annual event, and that the event was planned this way so that the City did not have impacts with the start or finish of the event but still benefited from the event.

Shannon and Rick, TurnKey Events, stated that the goal of the event was to keep it down to a 10 mile run, that it was not the intent of TurnKey Events for the race to become a marathon, and that they wanted to keep an event of this size for a few select cities.

Council and Applicant discussed traffic being allowed through certain areas when there were gaps between runners, that there would be quick pick-up of cups left on the streets from water stations, and that the portable restrooms would also be picked up immediately following the last walker.

Council and Applicant discussion continued regarding runners entering the Coastal Rail Trail on the north entrance, consider holding off the event for another year due to inconveniences already placed on residents and businesses from construction on Highway 101, and that the plan was to keep the event small so that there would be plenty of room for the runners.

Rudy Novotny stated that he was a professional race announcer worked at races all over the U.S., and that this was an exciting opportunity. He stated that Highway 101 would be an amazing venue, that Peter Douglas was one of the finest course designers and traffic controllers in the country, he dealt with amplification sounds every week and that the 200 ft. figures were genuine. He stated that decibel checks could be done, events like these changed lives, that this could be the first race for 30-45% of its participants, that the impacts of the event were temporary, and that consideration should be given to approve the event.

Steve Ostrow stated that he was a resident of the City. He stated that he had met Peter Douglas a few weeks ago, who was requesting support from the Chamber for the event, and that he felt Mr. Douglas was credible. He stated that Mr. Douglas stated that the bands played softly, that the Gateway Project property could fund a fundraiser to coincide with the event, that he and Dan Powell were attracted to support the race due to the benefits involved, and that Mr. Douglas would provide a significant band for placement at the Gateway project for intentions to raise funds for the project.

David Ott, City Manager, stated that a decision whether to approve the event was needed from the City by September.

Council discussed the current inconveniences to residents due to the Highway 101 construction, to possibly defer this event for another year, that Council would like feedback from the residents and businesses west of the 101 of the event, that Council was interested in what a large majority of the community felt about the event, and that there was a lot of potential for the event but that a decision was required in a short time frame.

David Ott, City Manager, stated that he had already communicated to Peter Douglas, President TurnKey Events, that there had already been a lot of impact to the community due to the Highway 101 construction and that there was a lot of community sensitivity to the inconveniences.

Council encouraged TurnKey to meet with the City Manager and the Highway 101 contractor regarding construction concerns, that the City Manager should proceed in discussions with the event coordinator, that funds should be divided based on impacts incurred, and that this event should be put off until 2014 at the completion of Highway 101.

Council discussed the benefits of the events which included fund-raising for the Gateway project, and the opportunity to showcase the community, but that Highway 101 would not be ready to showcase at that time.

MOTION: Moved by Campbell and seconded by Roberts to direct Staff to continue discussions with the applicant, conveying Council's concerns, to explore the possibility of the event taking place after the Highway 101 project is complete, and to have the applicant seek public input from local businesses, property owners, and residents. **Motion carried unanimously.**

C.2. Adopt (2nd Reading) Ordinance 437 Relating to Plastic Bag. (File 0230-55)

Recommendation: That the City Council

1. Adopt Ordinance 437 clarifying the City's prohibition of plastic carry-out bags as it relates to restaurants and adding subsection 5.04.040(d) to the Solana Beach Municipal Code

Johanna Canlas, City Attorney, read the title of the ordinance.

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

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 Roberts reported that the City paid for his luncheon at the League of Ca. Cities meeting.

COUNCIL COMMITTEE REPORTS:

Council reported committee activity.

Council discussed the fact that the North County Transit District was not charging large fees that could include non-profits and cities' use of their facilities. Council consensus was reached to send a letter to the Executive Director of the North County Transit District, regarding their regulation that did not exempt City use of facilities given that the charges are high, that would request the use of their property at a discount or exemption for local government agencies.

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

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

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

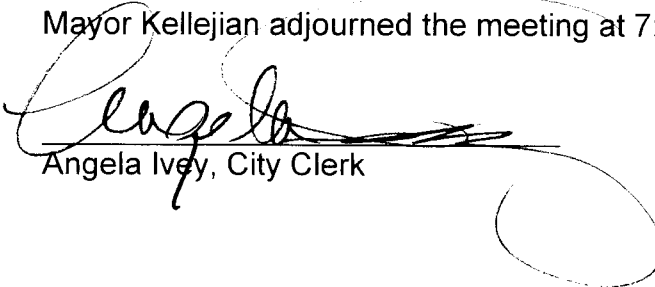
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Parks and Recreation Committee - Heebner, Nichols
- e. Public Arts Committee - Roberts, Nichols.
- f. School Relations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

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

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

ADJOURN:

Mayor Kellejian adjourned the meeting at 7:54 p.m.



Angela Ivey, City Clerk

Approved: October 10, 2012