

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, July 13, 2016 * 6:00 P. M.

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

- City Council meetings are video recorded and archived as a permanent record. The [video recording](#) captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

CITY COUNCILMEMBERS

David A. Zito, Mayor

Peter Zahn, Deputy Mayor

Mike Nichols, Councilmember

Ginger Marshall, Councilmember

Lesa Heebner, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Zito called the meeting to order at 6:41 p.m.

Councilmembers

Present: David A. Zito, Peter Zahn, Mike Nichols, Ginger Marshall, Lesa Heebner

Absent:

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Bill Chopyk, Community Development Dir.
Danny King, Assistant City Manager

APPROVAL OF AGENDA:

Deputy Mayor Zahn asked if Council would consider moving Item C.3. up since there were people waiting to speak.

Council discussed that there were speakers for other items as well.

Motion: Moved by Councilmember Nichols and second by Councilmember Heebner. Approved 4/1 (Noes: Zahn) to approve the agenda and its current order. **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.

Sherry Sutton read from the City's code section 4.47 regarding rental properties in Solana Beach, specifically about the 7 day minimum stay, and read from an email sent by Councilmember Heebner stating that Staff would be enforcing the current regulations that included a 7 day minimum, and asked Council what was being done to enforce regulations.

Greg Wade, City Manager, said that he had received some complaints, but not many overall that were specific to the 7 day minimum stay, that the evidence required to substantiate a violation would be a lease agreement(s) that showed a violation, the verbiage being enforced was the rental period duration, and that the City had been working with applicants who used sites such as Airbnb to ensure and verify that bookings would not be made for less than 7 days. He said that the code stated the rental period must be no less than 7 days but it did not specify that the minimum occupancy days, that when the City could substantiate a violation a notice of violation and potential citation was issued, and that in a recent case the City requested lease documentation since they needed solid evidence to support a violation before any action could be taken.

Councilmember Heebner clarified that her understanding was that anyone could use Airbnb to rent out their home for no less than 7 days but the renters may leave before the 7 days were up, however the owner could not re-rent the same property within those 7 days.

Greg Wade, City Manager, said that the City was in discussions with a company called iCompass and were close to signing a contract with them to specifically target short term vacation rentals (STVR) and enforce all regulations such as duration of rentals, TOT (Transient Occupancy Tax), and proper permitting.

Council and Staff discussed that the property owner in question, which had received a number of complaints, had stated that they would be suspending their STRV operation.

Johanna Canlas, City Attorney, stated that Santa Monica and San Francisco revised their short term rental ordinance to include prosecution or penalties against hosting platforms, including Airbnb, and as a result Airbnb was suing the City of San Francisco. She said that Staff could try to engage those hosting platforms and let them know that that the City had their own regulations and ask them cooperate with the City.

Greg Wade, City Manager, said that there were places, such as Connecticut, where Airbnb collected the TOT and remitted it to the local jurisdictions, that the City reached out to Airbnb specifically for that purpose but it had been a difficult proposition to get through to them since they said they had other priorities, the City was still trying to make the appropriate contacts at Airbnb to discuss a potential agreement of some kind, and that they would continue with their efforts.

Dakota Madsen raised up a stack of papers that stated that it was a partial stack of completed violation forms for the home in question from the prior 2 weeks. He said he was

happy to hear that the situation had stopped, that he did not think the issues with STVR would not go away, that he did not want to go home because he wondered what kind of party would be going on, how late it would go, what would be left in the yard, and whether the police would need to be called. He said that the problem with STVRs is that renters arrive ready to party, it destroys neighborhoods, and that this property had lost \$100k in value according to his realtor since he would have to reveal the STRV situation next door. He stated that he was glad the City was trying to go directly to Airbnb and that it had started to check on STVR owners to ensure they follow the code.

Jean McGregor said that she appreciated the logically written code, that put together an item that day by going to Airbnb and pulling up 12-14 listings and 10 of them were listings for less than 7 days available for people to rent, that rentals for 7-30 days were not a problem, that the weekend rentals were the partiers, that they cost the City money and resources by having to send police and even a helicopter in a previous STVR incident to address issues, and recommended the City enforce the code and get Airbnb to cooperate. She said that she calculated that the City had lost out on \$600k in TOT fees, permits, and taxes that were not being collected, and there were 200 rentals in Solana Beach that the City was not collecting TOT. She invited everyone to a neighborhood watch/opening day party that Friday on her block.

Mayor Zito said there was good discussion about STVRs and that he understood the importance of the issue.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendaized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.10.)

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 June 8, 2016.

Motion: Moved by Deputy Mayor Zahn and second by Councilmember Marshall. Approved 5/0 **Motion carried unanimously.**

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

Recommendation: That the City Council

1. Ratify the list of demands for June 4, 2016 through June 24, 2016.

[Item A.2. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Deputy Mayor Zahn and second by Councilmember Marshall.
Approved 5/0 **Motion carried unanimously.**

A.3. 2016 Street Maintenance & Repair Project. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2016-096**:
 - a. Awarding a construction contract for the 2016 Street Maintenance & Repair Project, Bid 2016-05, in the amount of \$353,750, to ATP General Engineering Contractors.
 - b. Approving an amount of \$88,000 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.

[Item A.3. Report \(click here\)](#)

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Motion: Moved by Deputy Mayor Zahn and second by Councilmember Marshall.
Approved 5/0 **Motion carried unanimously.**

A.4. Citywide Traffic Speed Survey. (File 0860-45)

Recommendation: That the City Council

1. Adopt **Resolution 2016-097** authorizing the City Manager to execute a Professional Services Agreement with Linscott, Law and Greenspan Engineers, in the amount of \$24,355, to conduct a citywide traffic speed survey.

[Item A.4. Report \(click here\)](#)

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Motion: Moved by Deputy Mayor Zahn and second by Councilmember Marshall.
Approved 5/0 **Motion carried unanimously.**

A.5. City Clerk's Office Area Expansion. (File 0710-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-091**:
 - a. Authorizing the City Manager to accept as complete the City Clerk's Office Area Expansion, Bid No. 2015-07, constructed by Evergreen Construction and Consulting, Inc., dba EvergreenCali.
 - b. Authorizing the City Clerk to file a Notice of Completion.

[Item A.5. Report \(click here\)](#)

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Motion: Moved by Deputy Mayor Zahn and second by Councilmember Marshall.
Approved 5/0 **Motion carried unanimously.**

A.6. Veterans' Honor Courtyard at La Colonia Park. (File 0160-18)

Recommendation: That the City Council

1. Adopt **Resolution 2016-092**:
 - a. Authorizing the City Manager to accept as complete the Veterans' Honor Courtyard at La Colonia Park, Bid No. 2015-06, constructed by Conan Construction, Inc.
 - b. Authorizing the City Clerk to file a Notice of Completion.

[Item A.6. Report \(click here\)](#)

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Motion: Moved by Deputy Mayor Zahn and second by Councilmember Marshall.
Approved 5/0 **Motion carried unanimously.**

A.7. Salary and Compensation Plans Fiscal Year 2016-17. (File 0520-10)

Recommendation: That the City Council

1. Adopt **Resolution 2016-089** approving FY 2016-17 Salary and Compensation Plans for Executive Management, Mid-Management, Confidential, Marine Safety, Miscellaneous and Part-Time/Seasonal Temporary employees.

[Item A.7. Report \(click here\)](#)

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Motion: Moved by Deputy Mayor Zahn and second by Councilmember Marshall.
Approved 5/0 **Motion carried unanimously.**

A.8. California Public Employees Retirement System's. (File 0520-50)

Recommendation: That the City Council

1. Adopt **Resolution 2016-090** approving the City's intention to amend its CalPERS contract in order to implement California Public Employees Retirement System's Government Code Section 20516 (Employees Sharing Additional Cost) for Miscellaneous, Marine Safety and Non-Represented employee groups.

[Item A.8. Report \(click here\)](#)

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Motion: Moved by Deputy Mayor Zahn and second by Councilmember Marshall.
Approved 5/0 **Motion carried unanimously.**

A.9. Audio Visual and Photography Services. (File 0190-20)

Recommendation: That the City Council

1. Adopt **Resolution 2016-088** authorizing the City Manager to sign a Professional Services Agreement with Bob Hoffman Video and Photography with an option to extend for four (4) additional one-year periods based on satisfactory past performance.

[Item A.9. Report \(click here\)](#)

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Motion: Moved by Deputy Mayor Zahn and second by Councilmember Marshall.
Approved 5/0 **Motion carried unanimously.**

A.10. Destruction of Obsolete Records. (File 0170-50)

Recommendation: That the City Council

1. Adopt **Resolution 2016-098** authorizing the destruction of officially obsolete records.

[Item A.10. Report \(click here\)](#)

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Motion: Moved by Deputy Mayor Zahn and second by Councilmember Marshall.
Approved 5/0 **Motion carried unanimously.**

B. PUBLIC HEARINGS: (B.1. – B.3.)

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. Public Hearing: 412 E. Cliff St., Applicant: Korniczky, Case No: 17-14-22 (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP (Development Review Permit). Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2016-076** conditionally approving a DRP and an administrative SDP (Structure Development Permit) to demolish the existing structure and construct a new 4,435 square foot single-family residence and a 534 square foot attached garage on property at 412 E. Cliff Street.

[Item B.1. Report \(click here\)](#)

[B.1. Supplemental Documents - R](#)

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Greg Wade, City Manager, introduced the item which was a hearing continuation from June 8, 2016 Council meeting.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) regarding a redesign voiced by council at the prior meeting.

Applicant

Steve Murko, designer, said that they took the Council's consideration and reduced the massing on the west side which resulted in 250 sq. ft. less than the original project.

Deputy Mayor Zahn asked if they considered making changes beyond that of the massing just on the west side and whether they took into consideration other alternatives to address what he considered a scale and massing issue that was not quite reduced enough to make a significant enough change to the original proposal, that the transition of this home to the others in the neighborhood was still not compatible because it was abutting much smaller homes immediately west or a large home on Marview that did not appear large because of its setbacks and topography, and if they tried to apply the reduction of the easement square footage to see if they could meet the resulting FAR requirement.

Mr. Murko said that they did review other alternatives and redesigning the home but that there was not a solution to keep in with the design they wanted to achieve, that if they had changed their calculation as he had suggested adding in the easement on Marview that it would require an additional 500 sq. ft. to be taken off and that it was too significant to make those changes, they had made changes to meet the neighbors' concerns, they reduced some of each room, except two, of the entire house, and that their log was the largest in the

area and the proposed house was proportionately appropriate. He said that the highest point of the home was the same as the current structure on the property and that it extended a bit more on the east side, and the

Mr. Korniczky, applicant, said that when they designed the original proposed house that they used the house's style that was south of it in order to design something compatible, that the home directly east of it looked like a much larger mass and the house of south of it took up two lots and looks like a significant larger house, and that he did not think that the final construction will look like a large mass.

Public speaker

Suzanne Mandel-Mosko said that she had just learned about the project and had been a long time next door neighbor, that there had been drainage issues in the 1970's, that she had to replace the walls from dry rot when she inherited her house, that it seemed like there was an issue with the soil in the area a lot soil compaction was done, that she played on this lot when she was child it had many holes on it, and that she had concerns about the sheer mass of the project.

Council and Staff discussed a letter form a citizen regarding drainage, that there had been some issues there in the past, that the applicant would be required to capture runoff through a basin, that in the future there might be a CIP project to address some of the residences issues on Cliff St. or the runoff from Cliff St. to lower streets.

Deputy Mayor Zahn said that he thought the project was still incompatible, that he would suggest a larger set back of at least 20 ft. to create a transition, to lower the scale of bulk and mass, eliminate height, and that he could not support the project. He said that Council had just approved two sizable homes on S. Rios where the applicants did a lot of outreach and went over and above to make sure everyone in the area was good with the project, so it was not the size of the home but the compatibility.

Councilmember Nichols said that the applicant did a fair job addressing his concerns from the last hearing, that the drainage was adequately addressed, that it this property did present difficulties to build on it, that the questions and issues had been handled and that he could support the project.

Councilmember Marshall stated that she could support the project.

Mayor Zito said that he believed the bulk and mass was on the western side and that pulling it back helped a lot, that there was a mixture of homes in the area that did not meet the FAR, that there were various issues on how to treat private road easements, and thanked the applicant for listening to Council's and the public's concerns.

Motion: Moved by Councilmember Nichols and second by Councilmember Marshall to close the public hearing. Approved 4/0/1 (Recused: Heebner) **Motion carried.**

Motion: Moved by Councilmember Nichols and second by Councilmember Heebner. Approved 3/1/1 (Noes: Zahn; Recused: Heebner) **Motion carried.**

B.2. Public Hearing: 243 N. Highway 101, Applicant: Evarts / Distillery 101, Case No: 17-15-38. (File 0610-60)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP (Development Review Permit). Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2016-087** conditionally approving a CUP (Conditional Use Permit) for the project to allow for a tenant improvement to combine two existing restaurant tenant spaces and add 155 square feet from an adjacent office tenant space for the use of a restaurant with a bar or cocktail lounge and to allow for the incidental use of four tables and 16 chairs without providing additional parking spaces in a gated patio in front of the proposed tenant space along Highway 101 within The Boardwalk shopping center at 243 N. Highway 101, Solana Beach.

[Item B.2. Report \(click here\)](#)

[B.2. Updated Report #1](#)

[B.2. Updated Report #2](#)

[B.2. Supplemental Documents - R](#)

[B.2. Supplemental Documents 7-8 last update 1030am - R](#)

[B.2. Supplemental Documents 7-11 last update 930am - R](#)

[B.2. Supplemental Documents 7-12 last update 430pm - R](#)

[B.2. Supplemental Documents 7-13 last update 130pm - R](#)

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Greg Wade, City Manager, introduced the item

Corey Andrews, Principal Planner, presented a PowerPoint (on file)

Council disclosures

Deputy Mayor Zahn stated that he was associated with a law firm located within 500 ft. of the proposed project, but that he had no equity or financial interest in the law group or property.

Bradley Evarts, co-applicant, stated that door hangers publicizing the community meeting were left on properties within a 300 ft. radius of the restaurant site and that the meeting addressed the food, the beauty of the restaurant, as well as discussed residents' concerns regarding parking, loitering, signage, customer entry, hours of operation and noise. He said that he would post signs as well as install a 12 ft. one-inch wall facing the west side of the patio to mitigate noise, the wall would block out ninety-five percent of the sound, and it would have several operable windows opened for cross breeze ventilation and most likely

closed after dark as well as an exit door. He stated that the patio hours could be adjusted, there would be a set time for moving guests indoors, there would be no outdoor speakers on the patio, they would pick-up the cost of the valet service, and that there would be no amplified music or karaoke. He stated that he would propose that the restaurant hours would open daily at 10:00 a.m. and close at 11:00 p.m. Monday through Thursday, close at midnight on Friday and Saturday, and close at 10:00 p.m. on Sunday, and that the patio would close at 10:00 p.m. Monday through Saturday and at 9:00 p.m. on Sunday.

Public Speakers

Craig Williams stated that he lived on North Sierra and had attended the community meeting, that his concerns were with noise, lighting, parking and the name of the restaurant. He said that he welcomed a fine dining restaurant but not a bar, that he supported the sound wall but questioned its effectiveness in blocking out ninety-five percent of sound, that traffic should be limited to the east entrance, patio hours should be limited from 10:00 p.m. to 9:00 p.m. on week nights and Sundays, that lighting on the west side be coned, down facing and turned off after hours, that seating capacity be limited to match the available parking dedicated to the building, and that the name be changed to a non-alcohol theme. He said that he agreed upon the list of recommendations to be added to the CUP along with the requirement that if the recommendations did not solve the issues that the applicant would be required to find further solutions to mitigate the problems, and that the CUP include language requiring the owner/applicant to hold a review after an agreed upon period of time to analyze the effectiveness of the mitigations.

Philip Loose stated that he lived on Acacia behind the Boardwalk Shopping Center and that his biggest concern was with the name of the restaurant, the Distillery 101 name promoted an alcohol establishment adding to the increasing bar scene in Solana Beach, and that he lived behind Tidewater Bar and that at night it was noisy and there was rift raft in the parking lot. He said that he proposed removing one of the two rear entrances on Acacia and adding a side entrance on Estrella to help with traffic and parking and that he overall welcomed welcomes the restaurant if the bar theme was minimized or removed.

Romi Skolnik said that she has lived on North Acacia since 1987 and that she did not buy a home behind a bar, she was concerned about noise, increased traffic, increased parking on her block, public safety and decreased property values. She stated that Epozotes was a loud pick-up joint and that the project plans and the proposed name presented this as bar. She stated that her side of Acacia did not have sidewalks or curbs, that it was poorly lit, the street already suffered from disorderly parking, and she questioned enforcement of street parking for those who would not use valet and park on the street. She stated that she lived in a sleepy neighborhood and would love a wine bar or breakfast place but not a late-night bar.

Vicki Cypherd stated that she lived on North Acacia and felt that this could be a good project because Solana Beach does not have a lot of good restaurants. She said that on one of her nightly walks down toward Estrella she noticed that a streetlight in the area that needed to be made operable to add light to the poorly lit streets mentioned by other speakers. She stated that she was worried about lighted signs and rooftop lights shining into homes, that she recommended looking at the lighting at Trek Bicycle and the Zypher Building because it was attractive and more neighbor friendly. She said that she would like to see the patio

close earlier, that the operational hours of the restaurant should be friendly, that she was happy to see a tenant who reached out and was willing to work with neighbors, and that she would like to see the conditions applied to the project approval.

Tom Van Betten said that he lived on North Acacia, that he was likely the most impacted by the project since he owned a family home on the street and would have never had considered purchasing the home if he had known about this project. He said that he was also invested in a tequila company, that he thought that this project was too impactful to the neighborhood, that he did not like the cross-branding with the tequila, that he was concerned about the area becoming an alcohol row, and that it was hard to take a tapas restaurant with a distillery name seriously. He stated that he was against the project as there were too many conflicts and challenges to agree to the findings.

Michael Pfeiffer said that he lived on North Sierra, that he was supportive of a restaurant and appreciated the changes that had been made. He stated that several requests had been somewhat ignored, he recommended reduced hours on the patio, that parking restrictions be incorporated into the CUP, the wall was a good idea but the CUP should further address what would happen if it did not mitigate the noise, and that he was disappointed about the name not being changed.

Kelly Harless said that she appreciated that the applicant reached out and made concessions such as free valet, sound wall, and entry onto Highway 101. She stated that it would helpful to alarm the emergency exit at the back, there should be a way to review the CUP if things did not work out, and that conditions should be written into the deed or building so that the future owner would not undo the good will. She said that some concerns mentioned at the community meeting were not addressed including the name change, and that a Facebook page for the restaurant went up showing pictures of bottles of tequila. She stated that if it was going to be a restaurant that she recommended that it close at 9:00 p.m. on 10:00 p.m. on weekdays, and that the applicant said it would take an extra hour to finish up after closing.

Applicant Rebuttal

Mr. Evarts stated that there was no website for Distillery 101, that the Facebook page was for the tequila company in Mexico and that Distillery 101 had no webpage, and that they had another non-alcohol related named. He said that they used hours recommended by Vicki because they were fair, that his place was a restaurant not a bar like Tidewater, and that if they could settle on the hours then he would be willing to change the name.

Council, Staff and the Applicant discussed appreciation the applicant's willingness to change the name, confirmed that the would close the patio at 9:00 p.m. on Sundays and 10:00 p.m. other nights, they would alarm the back exit, look into the lighting that did not disturb neighbors, consider using valet, and adding the modifications to the CUP that would run with the property.

Discussion continued regarding the CUP was set for a term of 10 years such as others in the City, which allowed future Council's to review them down the road in the case that any changes needed to be made, that the applicant would file an extension request one year

prior to the expiration if not changes in the use had occurred, and file a new application for a CUP if there were changes in the use.

Discussion continued regarding clarifying in the resolution under live entertainment that there would be none, that a review period prior to the end of the 10 year permit could be added as a condition, that Engineering would work with the applicant regarding any new driveway and the resulting reshuffling of space and parking spots, that no lighting would face west but the properly would be properly lit for valet, that trash would be disposed of in the mid-morning instead of night to mitigate noise, and that the standard enforcement condition be added to the resolution.

Motion: Moved by Councilmember Heebner and second by Councilmember Marshall to close the public hearing. Approved 5/0 **Motion carried unanimously.**

Motion: Moved by Councilmember Heebner and second by Councilmember Marshall. Approved 5/0 **Motion carried unanimously.**

Mayor Zito adjourned the meeting at 8:35 p.m. for a break and reconvened at 8:40 p.m.

B.3. Public Hearing: 1505 Lomas Santa Fe, Applicant: T-Mobile c/o Crown Castle, Case No: 17-16-15. (File 0610-60)

This item was removed from the agenda prior to the meeting.

C. STAFF REPORTS: (C.1. - C.3.)
Submit speaker slips to the City Clerk.

C.1. Del Mar Fairgrounds Fiscal Impact Study. (File 0150-85)

Recommendation: That the City Council

1. Review and discuss the Council and Commission comments and, if desired, direct Staff to prepare a memorandum incorporating their comments to be included as an addendum to the Study.

[Item C.1. Report \(click here\)](#)

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Greg Wade, City Manager, introduced the item. There was a fiscal impact study done by a consultant to show the benefits that came from the Del Mar Fairgrounds on Solana Beach. The Budget and Finance Committee had also reviewed this study on June 21st, their memorandum was included as an attachment to the staff report, and they were all seeking direction from council.

Councilmember Heebner stated that she met with Al Cortie and Don Mozhi, Del Mar City Councilmembers, since they were not happy with the results of the report and that they all felt it was appropriate for both cities to prepare response letters to be included with the study for future reference. She said that it seemed like Del Mar would not be pleased with

some things stated such as Del Mar receiving a much greater financial reward than Solana Beach. She said that the missing add the Sheriff information in the letter. First, that nothing was counted unless it originated from the Fairgrounds, however, crime in general was higher during events at the Fairgrounds. Heebner also wanted to know if Del Mar's Sherriff's responded to Solana Beach calls when Solana Beach Sheriffs needed back-up.

Greg Wade, City Manager, discussed this with the sergeant, said the Sherriff's contract is as needed and only during special events, no cross-service is being provided.

Councilmember Heebner thought the same, but the consultant for the study said otherwise, she'd like that information clarified. The budget and finance committee did a great job and their findings should be added in with the letter.

Councilmember Nichols 2nd motion to Councilmember Heebner's motion and would like any medical resources added into the study such as paramedics and firefighters.

Mayor Zito suggested they include the budget and finance letter with the study, in addition to any letters that they compose.

Councilmember Nichols and Heebner clarified that they would send a copy of the letter to the DAA at the next community relations meeting, in addition to the fairgrounds.

Motion: Moved by Councilmember Heebner and second by Councilmember Nichols. Approved 5/0. **Motion carried unanimously.**

C.2. Adopt (2nd Reading) Ordinance 461 – Retail Pet Sales. (File 0200-20)

Recommendation: That the City Council

1. Adopt **Ordinance 461** amending Chapter 4 of the Solana Beach Municipal Code regulating the retail sale of dogs, cats and rabbits.

[Item C.2. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Johanna Canlas, City Attorney, read the title.

Motion: Moved by Deputy Mayor Zahn and second by Councilmember Nichols. Approved 5/0. **Motion carried unanimously.**

C.3. Council Discussion on Designation as a “Welcoming Community”. (File 0230-20)

Recommendation: That the City Council

1. Discuss becoming a “Welcoming Community” and consider **Resolution 2016-084**.

[Item C.3. Report \(click here\)](#)

[C.3. Supplemental Documents - R](#)

[C.3. Supplemental Documents 7-12 last update 430pm](#)

[C.3. Supplemental Documents 7-13 last update 1109am - R](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

Deputy Mayor Zahn stated that this resolution was stemmed from a White House Initiative and was referred by the residents, the initiative asked to recognize that all residents should have a chance to thrive, that it declared the City as a welcoming community, and encouraged others to follow the same. He stated that there were no costs associated other than sending notifications or website postings, that it would not be focused on recruiting, harboring, or using any City's resources. He stated that it was about recognizing a benefit of creating a supportive environment and new possibilities for everyone and said that the City of Encinitas already passed a similar resolution.

Public Speakers:

Diane Hardison, La Colonia de Eden Gardens Board Members representative, said that their foundation was dedicated to supporting the immigrants and their families, that various programs such as the youth leadership camp and celebration of Dia de los Muertos would not happen without the City's assistance, that there was an increase in college graduates in the area and participation in community's classes, and that the City was already a welcoming community so it was a good idea.

Oren Robinson with PANA (Partnership for the Advancement of New Americans) stated that they promoted civic engagement and leadership development in refugee community and commended the Council for such leadership.

Kathi Anderson, board member of Lutheran Office of Public Office, chair of San Diego Refugee Forum, executive Director of Survivors of Torture International, said that she concurred with the previous speakers, that this was the country of immigrants, and that feeling welcomed was part of the healing process.

Erin Tsurumoto Grassi, Humans Rights Coordinator at Alliance of San Diego, said that these efforts were important, that he was grateful for inclusivity of the language in the resolution that was in line with what we saw at the state level, and asked to be inclusive and united in a common humanity.

Christie Hill stated that she was with the ACLU (American Civil Liberties Union) of San Diego and Imperial counties and said that she commended the Council for this

consideration and that it demonstrated a welcoming atmosphere for all and respected the rights for all.

Reverend Beth Johnson, President of Interfaith Center of Worker Justice, Palomar Unitarian Universalist, said that the presentation framed and recognized the diversity and history of the community, that a welcoming statement to the stranger as well as those that are in the community was important as it said a lot about how the City wanted to be perceived and experienced, and she was encouraged to be the 2nd City with a strong message that hate was not tolerated and immigrants were important to the community.

Rachel Zahn said that she was committed to protect the community's character that made it her home and that everyone had a responsibility to be welcoming to each other as well as to the world beyond our community.

Erica Bottorff, Masters Level Community Social Worker with Unitarian Universalist Refugee Education, said that they served all of San Diego county, and that she worked with Community Resources Center (CRC) and was a longtime resident of Encinitas, that UURISE served thousands of immigrants in the North County, that passing this resolution would dramatically improve the lives of their clients who experienced high levels of discrimination and exclusion and send a strong message that hate language was not acceptable, and that it would alleviate an access to a citizenship, education, safer schools, and economic mobility.

Kiana Ajir, UURISE, stated that, having grown up in an immigrant family, cultural inclusion was very important, that it was significantly important that animosity and hatred among different races, cultural and/or religious beliefs did not happen in the future, and that all residents, despite their backgrounds, were included.

Sebastian Green, with UURISE, freshman at Stanford University, studied how deportation affected immigrant communities in San Diego, and supported the measure.

Victor Tostado said that he was a 36 year resident and that the City was already a welcoming community, that St. Leo's efforts secured 950 immigrants' green cards, assisted with English as a second language, and secured their driver licenses.

Deputy Mayor Zahn recognized a value of all the residents, and said that becoming a welcoming community was part of the community's character.

Councilmember Nichols said that Solana Beach was already a welcoming community, that the community and the country was based on acceptance of all races and religions, and pointed out that the City was made up of 99.5% non-native American people, that 18.6% were foreign born, and said that this item was not about recruiting, vetting, or hovering immigrants and supported the general message contained in the resolution.

Motion: Moved by Deputy Mayor Zahn and second by Mayor Zito. Approved 5/0. **Motion carried unanimously.**

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

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.

COUNCIL COMMITTEE REPORTS:

Council reported committee activity.

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

- a. City Selection Committee (meets twice a year) – Nichols, Zahn (alternate).
- b. County Service Area 17 – Zahn, Marshall (alternate).
- c. Escondido Creek Watershed Authority – Marshall/Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee – Nichols, Zahn (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee – Nichols, Zahn (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 – Zito, Zahn (alternate).
- m. San Elijo JPA – Marshall, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee – Heebner, Nichols.

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

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

ADJOURN:

Mayor Zito adjourned the meeting at 9:26 p.m.

Angela Ivey, City Clerk

Approved: August 24, 2016