



**CITY OF DEL MAR**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**FEBRUARY 3, 2020**  
**City of Del Mar Town Hall**  
**1050 Camino del Mar, Del Mar California 92014**

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at [www.delmar.ca.us/AgendaCenter](http://www.delmar.ca.us/AgendaCenter) or by contacting the Administrative Services Department at (858) 755-9313.

**CALL TO ORDER**

Mayor Haviland called the Regular Meeting to order at 4:30 p.m.

**ROLL CALL**

Present: Mayor Ellie Haviland; Deputy Mayor Terry Gaasterland; Councilmembers Dave Druker, Sherryl Parks, and Dwight Worden

Absent: None

Staff Present: City Manager Scott Huth; City Attorney Leslie Devaney; Assistant City Manager Kristen Crane; Administrative Services Director/City Clerk Ashley Jones; Planning and Community Development Director Joseph Smith; Public Works Director Joe Bride; Community Services Director/Chief Lifeguard Jon Edelbrock; Deputy Community Services Director Mark Rathsam; Deputy Public Works Director Mohsen Maali; Finance Manager Monica Molina; Principal Planner Amanda Lee; Senior Management Analyst Beth Murray; and Management Analyst Shaun McMahon

**PLEDGE OF ALLEGIANCE**

Councilmember Parks led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

- 1) Eunjee Viscardi, 544 1562 Camino Del Mar, Del Mar – Spoke about the need for a community service officer to do enforcement on the beach.
- 2) Laura Cunitz, Winston School, 215 9<sup>th</sup> Street, Del Mar – Discussed Winston School goals for negotiations with the City regarding the Winston School lease.

**GOVERNING BODY COMMENTS AND COMMUNITY ANNOUNCEMENTS**

Councilmember Worden reported on the first rail task force meeting; Clean Energy Alliance JPA Board meeting; expressed interest by the Dean of Social Science at University of California San Diego (UCSD) in engaging with the Del Mar community; 22<sup>nd</sup> District Agricultural Association (DAA) Strategic Plan meeting; and meeting with One Paseo representatives regarding required shuttle service and potential to run through Del Mar. Deputy Mayor Gaasterland reported on an upcoming seminar at UCSD that will take a deep look into future on tech and innovation to be held on Wednesday at 4:30 p.m. Mayor Haviland

reported on the first LOSSAN working group meeting which focused on the safety reliability and long-term plan for rails in Del Mar; Crest Canyon debris from recent storm as a result of failed storm drain in the City of San Diego; Green Infrastructure Consortium and potential activities; and the Del Mar Community Connections meet the Mayor program at Del Mar Community Building.

### **CITY MANAGER'S REPORT**

City Attorney Devaney provided information regarding trespassing and enforcement issues along the track and explained that her office and North County Transit District (NCTD) are reviewing the deeds along the track, and advised that NCTD continues with enforcement efforts; and Principal Planner Lee provided an update on meetings with Coastal Commission staff regarding the City's adopted Adaptation Plan and Local Coastal Program amendments.

### **PRESENTATIONS**

#### **ITEM 1: PROCLAMATION HONORING SCOTT HUTH (CLERK'S FILE NO. 1201-5)**

Mayor Haviland read and presented City Manager Huth with a proclamation honoring him for his service to the City of Del Mar.

The Mayor opened this item to public comment and the following people spoke:

- 1) Lee Haydu, 839 Cofair Court, Solana Beach – Recognized Scott's achievements and thanked him for his service to the City.
- 2) Don Mosier, 524 Rimini Road, Del Mar – Recognized Scott's achievements and thanked him for his service to the City.
- 3) Terry Sinnott, Nob Avenue, Del Mar – Recognized Scott's achievements and thanked him for his service to the City.
- 4) Wayne Dernetz, 9<sup>th</sup> Street, Del Mar – Recognized Scott's achievements and thanked him for his service to the City.

The Mayor closed this item to public comment.

Each Councilmember said a few words expressing their appreciation for Scott's service to the City.

#### **ITEM 2: PROCLAMATION HONORING TYDEN CHINOWSKY (CLERK'S FILE NO. 1201-5)**

The Mayor read and presented Tyden Chinowsky with a proclamation recognizing and expressing the City's appreciation for his efforts to organize and complete volunteer restoration work at the Del Mar Canyon. Mr. Chinowsky provided a brief presentation following acceptance of the proclamation.

#### **ITEM 3: PRESENTATION BY SANDAG ON BLUFF STABILIZATION PROJECT 4 AND EMERGENCY REPAIR WORK (CLERK'S FILE NO. 1506-1)**

Project engineers Bruce Smith and Allie DeVaux from the San Diego Association of Governments (SANDAG), provided a presentation on the scope and timing of the SANDAG Bluff Stabilization Project 4 and emergency repair work planned for the City of Del Mar. They additionally covered future planned projects Phase 5 and 6.

Council inquired about the installation technique for the soldier piles, notification to residents and impacts of planned 7 a.m. start time; could work in Phase 5 and 6 be removed if a future tunnel is installed; newspaper reports regarding work to remove the rails from the tracks beginning in the next three years;

positive impacts to traffic resulting from removing the rails from the bluffs; and clarification on erosion projections.

Councilmember Druker provided his insight about rail relocation and how to best move freight along the Interstate 15 corridor.

### **CONSENT CALENDAR**

Administrative Services Director Jones read the titles and recommended actions for Items 4 through 10 on the Consent Calendar. Mayor Haviland opened Items 4 through 10 to public comment. There being no speakers, Mayor Haviland closed the items to public comment. Items 8 and 10 were pulled from the Consent Calendar for additional discussion.

**IT WAS MOVED BY COUNCIL MEMBER DRUKER, SECONDED BY COUNCIL MEMBER GAASTERLAND TO APPROVE THE CONSENT CALENDAR ITEMS 4 THROUGH 7, AND 9. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Councilmembers Druker, Parks and Worden;  
Noes: 0; Absent: 0; Abstain: 0.

**ITEM 4: APPROVAL OF MINUTES: NOVEMBER 21, 2019 SPECIAL MEETING, DECEMBER 2, 2019 REGULAR AND SPECIAL MEETING, AND DECEMBER 11, 2019 SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

**ITEM 5: RATIFICATION OF LIST OF DEMANDS, DATED FEBRUARY 3, 2020 (CLERK'S FILE NO. 201-3)**

Council approved the list of demands, on consent.

**ITEM 6: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)**

Council waived the reading of ordinances, on consent.

**ITEM 7: FIRST AMENDMENT TO AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE CITY'S 6TH CYCLE HOUSING ELEMENT UPDATE (CLERK'S FILE NO. 406-1)**

Council approved the First Amendment to the Agreement with Kimley-Horn and Associates, Inc. and authorized the City Manager to execute the First Amendment, on consent.

**ITEM 8: CITY COUNCIL LOCAL APPOINTMENTS FOR 2020 (CLERK'S FILE NO. 401-1)**

This item was pulled for additional discussion. Councilmember Druker reviewed the information he asked be included with this item as Attachment B. The rest of the Council provided their feedback and thoughts on the information that was provided by Councilmember Druker.

**ITEM 9: APPROVAL OF A FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF DEL MAR AND THE DEL MAR CITY EMPLOYEES ASSOCIATION (CLERK'S FILE NO. 406-1)**

Council approved the First Amendment to the Memorandum of Agreement (MOA) between the City of Del Mar and the Del Mar City Employees Association revising Exhibit A to the MOA and authorized the City Manager to execute the First Amendment, on consent.

**ITEM 10: APPOINTMENT TO THE 6TH CYCLE HOUSING ELEMENT AD-HOC CITIZENS' TASK FORCE (CLERK'S FILE NO. 401-5)**

This item was pulled from the Consent Calendar for additional discussion. Deputy Mayor Gaasterland and Councilmember Worden provided a brief presentation on this item and status of filling the remaining vacancies on the Task Force. Mayor Haviland expressed concern regarding lack of geographic diversity on the task force.

**IT WAS MOVED BY COUNCIL MEMBER DRUKER, SECONDED BY COUNCIL MEMBER WORDEN TO APPOINT JAS GREWAL TO SERVE AS A VOTING MEMBER FOR A TERM EFFECTIVE FEBRUARY 4, 2020 THROUGH JUNE 30, 2020, OR UNTIL THE TASK FORCE IS DISSOLVED. (VOTE 3-2)**

Ayes: Deputy Mayor Gaasterland, and Councilmembers Druker, and Worden; Noes: Mayor Haviland and Councilmember Parks; Absent: 0; Abstain: 0.

**COMMISSION AND COMMITTEE INTERVIEWS**

**ITEM 11: DESIGN REVIEW BOARD INTERVIEWS AND APPOINTMENTS (CLERK'S FILE NO. 401-5)**

Administrative Services Director Jones provided a brief overview of the process and handed out ballots for Councilmembers to indicate their selections for appointments to fill the vacant Design Review Board (DRB) voting and non-voting seats.

The Council interviewed six applicants for the DRB voting member position including Dan Quirk; Amy Isackson; Tina Thomas; Terri Pavelko; Gala Yayla; and Greg Rothnem.

Based on the votes cast by each Councilmember, Amy Isackson was unanimously appointed to serve a four-year term beginning February 4, 2020, as a voting member of the DRB.

The Council interviewed Elena Oanta for the non-voting member position and unanimously voted to appoint her to the DRB for a two-year term beginning February 4, 2020.

**COUNCIL MEETING RECESS**

The Council took a brief recess from approximately 6:40-6:55 p.m.

**PUBLIC HEARING**

**ITEM 12: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 23.54 OF THE DEL MAR MUNICIPAL CODE REGARDING UNDERGROUND UTILITY DISTRICTS (CLERK'S FILE NO. 401-4, 401-9)**

Assistant City Manager Crane and Deputy Public Works Director Maali provided a presentation on this item.

Council questions focused on what would happen if another utility company comes through and wants to put up a pole or transmission equipment in the public right of way after the undergrounding is completed; what impacts, if any, the proposed amendment to the Del Mar Municipal Code (DMMC) will have on public noticing requirements; Council voting requirements when voting on the designation work areas; and number of laterals in areas 1A and X1A.

Mayor Haviland opened the item to public comment and the following person spoke:

Laura DeMarco, 544 Avenida Primavera, Del Mar – Expressed concern and posed questions about the proposed initial project areas and property owners who don't reside here receiving proper notice.

Mayor Haviland closed the item to public comment.

Council discussion focused on potential renaming of project areas with more intuitive names; request for staff to come back with an item to further discuss 5G; and an interest in passing similar ordinances as the City of Encinitas regarding 5G.

**IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY COUNCIL MEMBER DRUKER TO INTRODUCE AN ORDINANCE MODIFYING CHAPTER 23.54 OF THE DEL MAR MUNICIPAL CODE REGARDING UNDERGROUND UTILITY DISTRICTS. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Councilmembers Druker, Parks and Worden;  
Noes: 0; Absent: 0; Abstain: 0.

#### CITY COUNCIL OTHER BUSINESS

**ITEM 13: PRESENTATION OF FISCAL YEAR 2018-2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT BY ROBERT CALLANAN, WHITE NELSON DIEHL EVANS LLP AND AUDITED FINANCIAL RESULTS (CLERK'S FILE NO. 202-5)**

Finance Manager Molina and Bob Callanan from the City's auditing firm White Nelson Diehl Evans, LLP provided a presentation on this item.

Council questions focused on state law regarding appropriations and status of the Del Mar Public Facilities Corporation.

Council discussion focused on researching what is driving increase to general governmental expenses; need for accurate Del Mar statistical data and review of City description and jobs data to ensure accuracy.

**ITEM 14: FISCAL YEAR 2019-2020 MID-YEAR FINANCIAL REPORT AND RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 OPERATING AND CAPITAL BUDGET (CLERK'S FILE NO. 202-5)**

A presentation was provided by Finance Manager Molina.

Council questions focused on what the subsidy of \$1.2 M to the General Fund is; how the Jimmy Durante Bluff Failure was categorized; clarification on the Supplemental Law Enforcement Services Fund (SLESF) allocation.

**IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO 1) ACCEPT THE FISCAL YEAR 2019-2020 MID-YEAR FINANCIAL REPORT; AND 2) ADOPT THE RESOLUTION 2020-04, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE FISCAL YEAR 2019-2020 OPERATING AND CAPITAL BUDGET." (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Councilmembers Druker, Parks and Worden;  
Noes: 0; Absent: 0; Abstain: 0.

**ITEM 15: RESOLUTION TO EXTEND THE FORBEARANCE PERIOD RELATING TO EXISTING NONCONFORMING SHORT TERM RENTALS (CLERK'S FILE NO. 301-19)**

Principal Planner Lee provided a presentation on this item.

Council questions focused on whether there is a maximum number of times the City can extend the forbearance period and whether there can be a forbearance period regardless of the outcome of the lawsuits.

Mayor Haviland opened the item to public comment and the following people spoke:  
Debbie Church, 152 27<sup>th</sup> Street, Del Mar – Spoke in opposition of extending the forbearance period.

Mayor Haviland closed the item to public comment.

Council discussion focused on clarification between moratorium and forbearance.

**IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY COUNCIL MEMBER PARKS TO ADOPT RESOLUTION 2020-05, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO EXTEND THE EXISTING FORBEARANCE RELATED TO ENFORCEMENT OF SHORT TERM RENTAL OPERATIONS", WHICH TEMPORARILY DELAYS ENFORCEMENT ACTION AGAINST SHORT TERM RENTALS UNTIL LITIGATION IS RESOLVED AND/OR NEW REGULATIONS ARE PROCESSED. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Councilmembers Druker, Parks and Worden;  
Noes: 0; Absent: 0; Abstain: 0.

**ITEM 16: CITY OF DEL MAR COMPREHENSIVE USER FEE UPDATE (CLERK'S FILE NO. 1601-9)**

A presentation was provided by Senior Management Analyst Murray and Management Analyst McMahon.

Council questions focused on proportionality of fees; clarification of one-year pilot.

Mayor Haviland opened the item to public comment and the following people spoke:

- 1) Zach Groban, Chair of Business Support Advisory Committee – Spoke in support of the subsidies geared toward encouraging revitalization efforts downtown.

- 2) Laura DeMarco, 544 Avenida Primavera, Del Mar – Spoke in opposition of the proposed Consumer Price Index (CPI) escalator of 3% per year.

Mayor Haviland closed the item to public comment.

Council discussion focused on providing feedback on planning fees and taking into consideration the public benefit associated with a more intensive development process; potential of subsidies related to Trees Scenic Views and Sunlight (TSVS) application and downtown and commercial area as incentives; goal of full cost recovery with subsidies clearly justified related to public benefit; general support for staff proposed subsidies; inability to truly measure the public benefit; support for tiered thinking; support for pilot period as proposed by staff and working with the Business Support Advisory Committee (BSAC) to ensure businesses are aware of the available subsidies; concern about subsidizing the FOG fees through the Wastewater Fund; and potential for annual CPI increases but with a sunset of 5 years.

The Council consensus was to move forward with the community benefit subsidies, revitalization subsidies one-year pilot period; and technology fee as proposed by staff; not subsidize FOG compliance fees; agreement on staff recommendation regarding Community Services fees; and agreement with implementing a CPI increase of 3% annually with a sunset on CPI increases after 5 years. Council also asked staff to look into creating a hardship waiver process.

**ITEM 17: COMMUNITY SERVICES DEPARTMENT OPERATION OF THE DEL MAR JUNIOR LIFEGUARD PROGRAM (CLERK'S FILE NO. 102-4, 507-7)**

A presentation was provided by Community Services Director/Chief Lifeguard Edelbrock and Deputy Community Services Director Rathsam.

Council questions focused on registration fees compared to other similar programs; how residency will be verified; how the City will cover costs if registrations fall short; and whether staff intends to run the program in-house moving forward.

Council discussion focused on potential for staff to provide a presentation at the Parks & Recreation Committee; support for staff's recommendation; and there was some concern expressed about the feasibility of bringing this program back in-house permanently moving forward.

**IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND, SECONDED BY COUNCIL MEMBER WORDEN TO 1) AUTHORIZE THE COMMUNITY SERVICES DEPARTMENT TO OPERATE AN EIGHT-WEEK JUNIOR LIFEGUARD PROGRAM ON THE CITY OF DEL MAR PUBLIC BEACH IN SUMMER 2020; AND 2) APPROVE CHANGES TO THE FY2019-20 COMMUNITY SERVICES DEPARTMENT OPERATING BUDGET AS DESCRIBED IN THE FISCAL IMPACT SECTION OF THIS REPORT. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Councilmembers Druker, Parks and Worden;  
Noes: 0; Absent: 0; Abstain: 0.

**ITEM 18: ENHANCEMENTS TO CITY'S ENFORCEMENT SERVICES PROGRAM (CLERK'S FILE NO. 1101-2)**

A presentation was provided by Assistant City Manager Crane and Community Service Director/Chief Lifeguard Edelbrock.

Council questions focused on what a Penal Code (PC) 832 designation is; what “Y-rated” means; plans for Law Enforcement Manager position moving forward; what a PC 832 officer can do with regard to enforcement in comparison to an actual peace officer; morning patrols; and the plan is for the park ranger vehicles.

Council discussion focused on support for the proposed changes and citywide monitoring.

**IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY COUNCIL MEMBER PARKS TO 1) DIRECT STAFF TO PROCEED WITH RECOMMENDED EFFORTS TO ENHANCE THE CITY’S ENFORCEMENT SERVICES PROGRAM; AND 2) AMEND THE FISCAL YEAR 2019-2020 AND 2020-2021 OPERATING BUDGETS AS INDICATED IN THE FISCAL IMPACT SECTION OF THIS REPORT. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Councilmembers Druker, Parks and Worden;  
Noes: 0; Absent: 0; Abstain: 0.

**ITEM 19: PROPOSAL FOR TRANSPARENT EXCHANGE OF INFORMATION OUTSIDE OF CITY COUNCIL MEETINGS (CLERK’S FILE NO. 1201-6)**

Council continued this item to a future Council meeting.

**STANDING DISCUSSION ITEMS**

**ITEM 20: AFFORDABLE HOUSING**

This item wasn’t discussed due to the meeting was adjourned.

**ITEM 21: RAIL RELATED ISSUES**

This item wasn’t discussed due to the meeting was adjourned.

**COUNCIL PRIORITIES – REPORTS**

No discussion took place due to the meeting was adjourned.

**ADJOURNMENT**

Mayor Haviland adjourned the meeting at 10:02 p.m.



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Ashley Jones, Administrative Services  
Director/City Clerk