



**CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 11, 2019
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 or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER

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

ROLL CALL

Present: Mayor Dave Druker, Deputy Mayor Ellie Haviland, Council Members Terry Gaasterland, Sherryl Parks and Dwight Worden.

Absent: None

Staff Present: City Manager Scott Huth; Assistant City Manager Kristen Crane; City Attorney Leslie Devaney; Administrative Services Director/City Clerk Ashley Jones; Deputy Public Works Director Mohsen Maali; Principal Planner Amanda Lee; Principal Planner Matt Bator; Environmental Sustainability/Special Projects Manager Clement Brown; Senior Management Analyst Rachel Beld; Associate Planner Evan Langan; and Management Analyst Shaun McMahan.

PLEDGE OF ALLEGIANCE

Mayor Druker led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

Dave Rolland, representing Senator Toni Atkin's Office – Provided an overview of the Governor's proposed budget plan.

GOVERNING BODY ACTIONS AND COMMENTS

Council Member Parks reported on the CSA-17 GPA meeting, noting the adoption of their budget and she spoke about a surplus in the reserves which are to be distributed to the Fire Department and Ambulance Services. Council Member Worden reported that he and Council Member Parks went to a home for immigrants seeking asylum that is being run by Jewish Family Services; SONGS task force that has been formed by representative Mike Levin, addressing nuclear waste on site; and he talked about how the federal government is taking another look at off-shore drilling.

CITY MANAGER'S REPORT

The City Manager provided information about the Jimmy Durante Boulevard Pipeline Replacement Project; turf renovation work at Power House Park; Friends of the Powerhouse Valentines event; and Principal Planner Lee announced that staff will hold a public scoping meeting on February 21, 2019, at Town Hall to solicit public input for preparation of a program level Environmental Impact Report for proposed zoning amendment in the North Commercial and Professional Commercial zones.

Council Member Worden announced that the Blue Grass and Beyond concert put on by the Del Mar Foundation last week was a success.

COMMUNITY ANNOUNCEMENTS AND PRESENTATIONS

ITEM 1: ANNUAL DEL MAR LIBRARY UPDATE (CLERK'S FILE NO. 1503-13)

Polly Cipparrone from the Del Mar Library provided an annual update on the Del Mar library which included information about what occurred last year at the library and what is on the horizon for 2019. Ms. Cipparrone also thanked the Council for the recent exterior and interior improvements to the Library building.

ITEM 2: MAYOR'S STATE OF THE CITY ADDRESS (CLERK'S FILE NO. 401-1)

Mayor Druker provided a review of the City's accomplishments during 2018; issues that are anticipated to return to the Council over the next year; and new challenges on the horizon for the City. The Mayor also discussed the City's strengths as identified at a recent Council retreat.

ITEM 3: SUSTAINABILITY ADVISORY BOARD REPORT (CLERK'S FILE NO. 401-5)

Ann Feeney, Chair of the Sustainability Advisory Board (SAB), provided an overview of SAB activities and achievements to date and ongoing goals for the coming years.

ITEM 4: PRESENTATION OF SANDAG'S EFFORTS TO RELOCATE THE RAILROAD TRACKS (CLERK'S FILE NO. 1506-1)

Bruce Smith and Linda Culp from the San Diego Association of Governments (SANDAG) provided a presentation to the Council regarding SANDAG's efforts to stabilize the bluffs, and costs and alternatives for long-term tunnel alignment options. Council questions focused on impacts to the beach, whether the scientific information provided through the Sea Level Rise Adaptation Plan effort would be taken into consideration; distinction between short-term and long-term plans; how long the single track will work for the LOSSAN corridor; why not bore under Camino del Mar rather than doing a "cut and cover" option; estimated timelines for the different scenarios discussed; how to better understand the lateral vibrations coming from the train/tracks; and timing for the Del Mar 6 project.

Council comments focused on getting people safely across the tracks being a priority for Del Mar; removing the tracks from the bluff timely and finding the money to do so is also a priority; joint funding opportunities (City and SANDAG applying for grant funds); and the City and SANDAG working together on opportunities for the tunnel with SANDAG being the lead agency.

The Mayor opened the item for public comment and the following spoke:

Frank Stonebanks, 2221 La Amatista, Del Mar, representing Citizens for Access to Del Mar Beaches, Bluffs and Trails – Expressed support for SANDAG’s efforts, provided suggestions in a variety of areas.

Mark Handzel, 100 12th Street – Asked questions pertaining to studying effects of train vibration, bluff drainage concerns, and bluff stabilization options considered.

The Mayor closed this item to public comment.

CONSENT CALENDAR

Administrative Services Director/City Clerk Jones read the titles and recommendations of Items 5 through 12 on the Consent Calendar. Mayor Druker opened Items 5 through 12 to public comment. There being no speakers, Mayor Druker closed the items to public comment. Item 12 was pulled from the Consent Calendar, and items 14, and 18 were added.

IT WAS MOVED BY DEPUTY MAYOR HAVILAND, SECONDED BY COUNCIL MEMBER GAASTERLAND TO APPROVE THE CONSENT CALENDAR ITEMS 5 THROUGH 11, 14, and 18. (VOTE 5-0)

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

ITEM 5: APPROVAL OF MINUTES: DECEMBER 17, 2018 REGULAR AND SPECIAL MEETING (CLERK’S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 6: RATIFICATION OF LIST OF DEMANDS, DATED FEBRUARY 11, 2019 (CLERK’S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 7: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK’S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 8: ADOPTION OF AN ORDINANCE (2ND READING) TO REGULATE PLASTIC STRAWS AND STIRRERS (CONTINUED TO MARCH 4, 2019 COUNCIL MEETING) (CLERK'S FILE NO. 401-4, 401-9, 1403-4)

Council approved the continuance of this item to March 4, 2019, on consent.

ITEM 9: APPROVAL TO PURCHASE REPLACEMENT 800 MHZ RADIOS FROM MOTOROLA SOLUTIONS AND AMEND THE FISCAL YEAR 2018-2019 OPERATING BUDGET (CLERK'S FILE NO. 1101-8)

Council approved resolution 2019-04, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA APPROVING THE PURCHASE OF 800 MHZ RADIOS FROM MOTOROLA SOLUTIONS; AND AMENDING THE FISCAL YEAR 2018-2019 OPERATING AND CAPITAL BUDGET", on consent.

ITEM 10: APPOINTMENT TO THE PARKS AND RECREATION COMMITTEE (CLERK'S FILE NO. 401-5)

Council appointed Linda Chisari to the Parks and Recreation Committee for a term expiring on May 1, 2021, on consent.

ITEM 11: APPOINTMENTS TO THE BUSINESS SUPPORT ADVISORY COMMITTEE (CLERK'S FILE NO. 401-5)

Council appointed Jean Claude Aldibs to serve as a commercial property owner representative, and Charles Koll to serve as a restaurant owner representative on the Business Support Advisory Committee (BSAC). on consent.

ITEM 12: CITY COUNCIL CORRESPONDENCE TO THE SAN DIEGO COUNTY BOARD OF SUPERVISORS REQUESTING THAT INDIVIDUAL MUNICIPALITIES MAINTAIN LOCAL AUTHORITY OVER THE REGULATION OF MICROENTERPRISE HOME KITCHEN OPERATIONS (ASSEMBLY BILL 626) (CLERK'S FILE NO. 401-1, 1503-4)

This item was pulled from the Consent Calendar for a short presentation by Associate Planner Langan. Council discussion focused on the potential impacts of the legislation and the importance of local control and regulation of home kitchen operations.

IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY COUNCIL MEMBER GAASTERLAND TO APPROVE STAFF RECOMMENDATION. (VOTE 5-0)

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

PUBLIC HEARINGS

ITEM 13: CONDITIONAL APPROVAL OF ENCROACHMENT PERMIT EP19-003 & ADMINISTRATIVE DESIGN REVIEW PERMIT ADR19-005 TO INSTALL VEHICULAR BOLLARDS WITH A TREATED CHAIN IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO APNS: 299-100-37 & 38 AND THE DEL MAR RIVERPATH

APPLICANTS: SDG&E AND PLANNING SYSTEMS

(CLERK’S FILE NO. 802-1, 1306-4)

A brief presentation was provided by Management Analyst McMahon. William Yee, Project Manager from SDG&E also provided information and answered questions.

Council questions focused on clarification as to why this item didn’t go to the Design Review Board before coming to Council; whether this pole is one of the poles that is already scheduled to be removed by SDG&E in the Lagoon area; whether this pole is included in the City’s undergrounding project; whether there are wires from this pole to other poles;

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

Bill Michalsky, Drawer O, Del Mar – Inquired about the timing of the proposed project and expressed opposition.

Mayor Druker closed the item to public comment.

IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY COUNCIL MEMBER GAASTERLAND TO ADOPT RESOLUTION 2019-06, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, APPROVING ADMINISTRATIVE DESIGN REVIEW PERMIT ADR19-005 AND ENCROACHMENT PERMIT EP19-003 FOR THE INSTALLATION OF TWO FORTY-EIGHT INCH METAL BOLLARDS WITH A TREATED CHAIN, PAINTED BROWN TO MATCH THE EXISTING BOLLARDS ON-SITE, IN THE PUBLIC RIGHT-OF-WAY SOUTH OF APNS: 299-100-37-00 & 299-100-38-00 ON SAN DIEGUITO DRIVE IN DEL MAR, CALIFORNIA”. (VOTE 5-0)

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

ITEM 14: ENCROACHMENT PERMIT EP18-044 - HARDSCAPE AND LANDSCAPE IMPROVEMENTS ADJACENT TO 414 7TH STREET (APN: 300-232-34)

APPLICANT: BRIAN CAMBIER

(CLERK’S FILE NO. 802-1, 1306-4)

Mayor Druker opened the public hearing; and opened the item to public comment. There were no speakers on this item. The Mayor then closed the public hearing and this item was moved to the Consent Calendar for consideration.

Council adopted Resolution 2019-05, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, APPROVING ENCROACHMENT PERMIT EP18-044 FOR HARDSCAPE AND LANDSCAPE IMPROVEMENTS ADJACENT TO 414 7TH STREET (APN: 300-232-34) IN DEL MAR, CALIFORNIA", on consent

CITY COUNCIL OTHER BUSINESS

ITEM 15: APPROVAL OF THE 2019 LEGISLATIVE POLICY GUIDELINES (CLERK'S FILE NO. 401-7, 401-8)

Environmental Sustainability/Special Projects Manager Brown provided information and answered Council questions pertaining to this item.

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

Joe Gabaldon, Public Affairs Manager, SDG&E – Provided suggested changes to items 15 related to fires, and I-5 related to creation of a Community Choice Energy (CCE) in the policy guide.

Mayor Druker closed the item to public comment.

Council discussion focused on concerns about the suggested changes made by representatives from SDG&E; and taking the guide into consideration when setting Council goals & priorities.

IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY MAYOR DRUKER TO ADOPT RESOLUTION 2019-07, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING THE 2019 LEGISLATIVE POLICY GUIDELINES", WITH ADDING THE WORD "NOT" TO SECTION I-5 AND AMENDMENT TO ADD FIRE LIABILITY TO THE 2019 LEGISLATIVE POLICY GUIDELINES. (VOTE 5-0)

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

ITEM 16: ELECTRIC VEHICLE CHARGING FEE AND EV COMMUTING INCENTIVE PROGRAM (CLERK'S FILE NO. 307-7)

A presentation was provided by Environmental Sustainability/Special Projects Manager Brown.

Council questions focused on the recommended charge per kilowatt; clarification on the full cost recovery scenario; and legal noticing requirements.

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

Joe Gabaldon, Public Affairs Manager, SDG&E – Spoke in support of the recommended action, and suggested that the City consider waiving fees for EV charging and alternative fuel stations.

Mayor Druker closed the item to public comment.

Council discussion focused on functionality of the ChargePoint app; how to waive fees for City employees through ChargePoint; statistics for use by Del Mar residents and businesses; and possible subsidies and incentives.

IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY DEPUTY MAYOR HAVILAND TO ADOPT RESOLUTION 2019-08, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO ESTABLISH AN ELECTRIC VEHICLE CHARGING FEE AND ELECTRIC VEHICLE COMMUTING INCENTIVE PROGRAM”. (VOTE 5-0)

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

ITEM 17: REVIEW DRAFT NORTH BLUFF PRESERVE GOALS, POLICIES AND REGULATORY STANDARDS AND DISCUSS STAFF’S RECOMMENDATION TO REMOVE NORTH BLUFF PRESERVE FROM THE DEL MAR RESORT SPECIFIC PLAN (CLERK’S FILE NO. 301-6, 1401-10)

Principal Planner Bator provided a presentation on this item.

Council questions focused on the costs associated with doing a separate policy document for the preserve; clarification on the legal name of the preserve based on inconsistent references in different documents; value in making an amendment to the Community Plan; and enforcement ability provided in existing code and the proposed policy.

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

Claire McGreal, 1135 Stratford Court, Del Mar – Spoke in support of staff’s recommendation with a proviso regarding prohibition of the use of alcohol, smoking/vaping, glass, charcoal, and open fires.

Mayor Druker closed the item to public comment.

Council discussion included clarification on what is and is not currently allowed at the site based on existing regulatory documents; whether there are existing provisions for “pack it in; pack it out”; benefit to listing the items in the regulatory document for the preserve that were requested by Claire McGreal even if they are covered by other regulatory documents; concerns about moving forward with policy and regulatory documents now without knowing what is going to be developed; possibility of future modification; need to establish the policies and regulatory

standards for the preserve so that future development can plan accordingly; and how to best address access needs moving forward.

Consensus to modify #8 to include language that states “except with City Council approval”

IT WAS MOVED BY COUNCIL MEMBER PARKS, SECONDED BY COUNCIL MEMBER WORDEN TO MOVE APPROVAL TO ACCEPT THE GOALS, POLICIES, REGULATORY STANDARDS OF THE NORTH BLUFF PRESERVE AS WELL AS THE REGULATIONS EXCEPT ITEM EIGHT SHOULD BE MODIFIED TO INCLUDE LANGUAGE AT THE BEGINNING OF THE ITEM THAT STATES “EXCEPT WITH CITY COUNCIL APPROVAL”, AND ADD ITEM 12 WITH THE LIST FROM CLAIRE MCGREAL TO BAN SMOKING OR ANY VAPING MATERIALS, ALCOHOL, GLASS, CHARCOAL OR OPEN FIRES. (VOTE 4-1)

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

ITEM 18: RESOLUTION TO EXTEND THE FORBEARANCE PERIOD RELATING TO EXISTING NONCONFORMING SHORT-TERM RENTALS (CLERK’S FILE NO. 301-19)

Mayor Druker opened this item for public comment, and there were no speakers. The Mayor closed this item to public comment, and it was moved to the Consent Calendar for consideration.

Council adopted Resolution 2019-09, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO EXTEND THE FORBEARANCE PERIOD FOR ELIGIBLE OWNERS WITH EXISTING SHORT TERM RENTAL OPERATIONS THAT PRE-DATED THE APRIL 2016 MORATORIUM ON NEW SHORT TERM RENTALS”, on consent.

ITEM 19: POTENTIAL CHANGES TO COUNCIL COMMITTEES AND SUBCOMMITTEES AND RELATED LIAISON APPOINTMENTS (CLERK’S FILE NO. 301-6)

A presentation was provided by Administrative Services Director/City Clerk Jones. Council consensus for this agenda item was as follows:

- 1) Consensus that there is a need for Council subcommittees;
- 2) Need for subcommittee(s) related to rail issues, one for bluff stability/safe rail crossings and one for getting the rails off the bluffs. There was Council consensus to move forward with eliminating the existing committee, and creating two new committees as described. Council appointed Council Member Gaasterland and Mayor Druker as the North County Transit District (NCTD) representatives to serve on the subcommittee for safe rail crossings/bluff stability, and Council Members Worden and Haviland as the San Diego Association of Governments (SANDAG) representatives to serve on the subcommittee focused on getting the rails off the bluff.
- 3) Creation of a Council subcommittee related to the implementation of the Sea Level Rise Adaptation Plan and appointment of Council Members Worden and Gaasterland as liaisons.

- 4) Creation of a Council subcommittee for the proposed Watermark development project, with Council Members Gaasterland and Worden appointed as liaisons; and a Council subcommittee for the proposed Del Mar Resort development project with Mayor Druker and Deputy Mayor Haviland appointed as liaisons.
- 5) Mayor Druker was appointed to replace Council Member Worden as the Council liaison to the Utility Project Advisory Committee (UPAC).

Mayor Druker opened the item to public comment there were no speakers.

ITEM 20: CONSIDERATION OF A PROPOSAL FROM THE ARTS ADVISORY COMMITTEE TO HOST A SERIES OF DEL MAR CIVIC CENTER ART SHOWS (CLERK'S FILE NO. 401-5)

A presentation was provided by Senior Management Analyst Beld and Committee Chair Bonnie Grossman.

Council questions focused on the definition of "juried" art; event costs/proposed budget; and clarification on staff costs that were included.

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

Julie Maxey-Allision, 227 10th Street, Del Mar – Spoke in support of the Arts Advisory Committee's recommendations.

The following individuals did not wish to speak, but wanted to go on the record for this item:

Arline Paa, 612 8th Street, Del Mar – Indicated support for the recommended action.

Mayor Druker closed the item to public comment.

Council discussion focused on enthusiasm for the committee's request; budgetary concerns; art related development fee concept; and support for funding the initial event.

Council Member Parks committed to making a \$1,000 personal donation to help fund the event, and Council Member Worden committed to making a \$500 personal donation to help the event.

Council consensus was to move forward with funding for the March 2019 art event in an amount not to exceed \$2,321 and provide the staffing necessary to support the event.

IT WAS MOVED BY MAYOR DRUKER, SECONDED BY COUNCIL MEMBER GAASTERLAND TO MOVE FORWARD WITH FUNDING FOR THE MARCH 2019 ART EVENT IN AN AMOUNT NOT TO EXCEED \$2,321 AND PROVIDE THE STAFFING NECESSARY TO SUPPORT THE EVENT. (VOTE 5-0)

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

ITEM 21: APPROVAL OF TASK ORDER 2 WITH LEE & RO, INC. AND UNDERGROUNDING PROJECT BUDGET MODIFICATIONS FOR FISCAL YEAR 2018-19 (CLERK'S FILE NO. 1001-2)

A presentation was provided by Deputy Public Works Director Maali.

Council questions focused on the amount originally budgeted for SDG&E and when those expenditures are anticipated; explanation for work included in proposed Task Order 2; and implications of approval.

Mayor Druker opened the item to public comment and there were no speakers, therefore he closed the item to public comment.

Council discussion focused on need for budgetary changes; legal costs; pace at which the project is moving; potential for pilot project to test the project planning; prioritization of undergrounding areas; and budget constraints.

IT WAS MOVED BY DEPUTY MAYOR HAVILAND, SECONDED BY COUNCIL MEMBER WORDEN TO 1) APPROVE TASK ORDER 2 FOR LEE & RO, INC. (ATTACHMENT A); 2) APPROVE MODIFICATIONS TO THE UNDERGROUNDING PROJECT BUDGET FOR FISCAL YEAR 2018-19; AND 3) AUTHORIZE THE CITY MANAGER TO EXECUTE THE TASK ORDER AND MAKE MODIFICATIONS TO LINE-ITEMS WITHIN THE APPROVED UNDERGROUNDING PROJECT BUDGET AS-NEEDED IN THE FUTURE, SO LONG AS THE APPROVED TOTAL BUDGET AMOUNT REMAINS UNCHANGED. (VOTE 5-0)

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

ITEM 22: JANUARY 2019 CITY COUNCIL RETREAT REPORT OUT (CLERK'S FILE NO. 401-1)

Administrative Services Director Jones provided a presentation regarding the agenda and outcomes from the January 2019 City Council retreat.

Mayor Druker opened the item to public comment and there were no speakers, therefore he closed the item to public comment.

COUNCIL PRIORITIES – REPORTS

Council Member Parks reported on the Parks & Recreation; Council Member Gaasterland reported on Traffic & Parking Advisory Committee, Finance Committee, Underground Project Advisory Committee; Deputy Mayor Haviland reported on the Fairgrounds Community Relations Committee, HR Council subcommittee, SANDAG North County Representatives and Executive committees, SANDAG Board, Lagoon Committee, Sustainability Advisory Board, and LOSSAN; Council Member Worden reported on SANDAG Board, SANDAG Energy Working Group, SANDAG Shoreline Working Group, Parks and Recreation Committee, Business Support

Advisory Committee, Riverpark JPA; and Mayor Druker reported on Business Support Advisory Committee, North County Transit District Board, Traffic & Parking Advisory Committee, and the quarterly non-profit meeting.

ADJOURNMENT

Mayor Druker adjourned the meeting at 9:31 p.m.

A handwritten signature in cursive script, appearing to read "Ashley Jones".

Ashley Jones, Administrative Services
Director/City Clerk