



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 4, 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, and Council Members Terry Gaasterland, 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, Public Works Director Joe Bride; Planning and Community Development Director Kathleen Garcia; Principal Planner Amanda Lee; Information Technology Manager Emily Bernardo; Environmental Sustainability/Special Projects Manager Clement Brown; and Management Analyst Shaun McMahon.

PLEDGE OF ALLEGIANCE

Mayor Druker asked Council Member Gaasterland to lead the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

- 1) Mary Arabatzis, Beeside Balcony, 1201 Camino del Mar – Discussed the effects of the rain and Streetscape project construction on her business.
- 2) Tom Blakely, 1109 Luneta Drive – Member of the Undergrounding Project Advisory Committee, expressed concern and dismay about Council Member Worden sending out a survey to the community regarding the project that he felt contained inaccurate information.

GOVERNING BODY ACTIONS AND COMMENTS

Council Member Parks reported on a recent fire department badge ceremony that she and Council Member Worden attended for Jeff Penacho, Morgan Sherman, and Nick Cortez. Council Member Worden announced that he recently spoke to a group of realtors regarding sea level rise and the City's Adaptation Plan; he reported on the SANDAG Energy and Shoreline Working Groups; and his attendance, along with Council Members Gaasterland and Parks, at a recent press conference with Todd Gloria regarding proposed legislation prohibiting gun shows at the Fairgrounds. Council Member Gaasterland reported that she has submitted an application to be on a newly created task force made up of local stakeholders that will focus on safety issues at the San Onofre Nuclear Generating Station (SONGS). Deputy Mayor Haviland reported on a recent 60 Minutes episode that focused on a recent train incident in North Carolina and train safety.

CITY MANAGER'S REPORT

The City Manager reported on a notice from San Diego Gas & Electric (SDG&E) on a planned power outage in the community for circuit work; storm drain work on Carmel Valley Road; drainage issue on 10th Street; Powerhouse Park turf renovation; and the Traffic and Parking Advisory Committee's review of the speed feedback sign with good results thus far, and their recommendation to install a second sign at Anderson Canyon on Camino del Mar.

COMMUNITY ANNOUNCEMENTS AND PRESENTATIONS

**ITEM 1 INTRODUCTION OF HASAN IKHRATA, SANDAG EXECUTIVE DIRECTOR
(CLERK'S FILE NO. 1506-1)**

Hasan Ikhata, newly appointed executive director of SANDAG, introduced himself and discussed his vision for the future to the City Council.

ITEM 2 OVERVIEW OF CITY WEB SITE REDESIGN (CLERK'S FILE NO. 1305-3, 1305-8)

IT Manager Bernardo, provided an overview of the City's newly designed website.

CONSENT CALENDAR

Administrative Services Director/City Clerk Jones read the titles and recommendations of Items 3 through 11 on the Consent Calendar. Mayor Druker opened Items 3 through 11 to public comment. There being no speakers, Mayor Druker closed the items to public comment. The public hearing for Item 12 was opened and closed and the item was added to the Consent Calendar.

**IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY COUNCIL MEMBER PARKS,
TO APPROVE THE CONSENT CALENDAR ITEMS 3-11, and 12. (VOTE 5-0)**

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

**ITEM 3: APPROVAL OF MINUTES: JANUARY 14, 2019 REGULAR AND SPECIAL MEETING,
(CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

**ITEM 4: RATIFICATION OF LIST OF DEMANDS, DATED MARCH 4, 2019 (CLERK'S FILE
NO. 201-3)**

Council approved the list of demands, on consent.

ITEM 5: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

**ITEM 6: APPROVAL OF CONSULTANT AGREEMENTS FOR AS-NEEDED PRINTING
SERVICES (CLERK'S FILE NO. 406-1)**

Council approved consultant agreements with 2nd Street Printing, Del Mar Blue Print Company, and Scantech Graphics Inc. for as-needed printing, publishing, and graphic design services, and authorized the City Manager to execute the agreements, on consent.

ITEM 7: APPROVAL OF AS-NEEDED AGREEMENT FOR CITYWIDE LANDSCAPING SERVICES (CLERK’S FILE NO. 406-1)

Council approved an agreement with Stephen Smith Landscape, Inc. to provide as-needed citywide landscaping services and authorized the City Manager to execute the agreement, on consent.

ITEM 8: ACCEPTANCE OF SAN DIEGUITO RIVER VALLEY CONSERVANCY FUNDING AND AUTHORIZATION TO APPLY FOR NEIGHBORHOOD REINVESTMENT PROGRAM GRANT FUNDS FOR THE RIVER PATH DEL MAR EXTENSION PROJECT PHASE 3 (CLERK’S FILE NO 201-8)

Council adopted Resolution 2019-10, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO: 1) ACCEPT \$25,000 FROM THE SAN DIEGUITO RIVER VALLEY CONSERVANCY; 2) ISSUE A TASK ORDER TO MICHAEL BAKER INTERNATIONAL FOR THE RIVER PATH DEL MAR EXTENSION PROJECT, PHASE 3; 3) APPLY FOR A COUNTY OF SAN DIEGO NEIGHBORHOOD REINVESTMENT PROGRAM GRANT; AND (4) AMEND THE FISCAL YEAR 2018-2019 OPERATING AND CAPITAL BUDGET”, on consent.

ITEM 9: ADOPTION OF AN ORDINANCE (2ND READING) TO REGULATE PLASTIC STRAWS AND STIRRERS (CLERK’S FILE NO. 401-4, 401-9, 1403-4)

Council adopted Ordinance 946, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA ADDING CHAPTER 11.44 TO THE DEL MAR MUNICIPAL CODE PROHIBITING THE USAGE OF PLASTIC STRAWS AND STIRRERS, AND PROHIBITING THE DISTRIBUTION OF PAPER, BIODEGRADABLE OR REUSABLE STRAWS UNLESS REQUESTED BY CUSTOMER”, on consent.

ITEM 10: AMENDMENT TO THE 2019 CITY COUNCIL MEETING SCHEDULE (CLERK’S FILE NO. 401-1)

Council adopted Resolution 2019-11, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE BUDGET WORKSHOP SPECIAL MEETINGS OF THE CITY COUNCIL FOR THE 2019 CALENDAR YEAR”, on consent.

ITEM 11: APPOINTMENTS TO THE SUSTAINABILITY ADVISORY BOARD (CLERK’S FILE NO. 401-5)

Council appointed Timothy Sasseen as a voting member of to the Sustainability Advisory Board (SAB) for a term ending May 1, 2021, and Ashley Mazanec as voting member for a term expiring October 3, 2019, on consent.

PUBLIC HEARINGS

ITEM 12: RESOLUTION AMENDING THE TRANSNET LOCAL STREETS AND ROADS PROGRAM OF PROJECTS FOR FISCAL YEARS 2018-2019 THROUGH 2022-2023 (CLERK’S FILE NO. 901-2, 901-5,1506-1)

Mayor Druker opened the item to public comment and there were no speakers. Mayor Druker closed the item to public comment and moved the Item to the Consent Calendar for consideration.

The Council adopted Resolution 2019-12, "RESOLUTION OF THE CITY OF DEL MAR ADOPTING/APPROVING AN AMENDMENT TO THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2018-2019 THROUGH 2022-2023", on consent.

ITEM 13: ADOPTION OF A RESOLUTION AMENDING THE CITY'S COMMUNITY PLAN (GP19-001) FOR COMPLIANCE WITH CALIFORNIA SENATE BILL 379 (CLERK'S FILE NO. 304-4)

Principal Planner Lee provided a presentation on this item.

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

Council discussion focused on Sea Level Rise Technical Advisory Committee (STAC) recommendations, and the benefits of moving forward as recommended by staff and passing the resolution.

IT WAS MOVED BY DEPUTY MAYOR HAVILAND, SECONDED BY COUNCIL MEMBER GAASTERLAND TO ADOPT RESOLUTION 2019-13, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP19-001 TO AMEND THE SAFETY ELEMENT AND INCORPORATE BY REFERENCE THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN, LOCAL COASTAL PROGRAM LAND USE PLAN, AND SEA LEVEL RISE ADAPTATION PLAN FOR COMPLIANCE WITH CALIFORNIA SENATE BILL 379." (VOTE 5-0, 4/5 VOTE REQUIRED FOR APPROVAL)

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

CITY COUNCIL OTHER BUSINESS

ITEM 14: DISCUSSION REGARDING THE CURRENT STATUS OF THE DEL MAR PLAZA AND THE DRAFT DEL MAR PLAZA SPECIFIC PLAN (PSP) AMENDMENT SP18-002 (CLERK'S FILE NO. 301-6)

Planning & Community Development Director Garcia opened this item for discussion and introduced consultant Adam Birnbaum and owner Patty Brutten who spoke on behalf of the Del Mar Plaza owners.

Council questions focused on clarification on traffic and parking issues at the Plaza; current specific plan requirements; and envisioned changes.

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

- 1) Jim Watkins, 1552 Camino del Mar- Spoke in support of the Del Mar Plaza.
- 2) Anne Farrell, 1415 Via Alta – Spoke in support of the Del Mar Plaza.
- 3) Stephen Scola, 113 Melanie Way – Spoke in support of the Del Mar Plaza.
- 4) Mark Riedy, 14084 Rue St. Tropez – Spoke in support of Del Mar Plaza.
- 5) Jen Grove, DMVA Executive Director – Spoke in support of the Del Mar Plaza.

6) Ann Berchfold, 14098 Boquita Drive – Spoke in support of the Del Mar Plaza.

7) Laura DeMarco, 544 Avenida Primavera – Spoke in support of the Del Mar Plaza.

Mayor Druker closed the item to public comment.

Council discussion focused on proposals for use of quasi-public spaces, signage, and parking; support for the revitalization of the Plaza and it being a destination; ways the Plaza benefits the local community; need to update the 30 year old Specific Plan to meet the needs of the community and make the property more viable again; and they encouraged owners to take noise associated with uses into consideration.

ITEM 15: DOWNTOWN STREETScape PROJECT STREET FURNISHINGS (CLERK’S FILE NO. 307-3)

Management Analyst McMahon provided a presentation on this item.

Council questions focused on plans for planned use of existing benches; decals for trash/recycling bins; removal of newspaper racks from the project and process for them to be reinstalled in the future if so desired. Additional information about the proposed street furnishings was provided by Jen Grove and Bob Scott on behalf of the Del Mar Village Association (DMVA).

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

1) Laura DeMarco, 544 Avenida Primavera – Spoke in support of the proposed modified bus shelters and that they should provide full coverage from sun and rain.

2) Dean Meredith, Camino del Mar – Architect of the proposed bus stops, reviewed his bus stop design and encouraged the Council to include the 15th Street bus stop in Phase 1 of the Streetscape project.

Mayor Druker closed the item to public comment.

Council discussion focused on 9th Street bus stop structure; funds set aside for the construction of the bus stops; how to move forward just approving the benches and trash receptacles; timing for installation of bus stops; approval of the design; clarification on what is needed from Council; and they provided direction to staff to work with Dean Meredith and Brad Lentz to try and incorporate the bus shelters into the current phase of the project.

IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY DEPUTY MAYOR HAVILAND, TO ADOPT RESOLUTION 2019-14, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, APPROVING MODIFICATION MOD19-001, A REVISION TO PREVIOUSLY APPROVED DESIGN REVIEW BOARD PERMIT DRB17-031, FOR MODIFICATIONS TO SELECTED STREET FURNISHINGS INCLUDING BENCHES, TRACH RECEPTACLES, AND BUS SHELTERS ON PUBLIC RIGHT-OF-WAY LOCATED WITHIN THE CC (CENTRAL COMMERCIAL) ZONING DISTRICT ON CAMINO DEL MAR BETWEEN 9TH AND THE NORTHERN PLAZA ENTRANCE 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 16: REVIEW OF DRAFT COMMUNITY CHOICE ENERGY TECHNICAL FEASIBILITY STUDY (CLERK’S FILE NO. 1403-4, 1601-9)

Environmental Sustainability/Special Projects Manager Brown introduced Gary Saleba from EES Consulting who provided an overview of the Community Choice Energy (CCE) Technical Feasibility Study.

Council questions focused on position of other City Councils; success/failure of other CCA's; sale of power supply by major power companies; benefits of joining together with other cities/agencies within your region due to different rates in different areas; start up costs and potential increases if partner cities pull out; solar usage and buy back of power; greenhouse gas impacts; SB 100 requirements; Fairgrounds eligibility for participation; difference between renewable energy and greenhouse gas free; biggest risks to the City being political in nature; effects on fossil fuel use; need for purchasing agent, and supply/demand of these agents; potential impacts to SDG&E rates; size of Joint Power Authority (JPA) and impact on costs; and lack of economic incentives in Del Mar.

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

- 1) Udo Wahn, MD, 1227 Stratford Court – Spoke in support of Community Choice Energy (CCE).
- 2) Don Mosier, Climate Action Plan (CAP) Facilitator, 524 Rimini Road - Spoke in support of CCE, and provided relevant energy use information for the Fairgrounds.
- 3) Ann Feeney, Chair of the Sustainability Advisory Board (SAB), 524 Rimini Road – Spoke in supports of CCE.
- 4) Tanya Blackshaw, 10th Street – Spoke in opposition of moving forward with a CCE.

Mayor Druker closed the item to public comment.

Council discussion focused on next steps; clarification on what direction staff is seeking; potential outreach activities; difficulties encountered by other cities who have moved forward with creation of a CCE; nuances of the process; and potential cost of participation.

Council received the draft report and presentation; directed staff to participate in the public workshop with other partner cities; discussed potential public outreach activities such as holding a community workshop; and authorized the City Manager to execute an amendment to the CCE study cost sharing agreement to participate in a joint evaluation of CCE governance options.

ITEM 17: FESTIVITIES TO CELEBRATE THE 60TH ANNIVERSARY OF THE CITY'S INCORPORATION (CLERK'S FILE NO. 1202-7)

Assistant City Manager Crane provided a presentation on this item.

Council questions focused on activities that occurred for the 50th Anniversary, exploring an opportunity to have Dave Keeling's play to be held in Del Mar, including recognizing him as having provided input regarding the development of the Community Plan.

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

Jen Grove, DMVA Executive Director – Expressed interest on behalf of the DMVA to partner with the City on celebrating the City's 60th Anniversary.

Mayor Druker closed the item to public comment.

Staff was directed to reach out to the Del Mar Foundation; partner with the DMVA; create a webpage; reach out to local non-profits; invite former Council members; and reach out to the Arts Advisory Committee to spread out future events into the summer and fall including possibly art installations.

ITEM 18: COUNCIL DISCUSSION REGARDING APPOINTMENT OF SIGNIFICANT OTHERS TO CITY LEGISLATIVE/JUDICIAL BODIES (CLERK'S FILE NO. 401-1)

Administrative Services Director/City Clerk Jones provided a brief overview of this item and opened it up for Council discussion.

Council questions focused on responses from other cities regarding inquiry by staff on this topic; what, if any, legal constraints exist around this issue; conflict of interest standards, and potential for recusal on a case by case basis.

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

- 1) John Imperato, 2034 Santa Fe – Spoke in support of rigorously analyzing this issue.
- 2) Arnie Wiesel, 2139 Heather Lane – Expressed concern about the service of significant others and that appearance of the situation of the public.
- 3) Debbie Church, 152 27th Street – Expressed concern about the service of significant others.
- 4) Ann Feeney, 524 Rimini Road – Spoke in opposition of prohibiting the service of significant others.
- 5) David Doyle, 137 26th Street – Time donation from Nancy Doyle. Spoke in opposition of prohibiting the service of significant others.
- 6) Don Mosier, 524 Rimini Road – Spoke in opposition of prohibiting the service of significant others.
- 7) Philip Posner, 699 Rimini Road – Spoke in opposition of prohibiting the services of significant others.
- 8) Linda Chisari, 1010 Crest Road – Spoke in opposition of prohibiting the service of significant others.
- 9) Frank Chisari, 1010 Crest Road - Spoke in opposition of prohibiting the service of significant others.
- 10) Anne Farrell, 1415 Via Alta – Time donations from Linda and Brett Castile. Spoke in opposition of prohibiting the service of significant others.
- 11) John Farrell, 1415 Via Alta – Spoke in opposition of prohibiting the service of significant others.
- 12) Laura DeMarco, 544 Avenida Primavera – Time donation from Luciano Imperato. Spoke in support of a Council policy prohibiting the service of significant others.
- 13) Susan Feierabend, 146 24th Street – Spoke in support of prohibiting the service of significant others.
- 14) Tom Feierabend, 146 24th Street – Spoke in support of prohibiting the service of significant others.
- 15) Deborah Groban, 330 7th Street – Time donation from Karl Willert. Spoke in support of creating guidelines pertaining to the service of significant others.
- 16) Bill Michalsky, Drawer O – Spoke in opposition to prohibiting the service of significant others.
- 17) Harold Feder, Crest Road – Time donation from John Graybill. Spoke in opposition of prohibiting the service of significant others.
- 18) Henry Abarbanel, 1110 Crest Road – Spoke in opposition of prohibiting the service of significant others.
- 19) Terri Pavelko, 1661 Luneta - Spoke in favor of a Council policy pertaining to the service of significant others.

- 20) Edward Yuskiewicz, 224 18th Street – Spoke in opposition of prohibiting the service of significant others.
- 21) Nancy Stoke, Coast Blvd – Spoke in support of a Council policy pertaining to the service of significant others.
- 22) Tom Grindle, 116 Melanie Way – Spoke in support of a Council policy pertaining to the service of significant others.
- 23) Bud Emerson, Box E – Spoke in opposition of a Council policy pertaining to the service of significant others.

Mayor Druker closed the item to public comment

Council discussion focused on reasons for raising the issue; infrequency of issue; mistrust by some in the community; concern about public perception; options to address the issues for the Council to consider; standards for DRB/Planning Commission appointments; questions about why this is coming up now; how the discussion or concern could have been handled better; and handling potential issues as they come up on a case-by-case basis.

Council consensus was to not do anything further on this item.

COUNCIL PRIORITIES – REPORTS

Deputy Mayor Haviland reported on the 22nd DAA Community Relations Committee; Arts Advisory Committee; North County Right of Way; Planning Process Subcommittee; San Dieguito Lagoon Committee; Sustainability Advisory Board; and Del Mar Village Association (DMVA). Mayor Druker reported on the North County Transit District Board; signage on Sandy Lane regarding U-turns; and Undergrounding Project Advisory Committee. Council Member Gaasterland reported on the Finance Committee; SANDAG Shoreline Preservation Working Group; Undergrounding Project Advisory Committee; and DMVA. Council Member Worden reported on the Fire Governance Board; Housing Subcommittee; and Sea Level Rise Adaptation Plan Subcommittee.

UPCOMING ITEMS

Mayor Druker reviewed the upcoming agenda items.

ADJOURNMENT

Mayor Druker adjourned the meeting at 10:29 p.m.



Ashley Jones, Administrative Services
Director/City Clerk