



**CITY OF DEL MAR  
CITY COUNCIL REGULAR MEETING MINUTES  
April 15, 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](http://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; Planning and Community Development Director Kathleen Garcia; Public Works Director Joe Bride; Deputy Public Works Director Mohsen Maali; Environmental Sustainability/Special Projects Manager Clement Brown; and Management Analyst Shaun McMahon

**PLEDGE OF ALLEGIANCE**

City Manager Huth led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

John Imperato, 2034 Santa Fe, Del Mar – Provided comments on a legal memo from the City Attorney pertaining to conflict of interest when spouses, close family members and cohabitants of Council members serve on the Planning Commission or Design Review Board.

**GOVERNING BODY ACTIONS AND COMMENTS**

Mayor Druker spoke about his attendance today at a press conference, which included several other cities, and focused on opposition to offshore oil drilling.

**CITY MANAGER'S REPORT**

It was announced that the Del Mar Foundation is having their annual Easter Egg hunt on April 20, 2019, at 10 a.m; La Jolla Half Marathon will be held on April 28, 2019 starting at 6:30 a.m. and the race route will go through Del Mar, and the Jimmy Durante Bridge Project is complete.

## **COMMUNITY ANNOUNCEMENTS AND PRESENTATIONS**

### **ITEM 1: PROCLAMATION DECLARING GUN VIOLENCE AWARENESS DAY IN DEL MAR (CLERK'S FILE NO. 1201-5)**

The Mayor presented the proclamation to Rose Ann Sharp on behalf of Never Again, California. Mrs. Sharp provided an update on the status of efforts to ban gun shows at the San Diego Fairgrounds.

## **CONSENT CALENDAR**

Administrative Services Director/City Clerk Jones read the titles and recommendations of Items 2 through 4 on the Consent Calendar. Mayor Druker opened Items 2 through 4 to public comment. There being no speakers, Mayor Druker closed the items to public comment. Items 12 and 13 were added to the Consent Calendar for consideration, and the Regular Meeting Minutes from March 18, 2019 were removed from Item 2 for consideration and will be brought back at a future meeting.

### **IT WAS MOVED BY DEPUTY MAYOR HAVILAND, SECONDED BY COUNCIL MEMBER WORDEN TO APPROVE THE CONSENT CALENDAR ITEMS 2 THROUGH 4, 12 and 13. (VOTE 5-0)**

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

### **ITEM 2: APPROVAL OF MINUTES MARCH 18, 2019 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the Special Meeting minutes, on consent. The regular meeting minutes were removed from consideration pending the Clerk's review of a request for changes from a member of the public.

### **ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED APRIL 15, 2019 (CLERK'S FILE NO. 201-3)**

Council approved the list of demands, on consent.

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

Council waived the reading of ordinances, on consent.

## **COMMISSION AND COMMITTEE INTERVIEWS**

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

Administrative Services Director Jones provided an overview of the process for conducting interviews and appointing one of the applicants to fill the current voting member vacancy on the Design Review Board. Deputy Mayor Haviland recused herself from this item due to her husband Tim Haviland being considered for reappointment.

The Council interviewed five candidates including Gala Yayla; Tina Thomas; Karen Lare; Terry Pavelko; and Tim Haviland.

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

- 1) Lynn Gaylord, 2820 Ocean Front, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 2) John Goodkind, 1535 Forest Way, Del Mar (Time donation Felise Levine) – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 3) Pat Bone – 460 Calebra Street, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 4) Bill Michaelsky, Drawer O, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 5) Glenn Warren, 227 27<sup>th</sup> Street, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 6) John Graybill, 415 15<sup>th</sup> Street, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 7) Bud Emerson, Box E, Del Mar - Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 8) Linda Chisari, 1010 Crest Road, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 9) Arthur Olson, 550 Avenida Primavera, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 10) Frank Chisari, 1010 Crest Road, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 11) Michael Sharpe, 442 15<sup>th</sup> Street, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 12) Sheila Sharpe, 442 15<sup>th</sup> Street, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 13) Philip Posner, 699 Rimini Road, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 14) Julie Maxey-Allison, 227 10<sup>th</sup> Street, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 15) Camilla Rang, 159 10<sup>th</sup> Street, Del Mar - Spoke in support of Tim Haviland being reappointed to serve on the DRB.

- 16) Rich Jamison, 1209 Crest Road, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 17) Tom McGreal, 1135 Stratford Court, Del Mar – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 18) Harold Feder, 1406 Crest Road, Del Mar (Time donation from Beth Sutter Allen) – Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 19) Laura DeMarco, Avenida Primavera, Del Mar (Time donation from Cathie Hays) – Expressed concern about the spouse of a Council Member serving on the Design Review Board.
- 20) Claire McGreal, 1135 Stratford Court, Del Mar - Spoke in support of Tim Haviland being reappointed to serve on the DRB.
- 21) Gloria Sandvik, 1406 Crest Road, Del Mar - Spoke in support of Tim Haviland being reappointed to serve on the DRB.

The following submitted a speaker slip for the record, but did not speak:

Theodore Shank, 432 15<sup>th</sup> Street, Del Mar – Supported reappointment of Tim Haviland to serve on the DRB.

Mayor Druker closed the item to public comment.

Administrative Services Director Jones distributed ballots; and the Council voted as follows:

Mayor Druker: Karen Lare  
Council Member Parks: Tim Haviland  
Council Member Worden: Tim Haviland  
Council Member Gaasterland: Karen Lare

Because no one applicant received the three votes needed in order to be appointed, the recruitment will be reopened to solicit additional interest.

#### CITY COUNCIL OTHER BUSINESS

#### **ITEM 6: CONSIDERATION OF A PROPOSAL FROM THE ARTS ADVISORY COMMITTEE TO HOST A SECOND DEL MAR CIVIC CENTER ART SHOW IN JUNE (CLERK'S FILE NO. 401-5)**

Assistant City Manager Crane provided a brief overview of the recent art show hosted at the Civic Center, followed by Arts Advisory Committee Chair Bonnie Grossman who provided a more detailed account of the event and a proposal to host a second art show in June 2019.

Council questions focused on why there was a stipend included in the June event proposal to pay the youth performance dancers.

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

Julie Maxey-Allison, 227 10<sup>th</sup> Street, Del Mar – Spoke in support of the proposal to hold a second art event in June 2019.

Mayor Druker closed the item to public comment.

**IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY COUNCIL MEMBER PARKS TO APPROVE STAFF'S RECOMMENDATION, WITH A NOTE ABOUT THE STIPEND TO BE DESIGNATED FOR THE DANCE PROGRAM, NOT DIRECTLY FOR THE DANCERS. (VOTE 5-0)**

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

**ITEM 7: COUNCIL SCHEDULED RECESS – 6:45 p.m.**

The City Council took a 15-minute recess at approximately 7:05 p.m.

**ITEM 8: UNDERGROUNDING PROJECT DELIVERY PLAN AND RECOMMENDED APPROACH TO PROCEED WITH THE PROJECT: TIME CERTAIN AT 7:00 PM OR SHORTLY THEREAFTER (CLERK'S FILE NO. 1001-2)**

Assistant City Manager Crane provided a presentation on this item.

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

- 1) Tom McGreal, 1135 Stratford Court, Del Mar – Spoke on behalf of the Finance Committee in support of a more “pay as you go” option for financing the project; and speaking on his own behalf he recommended that the Council get a better understanding of the true costs for the project.
- 2) Frances Frost, 1022 Crest Road, Del Mar - Spoke in support of the undergrounding project and making undergrounding of Crest Canyon a priority.
- 3) Frank Chisari, 1010 Crest Road, Del Mar – Supports making undergrounding of Crest Canyon a priority due to fire safety concerns.
- 4) Linda Chisari, 1010 Crest Road, Del Mar – Supports making undergrounding of Crest Canyon a priority due to fire safety concerns.
- 5) Bettina Experton, 540 Tewa Street, Del Mar (Time Donation from Delene St. John) – Supports making undergrounding of Crest Canyon a priority due to fire safety issues and giving public safety more weight when considering project areas.
- 6) Richard Logiurato, 130 21<sup>st</sup> Street, Del Mar – Expressed concern about the project costs.
- 7) Suzi Resnik, 1036 Crest Road, Del Mar – Supports making undergrounding of Crest Canyon a priority due to fire safety concerns.
- 8) Christian Waage, 1035 Stratford Court, Del Mar – Questioned the longevity of the costs provided by San Diego Gas & Electric (SDG&E), and proposed schedule for the project.
- 9) Nick Frost, 1022 Crest Road, Del Mar – Supports making safety a higher priority when identifying project areas.

- 10) Al Corti, 2188 Heather Lane, Del Mar – Does not support current project proposal, as it doesn't include all areas of the City and the costs are far higher than originally anticipated.
- 11) Laura DeMarco, Avenida Primavera – Supports undergrounding of Crest Canyon due to fire safety concerns; doesn't agree that all power poles should be considered equally; and creating an incentive program for homeowners.
- 12) Judd Halenza, 650 15<sup>th</sup> Street, Del Mar – Supports making high fire zones a priority for undergrounding.
- 13) Joel Holliday, 1233 Crest Road, Del Mar – Supports slowing the process to better understand project costs/financing and relook at prioritization criteria.
- 14) Zach Groban, Spoke on behalf of the Business Support Advisory Committee – Believes that because Del Mar businesses are the major Measure Q generators, funds should be reinvested in supporting downtown revitalization.
- 15) Barry Entous, 411 11<sup>th</sup> Street, Del Mar – Does not agree with the cost projections for the project and suggested that the City get another opinion.
- 16) Pam Slater Price, Grand Avenue, Del Mar – Suggested holding off on #4 in the staff recommendation and making fire safety and undergrounding of Crest Canyon a priority.
- 17) Hershell Price, Grand Avenue, Del Mar – Supported comments made by Tom McGreal, and better vet out the cost projections for the project.
- 18) Terry Sinnott, 108 Nob, Del Mar – Concerned about the proposed long-term project schedule; cost differential between two consultants; and communication to residents is critical.
- 19) Mukesh Shah, 519 Stratford Court, #2, Del Mar – Explained how the Utility Undergrounding Advisory Committee determined the recommended criteria for prioritizing project areas; proposed project areas; and project schedule.
- 20) Jim Benedict, 2020 Christy Lane, Del Mar – Indicated that the project could be fast tracked and done in 6 years.
- 21) Dan Quirk, 23<sup>rd</sup> Street, Del Mar – Suggested relooking at the cost projections from the consultant.
- 22) Tom Blakely, Luneta Drive, Del Mar – Recommends having a third party evaluate cost projections for the project.

Mayor Druker closed the item to public comment.

Council questions focused on clarity as to the Undergrounding Project Advisory Committee (UPAC) recommendation; next steps for the committee; one-year expiration of SDG&E design/costs; potential conflicts of interest; reimbursement for prior completed undergrounding projects; CEQA review of project; whether Design Review Board review is required; what the proposed weighting scale for prioritization of projects is based on; cost estimates for project areas 1A and X; policy recommendations included in Attachment C; how pilot area 1A was determined; the Municipal Code requirement for formation of districts for project areas; and use of 20A funds and how amount is determined.

Council discussion focused on UPAC policy recommendations on Attachment C; consensus to eliminate the first bullet of Attachment C; hiring of third party to vet out the costs estimates; removal of Item 6 from Attachment C; importance of safety as a priority; need more accurate

cost estimates; inclusion of Crest Rim in Area X; send back to UPAC for additional vetting and consideration of third party review of numbers; and authorization to move forward on Rule 20A CDM Project in coordination with SDG&E.

**ITEM 9: AN INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR'S CONDITIONAL APPROVAL OF TREE REMOVAL PERMIT (MOD19-002)**

**PROJECT APPLICANT: BRIXTON DEL MAR PLAZA LLC**  
**PROJECT APPELLANTS: BRIXTON DEL MAR PLAZA LLC**  
**PROJECT LOCATION: PUBLIC RIGHT-OF-WAY ADJACENT TO 1555 CAMINO DEL MAR**

**(CLERKS FILE NO. 301-5, 301-15)**

Management Analyst McMahon provided a presentation on this item.

Council Member Worden disclosed that he spoke to staff about this item; and Council Member Gaasterland disclosed that she walked by and looked at the area in question.

Marc Bruten, 420 Avenida Primavera, Del Mar, spoke as the applicant and explained that replacement of the trees would hurt the impacted businesses.

Council set this item for a De Novo hearing, as requested by Mayor Druker and Council Member Worden.

**ITEM 10: ACCEPTANCE OF THE NORTH SAN DIEGO COUNTY CITIES COMMUNITY CHOICE ENERGY TECHNICAL FEASIBILITY STUDY, INTENTION TO PURSUE COMMUNITY CHOICE ENERGY AND REQUEST FOR ADDITIONAL LEGAL SUPPORT (CLERK'S FILE NO. 1001-3, 1601-9)**

Environmental Sustainability and Special Projects Manager Brown provided a presentation on this item.

Council Member Haviland reported she and City staff attended a meeting at the City of San Diego where they provided an update on their CCE formation/program, and explained that they are looking for partners.

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

Terry Sinnott, 108 Nob, Del Mar – Expressed concern about whether Del Mar has a good understanding of the risks; study should be reviewed by the Finance Committee to better understand how, and what the consequences would be, to opt out; and he believes the City could accomplish Climate Action Plan goals without forming a CCE such as EcoChoice.

Mayor Druker closed the item to public comment.

Council consensus was to send the CCE to the Finance Committee for further evaluation.

**IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY DEPUTY MAYOR HAVILAND TO ADOPT RESOLUTION 2019-19, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA ACCEPTING THE NORTH SAN DIEGO COUNTY CITIES COMMUNITY CHOICE ENERGY TECHNICAL FEASIBILITY STUDY, EXPRESSING INTENT TO PURSUE A COMMUNITY CHOICE ENERGY PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND FUND A COST SHARE AGREEMENT ALLOWING FOR THE CITY OF DEL MAR'S PARTICIPATION IN PROCURING JOINT LEGAL SERVICES TO ASSIST IN THE NEGOTIATION AND PREPARATION OF COMMUNITY CHOICE ENERGY FORMATION DOCUMENTS IN AN AMOUNT NOT TO EXCEED \$5,000".**

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

**ITEM 11: CAMINO DEL MAR STREETScape SEGMENT 1 PROJECT UPDATE AND REQUEST FOR ADDITIONAL FUNDING (CLERK'S FILE NO. 307-3)**

City Manager Huth provided a presentation on this item.

Council discussion focused on assessment of adjoining storm drain lines to determine if other areas are in a similarly poor condition; potential benefits to storm water flow on 10<sup>th</sup> Street; and support for recommended actions.

**IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY DEPUTY MAYOR HAVILAND TO RECEIVE THE STREETScape PROJECT UPDATE AND:**

- 1) APPROVE THE REVISED TOTAL PROJECT BUDGET TO \$7,188,980, AS DESCRIBED IN THE REPORT AND TRANSFER \$424,980 FUNDS (\$374,980 FROM THE MEASURE Q FUND AND \$50,000 FROM THE AB 939 FUND) INTO THE PROJECT;**
- 2) APPROVE THE THIRD AMENDMENT TO THE AGREEMENT WITH SPURLOCK LANDSCAPE ARCHITECTS (ATTACHMENT A) TO PROVIDE ADDITIONAL NECESSARY DESIGN SERVICES; AND**
- 3) AUTHORIZE THE CITY MANAGER TO MAKE AS-NEEDED LINE ITEM BUDGET ADJUSTMENTS AS LONG AS THE TOTAL PROJECT BUDGET REMAINS UNCHANGED; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS.**

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

**ITEM 12: RESOLUTION IN SUPPORT OF FEDERAL LEGISLATION TO ESTABLISH A CARBON FEE AND DIVIDEND (CLERK'S FILE NO. 1001-3, 1403-4)**

This item was moved to the Consent Calendar for consideration.



Council adopted Resolution 2019-20, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA IN SUPPORT OF HR 763 THE ENERGY INNOVATION AND CARBON DIVIDEND ACT OF 2019", on consent.

**ITEM 13: FEBRUARY 2019 CITY COUNCIL GOALS AND PRIORITIES WORKSHOP RECAP (CLERK'S FILE NO. 401-1)**

This item was moved to the Consent Calendar for consideration.

Council approved the February 2019 City Council Goals and Priorities Workshop Recap on consent.

**COUNCIL PRIORITIES – REPORTS**

No information was reported due to the late hour.

**ADJOURNMENT**

Mayor Druker adjourned the meeting at 11:22 p.m.



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Ashley Jones, Administrative Services  
Director/City Clerk