

MINUTES

Del Mar City Council Regular Meeting
Monday, May 20, 2013
Del Mar Communications Center
240 Tenth Street, Del Mar, California

CALL TO ORDER/ROLL CALL -6:01 P.M.

Mayor Sinnott, Deputy Mayor Haydu, Council Members Mosier and Parks. Council Member Corti participated telephonically from Las Vegas, Nevada.

City Manager Huth, Assistant City Manager Delin, City Attorney Devaney, City Clerk and Information Systems Director Martin, Planning and Community Development Director Garcia, Park Ranger Chase, and Planning Manager Birnbaum.

PLEDGE OF ALLEGIANCE

Mayor Sinnott led the Pledge of Allegiance.

COMMUNITY ANNOUNCEMENTS AND PRESENTATIONS

City Manager Huth announced the full closure of the North Torrey Pines Bridge, beginning Tuesday, May 21, 2013 from 9:00 p.m. to 5:00 a.m. Wednesday morning.

Deputy Mayor Haydu announced that three Del Mar restaurants received recognition in the publication San Diego Magazine: Café Secret, Prep Kitchen and Del Mar Rendezvous. She stated that Café Secret was highlighted on the front page of the magazine.

Mayor Sinnott announced that he and Council Member Parks graduated from Del Mar Community Emergency Response Team (CERT) training.

ORAL COMMUNICATIONS - 6:05 p.m.

Stacie Greene, spoke on behalf of Yvonne Dichiara, Durante's Menswear, and announced that the store would celebrate its 30 year anniversary the weekend of May 25-26, 2013.

CONSENT CALENDAR - 6:06 P.M.

City Clerk Martin read the titles of Items 1 through 7 on the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY DEPUTY MAYOR HAYDU, TO ADOPT THE RECOMMENDATIONS FOR

ITEMS 1 THROUGH 7, ON THE CONSENT CALENDAR. MOTION PASSED UNANIMOUSLY, WITH COUNCIL MEMBERS ABSTAINING FROM ITEM 1.

Council Members Mosier and Parks abstained from voting on Item 1, Approval of Minutes, because they did not attend the May 6, 2013 meeting.

ITEM 1
APPROVAL OF MINUTES: MAY 6, 2013, REGULAR MEETING. (Clerk's Minutes Book)

Council approved the Minutes.

ITEM 2
RATIFICATION OF LIST OF DEMANDS, DATED MAY 20, 2013. (Clerk's File No. 201-3)

Council ratified the List of Demands in the amount of \$703,025.76.

ITEM 3
WAIVER OF READING OF ORDINANCES ON AGENDA. (Clerk's File No. 401-4)

Council waived reading of ordinances.

ITEM 4
RESOLUTION AMENDING RESOLUTION NO. 2011-10 TO EXPAND THE MEMBERSHIP OF THE SUSTAINABILITY ADVISORY BOARD; AND APPOINTMENT TO THE SUSTAINABILITY ADVISORY BOARD (MOSIER/PARKS). (Clerk's File No. 401-5)

Council adopted Resolution 2013-26, to expand the membership on the Sustainability Advisory Board to seven members. Council appointed Anthony Corso and Greg Hibbard to four-year terms expiring in May 2017.

ITEM 5
APPOINTMENTS TO THE PARKS AND RECREATION COMMITTEE (PARKS/SINNOTT). (Clerk's File No. 401-5)

Council appointed Katherine Finnell, Alan Rubin, and Linda Chisari to four-year terms on the Parks and Recreation Committee expiring in May 2017.

ITEM 6
AWARD OF CONSULTING SERVICES AGREEMENT FOR THE EVALUATION OF LAW ENFORCEMENT SERVICES. (Clerk's File No. 406-1)

Council authorized the City Manager to enter into a Consulting Services Agreement with Ralph Andersen & Associates for the Evaluation of Law Enforcement Services.

ITEM 7
ANNUAL VOLUNTEER RECEPTION - THURSDAY, SEPTEMBER 12, 2013.
(Clerk's File No. 507-1)

Council approved and announced the date for the Annual Volunteer Reception as Thursday, September 12, 2013.

PUBLIC HEARINGS

ITEM 9 - 6:09 P.M.
A PUBLIC HEARING TO HEAR OBJECTIONS TO THE PROPOSED SALE OF THE CITY-OWNED PROPERTY CONSISTING OF ASSESSOR PARCEL NUMBER 301-024-36, EASTERLY AND ADJACENT TO 301 HIDDEN PINES ROAD; AND PROPOSED RESOLUTION DIRECTING STAFF TO PERFORM THE NECESSARY STEPS TO SELL THE PROPERTY. (Clerk's File No. 702-3)

Mayor Sinnott disclosed that he went by the subject property.

Assistant City Manager Delin presented the staff report and the PowerPoint presentation. He reported on why the City might consider selling the Hidden Pines Road lot: the original use of the lot as a pump station has ended and the site has no public purpose; the ongoing maintenance liability in terms of upkeep and brush clearing; open space benefit to the immediate neighboring properties; and funds received from the sale could be used for parks improvements and property acquisition. He described the property location, zoning and topography. He described the action needed for Council to adopt the resolution directing the sale of the City-owned property and the next steps in the process.

Mayor Sinnott opened the public hearing and the following people spoke:

Peter Van Rooyen, Hidden Pines
Dean Meredith, Camino del Mar
Clive Freeman, Hidden Pines

Mayor Sinnott closed the public hearing.

City Manager Huth stated that the City will have the property appraised based on its being fully developed independently, and with restricted Floor Area Ratio and set-backs if purchased by adjacent property owners.

Mayor Sinnott noted that there were three people in the audience who were protesting the sale of the property:

Clive Freeman, Hidden Pines

Don Countryman, representing Bob and Chrissy Fried, 264 Torrey Pines Terrace

Gary Burke, 248 Torrey Pines Terrace

IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY COUNCIL MEMBER PARKS, TO ADOPT RESOLUTION 2013-29, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, DIRECTING THE SALE OF CITY-OWNED PROPERTY (APN: 301-024-36) LOCATED ON HIDDEN PINES ROAD, DEL MAR, CALIFORNIA. MOTION PASSED 4-1, WITH MAYOR SINNOTT AGAINST.

ITEM 10 - 6:28 P.M.

AN ORDINANCE AMENDING THE DEL MAR MUNICIPAL CODE, CHAPTER 4.08 - ANIMALS IN BEACHES AND PARKS, SECTION 4.08.020, REGARDING THE RESTRICTION OF DOGS IN A PORTION OF POWERHOUSE PARK. (Clerk's File No. 401-4, 401-9)

Park Ranger Chase presented the staff report and PowerPoint presentation. He provided background information and indicated that on February 13, 2013 the Parks and Recreation Committee made a motion to recommend to the City Council the restriction of dogs from the Tot Lot and portions of Powerhouse Park. On April 15, 2013 Council provided direction to staff to develop an ordinance prohibiting dogs from the Tot Lot and a specified area within Powerhouse Park. Park Ranger Chase provided an aerial photograph of the proposed dog free zone and talked about the staff recommendation to introduce the ordinance. He noted that the City had received public comment indicating concerns with certain aspects of the wording of the proposed ordinance. He referenced some "red-dot" correspondence, received from Lynn Gaylord, Jim Kennedy, and Diletta Martirano.

Mayor Sinnott opened the public hearing and the following people spoke:

Lynn Gaylord, Ocean Front
Crystal Crawford, Ocean View Avenue

Mayor Sinnott closed the public hearing.

Council talked about the dangerous bacteria transmitted from pets to humans and verified by the Center for Disease Control, and reaffirmed that Council's goal was to protect the health and safety of citizens. Council noted that the recommendation was supported by the Parks and Recreation Committee. Council discussed language amendments.

IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY DEPUTY MAYOR HAYDU, TO INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR AMENDING DEL MAR MUNICIPAL CODE CHAPTER 4.08 - ANIMALS IN BEACHES AND PARKS, SECTION 4.08.020, REGARDING THE RESTRICTION OF DOGS IN A PORTION OF POWERHOUSE PARK, AS AMENDED TO REPLACE THE WORD "DOG" WITH "PET", AND ALSO TO REMOVE THE WORDS "FAMILY-FRIENDLY" FROM THE ORDINANCE. MOTION PASSED UNANIMOUSLY.

ITEM 11 - 6:49 P.M.

AN ORDINANCE AMENDING CHAPTER 8.04 OF THE DEL MAR MUNICIPAL CODE SECTION 8.04.050 CONCERNING TENTS, SCREENS, AND CANOPIES; SECTION 8.04.070 CONCERNING FIRES; AND SECTION 8.04.080 CONCERNING BLUFF-TOP CLOSURES. (Clerk's File No. 401-4, 401-9)

Park Ranger Chase presented the staff report and PowerPoint presentation. He talked about the proposed ordinance and indicated that current Subsection 8.04.050(A) Tents, only addresses tents on City beaches and does not address City parks, bluff-tops or preserves. He indicated that the amendment to Subsection 8.04.050(B) Screens, adds parks to the subsection, with a better description pertaining to screens to include "beach cabana or sun shade" and limits the size to 10 feet by 10 feet. He further noted that the amendment to Subsection 8.04.050(C) Canopies, was a new Subsection which limits size, prohibits commercial use of a canopy, and allows the use at Powerhouse Park, Seagrove Park, or any public beach. He described Subsection 8.04.070 Fires and indicated that in addition to the beach, the amendment prohibits

fire areas to include: parks, park land, open space, preserve, trail, bluff-top, public seawall, street end, and public right-of-way. He noted that it allows liquid propane (LP) barbecues on City parks and beaches to be used for cooking purposes only. Subsection C prohibits improper disposal of burned/unused fuel. He indicated that staff would be educating and advising the public on the proper fuel use. He addressed the amendment to Chapter 8.04.080 Bluff-top closures and indicated it prohibits persons from entering a closed bluff-top or bluff preserve when posted with signs or barriers. It also prohibits persons on the Scripps Bluff Preserve during the hours of darkness.

Mayor Sinnott opened the public hearing. There being no one to speak, he closed the public hearing.

Council discussed proposed language in Exhibit A, C2.

City Attorney Devaney stated that the ordinance is just restricting the canopies, not the free speech.

City Manager Huth indicated that staff could modify Section 8.040.050 C(2) and modify language in the ordinance to focus on the ability for safety personnel to be able to maintain a clear view and line of sight in order to protect the public's health and welfare and monitor the activities taking place in the City's beaches, parks and park land, ocean and waterways. He stated that the policy will be, education first, and then signage.

IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY DEPUTY MAYOR HAYDU, TO INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTER 8.04 OF THE DEL MAR MUNICIPAL CODE BY AMENDING SECTION 8.04.050, CONCERNING TENTS, SCREENS, AND CANOPIES; SECTION 8.04.070, CONCERNING FIRES; AND SECTION 8.04.080, CONCERNING BLUFF TOP CLOSURES, AS AMENDED, TO STRESS PUBLIC SAFETY, AND TO REMOVE 8.04.050 C2. MOTION PASSED UNANIMOUSLY.

ITEM 12 - 7:15 P.M.

AN ORDINANCE AMENDING CHAPTER 9.08 OF THE DEL MAR MUNICIPAL CODE TO AMEND THE FOLLOWING TWO SECTIONS: 9.08.020 DEFINITIONS PERTAINING TO CURFEW HOURS; AND 9.08.040, SUBSECTION D PERTAINING TO ENFORCEMENT; PENALTY. (Clerk's File No. 401-4, 401-9)

Park Ranger Chase presented the staff report, and indicated that in 2010 the County of San Diego changed the curfew hours from 11:00 p.m. to 10:00 p.m. In May of 2010, the City of Solana Beach also changed their curfew hours. He indicated that the purpose of the amendment is to more closely align Del Mar's curfew hours with surrounding cities by changing curfew time to 10:00 p.m.

Mayor Sinnott opened the public hearing. There being no one to speak, he closed the public hearing.

IT WAS MOVED BY DEPUTY MAYOR HAYDU, SECONDED BY COUNCIL MEMBER PARKS, TO INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTER 9.08 OF THE MUNICIPAL CODE BY AMENDING SECTION 9.08.020, CONCERNING DEFINITIONS, AND SECTION 9.08.040, SUBSECTION D, CONCERNING ENFORCEMENT; PENALTY. MOTION PASSED UNANIMOUSLY.

ITEM 8 - 7:19 P.M.

COMMUNITY (GENERAL) PLAN AMENDMENT GPA-12-02, A REQUEST FOR AMENDMENT TO THE DEL MAR COMMUNITY (GENERAL) PLAN TO ADOPT AND INCORPORATE THE HOUSING ELEMENT TO REFLECT THE CITY'S HOUSING GOALS, POLICIES AND PROGRAMS FOR THE 2013-2021 CYCLE; AND CERTIFICATION OF A NEGATIVE DECLARATION PREPARED FOR THE 2013-2021 CYCLE HOUSING ELEMENT. (Clerk's File No. 304-7, 304-4)

Planning Manager Birnbaum presented the staff report and PowerPoint presentation. He provided Housing Element background information and key aspects of the Housing and Community Development (HCD) review. He talked about the preparation of the Draft Housing Element that garnered public input during 15 public meetings. He described the Housing Element Timeline and the Housing Element programs. He talked about the sites inventory program and the State's requirement for designation of areas with allowable density of 20 dwelling units per acre. He described areas to be considered and other considerations for the sites inventory requirement. He described the recent modifications in response to the HCD's comments. He described the separate action for implementation of Housing Programs. He talked about the environmental review and the recommendations to adopt a resolution to adopt the Community Plan Amendment GPA-12-02 for 2013-2021 Housing Element Update, and the resolution certifying the associated Negative Declaration.

Council questioned staff regarding the implementation tasks following adoption of the 2012-2021 Cycle Housing Element and the costs related to implementation.

Mayor Sinnott opened the public hearing. There being no one to speak, he closed the public hearing.

IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY DEPUTY MAYOR HAYDU, TO ADOPT RESOLUTION 2013-27, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR APPROVING APPLICATION GPA-12-02, AN APPLICATION FOR AN AMENDMENT TO THE DEL MAR COMMUNITY (GENERAL) PLAN TO ADOPT AND INCORPORATE THE 2013-2021 CYCLE DEL MAR HOUSING ELEMENT AS A COMPONENT PART OF THE DEL MAR COMMUNITY PLAN. MOTION PASSED UNANIMOUSLY.

IT WAS MOVED BY DEPUTY MAYOR HAYDU, SECONDED BY COUNCIL MEMBER PARKS, TO ADOPT RESOLUTION 2013-28, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, CERTIFYING A NEGATIVE DECLARATION FOR THE 2013-2021 CYCLE HOUSING ELEMENT OF THE DEL MAR COMMUNITY (GENERAL) PLAN. MOTION PASSED UNANIMOUSLY.

ITEM 13 - 7:39 P.M.

A REQUEST FOR A DESIGN REVIEW PERMIT (DRB-12-22) TO MODIFY EXISTING TELECOMMUNICATION FACILITIES FOR A PROPERTY LOCATED AT 1201 CAMINO DEL MAR IN THE CENTRAL COMMERCIAL ZONE. THE PROPOSED MODIFICATION INCLUDES REPLACEMENT OF SIX (6) PANEL ANTENNAS LOCATED ON THE EXISTING ROOF TRELLIS STRUCTURE WITH SIX (6) NEW PANEL ANTENNAS. APPLICANT: SPRINT. SITE ADDRESS: 1201 CAMINO DEL MAR. APN: 300-075-06. (Clerk's File No. 1003-4)

Planning Manager Birnbaum presented the staff report and PowerPoint presentation. He noted that the Design Review Board (DRB) project proposal includes replacement of six (6) panel antennas located on the existing roof trellis structure. He described the project site and provided background information from the DRB meeting of January 23, 2013 where concern was expressed regarding visual impacts and co-locating on NextG's antenna system in the City's right-of-way. The DRB continued the project to obtain additional information. He further reported on the DRB meeting of March 27, 2013 and indicated the applicant did not modify the design from the January meeting. He reported that NextG's site was not a legally appropriate alternative location as the alternative location sites shall be on-site only per the City

Attorney. He noted that additional concern was submitted regarding visual impacts and compliance with CUP-96-08. He noted that the DRB deliberated and voted twice, resulting each in 2-2 vote, with one Board Member abstaining. He talked about the applicant's project, noting that the plans were the same as proposed at the January and March 2013 DRB meetings. He described the attachments to the staff report, comparing existing and proposed antennas, and revised RF-EME report. He provided slides of the west and south elevations. He presented the standards of review. He provided the recommendation that Council determine that the proposed project is consistent with the standards of review and approve DRB-12-22 subject to the conditions contained in the proposed resolution.

Council Member Mosier disclosed that he visited the site and spoke with the property owner on the 2nd story patio in front of the south end of the building where there is a direct view of the antennas.

Council Member Parks disclosed that she visited the site.

Mayor Sinnott disclosed that he visited the site.

Deputy Mayor Haydu disclosed that she visited the site.

Council Member Corti disclosed that he was familiar with the site, and knows where the antennas are located.

Council Member Mosier talked about the radio frequency report and questioned whether the subject matter falls under the FCC regulation rather than DRB review.

Planning Manager Birnbaum indicated that the conclusion provided by the radio frequency report is that the project is compliant with FCC regulations.

City Attorney Devaney noted that Council could address the radio frequency field at a subsequent hearing.

Council Members expressed their interest in revisiting the issue of radio frequency fields as a separate item in the future due to the cumulative results that exceed FCC limits.

Mayor Sinnott opened the public hearing and the following people spoke:

Danielle Goldman, representing Sprint (applicant),
George Conkwright, Camino del Mar (property owner)
Carl Hilliard, Crest Road
Doug Munson, representing Sprint Wireless

Planning Manager Birnbaum noted receiving red-dot correspondence from resident Carl Hilliard for the record.

Mayor Sinnott closed the public hearing.

Council questioned whether alternative locations had been considered that would provide better camouflage within the building's architecture in order to reduce the height and mass of the antennas. Council expressed its interest in continuing the hearing so the applicant can come back with additional screening alternatives and more data from on-site studies.

IT WAS MOVED BY DEPUTY MAYOR HAYDU, SECONDED BY COUNCIL MEMBER PARKS, TO CONTINUE THE ITEM TO TIME CERTAIN 6:00 P.M. OR SOON THEREAFTER AS PRACTICABLE, ON JUNE 17, 2013. MOTION PASSED UNANIMOUSLY.

Council Member Corti ended his telephonic participation of the meeting at 8:29 p.m.

RECESS AND CALL TO ORDER - 8:29 P.M.

Mayor Sinnott recessed the meeting at 8:29 P.M. and called it back to order at 8:34 P.M. All Council Members were present, except Council Member Corti.

CITY COUNCIL OLD BUSINESS

ITEM 14 - 8:34 P.M.

BUDGET WORKSHOP SUMMARY AND FOLLOW-UP. (Clerk's File No. 202-1)

City Manager Huth presented the staff report and PowerPoint presentation. He reported that the City Council held budget workshops on May 13th and 14th to discuss the proposed Two-Year Operating and Capital budget for Fiscal Years 2013-2014 and 2014-2015. He reported that all community support requests were tentatively approved with the exception of the Quick Response Code (Project 2) from the Del Mar Historical Society. It was suggested that the requestor work with Del Mar Village Association on the project and explore alternative grant opportunities. In addition,

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Council tentatively approved \$400 toward the annual Lagoon Day event. He summarized amendments to the operational budget to keep funding levels constant while maintaining or enhancing public service levels; consolidate specific budget areas; assigned overhead costs in Public Works and Community Services to operational budget divisions; reassigned Beach Maintenance responsibilities to Public Works; moved lifeguard management and staff which were allocated to Beach Maintenance back to lifeguard services; eliminated a vacant lifeguard position; reclassified Public Works position for beach and sewer maintenance; and eliminated (contracted) stormwater management position. He described the proposed strategic operational efficiency requests. Regarding Pension obligation, Side Fund, and Pension Reserve Strategy, Council provided direction to pay off the Side Fund, to include it in the next two-year budget, and Council indicated that they would like feedback from the Finance Committee on the Side-Fund and Pension Reserve Strategy before taking a final position. He reported that Council approved the proposed 2-year CIP for the budget. Funding for the City Hall project and automated water meter project would be discussed at a later date. Regarding revenue ideas and Council Priorities, he reported that staff would distribute the collected revenue ideas to Council to survey which ideas garner further research, with results of the survey back in July. Staff will incorporate one new revenue idea for discussion at each City Council meeting starting in July. Council reviewed the City Council priorities for Fiscal Year 2013-2014 and 2014-2015 and the dates associated with each priority. He described the next steps. He indicated that the Operating and Capital budget would come to Council for review and adoption on June 3, 2013. The budget will include the feedback from the Finance Committee on pension strategies. Future discussions in June would include Sidewalk Projects prioritization; final approval of Compensation Philosophy and Strategies; review and approval of 10-year Capital Improvement Plan (CIP). He indicated that the next steps in July would include discussion of the comprehensive facilities planning process; discussion on the scope of work and process. He indicated that on September 9, 2013 a City Council workshop is scheduled to discuss Council priorities (facility planning and City Hall).

Council reviewed the summary and provided direction to staff to bring revenue and cost reducing ideas to Council one or two at a time for consideration.

ITEM 15 - 8:44 P.M.

DISCUSSION OF CITY'S RECOMMENDATION TO THE STATE FOR 22ND DISTRICT AGRICULTURAL BOARD MEMBER. (Clerk's File No. 1502-10)

Deputy Mayor Haydu Lee reported on nominations to the Fair Board and the applications of Richard Earnest and Don Mosier to be considered for the Fair Board. She addressed the lack of response from Sacramento in responding to the applications. She reported that both applicants have been provided contact information to check on their applications. She suggested that Council send a formal letter nominating both Richard Earnest and Don Mosier to the Twenty-second District Agricultural Board of Directors appointed by the Governor.

Mayor Sinnott noted that there would be an opportunity to bring the applications of both candidates up during the visit to Sacramento on May 30, 2013.

Council supported sending a formal request to nominate Richard Earnest and Don Mosier to serve on the State of California 22nd DAA Board of Directors.

COUNCIL PRIORITIES - REPORTS

ITEM 16G - 8:47 P.M.

22ND DISTRICT AGRICULTURAL ASSOCIATION - COMMUNITY RELATIONS COMMITTEE (MOSIER/HAYDU), STATUS REPORT ON THE GOVERNANCE ISSUE (MOSIER/HAYDU). (Clerk's File No. 1502-10)

Deputy Mayor Haydu reported receiving a positive response from the meeting with County Board of Supervisors regarding the City's governance suggestions. She reported on the efforts of both Council Member Mosier and herself in staying informed and keeping in contact with Deanna Spehn and Toni Atkins. She indicated the item would be addressed again by the County in late June.

ITEM 16N - 8:50 P.M.

TRAFFIC PARKING ADVISORY COMMITTEE (CORTI/PARKS), (Clerk's File No. 401-5)

Council Member Parks reported that at the May 14, 2013 Traffic Parking Advisory Committee (TPAC) meeting, Parking Enforcement Lieutenant Eric Sandy identified four different potential areas to add parking spaces: Maiden Lane, Ocean Avenue, Camino del Mar and

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the tennis court area. She noted that the committee will forward this information to staff for further review.

ADJOURNMENT - 8:54 P.M.

Mayor Sinnott adjourned the meeting at 8:54 P.M.

Mercedes Martin
MERCEDES MARTIN, City Clerk

ATTEST:

Terry Sinnott
TERRY SINNOTT, Mayor