



Del Mar City Council Meeting Agenda

VIA TELECONFERENCE ONLY

1050 Camino del Mar, Del Mar, California

Civility Works: The Del Mar Code of Civil Discourse: Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.

**Remote Regular Meeting
VIA TELECONFERENCE ONLY
Monday, February 1, 2021 at 4:30 PM**

Pursuant to the State of California Executive Order N-25-20, and in the interest of public health, the City of Del Mar is temporarily taking actions to mitigate the COVID-19 pandemic by holding City Council Meetings electronically or by teleconference. The Town Hall will not be open to the public for this meeting.

Terry Gaasterland
Mayor

Dwight Worden
Deputy Mayor

Dave Druker
Council Member

Tracy Martinez
Council Member

Dan Quirk
Council Member

CJ Johnson
City Manager

Leslie E. Devaney
City Attorney

Ashley Jones
Administrative
Services Director

Public Participation/Comment

Members of the public can participate in the meeting by either submitting a written red dot comment via email to cityclerk@delmar.ca.us or submitting a tele-comment request form to speak during the meeting. The subject line of your email or tele-comment request should clearly state the item number you would like to comment on. The deadline to submit written comments and/or tele-comment requests is 12 p.m. on the day of the meeting. For more information please visit: www.delmar.ca.us/publiccomment.

Viewing the Meeting and Access to Agenda Materials

Members of the public can watch the meeting live on the City's website at: <http://delmar.12milesout.com/Video/Live> and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM.

Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website and at the Del Mar Library during their limited hours of operation. <http://www.delmar.ca.us/AgendaCenter>

Consent Calendar: Items on the Consent Calendar will be enacted in accordance with the recommendations in one motion unless removed from the Consent Calendar by Council, staff, or a member of the public.

Special Needs: In compliance with the Americans with Disabilities Act, if you need special assistance to participate remotely in this meeting, please contact the Administrative Services Department via email at cityclerk@delmar.ca.us or by calling (858) 755-9313, preferably at least 48 hours in advance of the meeting if possible.

- I. CALL TO ORDER/ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC ORAL COMMUNICATIONS

Each person wishing to comment to the City Council on any matter not on the agenda may submit a written comment to cityclerk@delmar.ca.us or a tele-comment request to speak by 12 p.m. on the day of the meeting. Please note "Public Oral" in the subject line of your email or tele-comment request form.

- IV. CITY COUNCIL COMMENTS
- V. COMMUNITY ANNOUNCEMENTS
- VI. CITY MANAGER'S REPORT
- VII. PRESENTATIONS

- 1. **Presentation by Adam Young from the University of California San Diego, Scripps Institution of Oceanography Regarding Coastal Bluff Erosion**

Recommended Action: Receive the presentation.

Reference: Clerk's File No. 1404-2

- VIII. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the City Council, staff, or the public so requests, in which event, the item will be considered separately.

- 2. **Approval of Minutes: January 11, 2021 Regular and Special Meeting; January 19, 2021 Special Meeting**

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

- 3. **Ratification of List of Demands, dated February 1, 2021**

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

4. Waiver of Reading of Ordinances on Agenda

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

5. Resolution Authorizing Submittal of Grant Application to the California State Park Proposition 68 Per Capita Program

Recommended Action: Staff recommends the City Council adopt a resolution (Attachment A) authorizing the submittal of a California State Parks Proposition 68 Per Capita Program grant application and authorize the City Manager to execute the necessary grant documents.

Reference: Clerk's File No. 201-13

6. Review and Acceptance of a Design Review Board Policy Manual Update

Recommended Action: Staff recommends that the City Council adopt a Resolution (Attachment A) approving a comprehensive update to the Design Review Board's Policy Manual as further described in this report.

Reference: Clerk's File No. 401-5

7. Approval of Agreement for Water Quality Testing Services

Recommended Action: It is recommended that the City Council: 1) Approve the Agreement for Water Quality Testing Services (Attachment A) for an initial period beginning on February 1, 2021, and ending February 1, 2024; and 2) Authorize the City Manager to execute the Agreement and any subsequent amendments provided for under the Agreement contingent upon satisfactory performance by the consultant firm.

Reference: Clerk's File No. 406-1

8. First Amendment to Agreement with MSC Janitorial, Inc. for Janitorial Services

Recommended Action: Staff recommends that the City Council: 1) Approve the First Amendment to the Agreement between the City of Del Mar and MSC Janitorial, Inc. (Attachment A), adjusting the cost of services effective February 1, 2021; and 2) Authorize the City Manager to execute the First Amendment and any subsequent amendments provided for under the Agreement contingent upon satisfactory performance by the contractor.

Reference: Clerk's File No. 406-1

9. Resolution to Extend the Forbearance Period Relating to Existing Nonconforming Short Term Rentals

Recommended Action: Staff recommends the City Council adopt the Resolution (Attachment A) to extend the City's existing enforcement forbearance as to short term rentals, which temporarily delays enforcement action against short term rentals until new regulations are processed, for two years until February 1, 2023.

Reference: Clerk's File No. 301-19

10. Agreement with Del Mar Community Connections for Administration of the City's Shared Housing and Rental Assistance Programs and Affirming the Number of Rental Subsidy Participants

Recommended Action: Staff recommends that the City Council approve a three-year agreement, effective July 1, 2019 through June 30, 2022, between the City of Del Mar and Del Mar Community Connections (DMCC) (Attachment A), authorize the City Manager to execute the agreement, and affirm that the Rental Subsidy Program be limited to four participants.

Reference: Clerk's File No. 406-1, 1202-15

11. Approval of the 2021 Legislative Policy Guidelines

Recommended Action: Staff requests that the City Council review and approve the proposed changes to the City's Legislative Policy Guidelines (Attachment A).

Reference: Clerk's File No. 401-7, 401-8

12. Council Consideration to Approve an Agreement for Specialized Legal Counsel related to Housing

Recommended Action: Based on City Council discussion, it is recommended that the City Council consider authorizing the City Attorney to enter into a Letter of Engagement with Goldfarb & Lipman, LLP (Attachment A) for specialized legal counsel services related to housing; and 2) Authorize the expenditure of up to \$20,000 for these services and an appropriation in that amount from the General Fund Contingency to the Outside Attorney Services budget.

Reference: Clerk's File No. 406-1

IX. PUBLIC HEARINGS

13. Encroachment Permit EP20-072 – Request to Maintain Existing Vegetation that Exceeds a Height of 30 Inches within the Public Right-of-Way Adjacent to 964 Crest Road (Applicants: Sandra and Gregg Wolfson)

Recommended Action: It is recommended that the City Council hold a public hearing to consider the Applicants' request to retain their landscaping in the public right-of-way adjacent to 964 Crest Road and adopt the Resolution (Attachment A) denying Encroachment Permit EP20-072 due to public safety concerns and non-compliance with City Council Policy 110 (Private Encroachments into City Rights-of-Way).

Reference: Clerk's File No. 802-1

- 14. Request to Adopt a Mitigated Negative Declaration and Approve Tentative Tract Map (TTM18-004), Coastal Development Permit (CDP18-016), Street Vacation (SV20-001), and Conditional Use Permit (CUP18-004) for an Eight-Lot Reconfiguration on 18.1 acres, including Roadway and Utility Improvements and a Summary Vacation of Public Easements and Alley**

Applicant/Owner: La Atalaya, LLC

Assessor Parcel Numbers (APNs): 299-200-65-00, 299-261-43-00, 299-261-42-00, 299-261-14-00, 299-192-24-00, 299-200-64-00, 299-200-62-00, and 299-200-63-00

Location: South of San Dieguito Road, north of Zapo Street, east of Gatun Road, and west of Serpentine Drive. The project is located in the California Coastal Commission's appeal jurisdiction.

Recommended Action: Staff recommends that the City Council conduct a public hearing and 1) adopt the proposed resolution (Attachment A) adopting a Mitigated Negative Declaration (MND) (State Clearinghouse (SCH) No. 2020100558) and Mitigation Monitoring and Reporting Program (MMRP) and approving a Tentative Tract Map (TTM18-004), Coastal Development Permit (CDP18-016), and Conditional Use Permit (CUP18-004) for the reconfiguration of eight lots known as "La Atalaya," totaling approximately 18.1 acres of land into eight different lots; to make related roadway and utility improvements; and 2) adopt a resolution (Attachment B) approving an application for Summary Vacation (SV20-001) of two public easements and a public alley in compliance with the California Streets and Highways Code.

Reference: Clerk's File No. 301-1

- X. COUNCIL MEETING RECESS
- XI. CITY COUNCIL OTHER BUSINESS

- 15. Presentation of the Fiscal Year 2019-2020 Comprehensive Annual Financial Report by Nitin Patel, CliftonLarsonAllen LLP and Audited Financial Results**

Recommended Action: Receive the Fiscal Year 2019-2020 Comprehensive Annual Financial Report (CAFR) and audited financial results.

Reference: Clerk's File No. 205-1

XII. REGIONAL ORGANIZATION REPORTS

A Councilmember assigned as a liaison to a regional organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report unless the item of business within the report is described in the agenda.

- A. 22nd District Agricultural Association Community Relations Committee (Gaasterland/Martinez)
- B. Clean Energy Alliance JPA (CEA) Board of Directors (Druker/Worden)
- C. CSA-17 Ambulance District Advisory Board (Martinez/Druker)
- D. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Druker/Martinez)
- E. League of California Cities – San Diego Chapter (Gaasterland/Worden)
- F. North County Transit District (NCTD) (Quirk/Gaasterland)
- G. Regional Solid Waste Association (Worden/Quirk)
- H. San Diego Association of Governments Board (SANDAG) (Gaasterland/Druker/Quirk)
- I. SANDAG Shoreline Preservation Working Group (Worden/Gaasterland)
- J. San Diego Metropolitan Wastewater JPA Advisory Committee to San Diego (Quirk/Bride)
- K. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee (Worden/Quirk)
- L. Other Regional Organization Reports

XIII. COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

A Councilmember assigned as a liaison to a City Committee, Council Subcommittee OR Community Organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report, unless the item of business within the report is described in this agenda.

- A. Ad-Hoc Referendum Subcommittee (Gaasterland/Druker)
- B. Arts Advisory Committee (Druker/Worden)
- C. Business Support Advisory Committee (Gaasterland/Martinez)
- D. Clean Water Rate Project (Druker, Quirk)
- E. Del Mar Community Connections (Martinez/Quirk)
- F. Del Mar Housing Corporation (Gaasterland/Martinez)
- G. Del Mar Village Association (Druker/Quirk)
- H. Finance Committee (Gaasterland/Quirk)
- I. Housing Subcommittee (Gaasterland/Martinez)
- J. Human Resources Subcommittee (Druker/Worden)
- K. Long Term Rail Relocation Subcommittee (Gaasterland, Quirk)
- L. Measure Q Citizen Oversight Committee (Druker/Quirk)
- M. Parks and Recreation Committee (Druker/Worden)
- N. Planning Process Subcommittee (Druker/Gaasterland)
- O. Safe Rail Crossing and Bluff Stabilization Subcommittee (Gaasterland/Quirk)
- P. San Dieguito Lagoon Committee (Quirk/Worden)
- Q. Sea-Level Rise Adaptation Plan Implementation Subcommittee (Gaasterland/Martinez)

- R. Shores Advisory Committee (Gaasterland/Martinez)
- S. Sustainability Advisory Board (DrukerWorden)
- T. Traffic and Parking Advisory Committee (Martinez/Worden)
- U. Undergrounding Project Advisory Committee (Gaasterland/Quirk)
- V. Other Committee-Subcommittee Reports

XIV. UPCOMING AGENDA ITEMS

The following topics/items are tentatively planned for upcoming agendas. The title, wording, and planned date for these items are subject to change. Final agendas are posted at City Hall 72 hours in advance of the meetings and are also posted on our web site with the accompanying staff report. Please watch our web site: www.delmar.ca.us for City Council Agendas.

February 16, 2021
Introduction of Ordinances for Housing Element Implementation Overlay Zone and Rezone and Adoption of Community Plan Amendment for Implementation of Programs 2G and 2E in North Commercial Zone (5th Cycle Housing Element)
Introduction of an Ordinance Amending Chapter 14.24 of the Del Mar Municipal Code Authorizing the Removal of Vehicles from Public Property
City Council Direction on 6th Cycle Housing Element Update
CalRecycle SB 1383 Presentation/Update on City's Organics Recycling Compliance Plan

XV. CERTIFICATION

I, Ashley Jones, Administrative Services Director/City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 28th day of January, 2021, at approximately 1:30 p.m.



Ashley Jones, Administrative Services Director/City Clerk

1/28/2021
Date