



# Del Mar City Council Meeting Agenda

City of Del Mar, Town Hall  
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.***

## Regular Meeting

Monday, November 13, 2023 at 4:30 PM

**Tracy Martinez**  
Mayor

**Dan Quirk**  
Deputy Mayor

**Dave Druker**  
Council Member

**Terry Gaasterland**  
Council Member

**Dwight Worden**  
Council Member

**Ashley Jones**  
City Manager

**Leslie E. Devaney**  
City Attorney

**Sarah Krietor**  
Administrative Services  
Manager/City Clerk

**Public Participation/Comment:** Members of the public can participate in City Council meetings remotely and in-person. Anyone may address the City Council for up to three minutes, at the Mayor's discretion, on items on the agenda. Members of the public wishing to speak on items not on the agenda may do so under Public Oral Communications. Agenda items may be addressed in any order at the discretion of the Mayor. When addressing the Council, please state your name for the record. Any electronic presentations must be received before 9 a.m. on the date of the Council meeting. No PowerPoint presentations can be loaded during the meeting.

**In-Person Participation:** Please submit a completed "Speaker Slip", including the item number you wish to speak on, to the City Clerk prior to the Mayor announcing the agenda item. The forms are located near the door at the rear of the Meeting Room. When called to speak, please approach the podium and state your name for the record.

**Remote Participation:** Members of the public can participate in the meeting remotely using the Zoom link and/or dial-in information provided below. Those wishing to comment live should join the Zoom meeting when the item(s) they wish to speak on is announced or at the meeting start time for items not on the agenda. **Zoom Link:** <https://us02web.zoom.us/j/84790910014>; **Phone:** (669) 900-6833; **Meeting ID:** 847 9091 0014

**Written Comments:** Members of the public can participate in the meeting by submitting a written red dot comment via email to [cityclerk@delmar.ca.us](mailto:cityclerk@delmar.ca.us). The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on.

**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: <http://www.delmar.ca.us/AgendaCenter> and a hard copy of the agenda materials are available at Del Mar City Hall and the Del Mar Library during their business hours.

**Assistance for Persons with Disabilities:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Services Department at 1050 Camino del Mar or by calling (858) 755-9313. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

- I. CALL TO ORDER/ROLL CALL
- II. CITY ATTORNEY CLOSED SESSION REPORT
- III. PLEDGE OF ALLEGIANCE
- IV. PUBLIC ORAL COMMUNICATIONS

Each person wishing to speak before the City Council on any matter not on the agenda shall submit a "Speaker Slip" to the City Clerk or raise their hand in Zoom when Public Oral Communication is announced. Each speaker will have up to three (3) minutes to speak at the discretion of the Mayor and may be asked clarifying questions. Information received during Public Oral Communication may be received, placed on a future agenda, or referred to the City Manager by the City Council. State law generally precludes the City Council from discussing or acting upon any topic presented during oral communications that is not described on the posted agenda.

Note: there is a time limit of 30 minutes for this section of public communications and each speaker will be heard in the order of the submission of their speaker slip. Speakers who have turned in a speaker slip prior to the time oral communications was called on the agenda, but were not heard during the initial time period shall be called to speak at the end of the agenda.

- V. CITY COUNCIL COMMENTS
- VI. COMMUNITY ANNOUNCEMENTS
- VII. CITY MANAGER'S REPORT
- VIII. PRESENTATIONS
  - 1. **RE:BEACH City of Oceanside Coastal Resilience Project**

Recommended Action: Receive a presentation from City of Oceanside Coastal Zone Administrator Jayme Timberlake.

Reference: Clerk's File No. 1404-1, 1505-7

- IX. 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 or the public so requests, in which event, the item will be pulled from the Consent Calendar and considered separately after the motion to approve the Consent Calendar. If you wish to remove an item from the Consent Calendar, please submit a "Speaker Slip" to the City Clerk or raise your hand in Zoom.

- 2. **Approval of Minutes: October 2, 2023 Regular Meeting, October 16, 2023 Regular and Special Meeting**

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

**3. Ratification of List of Demands, dated November 13, 2023**

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. Lease Agreement with the North County Transit District for Parcel 299-100-33-00 (Trailhead Parking Lot)**

Recommended Action: Staff recommends that the City Council approve a ten-year lease agreement with the North County Transit District (NCTD) for Parcel 299-100-3300 (Trailhead Parking Lot) (Attachment A); authorize the City Manager to execute the Lease Agreement; and amend the Fiscal Year (FY) 2023-2024 Operating and Capital Budget as described in the Fiscal Impact Section of this report.

Reference: Clerk's File No. 406-1, 1506-20

**6. Resolution Re-affirming the Declaration of a Climate Emergency for the City of Del Mar**

Recommended Action: Mayor Martinez and Council Member Worden recommend the City Council adopt a resolution (Attachment A) re-affirming the declaration of a climate emergency for the City of Del Mar and the need for accelerated action to address the climate crisis.

Reference: Clerk's File No. 1403-4

**7. Scope of Work with the Solana Center for Environmental Innovation for Organics Recycling Compliance Support Services**

Recommended Action: Staff recommends that the City Council approve a scope of work totaling \$38,000 with Solana Center for Environmental Innovation (Solana Center) (Attachment A) for Organics Recycling Compliance Support Services under an existing agreement between the Solana Center and the Regional Solid Waste Association (RSWA) Joint Powers Authority, of which the City is a member agency, and authorize the City Manager to execute the required documents.

Reference: Clerk's File No. 906-9

**8. Award of Construction Contract to Bali Construction, Inc. for the 2023 Water, Wastewater, Pavement, and Storm Drain Project**

Recommended Action: Staff recommends that the City Council: 1) Award a \$1,675,555 construction contract to Bali Construction, Inc (Attachment A) for the 2023 Water, Wastewater, Pavement, and Storm Drain Project; 2) Award a \$136,340 Task Order to Dudek for Construction Management and Inspection Services (Attachment B); 3) Approve a 10% project contingency of \$167,525; 4) Authorize the City Manager to execute the required documents and any contract changes necessary to complete the work; and 5) Amend the Fiscal Year 2023-2024 Operating and Capital Budget as described in the Fiscal Impact Section of this report.

Reference: Clerk's File No. 406-1

**9. Update on the Housing Element Implementation Work Program**

Recommended Action: Staff recommends that the City Council receive the update on the Housing Element Work Program.

Reference: Clerk's File No. 304-7

**10. Approval to Purchase Firefighter Self Contained Breathing Apparatus and Rapid Intervention Team Packs**

Recommended Action: Staff recommends that the City Council: 1) Authorize the purchase and replacement of critical fire equipment including (10) Self Contained Breathing Apparatus (SCBAs), (1) Rapid Intervention Team Packs, and related accessories totaling \$122,445.77 from Municipal Emergency Services (MES) (Attachment A); 2) Authorize the City Manager to execute the necessary documents; and 3) Amend the Fiscal Year 2023-2024 Operating and Capital Budget as described in the Fiscal Impact section of this report.

Reference: Clerk's File No. 1101-8

**11. Purchase of Mobile Data Computers, Operating Software, Accessories, and Installation for Emergency Vehicles**

Recommended Action: It is recommended that the City Council approve the purchase and installation of two (2) Mobile Data Computers (MDCs), Tablet Command Operating Software, Accessories for the MDCs, Installation into the Fire Engine, and amend the Fiscal Year 2023-2024 Operating and Capital Budget as described in the Fiscal Impact section of this report.

Reference: Clerk's File No. 1101-8

**12. Lagoon Committee Appointment and Charter Amendment**

Recommended Action: The City Council Liaisons to the Lagoon Committee recommend that: 1) the City Council re-appoint Udo Wahn as a voting member of the Lagoon Committee to serve a second full three-year term starting November 1, 2023, and ending on November 30, 2026; and 2) Adopt a Resolution (Attachment A) amending the Committee Charter to reduce the membership to seven voting members and convert the ex-officio, non-voting member to a voting member (Exhibit A to Attachment A).

Reference: Clerk's File No. 401-5

X. PUBLIC HEARING

**13. Introduction of an Ordinance Regulating Balloons Filled with a Gas Lighter Than Air**

Recommended Action: Staff recommends that the City Council conduct a public hearing and introduce an ordinance (Attachment A) to add Chapter 11.48 to the Del Mar Municipal Code (DMMC) that would prohibit the use, sale, and distribution of balloons filled with a gas lighter than air.

Reference: Clerk's File No. 401-4, 401-9, 1403-4

**14. Encroachment Permit EP23-073 – Request to Retain Unpermitted Fencing, Entry Arbor, and Landscaping within the Public Right-of-Way at 157 6th Street (Applicant: Arturo Vivar)**

Recommended Action: It is recommended that the City Council adopt a Resolution (Attachment A) denying Encroachment Permit EP23-073, based on the project's non-compliance with the Del Mar Municipal Code (DMMC) and City Council Policy 110 - Private Encroachments into City Rights-of-Way (Attachment B).

Reference: Clerk's File No. 802-1

XI. COUNCIL MEETING RECESS

XII. CITY COUNCIL OTHER BUSINESS

**15. Proposed Del Mar Guiding Principles Regarding the LOSSAN Rail Realignment Project**

Recommended Action: Councilmembers Druker and Gaasterland request that the City Council adopt the proposed Del Mar Guiding Principles Regarding the LOSSAN Rail Realignment Project (Attachment A).

Reference: Clerk's File No. 1005-2

**16. Adoption of the 2024 City Council Meeting Schedule**

Recommended Action: Staff recommends that the City Council adopt the Resolution (Attachment A) approving the 2024 City Council Meeting Schedule (Exhibit A to Attachment A) or provide direction to staff regarding changes to the proposed schedule.

Reference: Clerk's File No. 401-1

**XIII. 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. 22<sup>nd</sup> 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/Quirk)
- D. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Quirk/Martinez)
- E. League of California Cities – San Diego Chapter (Martinez/Worden)
- F. League of California Cities – Coastal Cities Group (Worden)
- G. North County Transit District (NCTD) (Druker/Gaasterland)
- H. Regional Solid Waste Association (Worden/Quirk)
- I. San Diego Association of Governments Board (SANDAG) (Gaasterland/Martinez/Druker)
- J. SANDAG Borders Committee (Druker)
- K. SANDAG Regional Planning Committee (Gaasterland)
- L. SANDAG Shoreline Preservation Working Group (Worden/Gaasterland/Martinez)
- M. SANDAG LOSSAN Executive Task Force (Druker/Gaasterland)
- N. San Diego Metropolitan Wastewater Commission/JPA (Worden/Quirk/Druker)
- O. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee (Worden/Quirk)
- P. Other Regional Organization Reports

**XIV. 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. Arts Advisory Committee (Druker)
- B. Clean Water Rate Project
- C. Del Mar Community Connections (Martinez/Worden)
- D. Del Mar Village Association (Gaasterland/Martinez)
- E. Finance Committee (Druker/Worden)

- F. Housing Subcommittee (Gaasterland/Martinez)
- G. Human Resources Subcommittee (Druker/Worden)
- H. Legislative Subcommittee (Gaasterland/Martinez)
- I. Measure Q Citizen Oversight Committee (Gaasterland/Quirk)
- J. Parks and Recreation Committee (Martinez/Worden)
- K. Del Mar Railroad Committee (Druker/Gaasterland)
- L. Lagoon Committee (Quirk/Worden)
- M. Sea-Level Rise Adaptation Plan Implementation Subcommittee (Gaasterland/Martinez)
- N. Shores Advisory Committee
- O. Sustainability Advisory Committee (Martinez/Worden)
- P. Traffic and Parking Advisory Committee (Quirk/Worden)
- Q. Undergrounding Project Advisory Committee (Druker/Gaasterland)
- R. Other Committee-Subcommittee Reports

**XV. 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](http://www.delmar.ca.us) for City Council Agendas.

| <b>December 4, 2023</b>                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------|
| 2024 Advisory Committee Meeting Schedule                                                                                           |
| Second Reading and Adoption of Ordinance Prohibiting the Use, Sale and Distribution of Balloons Filled With a Gas Lighter Than Air |
| Utility Undergrounding District 1A Project Final Design, Permit Approval; and Authorization to Initiate the Public Bidding Process |
| Introduction of an Ordinance to Amend Accessory Dwelling Unit Regulations and Local Coastal Program                                |
| Introduction of an Ordinance to Amend Accessory Dwelling Unit Incentive Program                                                    |
| Adoption of Resolution to Create an Accessory Dwelling Unit Amnesty Program                                                        |

**XVI. CERTIFICATION**

I, Sarah Krietor, Administrative Services Manager/City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 8th day of November, 2023 at approximately 5:30 p.m.



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Sarah Krietor, Administrative Services Manager/  
City Clerk

11/8/2023  
Date