

# Del Mar City Council Meeting Agenda

Del Mar Communications Center  
240 Tenth Street, Del Mar, California

## October 5, 2015 City Council Meeting

**INFORMATION RECEIVED  
AFTER THE COUNCIL AGENDA  
WAS DISTRIBUTED  
("Red Dots")**



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**Subject:** FW: Encroachment Permit EP 15-048

-----Original Message-----

From: Stuart Smith  
Sent: Tuesday, September 29, 2015 3:48 PM  
To: Andrew Potter  
Cc: Joseph Smith  
Subject: Encroachment Permit EP 15-048

Andrew Potter  
Administrative Services Director  
City of Del Mar

RE: EP 15-048 September 29, 2015

My wife Carol and I live at 615 Rimini Road, up the hill and around the corner from 545 Rimini Road. We are writing regarding the front wall which is encroaching in the public right-of-way at that address.

The recently built wall, part of a very extensive, and lengthy, remodel, is built much closer to the street than the one it replaces. Both former and current walls encroach on the city right-of-way at a very tight curve on Rimini Road. For pedestrians walking up and down the hill, the sense of encroachment is increased by the tall parts of the wall on either side of the front entrance.

The wall and landscaping are very well done but we would like to see the wall be moved back toward the house and lowered,

Very Truly Yours,

Stuart and Carol Smith  
Rimini Road  
Del Mar, CA 92014



## MEETING REPORT FROM DWIGHT WORDEN

**MEETING: Sustainability Advisory Board**

**DATE: September 24, 2015**

The board discussed the Climate Action Plan and Resource Fair. The board established a sub-committee to work up materials on a possible plastic bag ban for Del Mar. Members: Ann Feeney, Helen Eckmann, Nitza Lite, liaison Dwight

**COMMENTS AND IMPRESSIONS [These reflect my personal comments and impressions and not necessarily the views of the council or the committee]**

Surfrider and others have provided information on plastic bag bans. Encinitas and Solana Beach each have one. Preliminary consensus seemed to be Del Mar should consider one too, even though Del Mar does not have a heavy user like a grocery or CVS. Key issues for Del Mar will be: how to tailor a ban/restrictions that work for Del Mar's retail businesses, and getting business and general community support. Kristen provided a letter of support from the grocers association and background on Del Mar's prior work on the topic.

September 30, 2015



Re: A Request to Authorize Previously-Constructed Planter Walls, Entry Columns with Walls, Walkway, Landscaping, and Cobble Gutter Within the Public Right-of-Way Adjacent to 545 Rimini Road (Encroachment Permit EP15-048)  
Applicant: Gala Yayla (APN 300-390-09)

To The City Council:

I am writing as a private citizen to oppose granting the requested encroachment permit unless substantial modifications are made to the unpermitted structures constructed in the public right-of-way. My reasons are:

- 1) There is a significant conversion of city property to private use by the extension of the walls and entry structure closer to the street.
- 2) The walls and entry structure exceed the height limits normally permitted in the front yard setback.
- 3) The walls and entry structure are permanent additions that would not be easy to remove were the city to exercise its right to use its property.
- 4) The walls and entry structure present a potential safety concern since they are so close to the street on a narrow curve with limited sightlines. It is not unusual for cars traveling opposite directions on Rimini to have to stop to allow one to pass on this curve.

The previous wall had been in place for many years (at least since 1985) and did encroach onto city property at the eastern portion of the lot. A replacement wall that aligned with the previous wall would maintain sufficient space for public use and would be acceptable if it was lower and eliminated the entry structure.

Yours sincerely,

Donald E. Mosier  
524 Rimini Road  
Del Mar, CA 92014



*City of Del Mar*  
***Council Liaison Committee Update***



**COMMITTEE:**

SANDAG ENERGY WORKING GROUP

**COUNCIL LIAISON:**

Don Mosier

**DATE OF REPORT:**

09/30/2015

**SUMMARY OF ACTIVITIES:**

Received reports on 5 active PACE programs operating in San Diego county; also receipt updates on Energy Roadmap Programs with a request for more ways SANDAG can help cities become more energy efficient.

**COMMENTS AND IMPRESSIONS [These reflect my personal comments and impressions and not necessarily the views of the Council or the Committee]:**

Len Herring, Executive Director of the Center for Sustainable Energy (CSE), reported on problems with the PACE programs. He stated that some of the qualified contractors had hired marketing firms that employed robocallers, who then repeatedly called potential customers with harassing messages that used the CSE and city names. These practices are not endorsed by the PACE programs and are outside of the scope of their agreements with contractors. The result is that CSE and some cities are getting multiple complaint calls per day about harassment by solar contractors.



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**Subject:** FW: Encroachment Permit EP 15-048

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**From:** Alice Winn  
**Sent:** Thursday, October 01, 2015 11:30 AM  
**To:** Adam Birnbaum  
**Subject:** Fwd: Encroachment Permit EP 15-048

I do not agree. There has been so much construction for so long at this site that it is a relief to see it ended. The gutter is well done and uses much smaller rocks (similar to old city gutters) than many of the newer constructions. As a pedestrian walking dogs, I am not impeded. Please let this nicely finished wall and gutter stay.

Sincerely,  
Alice Winn

Begin forwarded message:

**From:** Stuart Smith  
**Subject:** Encroachment Permit EP 15-048  
**Date:** September 29, 2015 at 3:48:15 PM PDT  
**To:** [apotter@delmar.ca.us](mailto:apotter@delmar.ca.us)  
**Cc:** Joseph Smith <[jsmith@delmar.ca.us](mailto:jsmith@delmar.ca.us)>

Andrew Potter  
29, 2015  
Administrative Services Director  
City of Del Mar

RE: EP 15-048 September

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Very Truly Yours,

Stuart and Carol Smith  
Rimini Road  
Del Mar, CA 92014



# City of Del Mar Memorandum



TO: Honorable Mayor and City Council Members

FROM: Joe Bride, Deputy Public Works Director

DATE: October 5, 2015

RE: Revisions to Item 8 - Award of Construction Contract for the 2015 Paving Project

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The Resolution for Item 8, "Award of Construction Contract for the 2015 Paving Project," has been revised to reflect the following minor changes:

- WHEREAS, pursuant to California Public Contracts Code section 20160, *et seq.* and Del Mar Municipal Code section 7.20, *et seq.*, the City of Del Mar ("City") invited proposals for a Public Works Project as defined in California Public Contract Code section 20161(c) called the 2015 Paving Project ("Project");
- That the Fiscal Years 2015-2016 and 2016-2017 Operating and Capital Budget is hereby amended so as to allocate the following funds to the 2015 Paving Project:

General Fund:

Expenditure Reimbursement Revenue	40.4800.4899 \$17,800
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Attachment: Revised Staff Report and Resolution

RESOLUTION NO. 2015-\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PAL GENERAL ENGINEERING, INC. FOR THE 2015 PAVING PROJECT AND AMENDING THE FISCAL YEARS 2015-2016 AND 2016-2017 OPERATING AND CAPITAL BUDGET.

WHEREAS, pursuant to California Public Contracts Code section 20160, *et seq.* and Del Mar Municipal Code section 7.204.080, *et seq.*, the City of Del Mar ("City") invited proposals for a Public Works Project as defined in California Public Contract Code section 20161(c) called the 2015 Paving Project ("Project"); and

WHEREAS, on September 2, 2015, the City issued an invitation for sealed bids for the Project and on September 2, 2015 and September 9, 2015, the invitation for bids was advertised in the San Diego Union Tribune; and

WHEREAS, the City Clerk and the Deputy Public Works Director of the City of Del Mar did on September 24, 2015, receive bids from seven contractors; and

WHEREAS, a review of the lowest qualified bid indicates that PAL General Engineering, Inc. possesses the required license and ability to perform the scope of services for the Project; and

WHEREAS, PAL General Engineering, Inc.'s bid in the amount of \$496,904 was the lowest regular bid submitted by a responsible bidder in accordance with the Notice of Inviting Bids and is acceptable to the City Council; and

WHEREAS, in accordance with California Environmental Quality Act standards, improvements to existing facilities, including streets, sidewalks, and gutters, is determined not to have a significant effect on the environment pursuant to Guidelines Sections 15301 and 15061(b)(3), and is therefore exempt from the provisions of CEQA; and

WHEREAS, on June 1, 2015, the City Council adopted the Fiscal Years 2015-2016 and 2016-2017 Operating and Capital Budget; and

WHEREAS, a budget adjustment is appropriate to allocate additional residential reimbursements to participate in the costs of associated alley improvements adjacent to residential property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, as follows:

1. That the City authorizes the City Manager to enter into a contract with PAL General Engineering, Inc. for the 2015 Paving Project in the amount of \$496,904

according to the terms of the contract on file with the Office of the City Clerk of the City of Del Mar.

2. That the City Manager is authorized to execute changes to the contract for an additional not to exceed amount of \$47,715 for unforeseen construction changes.

3. That the Fiscal Years 2015-2016 and 2016-2017 Operating and Capital Budget is hereby amended so as to allocate the following funds to the 2015 Paving Project~~amended as follows so as to complete the project:~~

General Fund:

Expenditure Reimbursement Revenue	40.4800.4899	\$17,800
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4. That the appropriate City officials are hereby authorized and directed to take such actions as they deem necessary and proper to effectuate and consummate the contract, subject to final review and approval of the City Attorney.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held the 5<sup>th</sup> day of October 2015.

\_\_\_\_\_  
AL CORTI, Mayor  
City of Del Mar

APPROVED AS TO FORM:

\_\_\_\_\_  
LESLIE E. DEVANEY, City Attorney  
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
CITY OF DEL MAR

I, Andrew Potter, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution 2015-\_\_\_\_\_, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 5<sup>th</sup> day of October 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
ANDREW POTTER,  
Administrative Services Director/City Clerk  
City of Del Mar