



**CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 9, 2023
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 or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER

Mayor Martinez called the Regular Meeting to order at 4:30 p.m.

ROLL CALL

Present: Mayor Tracy Martinez; Deputy Mayor Dan Quirk; Councilmembers Dave Druker, Terry Gaasterland, and Dwight Worden.

CITY ATTORNEY CLOSED SESSION REPORT

City Attorney Leslie Devaney reported on the January 9, 2023, City Council Closed Session meeting. She reported that for Item A, Councilmember Druker was recused due to living within 500 feet of the subject matter of that discussion and she reported that the City will be entering into mediation with Winston School on January 20, 2023. For Item B there were no recusals and no reportable actions.

PLEDGE OF ALLEGIANCE

Mayor Martinez led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

None.

CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS

Councilmember Worden reported on the SDG&E gas bill increase notice and national gas price decreases and requested an update on the 9th Street traffic light. Councilmember Druker commented that as a member of Clean Energy Alliance (CEA) Del Mar residents' electric rates are fixed for the year. Councilmember Gaasterland provided resident feedback on the four way stop at 9th Street resulting from the traffic light being temporarily out; expressed appreciation to City staff for proactively addressing impacts of the recent Pacific winter storms; and remarked on resources available for residents, including a confidential shared housing program operated by Del Mar Community Connections. Mayor Martinez reported on the upcoming Del Mar Village Association (DMVA) Community Clean up on January 25, 2023; and expressed appreciation to staff for a successful 2023 Penguin Plunge event.

CITY MANAGER'S REPORT

City Manager Ashley Jones reported on the impacts of recent storms to Del Mar beaches and the City's efforts to protect public and private property from impacts of the storms; addressed the blinking red light at 9th Street and repair status; and introduced new City employee Michael Luna, Special Projects and Programs Manager, in the City Manager's Office.

PRESENTATIONS

ITEM 1: CEREMONIAL OATH OF OFFICE OF COUNCILMEMBERS GAASTERLAND AND WORDEN (CLERK'S FILE NO. 401-1)

Mayor Martinez led a ceremonial oath of office for re-elected Councilmembers Worden and Gaasterland.

There were no public speakers for the item.

ITEM 2: UPDATE FROM EDCO ON SOLID WASTE COLLECTION SERVICES POST TRANSITION (CLERK'S FILE NO. 906-9)

City Manager Jones introduced the item. A presentation was provided by EDCO General Manager Carl Scherbaum, with Assistant City Manager Clem Brown and EDCO President Steve South available to answer City Council questions.

City Council questions focused on current percentage of enrollment in organics recycling and SB 1383 compliance; whether the green bin needs to be requested and the percentage of residential and commercial accounts utilizing the green bins now; process for disposing of larger/bulky items; how residents can dispose of green waste in excess of their bin capacity; whether organic waste bags are still available; and whether plastic trash bags are recyclable and can be used in recycling bins.

There were no public speakers for this item.

Council discussion focused on the successful transition to EDCO, which the Council expressed appreciation for to EDCO and City staff.

ITEM 3: PRESENTATION ON CALIFORNIA PUBLIC UTILITIES COMMISSION'S NEM 3.0 PROPOSAL BY THE CLEAN ENERGY ALLIANCE (CLERK'S FILE NO. 1403-4)

Councilmember Druker introduced the item. A presentation was provided remotely by Clean Energy Alliance (CEA) CEO Barbara Boswell and CEA Special Counsel Ty Tosdal. Assistant City Manager Brown was available to answer City Council questions.

City Council questions focused on the status and schedule for CEA reimbursing the cities of Carlsbad, Solana Beach, and Del Mar for their initial investments in the CEA; and whether NEM 3.0 will affect CEA customers utilizing solar.

There were no public speakers for the item.

Council discussion focused on the proposed fixed fee; clarification on reimbursement and monthly rates for CEA customers with solar; future of SDG&E in distributing and providing power in San Diego County; and whether solar customers who switch to CEA will be governed by NEM 2.0 or NEM 3.0.

ITEM 4: CITY OF DEL MAR'S SIDEWALK SAFETY PROGRAM (CLERK'S FILE NO. 901-2)

City Manager Jones introduced the item. A presentation was provided by Public Works Director Joe Bride.

City Council questions focused on whether the color of the repaired sidewalk areas will blend in with the surrounding sidewalk over time; whether the City receives many trip and fall claims related to City sidewalks; and the best way for the public to report a sidewalk concern.

There were no public speakers for the item.

CONSENT CALENDAR

Administrative Services Manager/City Clerk Sarah Krietor read the titles of the items included on the Consent Calendar. There were no public speakers for the consent calendar items.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER GAASTERLAND TO APPROVE THE CONSENT CALENDAR ITEMS 5 THROUGH 10. (VOTE 5-0)

Ayes: Mayor Martinez, Deputy Mayor Quirk and Councilmembers Druker, Gaasterland and Worden; Noes; 0; Absent: 0; Abstain: 0.

ITEM 5: APPROVAL OF MINUTES: DECEMBER 5, 2022 REGULAR AND SPECIAL MEETING; DECEMBER 12, 2022 SPECIAL MEETING (CLERK’S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 6: RATIFICATION OF LIST OF DEMANDS, DATED JANUARY 9, 2023 (CLERK’S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 7: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK’S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 8: APPROVAL OF A TASK ORDER WITH MICHAEL BAKER INTERNATIONAL TO PERFORM ENGINEERING DESIGN SERVICES FOR THE HOSKA ALLEY ASSESSMENT AND DEVELOPMENTAL ALTERNATIVES ANALYSIS (CLERK’S FILE NO. 406-1)

Council approved a \$49,000 Task Order with Michael Baker International (MBI) to conduct an engineering assessment and provide initial design alternatives and cost projections for the development of Hoska Alley; and authorized the City Manager to execute the Task Order, on consent.

ITEM 9: AGREEMENT WITH PARKWOOD LANDSCAPE MAINTENANCE FOR CITYWIDE LANDSCAPING SERVICES (CLERK’S FILE NO. 406-1)

Council questions focused on clarifying the public areas maintained under the Citywide landscaping services agreement.

Council approved an agreement with Parkwood Landscape Maintenance to provide citywide landscaping services for an initial three-year period effective February 1, 2023,

through February 1, 2026; and authorized the City Manager to execute the agreement, on consent.

ITEM 10: SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE DEL MAR LOCAL COASTAL PROGRAM (LCPA22-002) AND REZONING (R22-001) EIGHT CITY-OWNED PROPERTIES (CLERK’S FILE NO. 302-4, 304-4, 401-4)

Council adopted Ordinance 995, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE LOCAL COASTAL PROGRAM (LCP) LAND USE DESIGNATION AND ZONE DESIGNATION FOR PARCELS OCCUPIED BY FOUR CITY-OWNED WATER TOWERS (APN: 300-272-07, 299-260-45, 300-243-10, 301-025-42) FROM LOW DENSITY RESIDENTIAL AND R1-10 TO PUBLIC FACILITIES (PF); AMENDING THE LCP LAND USE DESIGNATION AND ZONE DESIGNATION FOR TWO CITY-OWNED PARCELS OCCUPIED BY THE DEL MAR LIBRARY (APN: 300-020-06,-07) FROM CENTRAL COMMERCIAL (CC) TO PUBLIC FACILITIES (PF); AMENDING THE LCP LAND USE DESIGNATION AND ZONE DESIGNATION FOR ONE CITY-OWNED VACANT LOT ON 28TH STREET (APN: 299-030-12) FROM MEDIUM DENSITY MULTIPLE RESIDENTIAL AND RM-EAST TO PUBLIC FACILITIES (PF); AND AMENDING THE LCP LAND USE DESIGNATION AND ZONE DESIGNATION FOR ONE PARCEL OCCUPIED BY THE PINE BLUFF PRESERVE (APN:300-263-26) FROM LOW DENSITY RESIDENTIAL R1-10 TO PUBLIC PARKLAND (PP); AND APPROVING THE REZONE R22-001 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA22-002 TO AMEND THE LAND USE DESIGNATION AND ZONE DESIGNATION FOR SAID PROPERTIES AND UPDATE THE LCP LAND USE PLAN AND ZONING MAP RECORDS TO BE CONSISTENT WITH THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN)”, on consent.

ITEM 11: RECOMMENDED UNDERGROUNDING PROJECT ADVISORY COMMITTEE (UPAC) RESTART, CHARTER REVISIONS, AND RELATED ADMINISTRATIVE ACTIONS (CLERK’S FILE NO. 401-5)

The item was pulled from the Consent Calendar for consideration. Councilmember Gaasterland provided a brief presentation. City Council questions focused on the recruitment process and timeline for reengaging the committee.

IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT RESOLUTION 2023-1, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING AND RESTATING THE CHARTER OF THE CITY OF DEL MAR UNDERGROUNDING PROJECT ADVISORY COMMITTEE”, AND DIRECT STAFF TO TAKE RELATED ADMINISTRATIVE ACTIONS INCLUDING SCHEDULING 2023 UPAC MEETINGS; RECRUITING TO FILL COMMITTEE VACANCIES; AND EXTENDING EXISTING COMMITTEE MEMBERS’ TERMS. (VOTE 5-0)

Ayes: Mayor Martinez, Deputy Mayor Quirk, and Councilmembers Druker, Gaasterland and Worden; Noes: 0; Absent: 0; Abstain: 0.

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 7:00 p.m. to 7:17 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 12: NEW STATE HOUSING LEGISLATION REPORT (CLERK'S FILE NO. 303-1, 401-7, 1502-18)

An introduction to the item was provided by City Manager Jones. A presentation was provided by Principal Planner Amanda Lee. Planning and Community Development Director Karen Brindley and Assistant City Attorney Ralph Hicks were available to answer City Council questions.

Council questions focused on whether state legislation changes would impact or apply to the beach commercial zone; how legislative changes would apply to specific plans like the Del Mar Plaza; and whether AB 11 is a developer choice.

Council questions focused on clarifying the legislative provisions related to the height of Accessory Dwelling Units (ADUs); clarification on whether the City can place limitations on homeowners who evade the DRB process for an ADU; whether the City is able to add any additional requirements related to setbacks; the need to suggest a legislative amendment that requires an ADU be used as living quarters; opportunity for the City to update its Local Coastal Program (LCP) to identify public view corridors under the Coastal Act; City's ability to use easements to prevent ADU placement; whether the City can require joint processing of ADUs and primary housing applications; whether the City can have a role in placement of ADUs; mechanisms available for notifying neighbors of ADU applications; clarification on protection of public view corridors under the California Coastal Act; clarification on the guidance being provided by the City Council to the Legislative Subcommittee; whether the City is still able to consider architectural compatibility; and whether the City can mandate a parking spot for an ADU.

Council discussion focused on whether the City could consider a story pole project to demonstrate a protected coastal view; public scenic view overview; how many stories are usually included with a 45 foot building; desire to ask the legislature to create an exemption from this legislation for agencies that have a certified housing element; request for staff to create a half mile map from the fairgrounds transit station; whether this state legislation is considered an unfunded mandate; comment that the legislation creates a disincentive for improving local transit; discretion related to fire hazard zones; clarification on the definition of a major transit site and desire to update the definition of major transit corridor; history of redevelopment agencies and related housing set-aside funding; advocating to legislative representatives to reestablish a funding source for mandated housing; and possibility of a future state constitutional amendment that would amend the state constitution to restore local control.

There were no public speakers for this item.

ITEM 13: DISCUSSION OF CITY COUNCIL SUBCOMMITTEES PURPOSE & SCOPE (CLERK'S FILE NO. 401-1, 401-5)

A presentation was provided by Councilmembers Druker and Worden.

Council consensus was to move forward with the recommendation by Councilmembers Druker and Worden and for each City Council subcommittee to prepare an updated Subcommittee charter for Council consideration in March 2023.

There were no public speakers for the item.

ITEM 14: 2023 CITY COUNCIL LOCAL AND REGIONAL APPOINTMENTS (CLERK'S FILE NO. 401-1, 401-5)

An introduction to the item was provided by Councilmember Druker. City Council discussed various local and regional appointments. The appointments were finalized as shown in the [2023 Local and Regional Appointments](#) available on the City's website and included as Attachment A to these minutes.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO APPOINT COUNCILMEMBERS GAASTERLAND AND DRUKER TO THE UNDERGROUNDING PROJECT ADVISORY COMMITTEE (UPAC). (VOTE 4-1 WITH DEPUTY MAYOR QUIRK OPPOSED)

Ayes: Mayor Martinez, and Councilmembers Druker, Gaasterland and Worden; Noes: Deputy Mayor Quirk; Absent: 0; Abstain: 0.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER GAASTERLAND TO APPOINT COUNCILMEMBER DRUKER AS PRIMARY TO THE NORTH COUNTY TRANSIT DISTRICT. (VOTE 3-1-1 WITH COUNCILMEMBER DRUKER ABSTAINED AND DEPUTY MAYOR QUIRK OPPOSED)

Ayes: Mayor Martinez, and Councilmembers Gaasterland and Worden; Noes: Deputy Mayor Quirk; Absent: 0; Abstain: Councilmember Druker.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO APPOINT COUNCILMEMBER GAASTERLAND AS ALTERNATE TO NORTH COUNTY TRANSIT DISTRICT. (VOTE 4-1 WITH COUNCILMEMBER GAASTERLAND ABSTAINED)

Ayes: Mayor Martinez, Deputy Mayor Quirk, and Councilmembers Druker and Worden; Noes: 0; Absent: 0; Abstain: Councilmember Gaasterland.

IT WAS MOVED BY COUNCILMEMBER DRUKER TO APPOINT COUNCILMEMBER WORDEN AS PRIMARY ON THE METRO COMMISSION/METRO WASTEWATER JPA.

COUNCILMEMBER DRUKER AMENDED HIS MOTION, SECONDED BY COUNCILMEMBER GAASTERLAND, TO ALSO APPOINT COUNCILMEMBER WORDEN AS PRIMARY ON SANDAG SHORELINE PRESERVATION WORKING GROUP. (VOTE 4-1 WITH COUNCILMEMBER WORDEN ABSTAINED)

Ayes: Mayor Martinez, Deputy Mayor Quirk, and Councilmembers Druker and Gaasterland; Noes: 0; Absent: 0; Abstain: Councilmember Worden.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR MARTINEZ TO APPOINT COUNCILMEMBER GAASTERLAND AS PRIMARY ON SANDAG BOARD OF DIRECTORS AND ALTERNATE ON NORTH COUNTY TRANSIT DISTRICT. (VOTE 4-1 WITH COUNCILMEMBER GAASTERLAND ABSTAINED)

Ayes: Mayor Martinez, Deputy Mayor Quirk, and Councilmembers Druker and Worden; Noes: 0; Absent: 0; Abstain: Councilmember Gaasterland.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER GAASTERLAND TO APPOINT MAYOR MARTINEZ AS ALTERNATE ON SANDAG BOARD OF DIRECTORS. (VOTE 4-1 WITH MAYOR MARTINEZ ABSTAINED)

Ayes: Deputy Mayor Quirk, and Councilmembers Druker, Gaasterland and Worden; Noes: 0;
Absent: 0; Abstain: Mayor Martinez.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER WORDEN TO APPOINT DEPUTY MAYOR QUIRK AS ALTERNATE ON METRO COMMISSION/METRO WASTEWATER JPA. (VOTE 4-1 WITH DEPUTY MAYOR QUIRK ABSTAINED)

Ayes: Mayor Martinez, and Councilmembers Druker, Gaasterland and Worden; Noes: 0; Absent: 0;
Abstain: Deputy Mayor Quirk.

IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY COUNCILMEMBER WORDEN TO APPOINT COUNCILMEMBER DRUKER AS PRIMARY TO NORTH COUNTY TRANSIT DISTRICT AND SECOND ALTERNATE ON SANDAG BOARD OF DIRECTORS. (VOTE 4-1 WITH COUNCILMEMBER DRUKER ABSTAINED)

Ayes: Mayor Martinez, Deputy Mayor Quirk, and Councilmembers Gaasterland and Worden; Noes: 0; Absent: 0; Abstain: Councilmember Druker.

There were no public speakers for the item.

REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

City Council representatives reported on the SANDAG Board of Directors.

ADJOURNMENT

Mayor Martinez adjourned the meeting at 8:37 p.m.



Sarah Krietor, Administrative Services Manager/
City Clerk