



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 11, 2021 – VIA TELECONFERENCE ONLY
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 Gaasterland called the Regular Meeting to order at 4:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Mayor Gaasterland led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

None.

CITY COUNCIL COMMENTS

None.

COMMUNITY ANNOUNCEMENTS

None.

CITY MANAGER'S REPORT

City Manager Johnson reported that the Powerhouse Park turf restoration activities are complete, and the entire park is now open to the public; County Public Health guidance has been updated regarding travel; State grant business relief program has been extended; and the County has extended their small business stimulus program.

PRESENTATIONS

ITEM 1: MAYOR'S STATE OF THE CITY ADDRESS (CLERK'S FILE NO. 401-1)

Mayor Gaasterland provided a State of the City Address which highlighted the many amenities that Del Mar has to offer its residents and visitors; significant happenings from 2020, including impacts associated with COVID-19; and what is on the horizon for the current 2021 calendar year, including a list of priorities for Del Mar from her perspective including improved communication with the public; State mandated up zoning; dealing with the North County Transit District's proposal to install fencing along the tracks in Del Mar; protecting open spaces; and Del Mar business recovery.

ITEM 2: PROCLAMATION OF APPRECIATION FOR JIM SNEED RECOGNIZING HIS EXTRAORDINARY EFFORTS TO DESIGN, INSTALL AND MAINTAIN A KIOSK IN THE DEL MAR CIVIC CENTER TO PREVENT THE SPREAD OF COVID-19 (CLERK'S FILE NO. 1201-5)

The Mayor read a proclamation honoring Jim Sneed for his COVID prevention efforts. Mr. Sneed thanked the City Council for the recognition.

ITEM 3: PRESENTATION BY NORTH COUNTY TRANSIT DISTRICT ON TRESPASSER RISK REDUCTION STUDY (CLERK'S FILE NO. 1506-20)

Representatives from the North County Transit District (NCTD), including Board Chair Tony Kranz, and Chief of Safety Sean Loofbourrow, and their consulting firm WSP provided a presentation on the NCTD Trespasser Risk Reduction Study.

Council questions focused on where the fence is proposed for installation in Del Mar (maps, etc.); the technical definition of risk that was used for this study; whether the study looked at how many people trespass daily in Del Mar; what the potential consequence of trespassing is when there is or is not a train present; whether the strikes identified in Del Mar were pedestrian or vehicle strikes; whether fencing feasibility was considered in the study; and whether a geological survey was done as part of the study.

The Mayor opened this item for public comment and the following spoke:

- 1) Udo Wahn
- 2) Drew Cady
- 3) Laura DeMarco

The Mayor closed the item to public comment.

Council discussion focused on whether fencing along the coastal corridor has been voted on at a NCTD public meeting; NCTD's recent insurance/liability workshop and reasons for rising insurance costs; failure of the train to provide mass transit in the region; rail relocation off of the Del Mar bluff; Surface Transportation Board matter; study doesn't address legitimate need for access across the tracks; need for additional signage along the tracks; concerns about the fencing proposal and preliminary design; belief that there is no risk unless a train is present; number of strikes annually remain unchanged since the late 1990's; topography of the area has not been considered; study does not consider the high number of people that safely cross the tracks; importance of the topography of the bluff; impacts of the proposed fencing to the community; basis of methodology used; need for increased signage at Coast Blvd, where majority of incidents occur; fencing will not reduce liability costs for NCTD; need to preserve access to the Del Mar bluff and the beaches; and opportunities for the City to work collaboratively with NCTD, San Diego Association of Governments (SANDAG), and the California Coastal Commission (CCC) on this issue.

CONSENT CALENDAR

Mayor Gaasterland opened Items 4 through 10 for public comment and there were no comments. Item 14 was added to the Consent Calendar for consideration with the modifications identified in the information described under Item 14 of these minutes.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO APPROVE THE CONSENT CALENDAR ITEMS 4 THROUGH 10, AND 14. (VOTE 5-0 WITH COUNCILMEMBER DRUKER RECUSED FROM ITEM 8.)

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: Councilmember Druker abstained from voting on Item 8, as he is recused from this item due to the proximity of his residence to the Winston School site.

ITEM 4: APPROVAL OF MINUTES: DECEMBER 7, 2020 REGULAR AND SPECIAL MEETING; DECEMBER 14, 2020 SPECIAL MEETING, CLOSED SESSION; DECEMBER 14, 2020 SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 5: RATIFICATION OF LIST OF DEMANDS, DATED JANUARY 11, 2021 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 6: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 7: AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS FOR LEGISLATIVE AFFAIRS AND GRANT ADVOCACY, RESEARCH AND WRITING CONSULTING SERVICES (CLERK'S FILE NO. 201-13, 406-1)

Council approved an agreement with Townsend Public Affairs for legislative affairs and grant advocacy, research, and writing consulting services and authorized the City Manager to execute the agreement, on consent.

ITEM 8: APPROVAL OF FIRST AMENDMENT TO LEASE AGREEMENT WITH THE WINSTON SCHOOL TO REPLACE LEGAL DESCRIPTION AND INCORPORATE PLAT MAP (CLERK'S FILE NO. 406-1, 702-15)

Council approved the First Amendment to the Lease Agreement between the City of Del Mar and The Winston School replacing the legal description and incorporating a plat map, and authorized the City Manager to execute the First Amendment, on consent.

ITEM 9: APPROVAL OF AGREEMENT WITH HINDERLITER, DE LLAMAS & ASSOCIATES FOR SALES, USE, AND TRANSACTION TAX INFORMATION, AUDIT, AND CONSULTING SERVICES (CLERK'S FILE NO. 406-1)

Council 1) Approved the agreement for sales, use, and transaction tax information, audit, and consulting services with Hinderliter, de Llamas & Associates (HdL); 2) Authorized the City Manager to execute the Agreement and any subsequent amendments provided for under the Agreement, contingent upon satisfactory performance by the consultant firm; and 3) Adopted Resolution 2021-01, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAXES", on consent.

ITEM 10: RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO STATE PARKS DIVISION OF BOATING AND WATERWAYS FOR A FY 2022-23 PUBLIC BEACH RESTORATION GRANT (CLERK'S FILE NO. 201-13)

Council adopted resolution 2021-02, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING APPLICATION FOR CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS PUBLIC BEACH RESTORATION GRANT FUNDS", and authorized the City Manager to execute the necessary grant documents, on consent.

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 6:42 to 6:55 p.m.

PUBLIC HEARING

ITEM 11: ENCROACHMENT PERMIT EP20-080 – A REQUEST TO PERMIT AN EXISTING PRIVATE COMMERCIAL PARKING SPACE, ACCESS STAIRS, AND TO CONSTRUCT A NEW TRASH ENCLOSURE IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 853 CAMINO DEL MAR - CONTINUED FROM DECEMBER 7, 2020 COUNCIL MEETING (CLERK'S FILE NO. 802-1)

A presentation was provided by Assistant Planner Jaramishian.

Council questions focused on clarification on proposed changes to the permit application; location of the trash bins; and floor area ratio for the identified zone.

The Mayor opened this item up for public comment and the following person spoke:

Steven Rodick – Spoke on behalf of the applicant and informed the Council that the stairs and parking space have been removed from the permit application.

The Mayor closed the item to public comment.

Council discussion focused on other potential locations for the trash bins/enclosure; concerns about allowing for encroachments in paper alleys; and the potential to remove the trash enclosure out of the right-of-way altogether so a major encroachment permit would no longer be needed.

Council consensus was for staff to work with the applicant to redesign the trash enclosure and return to the City Council if needed.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER WORDEN TO CONTINUE THIS ITEM. (VOTE 5-0)

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

CITY COUNCIL OTHER BUSINESS

ITEM 12: MEMORANDUM OF UNDERSTANDING FOR THE SAFE RAIL TRAIL AND PEDESTRIAN CROSSING FEASIBILITY STUDY (CLERK'S FILE NO. 1506-1, 1506-20, 1601-9)

A presentation was provided by Environmental Sustainability and Special Projects Manager Clem Brown.

Council questions focused on which agency will lead the study; how many locations will be identified/discussed in the study; and to what extent will there be a survey of the topography/geology of the bluffs as part of the study.

There were no public speakers for this item.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO APPROVE THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) AND NORTH COUNTY TRANSIT DISTRICT (NCTD) TO IMPLEMENT THE SAFE RAIL TRAIL AND PEDESTRIAN CROSSING FEASIBILITY STUDY (ATTACHMENT A); 2) AUTHORIZE THE CITY MANAGER TO EXECUTE THE MOU; AND 3) AUTHORIZE THE INCLUSION OF \$21,500 IN REQUIRED GRANT MATCH FUNDING IN THE CITY'S BUDGET FOR FISCAL YEAR 2021-22. (VOTE 5-0)

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

ITEM 13: ACCEPTANCE OF CERTIFICATION OF REFERENDUM AGAINST CITY COUNCIL ORDINANCE 973 AND REQUIRED ACTIONS (CLERK'S FILE NO. 304-7, 401-4)

Councilmembers Martinez and Quirk were recused from participating in this item due to the proximity of each of their primary residence.

A presentation was provided by Administrative Services Director Ashley Jones and Planning & Community Development Director Joseph Smith.

Council questions focused on timing in which the Council can take a position on the referendum.

There were no public speakers for this item.

Council discussion focused on potential to delay making a decision at this time and create an informal ad-hoc committee of the Council to negotiate with referendum proponents on potential actions to address their concerns following the City Council meeting to consider Community Plan changes on February 16, 2021; concerns about the City Council taking action to repeal a prior City Council's action; community support for submitting Ordinance 973 to the voters for consideration.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO ACCEPT THE CERTIFICATE OF SUFFICIENCY. (VOTE 3-0 WITH COUNCILMEMBERS MARTINEZ AND QUIRK RECUSED.)

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

IT WAS MOVED BY DEPUTY MAYOR WORDEN TO DO A SUBSTITUTE MOTION TO APPROVE PUTTING THE REFERENDUM ON THE JUNE, 2021 BALLOT FOR VOTER CONSIDERATION. NO SECOND. MOTION FAILED.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER, TO APPROVE PUTTING THE REFERENDUM ON THE NOVEMBER, 2022 BALLOT FOR VOTER CONSIDERATION. (VOTE 2-1, WITH DEPUTY MAYOR WORDEN OPPOSED AND COUNCILMEMBERS MARTINEZ AND QUIRK RECUSED.) MOTION FAILED.

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

The City Attorney explained that by default, and in accordance with law, the referendum will be put on the November 2022 ballot for voter consideration.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO SUBMIT THE REFERENDUM FOR VOTER CONSIDERATION AT A DATE TO BE DETERMINED. (VOTE 2-1, WITH MAYOR GAASTERLAND OPPOSED AND COUNCILMEMBERS MARTINEZ AND QUIRK RECUSED.) MOTION FAILED.

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

Council consensus was to put the referendum on a future ballot for voter consideration and for Mayor Gaasterland and Councilmember Druker to take the lead on reaching out to the referendum proponent to see what actions may be taken that could address concerns that led to the referendum.

ITEM 14: CITY COUNCIL LOCAL APPOINTMENTS FOR 2021 (CLERK'S FILE NO. 401-5)

Council discussed updating two changes to the list of City Council Local/Regional Appointments for 2021, including adding Councilmember Quirk as the alternative Del Mar representative to the Regional Solid Waste Association and removing the reference to the San Diego Regional Planning Committee to which Del Mar no longer has a representative. The item was then moved to the Consent Calendar for consideration.

The Council approved the City Council Local Appointments for 2021 with the changes noted above, on consent.

ITEM 15: DISCUSSION REGARDING CITY COUNCIL WORKSHOPS FOCUSED ON VISION & VALUES AND GOALS & PRIORITIES SETTING (CLERK'S FILE NO. 401-1)

A presentation was provided by Mayor Gaasterland about her and Deputy Mayor Worden's ideas for a City Council Vision and Values Workshop to be held on January 23, 2021, starting at 9:30 a.m. and ending at 2:30 p.m. or earlier. The workshop would focus on reviewing the Vision and Values created by the City Council two years ago and making any necessary changes, as well as a review and discussion of the roles of the City Council; City Manager; City Attorney; Mayor and Deputy Mayor. On February 27, 2021, the Council agreed to hold a meeting focused on Priorities in COVID Times, where the previously established tiers for public services to be provided along with the City's workplan would be reviewed and modified at the Council's discretion.

The Council directed the City Manager to work with the Mayor and Deputy Mayor on the details for the two workshops.

REGIONAL ORGANIZATION REPORTS

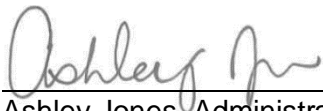
There were no reports provided at the meeting.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

There were no reports provided at the meeting.

ADJOURNMENT

Mayor Gaasterland adjourned the meeting at 8:50 p.m.



Ashley Jones, Administrative Services
Director/City Clerk