



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 16, 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

Councilmember Quirk led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

None.

CITY COUNCIL COMMENTS

Deputy Mayor Worden reported on four cities who filed a suit against the San Diego Association of Governments (SANDAG) citing their Regional Housing Needs Assessment (RHNA) housing numbers were inaccurate; he spoke about his disapproval of the content of a red dot pertaining to newly appointed Interim City Manager Ashley Jones; and he requested an update on the Jimmy Durante Bluff slide area. Mayor Gaasterland spoke about temporary fencing installed by SANDAG related to the Del Mar Bluffs 4 project.

COMMUNITY ANNOUNCEMENTS

None.

CITY MANAGER'S REPORT

Interim City Manager Ashley Jones reported on a recently completed Eagle Scout bench project completed by Griffin Symans at the southeast corner of Stratford Court and 15th Street; details of a Vaccine Super Center now open at the Fairgrounds; and information about temporary fencing installed by the SANDAG related to the Del Mar Bluffs 4 project.

PRESENTATIONS

ITEM 1: PRESENTATION BY MIKE HASTINGS, EXECUTIVE DIRECTOR OF THE LOS PEÑASQUITOS LAGOON FOUNDATION REGARDING A STUDY ON SEA LEVEL RISE AND POTENTIAL ADAPTATION OF THE TORREY PINES NORTH BEACH

PARKING LOT BEING CONDUCTED WITH CALIFORNIA STATE PARKS (CLERK'S FILE NO. 1404-1)

A presentation was provided by Executive Director Mike Hastings from the Los Penasquitos Lagoon Foundation.

Council questions and discussion focused on the preliminary concepts for managed retreat specific to the Torrey Pines North Beach Parking Lot area.

CONSENT CALENDAR

Mayor Gaasterland opened Items 2 through 4 for public comment and there were no comments. The Council added items 6 and 9 to the Consent Calendar for consideration.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND, TO APPROVE THE CONSENT CALENDAR ITEMS 2 THROUGH 4, 6 AND 9. (VOTE 5-0)

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

ITEM 2: APPROVAL OF MINUTES: JANUARY 23, 2021, SPECIAL MEETING, CLOSED SESSION; JANUARY 23, 2021 SPECIAL MEETING, OPEN SESSION; JANUARY 27, 2021 SPECIAL MEETING; FEBRUARY 1, 2021 REGULAR AND SPECIAL MEETING, FEBRUARY 3, 2021 SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED FEBRUARY 16, 2021 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

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

Council waived the reading of ordinances, on consent.

PUBLIC HEARING

ITEM 5: ADOPTION OF RESOLUTION AND INTRODUCTION OF ORDINANCES FOR IMPLEMENTATION OF 5TH CYCLE HOUSING ELEMENT PROGRAMS 2G AND 2E (CLERK'S FILE NO. 304-7, 401-4, 401-9)

At the start of this item City Attorney Leslie Devaney provided the results of a conflict analysis completed by the City Attorney's office, which indicated that Councilmembers Martinez and Quirk are conflicted and recused from participating in the vote on action item 5.1 of the recommended action, and Councilmember Martinez is conflicted and recused from participating in action items 5.2 and 5.3 of the recommended action. Because action item 5.1 of the recommended action is a change to the City's General Plan, at least four members of the City Council must participate in the vote. To facilitate this, a random drawing was conducted with assistance from the Interim City Manager, and Councilmember Martinez was randomly selected to participate in the vote for action item 5.1.

However, upon further discussion with City Attorney Leslie Devaney and Assistant City Attorney Christina Cameron, the Council decided to divide the actions and presentations by program, discussing the 2G program and 2E program separately. This allowed Councilmember Quirk to participate in the actions associated with 2G without conflict and Councilmember Martinez to participate in the actions related to program 2E as the conflicted Councilmember randomly drawn to participate.

A presentation was provided by Planning & Community Development Director Joseph Smith and Principal Planner Amanda Lee.

Council questions focused on the timing for Coastal Commission certification of zoning ordinances and working with the Fair Political Practices Commission (FPPC) on a conflict analysis with the goal of allowing the full Council to participate in the Housing Element process.

Mayor Gaasterland opened the item to public comment and Rose Ann Sharp spoke. The Mayor then closed the item to public comment.

Council discussion focused on the desire to adopt design standards/guidelines and the relationship between overlay zones and design standards and the timing and noticing requirements to execute various options prior to the April 15, 2021, State deadline.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO ADD DESIGN STANDARDS TO THE OVERLAY FOR 2G, DRAWING FROM THE DESIGN STANDARDS THAT HAVE BEEN CIRCULATED IN VARIOUS FORMS IN THE RED DOTS IN ORDER TO COMPLETE 2G BY APRIL 15, 2021. (VOTE 3-1)

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

IT WAS MOVED BY DEPUTY MAYOR WORDEN TO MAKE A SUBSTITUTE MOTION TO ADOPT THE RESOLUTION AMENDING THE COMMUNITY PLAN, DELETING THE NON-2G AREAS TO COVER ONLY THE WATERMARK PROJECT, WHICH IS THE RESOLUTION VERSION B IN THE AGENDA REPORT. FOLLOWING DISCUSSION OF THE SUBSTITUTE MOTION, DEPUTY MAYOR WORDEN WITHDREW HIS SUBSTITUTE MOTION.

The Council and Planning & Community Development Department staff discussed the rezoning action noticing requirements and timing in order to meet the April 15, 2021 HCD deadline.

IT WAS MOVED BY DEPUTY MAYOR WORDEN TO MAKE A SECOND SUBSTITUTE MOTION THAT THE COUNCIL APPROVE THE COMMUNITY PLAN AMENDMENT RESOLUTION VERSION B APPLICABLE TO THE WATERMARK PROPERTY WITH DIRECTION TO STAFF TO WORK WITH THE SUBCOMMITTEE OF MAYOR GAASTERLAND AND COUNCILMEMBER DRUKER TO BRING BACK DESIGN GUIDELINES AS SOON AS POSSIBLE WITHOUT A DEADLINE DATE. THE MOTION FAILED TO RECEIVE A SECOND.

The Council then began discussion of the 2E programs and Councilmember Martinez rejoined the meeting and Councilmember Quirk recused.

Council questions and discussion focused on the relationship between the Referendum of Ordinance 973 and 5th Cycle Housing Element Program 2E; and emergency evacuation routes in the subject area.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO DISCUSS THE REFERENDUM AND HOW TO PLACE IT ON THE BALLOT AND WHEN. (VOTE 3-1-1)

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

ITEM 6: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 14.24 OF THE DEL MAR MUNICIPAL CODE AUTHORIZING THE REMOVAL OF VEHICLES FROM PUBLIC PROPERTY (CLERK'S FILE NO. 401-4, 401-9)

The public hearing for this item was opened and closed, and the item was moved to the Consent Calendar for consideration. There were no public comments on this item. The Council introduced the ordinance, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTER 14.24 OF THE DEL MAR MUNICIPAL CODE AUTHORIZING THE REMOVAL OF VEHICLES FROM PUBLIC PROPERTY, on consent.

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 6:40 p.m. to 7:00 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 7: COMPLIANCE WITH STATE OF CALIFORNIA MANDATED ORGANICS RECYCLING REGULATIONS (CLERK'S FILE NO. 401-7, 1403-4)

A presentation was provided by Clem Brown and Roberta Goldenpenny from CalRecycle.

Council questions focused on whether an analysis was conducted by the State regarding economic impacts to jurisdictions related to State mandates pertaining to organics recycling; whether the City will have enforcement responsibility at the Fairgrounds; who will do enforcement from the State; examples of how other small communities are achieving compliance; how many Tier 2 businesses there are in Del Mar, and whether there is a Tier 3; how progress to achieve compliance will be measured for Del Mar; thoughts on how close proximity of homes to restaurants in town creates a challenge and how that could be addressed; what the definition of 75% recovery is, and how that will be measured; and what can be done to reduce methane waste up front.

Mayor Gaasterland opened the item to public comment and the following people spoke:

- 1) Jessica Toth
- 2) Charles Koll
- 3) Lori Somers

Mayor Gaasterland closed the item to public comment.

Council discussion focused on the potential to extend the existing franchise agreement with Waste Management and renegotiate contract terms; support to issue a Request for Qualifications (RFQ) to hire a consultant to assist with determining whether to go out to bid for a new franchise agreement or extend the existing agreement with Waste Management; potential to roll consulting costs into a new franchise agreement; going through Request for Proposal (RFP) process to enter into new franchise agreement is not a Tier 1 essential work item at this time; need for assistance from a consultant to help with implementing State mandates and conducting outreach/education with local business community; and how undertaking a competitive bidding process will ensure the best rates for the Del Mar community.

There was support from the entire Council to conduct a Request for Qualification (RFQ) process to hire a consultant to assist with implementation of State mandates and determining next best steps regarding the City's franchise agreement for waste hauling services.

ITEM 8: CITY COUNCIL DIRECTION TO COMPLETE THE 6TH CYCLE HOUSING ELEMENT UPDATE (CLERK'S FILE NO. 304-7)

At the start of this item City Attorney Leslie Devaney provided the results of a conflict analysis completed by the City Attorney's office, which indicated that Councilmembers Druker, Martinez and Quirk are conflicted and recused from participating in the vote on the recommended action. However, a quorum of the Council, or three Councilmembers, must participate in the vote in order to provide direction to staff. To facilitate this, a random drawing was conducted with assistance from the Interim City Manager, and Councilmember Druker was randomly selected to participate in the vote for this item. Councilmembers Quirk and Martinez were recused.

A presentation was provided by Planning & Community Development Director Joseph Smith and Principal Planner Amanda Lee.

Council questions focused on specific parcels and various strategies to complete the 6th Cycle Housing Element Update and the relationship between the Council actions on Item 5 to the 6th Cycle Housing Element Update.

There were no public comments for this agenda item.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY MAYOR GAASTERLAND, IN ACCORDANCE WITH COUNCIL POLICY 317 CITY COUNCIL MEETING ADJOURNMENT, TO CONTINUE THE MEETING PAST 10:00 P.M. (VOTE 3-0)

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

Council discussion focused on the pros and cons of the South Stratford and Border Avenue sites; the Council's desire to adopt programs 2E and 2G prior to the April 15, 2021 deadline in order to avoid the need for an alternative program that would include South Stratford and/or Border Avenue sites; and general agreement that focusing on achieving units at the Fairgrounds is the most desirable option.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER, TO APPROVE BORDER AVENUE OPTION AS PREFERRED OVER THE SOUTH STRATFORD OPTION. (VOTE 3-0)

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

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO CHOOSE FOR THE CENTRAL COMMERCIAL ZONE, FOR THE THREE UNITS THAT WOULD HAVE BEEN COUNTED IN CENTRAL COMMERCIAL ZONE TO 54 AFFORDABLE UNITS INSTEAD OF 51. (VOTE 3-0)

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

ITEM 9: APPROVAL OF THE 2021 LEGISLATIVE POLICY GUIDELINES (CLERK'S FILE NO. 101-2, 401-7, 401-8)

This item was moved to the Consent Calendar for consideration, which included minor suggested changes identified by staff. Council approved the 2021 Legislative Policy Guidelines, on consent.

ITEM 10: PROPOSAL TO CREATE A CITY COUNCIL LEGISLATIVE SUBCOMMITTEE (CLERK'S FILE NO. 401-1)

This item was continued to the special meeting scheduled for February 22, 2021.

ITEM 11: CITY COUNCIL VISION & VALUES WORKSHOP RECAP AND ADOPTION OF REVISED DEL MAR CORE VALUES & VALUE STATEMENTS (CLERK'S FILE NO. 401-1)

This item was continued to a future meeting, to also include a recap from the City Council Workshop to be held on February 27, 2021.

REGIONAL ORGANIZATION REPORTS

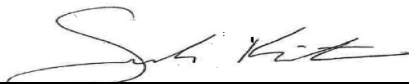
There were no reports.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

There were no reports.

ADJOURNMENT

Mayor Gaasterland adjourned the meeting at 10:42 p.m.



Sarah Krietor, Acting City Clerk