



**CITY OF DEL MAR**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**FEBRUARY 18, 2020**  
**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](http://www.delmar.ca.us/AgendaCenter) or by contacting the Administrative Services Department at (858) 755-9313.

**CALL TO ORDER**

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

**ROLL CALL**

Present: Mayor Ellie Haviland; Deputy Mayor Terry Gaasterland; Council Members Dave Druker, Sherryl Parks; and Dwight Worden

Absent: None

Staff Present: City Manager CJ Johnson; City Attorney Leslie Devaney; Assistant City Manager Kristen Crane; Administrative Services Director/City Clerk Ashley Jones; Planning and Community Development Director Joseph Smith; Public Works Director Joe Bride; Deputy Public Works Director Mohsen Maali; Deputy Fire Chief Robbie Ford; Principal Planner Amanda Lee; Principal Planner Matt Bator; Environmental Sustainability/Special Projects Manager Clement Brown; and Senior Management Analyst Beth Murray

**PLEDGE OF ALLEGIANCE**

Councilmember Druker led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

- 1) Jim McMenamin, 1320 Ocean Avenue, Del Mar – Distributed a letter from Zephyr's attorney regarding Measure G and exceptional public benefits and spoke to the contents of the letter.
- 2) Susan Gabbara, 1149 Camino del Mar, Del Mar – Spoke in support of allowing Cannabidiol (CBD) product sales in Del Mar.

**GOVERNING BODY COMMENTS AND COMMUNITY ANNOUNCEMENTS**

Councilmember Parks announced that the March 2020 election is just two weeks away. Councilmember Worden reported on the joint meeting of the San Diego Association of Governments (SANDAG) Board of Directors and SANDAG Regional Planning Committee; he also spoke about the One Paseo shuttle service commitment for Del Mar. Mayor Haviland reported on the LOSSAN working groups; Assembly Bill 2062 funding opportunities for SANDAG; SANDAG Board meeting; Clean Energy Alliance (CEA) JPA Board of Directors meeting; and announced the upcoming Welcome Reception for new City Manager CJ Johnson.

### **CITY MANAGER'S REPORT**

City Manager Johnson announced the 6<sup>th</sup> Cycle Housing Element Ad-Hoc Citizens' Task Force meeting on Thursday, February 20, and an upcoming Housing Workshop for the public on February 29, 2020; and placement of the Council approved public art benches tomorrow, February 19, 2020. City Attorney Devaney read a statement from the City regarding Measure G political mailers and reiterated the City's neutral position regarding Measure G.

### **PRESENTATIONS**

#### **ITEM 1: DEL MAR VILLAGE ASSOCIATION ANNUAL REPORT (CLERK'S FILE NO. 1202-16)**

Executive Director Jen Grove presented the Del Mar Village Association (DMVA) FY2018-2019 Annual Report to the City Council. Council questions and discussion focused on visitor spending estimates; impact of losing the KAABOO event at the Fairgrounds; receipt of online sales taxes; whether the DMVA supports the City's downtown housing effort; DMVA membership; collaboration with event promoters; implementation of the façade improvement program; how DMVA leverages the funds received by the City; need for more support for businesses on the southern side of town; and acknowledgment of DMVA's efforts and benefit to the community.

### **CONSENT CALENDAR**

Mayor Haviland asked the Council if there were items to be pulled from or added to the Consent Calendar. Item 7A was pulled for additional discussion. Mayor Haviland opened Items 2 through 7 to public comment. There being no speakers, Mayor Haviland closed the items to public comment.

#### **IT WAS MOVED BY COUNCIL MEMBER GAASTERLAND, SECONDED BY COUNCIL MEMBER WORDEN TO APPROVE THE CONSENT CALENDAR ITEMS 2 THROUGH 7. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden;  
Noes: 0; Absent: 0; Abstain: 0.

#### **ITEM 2: APPROVAL OF MINUTES: DECEMBER 16, 2019 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

#### **ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED FEBRUARY 18, 2020 (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.

#### **ITEM 5: SECOND READING OF AN ORDINANCE AMENDING CHAPTER 23.54 OF THE DEL MAR MUNICIPAL CODE REGARDING UNDERGROUND UTILITY DISTRICTS (CLERK'S FILE NO. 401-4, 401-9)**

Council adopted Ordinance 958, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING MUNICIPAL CODE AMENDMENTS BY AMENDING CHAPTER 23.54 OF THE DEL MAR MUNICIPAL CODE REGARDING UNDERGROUND UTILITY DISTRICTS", on consent.

**ITEM 6: MEMORANDUM OF UNDERSTANDING WITH DEL MAR COMMUNITY CONNECTIONS FOR THE VOLUNTEER DRIVER PROGRAM (CLERK'S FILE NO. 1202-15)**

Council approved the Memorandum of Understanding (MOU) between the City of Del Mar and Del Mar Community Connections (DMCC) for the Volunteer Driver Program and authorized the City Manager to execute the MOU, on consent.

**ITEM 7: APPOINTMENT TO THE MEASURE Q CITIZEN OVERSIGHT COMMITTEE (CLERK'S FILE NO. 401-5)**

Council appointed Alan Lonbom to serve as a voting member of the Measure Q Citizen Oversight Committee for a four-year term from February 19, 2020 through February 19, 2024, on consent.

**ITEM 7A: APPOINTMENT TO THE 6TH CYCLE HOUSING ELEMENT AD-HOC CITIZENS' TASK FORCE (CLERK'S FILE NO. 401-5)**

This item was pulled from the Consent Calendar for additional discussion. Administrative Services Director Jones read the names of the existing Task Force members into the record.

**IT WAS MOVED BY COUNCIL MEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO APPOINT JILL GARTMAN TO SERVE AS A VOTING MEMBER FOR A TERM EFFECTIVE FEBRUARY 19, 2020, THROUGH JUNE 30, 2020, OR UNTIL THE TASK FORCE IS DISSOLVED. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

**PUBLIC HEARING**

**ITEM 8: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 7.20 OF THE DEL MAR MUNICIPAL CODE REGARDING ALTERNATIVE BID PROCEDURES FOR PUBLIC WORKS PROJECTS (CLERK'S FILE NO. 401-4, 401-9)**

Deputy Public Works Director Maali provided a presentation on this item.

Council questions focused on when the last time the alternative bid thresholds were raised; applicability, if any, to professional services contracts; process for entering into professional services agreements; and how situations are handled when there are project design issues.

Mayor Haviland opened the item to public comment and there were no speakers.

**IT WAS MOVED BY COUNCIL MEMBER PARKS, SECONDED BY COUNCIL MEMBER DRUKER TO INTRODUCE THE ORDINANCE MODIFYING CHAPTER 7.20 OF THE DEL MAR MUNICIPAL CODE**

**TO INCREASE THE CITY'S APPLICABLE BID LIMIT THRESHOLDS TO COMPLY WITH THOSE PRESCRIBED IN CALIFORNIA PUBLIC CONTRACT CODE 22032. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden;  
Noes: 0; Absent: 0; Abstain: 0.

**ITEM 9: CONTINUATION OF THE JANUARY 13, 2020 DE NOVO PUBLIC HEARING TO CONSIDER TREE REMOVAL PERMIT APPLICATION TRP19-014 (FRIED) (CLERK'S FILE NO. 301-15)**

Councilmember Druker recused himself from this item due to the proximity of his home from the subject tree site.

Principal Planner Bator provided a presentation on this item.

Council questions focused on watering by the Williams after year-one; how estimated costs were derived; reason some of the existing trees at the identified replacement location died; opportunities to repurpose the dead tree being removed; how the replacement location was identified; how the City will ensure that the Williams will water the tree; how water will be provided in the first year; and required number of gallons per week during the first year of establishment.

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

- 1) Bob Fried, 910 Stratford Court, Del Mar – Expressed concern regarding the estimated costs associated with removal and replacement of the subject tree, which he and his wife as appellants would be required to pay.
- 2) Camilla Rang, 159 10<sup>th</sup> Street, Del Mar – Expressed concern about the cost to water the tree in the first year.
- 3) Bill Michalsky, Drawer O/Stratford Court, Del Mar – Expressed concern about the removal of trees in the community.

Mayor Haviland closed the item to public comment.

Council discussion focused on support for staff's recommendation; opportunities to reduce costs to the appellant; allow for watering by appellant if they agree to take on the warranty/guarantee should the tree die during the first year while they are watering; concern about staff resources spent on this issue; definition of "guarantee" to be included as a condition for the Frieds should they take over responsibility for watering the tree; City will ensure the necessary resources by collecting the full deposit up front, which could be refunded at the end of the first year.

**IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO ADOPT RESOLUTION 2020-06, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA APPROVING TREE REMOVAL PERMIT APPLICATION TRP19-014, A REQUEST TO REMOVE ONE (1) MONTEREY CYPRESS TREE FROM THE PUBLIC RIGHT-OF-WAY ADJACENT TO 135 9TH STREET, DEL MAR, CA 92014." (VOTE 4-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Parks and Worden; Noes: 0; Absent: 0; Abstain: Councilmember Druker.

COUNCIL MEETING RECESS:

The Council took a recess from approximately 6:45 to 7:00 p.m.

CITY COUNCIL OTHER BUSINESS

**ITEM 10: DISCUSSION OF LOCAL IMPLEMENTATION OPTIONS FOR “EVALUATING TRANSPORTATION IMPACTS IN CEQA” PER SENATE BILL 743 (CLERK’S FILE NO. 401-7)**

A presentation was provided by Planning & Community Development Director Smith; Principal Planner Lee; and consultant Traffic Engineer Dawn Wilson from Michael Baker International.

Council questions focused on how the 110 trips threshold for small projects was derived; which projects over the last year would have been impacted if the proposed Vehicle Miles Traveled (VMT) thresholds were in place; whether the City gets any credit for per capita electric vehicles or charging stations that have already been implemented; how this applies to program Environmental Impact Reports (EIRs); whether trips associated with those who don’t either live or work here are counted in the VMT calculation; what factors are considered as part of the model; how aligned the recommended 110 threshold is with typical small Del Mar projects; trip generation rates; how bus routes are factored into the formula; importance of local survey responses; how shared trips are calculated; mitigation analysis for new development; and verification as to whether there is only one census track in Del Mar.

Mayor Haviland opened the item to public comment and there were no speakers, therefore she closed the item to public comment.

Council discussion focused on support for the recommended thresholds; continued need to address Level of Service (LOS) impacts; utilization of public transit; VMT guidance used by other agencies; utilization of the City’s Traffic and Parking Advisory Committee (TPAC) for other mitigation ideas; importance of census data moving forward; and support for local fee program.

**ITEM 11: APPROVAL OF THE 2020 LEGISLATIVE POLICY GUIDELINES (CLERK’S FILE NO. 401-1, 401-7)**

Environmental Sustainability and Special Projects Manager Brown provided a presentation on this item.

Council questions focused on affordable housing at the Fairgrounds and what is included in the current guidelines.

Mayor Haviland opened the item to public comment and there were no speakers, therefore she closed the item to public comment.

Council discussion focused on Councilmembers taking positions at regional government bodies and potential impacts should the guidelines be too restrictive; concern about wording related to support for interim bluff repairs; affordable housing or in-lieu fee related to Fairgrounds; need for communications with state representatives regarding facilitating affordable housing at the Fairgrounds; importance of clarifying when you are speaking on behalf of yourself rather than as a City representative; and expectation that if representing the City on an official board or governing body then you must advocate for the City’s position, not your own.

**IT WAS MOVED BY COUNCIL MEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO ADOPT RESOLUTION 2020-07, “A RESOLUTION OF THE CITY COUNCIL OF**

**THE CITY OF DEL MAR, CALIFORNIA, ADOPTING THE 2020 LEGISLATIVE POLICY GUIDELINES”, WITH AMENDMENT TO EXHIBIT A OF THE RESOLUTION TO CLARIFY THAT THE GUIDELINES COVER COUNCIL MEMBERS TAKING POSITIONS AT REGIONAL/LOCAL GOVERNMENT BODIES AND ADD OPPOSITION TO VAPING AND FLAVORED TOBACCO PRODUCTS. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden;  
Noes: 0; Absent: 0; Abstain: 0.

**ITEM 12: UPDATE ON THE CITY OF DEL MAR’S COMPLIANCE WITH STATE OF CALIFORNIA MANDATED ORGANICS RECYCLING REQUIREMENTS AND ISSUANCE OF A REQUEST FOR PROPOSALS FOR TECHNICAL CONSULTANT SUPPORT TO DEVELOP AN ORGANICS RECYCLING IMPLEMENTATION PLAN (CLERK’S FILE NO. 406-1, 906-9)**

Environmental Sustainability and Special Projects Manager Brown provided a presentation on this item.

Council questions and discussion focused on when the current Waste Management franchise agreement expires; opportunities to contract with a waste hauler that could address some of the state mandated requirements; daily cover requirements; scope of work to be performed by consultant; edible food recovery component of consultant work; what is considered “organic waste”; use of AB 939 fees to pay for consultant costs; distribution of notification letter from CalRecycle; opportunities to encourage Waste Management to bring their service up to required organic recycling standards; percentage of Del Mar organic waste; how the requirements are applied to different types of households and businesses; outreach and education with local businesses; and potential impact to rates associated with new regulations.

Mayor Haviland opened the item to public comment and there were no speakers.

**ITEM 13: FIRE DEPARTMENT STANDARDS OF COVER AND COMMUNITY RISK ASSESSMENT STUDY (CLERK’S FILE NO. 1101-8, 1601-9)**

Deputy Fire Chief Ford provided a presentation on this item.

Council questions and discussion focused on what information will be assessed as part of the study; how outcomes will be incorporated in the City’s budget process; how data is collected; potential impact to residential and commercial insurance rates; whether the study will acknowledge the City’s Community Emergency Response Team (CERT); whether ambulance services and pitfalls or limitations and risks be addressed in the study; expected participation by stakeholders; and wildfire interface assessment.

Mayor Haviland opened the item to public comment and there were no speakers.

**ITEM 14: PROPOSAL FOR TRANSPARENT EXCHANGE OF INFORMATION OUTSIDE OF CITY COUNCIL MEETINGS (CLERK’S FILE NO. 1201-6)**

Deputy Mayor Gaasterland and Councilmember Worden provided a presentation on this item. As explained, the handouts would be limited to those that are received by Councilmembers at regional or local committee meetings, not handouts that are prepared by Councilmembers themselves. If Council is supportive of moving forward, then the recommendation would be to hold off on implementation until after the November 2020 election.

Council questions and discussion focused on potential types of handouts, concerns about requirements of staff to review and monitor; potential for misuse by Councilmembers; support for continuing to explore this concept only if placed on the list of Council priorities; option to post committee handouts on committee web pages on City website; idea that only the Council liaisons should be posting items for their assigned committees and regional appointments.

Council consensus was for Councilmember Worden and Deputy Mayor Gaasterland to take Council feedback and come back with a revised proposal.

### **STANDING DISCUSSION ITEMS**

#### **ITEM 15: AFFORDABLE HOUSING**

Mayor Haviland discussed a handout she distributed as a Red Dot which provided an overview of the SANDAG Regional Housing Needs Assessment (RHNA) appeal process. Council provided feedback on the information contained in the handout.

Planning & Community Development Director Smith talked about the upcoming 6<sup>th</sup> Cycle Housing Element Ad-Hoc Citizen's Task Force public workshop on February 29, 2020; interactive citywide survey through MetroQuest; NC/PC draft EIR comment review; update on the Accessory Dwelling Units (ADU) applications received to date; receipt of SB 2 funds; and 2020 census presentation planned for on March 23, 2020. Councilmember Druker requested that staff provide a presentation on SB 2 grant funds received and overview of Housing Element process at a future meeting.

#### **ITEM 16: RAIL RELATED ISSUES**

There was no discussion related to this agenda item.

### **COUNCIL PRIORITIES – REPORTS**

Councilmember Parks reported out on issues and related delays to the San Diego Pure Water Project. Councilmember Druker reported on the Traffic and Parking Advisory Committee. Councilmember Worden reported on the Fairgrounds Community Relations Committee; San Dieguito Lagoon Committee; Undergrounding Project Advisory Committee; and Business Support Advisory Committee. Deputy Mayor Gaasterland reported on the 6<sup>th</sup> Cycle Housing Element Ad-Hoc Citizen's Task Force and Undergrounding Project Advisory Committee. Mayor Haviland reported out on the Arts Advisory Committee.

### **ADJOURNMENT**

Mayor Haviland adjourned the meeting at 9:45 p.m.



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Ashley Jones, Administrative Services  
Director/City Clerk