



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 22, 2022 – 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 Worden called the Regular Meeting to order at 4:32 p.m.

ROLL CALL

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

CITY ATTORNEY CLOSED SESSION REPORT

City Attorney Leslie Devaney reported that there were no reportable actions or recusals on the February 22, 2022 City Council Closed Session meeting. Item D was not discussed and will be re-noticed for a future date.

PLEDGE OF ALLEGIANCE

Councilmember Quirk led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

Mayor Worden opened public oral and the following people spoke:

- 1) John Stahl
- 2) Camilla Rang

Mayor Worden closed the item to public comment.

CITY COUNCIL COMMENTS

Councilmember Gaasterland report on the new name, Sea Cliff Coastal Trail, for the upper bluff trail in Del Mar.

COMMUNITY ANNOUNCEMENTS

None.

CITY MANAGER'S REPORT

City Manager Ashley Jones reported that repairs at the Powerhouse Public Park public restrooms will begin today and will be completed by the end of this week. She also reported that the Friends of the Powerhouse are holding a fundraising event Saturday, March 12, 2022, to help raise much needed funds for the Powerhouse Park Tot Lot renovations.

CONSENT CALENDAR

Acting 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 QUIRK TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 7. (VOTE 5-0)

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

ITEM 1: APPROVAL OF MINUTES: FEBRUARY 7, 2022 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED FEBRUARY 22, 2022 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 3: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 4: FIRST AMENDMENT TO AGREEMENT WITH STEVEN SMITH LANDSCAPE, INC. FOR AS-NEEDED LANDSCAPING SERVICES (CLERK'S FILE NO. 406-1)

Council questions focused on the City's current contract for landscaping services given the contract reductions due to the budget impacts of the COVID-19 pandemic.

Council approved the First Amendment to the Agreement between the City of Del Mar and Steven Smith Landscape, Inc. for as-needed citywide landscaping services for an additional two-year period ending March 4, 2024; and authorized the City Manager to execute the First Amendment, on consent.

ITEM 5: APPROVAL OF ADDITIONAL FUNDING FOR THE FY 2021-22 WATER, WASTEWATER, AND PAVEMENT IMPROVEMENTS PROJECT (CLERK'S FILE NO. 803-1, 907-5)

Council approved additional funding for the 2021 Water, Wastewater, and Pavement Improvements Project totaling \$80,000 as further described in the agenda report, on consent.

ITEM 6: ADOPTION OF CITY COUNCIL POLICY: HOUSING IMPACT STATEMENT FOR PENDING DISCRETIONARY LAND USE DECISIONS (6TH CYCLE HOUSING ELEMENT PROGRAM 5B) (CLERK'S FILE NO. 303-1)

Council questions focused on the timing for bringing this item forward as part of the City's 6th Cycle Housing Element and staff impact of the policy.

Council adopted resolution 2022-14, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING A CITY COUNCIL POLICY REQUIRING THE INCLUSION OF A HOUSING IMPACT STATEMENT IN AGENDA REPORTS FOR PENDING DISCRETIONARY LAND USE AND PLANNING DECISIONS, AS NECESSARY TO IMPLEMENT THE 6TH CYCLE HOUSING ELEMENT PROGRAM 5B", on consent.

ITEM 7: PROPOSED LETTER OF OPPOSITION TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION REGARDING NET ENERGY METERING 3.0 PROCEEDING (CLERK'S FILE NO. 1001-1, 1001-3)

Council approved the submittal of a letter of opposition to the California Public Utilities Commission regarding the Net Energy Metering (NEM) 3.0 proceeding, on consent.

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 6:27 p.m. to 6:45 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 8: FIRE DEPARTMENT COMMUNITY RISK ASSESSMENT, STANDARDS OF COVER, AND MANAGEMENT/ADMINISTRATIVE ASSESSMENT (CLERK'S FILE NO. 1101-8)

A presentation was provided by Fire Chief Mike Stein and Fitch and Associates consultant Mike Despain.

Council questions focused on tracking and metric options related to the EMS care provided by the Fire Department as it relates to care received at acute treatment facilities; whether the studies looked at the Fire Department and Cooperative Service Agreement model's budget and cost savings opportunities; clarification on theoretical best response times compared to Del Mar's response time; and clarification on the basis for using overlapping calls data in the assessment.

There were no public speakers for the item.

ITEM 9: CONSIDERATION OF AN EXCLUSIVE SOLID WASTE COLLECTION SERVICE FRANCHISE AGREEMENT WITH EDCO DISPOSAL CORPORATION (CLERK'S FILE NO. 406-1, 906-9)

A presentation was provided by Environmental Sustainability and Special Projects Manager Clem Brown and Dave Davis with MSW Consultants was available to answer questions.

Council questions focused on clarification on the process for switching carts if a new solid waste collection service is selected; whether drivers could be displaced as part of the recommended transition to EDCO; whether food waste bins have a secure lid; and clarification on the billing cycle transition if the City selects a new solid waste collection service.

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

- 1) Lori Somers, Waste Management
- 2) Steve South, EDCO
- 3) Alice McNally
- 4) Don Mosier

Mayor Worden closed the item to public comment.

Council discussion focused on staff's response to public comments made by Waste Management representative Lori Somers; clarification on the current and proposed franchise fee; number of trash collection drivers in Del Mar; location for disposal of organics waste by Waste Management; consideration of overall cost and environmental considerations in support of staff's recommendation; EDCO's proposal related to local organics recycling; and City's time constraints for executing the agreement and beginning the Proposition 218 process.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER GAASTERLAND TO APPROVE A 10-YEAR EXCLUSIVE FRANCHISE AGREEMENT WITH EDCO DISPOSAL CORPORATION (EDCO) FOR SOLID WASTE COLLECTION SERVICES WITH A START DATE OF JULY 1, 2022, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT. (VOTE 5-0)

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

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER GAASTERLAND TO ADOPT RESOLUTION 2022-15, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, DIRECTING STAFF TO INITIATE THE PROPOSITION 218 PROCESS FOR SETTING SOLID WASTE COLLECTION SERVICE RATES, AND SETTING THE DATE OF THE PUBLIC HEARING TO CONSIDER ALL PROTESTS AS REQUIRED BY PROPOSITION 218", WITH SCHEDULING THE PUBLIC HEARING FOR MAY 16, 2022, TO ESTABLISH THE CITY'S SOLID WASTE COLLECTION SERVICE RATES EFFECTIVE JULY 1, 2022. (VOTE 5-0)

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

ITEM 10: APPROVAL OF THE 2022 LEGISLATIVE POLICY GUIDELINES AND RESOLUTION IN OPPOSITION OF STATE BALLOT INITIATIVE 21-0042A1 (CLERK'S FILE NO. 401-7, 401-8)

A brief introduction was provided by City Manager Jones and Senior Management Analyst Beth Murray was available to answer questions.

There were no public speakers for the item.

IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO APPROVE THE 2022 LEGISLATIVE POLICY GUIDELINES INCLUDING THE SUGGESTED REVISIONS. (VOTE 5-0)

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

Council consensus was for staff to return at a future meeting with additional information regarding State Ballot Initiative 21-0042A1.

ITEM 11: PROPOSED RESOLUTION OPPOSING CONSTRUCTION OF DEVICES THAT COULD INTERFERE WITH NATURAL FLOW OF BEACH SAND INTO DEL MAR (CLERK'S FILE NO. 1404-1, 1404-2)

A presentation was provided by Mayor Worden and Councilmember Gaasterland.

Council questions focused on the sand bypass system north of the harbor in the City of Oceanside.

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

- 1) Mitch Silverstein
- 2) Patricia Louis
- 3) Ryan Keim, City of Oceanside Deputy Mayor
- 4) Bob Ashton, SOS Oceanside
- 5) Matt Caulfield
- 6) Pat Caulfield
- 7) Shari Mackin

Mayor Worden closed the item to public comment.

Council discussion focused on consideration to defer this item to a future meeting; City's extensive research and consideration of groin options related to preparation of the City's Sea Level Rise Adaptation Plan; sand retention as a regional issue and the City's preference to have solutions generated at the regional level through the San Diego Association of Government (SANDAG) Shoreline Preservation Working Group instead of by individuals cities; and background regarding the City of Oceanside groin pilot project.

IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY MAYOR WORDEN TO ADOPT RESOLUTION 2022-16, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, EXPRESSING OPPOSITION TO THE CONSTRUCTION OF DEVICES THAT WOULD INTERFERE WITH THE NATURAL FLOW OF BEACH SAND INTO DEL MAR", WITH AMENDMENTS DISCUSSED AT THE MEETING. (VOTE 4-1)

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

ITEM 12: PROPOSED RESOLUTION REAFFIRMING THE CITY'S POSITION ON THE STORAGE OF SPENT NUCLEAR FUEL AT THE SAN ONOFRE NUCLEAR GENERATING STATION (CLERK'S FILE NO. 1403-4)

A presentation was provided by Mayor Worden and Councilmember Gaasterland.

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

- 1) Paul Blanch
- 2) Cathy Iwane
- 3) Bart Ziegler
- 4) Alice McNally

Mayor Worden closed the item to public comment.

Council questions and discussion focused on whether alternative storage location proposals in California have been considered; appreciation for the informed public speakers and other individuals who have dedicated their time to resolving this issue; the City's history of advocacy related to the

storage of spent nuclear fuel at the San Onofre Nuclear Generating station; and importance of this public safety and environmental issue.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER GAASTERLAND TO ADOPT RESOLUTION 2022-17, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REAFFIRMING THE CITY'S POSITION ON THE STORAGE OF SPENT NUCLEAR FUEL AT THE SAN ONOFRE NUCLEAR GENERATING STATION". (VOTE 5-0)

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

REGIONAL AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

Council representatives reported on 22nd District Agricultural Association – Community Relations Committee, Parks & Recreation Committee, Lagoon Committee, Traffic and Parking Advisory Committee, and North County Coastal District.

ADJOURNMENT

Mayor Worden adjourned the meeting at 8:27 p.m.



Sarah Krietor, Acting City Clerk