



**DEL MAR CITY COUNCIL
SPECIAL MEETING MINUTES
FEBRUARY 28, 2022**

Via Teleconference
1050 Camino del Mar, Del Mar, California

CALL TO ORDER

Mayor Worden called the meeting to order at 4:32 P.M.

ROLL CALL

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

CLOSED SESSION

Assistant City Attorney William Pate reported that there were no reportable actions or recusals on the February 28, 2022 City Council Closed Session meeting.

CITY COUNCIL BUSINESS

ITEM 1: CONSIDERATION OF A LICENSE AGREEMENT BETWEEN THE CITY OF DEL MAR AND THE NORTH COUNTY TRANSIT DISTRICT (NCTD) FOR PUBLIC USE OF NCTD RIGHT OF WAY (CLERK'S FILE NO. 406-1, 1506-20)

A presentation was provided by City Manager Ashley Jones. Assistant City Attorney Pate was available to answer questions.

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

- 1) John Stahl
- 2) Camilla Rang
- 3) Al Tarkington
- 4) Steve Tarkington
- 5) Kristin Brinner, Surfrider Foundation
- 6) Steven Crowe
- 7) Karen Lare
- 8) Mike Maier
- 9) Shawn Cane
- 10) Cathy Iwane
- 11) Frank Stonebanks
- 12) Liz Janapol
- 13) Laura DeMarco
- 14) Nick H.

Mayor Worden closed the item to public comment.

Council questions focused clarification of the California Environmental Quality Act (CEQA) exemption described in the agenda report; clarification on the timeline for the discussions regarding the proposed License Agreement (Agreement); whether the Agreement precludes the public or other entities from filing suits against North County Transit District (NCTD); whether all Councilmember suggested edits to the Agreement were accepted by NCTD; whether the Agreement applies to future projects or expansion rights, such as a double tracking project; and whether NCTD declined the City's proposal to totally eliminate or further reduce the height of the fencing that may be installed in the License Area by NCTD.

SPECIAL CITY COUNCIL MEETING MINUTES

February 28, 2022

Page 2 of 2

Council discussion focused on expressing appreciation for the public speakers and their efforts on this important issue; appreciation for City Manager Jones and Assistant City Attorney Pate for their efforts representing the City and negotiating the proposed Agreement; City's opposition to fencing on the bluff; consideration of the City's options if the City Council declines to sign the proposed Agreement; NCTD fencing proposal and the proposed Agreement as they relate to rail safety on the bluff; whether the City can prevent fencing on bluff outside of the proposed Agreement; San Diego Association of Government (SANDAG) long-term plan to remove the train tracks from the bluff; consideration of potential outcomes of Surface Transportation Board (STB) federal consistency review and anticipation of actions California Coastal Commission (CCC) may take related to NCTD's fencing proposal; whether the City has the legal ability to stop NCTD fencing along the bluff; NCTD's rationale for upper bluff fencing; public's legal right to access the bluff being established for the first time under the proposed Agreement; demarcation fencing installed by the City at North Bluff; timing for completion and related deliverables from the Coastal Connections Study; City's desire to limit fencing to where train strikes actually occur; and Del Mar residents historic use of upper bluff walking trails.

IT WAS MOVED BY MAYOR WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO APPROVE A LICENSE AGREEMENT WITH NORTH COUNTY TRANSIT DISTRICT (NCTD) ALLOWING FOR PUBLIC USE OF THE DEL MAR UPPER BLUFF TRAIL AREA LOCATED WITHIN THE NCTD RIGHT OF WAY. (VOTE 2-3) MOTION FAILED

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

ADJOURNMENT

Mayor Worden adjourned the meeting at 6:15 P.M.

A handwritten signature in black ink, appearing to read "Sarah Krietor". The signature is fluid and cursive, with a large initial "S" and "K".

Sarah Krietor, Acting City Clerk