



**CITY OF DEL MAR**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**MARCH 1, 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](http://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 4:34 p.m.

**ROLL CALL**

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

**CITY ATTORNEY CLOSED SESSION REPORT**

City Attorney Leslie Devaney reported that the City Council met in closed session on three of the four items so far. On item A, conference with legal counsel, there were three separate exposure to litigation items. There were no reportable actions on any of the items. Councilmember Druker recused himself from item A3 as he had a conflict due to living within 500 feet of the subject matter of that discussion. Item B, existing litigation, North County Transit District (NCTD) – Verified Petition for Declaratory Order, there were no reportable actions. Item C, public employee evaluation, Interim City Manager Ashley Jones, the City Council did not get to that item and it is contemplated that they will adjourn back into closed session following the open session meeting. Item D, real property negotiations, property: Winston School, 215 9<sup>th</sup> Street, Del Mar CA 92014, there was no reportable action and Councilmember Druker recused due to living within 500 feet of the property.

**PLEDGE OF ALLEGIANCE**

Councilmember Druker led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

Mayor Gaasterland opened public oral communications and the follow people spoke in support of Fulcrum Surf operating on the Del Mar beach.

- 1) Dan Mori
- 2) Julie Litman
- 3) Diane Rand
- 4) Steve Davis
- 5) Andrea Mulloy
- 6) Justin Spadafora
- 7) Wehtahnah Tucker
- 8) Anne Konertz

**CITY COUNCIL COMMENTS**

Mayor Gaasterland commented on the helicopters circling over Del Mar and reported that the Mayor of Solana Beach will be reaching out to Congressman Mike Levin.

**COMMUNITY ANNOUNCEMENTS**

Councilmember Martinez commented that the town was busy this weekend and encouraged residents and visitors to wear masks.

**CITY MANAGER'S REPORT**

Interim City Manager Ashley Jones reported on the Public Works Department's progress on the annual sidewalk trip hazard removal program that will be completed over the next two weeks and that San Diego Association of Governments (SANDAG) crews will be planting additional landscape material along the Del Mar bluffs.

**CONSENT CALENDAR**

Mayor Gaasterland opened Items 1 through 4 for public comment and there were no comments. Item 5 was added to the Consent Calendar for consideration after the Mayor opened and closed the public hearing.

**IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 5. (VOTE 5-0)**

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

**ITEM 1: APPROVAL OF MINUTES: FEBRUARY 9, 2021, SPECIAL MEETING; FEBRUARY 16, 2021 SPECIAL MEETING, FEBRUARY 22, 2021 SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

**ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED MARCH 1, 2021 (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: SECOND READING AND ADOPTION 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)**

Council adopted Ordinance 975, "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", which would allow the City to tow vehicles from off-street public property pursuant to its authority under the California Vehicle Code, on consent.

**PUBLIC HEARING**

**ITEM 5: ENCROACHMENT PERMIT EP20-068 – A REQUEST TO PERMIT THE PROJECTION OF AN EXISTING WOOD HANDRAIL INTO THE PUBLIC RIGHT-OF-WAY ADJACENT TO 705 AMPHITHEATRE DRIVE (CLERK’S FILE NO. 802-1)**

The public hearing was opened and closed for the item and then moved to the Consent Calendar. Council adopted Resolution 2021-08, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING ENCROACHMENT PERMIT EP20-068 TO AUTHORIZE THE PROJECTION OF A WOOD HANDRAIL INTO THE PUBLIC RIGHT-OF-WAY ADJACENT TO 705 AMPHITHEATRE DRIVE (APN: 300-263-01) IN DEL MAR, CALIFORNIA”, on consent.

**ITEM 6: RESOLUTION TO APPROVE ENCROACHMENT PERMIT EP20-072 FOR EXISTING VEGETATION THAT EXCEEDS A HEIGHT OF 30 INCHES WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 964 CREST ROAD (APPLICANTS: SANDRA AND GREGG WOLFSON) (CLERK’S FILE NO. 802-1)**

A presentation was provided by Senior Management Analyst Beth Murray.

Council questions and discussion focused on clarifying the conditions regarding trimming; conditions related to landscape maintenance; and whether that applicant was agreeable to the conditions.

There were no public speakers for this item.

**IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT RESOLUTION 2021-09, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING ENCROACHMENT PERMIT EP20-072 TO PERMIT EXISTING VEGETATION LOCATED IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 964 CREST ROAD IN DEL MAR, CALIFORNIA”, WITH AN AMENDMENT TO THE MOTION BY DEPUTY MAYOR WORDEN TO ADD AN ADDITIONAL CONDITION THAT THE APPLICANT BE RESPONSIBLE FOR TRIMMING OF THE LANDSCAPING TO PRESERVE ONE FOOT OF CLEAR SPACE. (VOTE 3-2)**

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

**ITEM 7: COVID-19 BUSINESS ASSISTANCE AND INTRODUCTION OF AN ORDINANCE EXTENDING DISCRETIONARY LAND USE AUTHORIZATIONS EXPIRING IN 2021 (CLERK’S FILE NO. 401-4, 1104-3)**

A presentation was provided by Senior Management Analyst Beth Murray.

Council questions focused on vested rights on substantial construction.

There were no public speakers for the item.

Council discussion focused on the desire to extend the urgency ordinances and other recommended actions beyond when the public health orders are lifted.

**IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO APPROVE TWO AMENDED URGENCY ORDINANCES, ORDINANCE 976, “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING AND EXTENDING ORDINANCE NO. 961, APPROVING A PROVISIONAL INCREASE IN TEMPORARY COMMERCIAL SIGNAGE IN ALL COMMERCIAL ZONES” AND ORDINANCE 977, “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING AND EXTENDING ORDINANCE NO. 967 APPROVING A TEMPORARY STREAMLINED REVIEW PROCESS FOR COMMERCIAL A-FRAME SIGNAGE TEMPORARILY LOCATED IN THE RIGHT-OF-WAY ADJACENT TO ALL COMMERCIAL ZONES” TO EXTEND THE EXPIRATION DATE ASSOCIATED WITH MODIFICATIONS TO TEMPORARY COMMERCIAL SIGN RESTRICTIONS AND TEMPORARY PLACEMENT OF A-FRAME SIGNAGE IN THE PUBLIC RIGHT OF WAY TO MARCH 31, 2022; TO EXTEND THE EXPIRATION DATES FOR ALL COVID-RELATED PERMITS ISSUED INCLUDING TEMPORARY ENCROACHMENT PERMITS AND TEMPORARY USE PERMITS TO MARCH 31, 2022; INCREASE PER BUSINESS FEE SUBSIDY FROM \$750 TO \$1000 FOR CITY PERMIT SERVICES; EXTEND THE TEMPORARY ALLOWANCE FOR TWO A-FRAME SIGNS PER BUSINESS TO MARCH 31, 2022; EXTEND PROVISIONS FOR USE OF ON-STREET PARKING FOR DINING OR OTHER USES TO MARCH 31, 2022; CONTINUE THE TEMPORARY STREAMLINED REVIEW PROCESS FOR COMMERCIAL A-FRAME SIGNAGE TEMPORARILY LOCATED IN THE RIGHT-OF-WAY ADJACENT TO ALL COMMERCIAL ZONES TO MARCH 31, 2022; EXTEND THE ONE-HOUR EXTENSION OF ALCOHOL SALES, SERVICE AND CONSUMPTION FOR ANY RESTAURANT WITH AN APPROVED SIDEWALK CAFÉ PERMIT TO MARCH 31, 2022. (VOTE 5-0)**

Mayor Gaasterland confirmed this motion includes the urgency ordinances. Deputy Mayor Worden clarified that this motion includes the fee subsidy, asked about the balance of the funds available for subsidies and the number of permit applications the City has received and is expecting to receive.

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

**IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND, TO APPROVE INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA EXTENDING THE EXPIRATION DATES, BY 12 MONTHS, OF THOSE DISCRETIONARY LAND USE AUTHORIZATIONS GRANTED BY THE CITY THAT ARE OTHERWISE DUE TO EXPIRE IN THE 2021 CALENDAR YEAR (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 8: LETTER TO THE WINSTON SCHOOL REGARDING LEASE TERMS (CLERK’S FILE NO. 406-1, 702-15)**

Councilmember Druker recused himself from the item due to a conflict of living within 500 feet of the property.

A presentation was provided by Assistant City Manager Kristen Crane.

Mayor Gaasterland opened the item to public comment and the following people spoke in support of the Winston School:

- 1) Dena Harris
- 2) Jon Dominy
- 3) Laura DeMarco

Mayor Gaasterland closed the item to public comment and asked questions of the public speakers. Questions focused on if the conceptual plans provided by Winston School were ready for formal submittal to the Planning & Community Development Department; parking requirements for the site; and Design Review Board/Administrative Design Review process.

Mayor Worden advised that he will be submitting a written response to the School's request that he recuse himself from participating in discussions or Council actions related to the Winston School.

### **REGIONAL ORGANIZATION REPORTS**

The City Council liaisons provided reports on the 22<sup>nd</sup> District Agricultural Association Community Relations Committee; Clean Energy Alliance JPA (CEA) Board of Directors; CSA-17 Ambulance District Advisory Board; League of California Cities – San Diego Chapter; North County Transit District (NCTD); San Diego Association of Governments (SANDAG) Board; SANDAG Borders Committee; and the San Dieguito River Valley Regional Open Space Park JPA –Executive Committee.

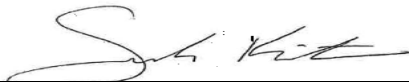
The Council asked Mayor Gaasterland and Deputy Mayor Worden to work on social equity language related to a social equity statement and return to Council at a future meeting.

### **COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS**

The City Council liaisons provided reports on Del Mar Community Connections; Del Mar Village Association; Arts Advisory Committee; Human Resources subcommittee; Legislative Subcommittee; and the San Dieguito Lagoon Committee.

### **ADJOURNMENT**

Mayor Gaasterland adjourned the meeting at 6:56 p.m.



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Sarah Krietor, Acting City Clerk