



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 15, 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

CITY ATTORNEY CLOSED SESSION REPORT

Assistant City Attorney Barry Schultz reported that for Item B on the Closed Session agenda, the City Council provided direction to legal counsel as to the handling of the writ pending before the Surface Transportation Board.

PLEDGE OF ALLEGIANCE

Councilmember Druker led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

None.

CITY COUNCIL COMMENTS

Deputy Mayor Worden reported on the outcome of Regional Housing Needs Assessment (RHNA) challenges in Los Angeles. Councilmember Druker reported that the public announcements regarding Clean Energy Alliance (CEA) rates will be going out today and received by Del Mar residents later this week.

COMMUNITY ANNOUNCEMENTS

None.

CITY MANAGER'S REPORT

Interim City Manager Jones provided information about the next Del Mar Recycles Drop-off event will be scheduled for Saturday, March 27, at Shores Park for Del Mar residents and businesses; an upcoming public workshop to be held by the San Dieguito Lagoon Foundation regarding sea level rise planning and the north parking lot located at the Torrey Pines State Beach; and thanked community volunteers for their recent work trimming overgrown vegetation in the area between the Winston School parking lot and Stratford Court.

CONSENT CALENDAR

Mayor Gaasterland read the titles of the items included on the Consent Calendar. There were no public speakers on the Consent Calendar items. Item 4 was pulled from the Consent Calendar for additional discussion, and the public hearing for Item 9 was opened/closed and the Item was moved to the Consent Calendar for consideration.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 3, AND 5-9. (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 16, 2021 REGULAR MEETING; FEBRUARY 22, 2021 SPECIAL MEETING; FEBRUARY 27, 2021 SPECIAL MEETING; MARCH 1, 2021 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED MARCH 15, 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: CITY COUNCIL REVIEW AND AUTHORIZATION FOR SUBMITTAL OF THE 2020 HOUSING ELEMENT ANNUAL PROGRESS REPORT (CLERK'S FILE NO. 304-7)

This item was pulled from the Consent Calendar for additional Council discussion. Council questions focused on clarification on the number of units permitted to date, the numbers and information included in the report, and noted discrepancies.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO PROVIDE STAFF WITH AUTHORIZATION TO SUBMIT THE 2020 HOUSING ELEMENT ANNUAL PROGRESS REPORT TO HCD AND THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH BY APRIL 1, 2021, DEADLINE. (VOTE 5-0)

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

ITEM 5: SECOND READING AND ADOPTION OF AN ORDINANCE EXTENDING DISCRETIONARY LAND USE AUTHORIZATIONS EXPIRING IN 2021 (CLERK'S FILE NO. 401-4, 1104-3)

Council adopted ordinance 978, "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”, on consent.

ITEM 6: AMENDMENT TO THE COMPENSATION PLANS FOR THE MANAGEMENT AND PROFESSIONAL, GENERAL, FIREFIGHTER, AND MISCELLANEOUS, PART-TIME, TEMPORARY AND HOURLY EMPLOYEES (CLERK’S FILE NO. 502-1)

Council adopted resolution 2021-10, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE COMPENSATION PLANS FOR THE MANAGEMENT AND PROFESSIONAL, GENERAL, FIREFIGHTER, AND MISCELLANEOUS, PART-TIME, TEMPORARY AND HOURLY EMPLOYEES”, on consent.

ITEM 7: RECOMMENDED ADJUSTMENTS TO SALARY & BENEFITS FOR THE INTERIM CITY MANAGER (CLERK’S FILE NO. 502-1)

1) Council approved the terms and adjustments to salary and benefits for the Interim City Manager as further described in this report; 2) Authorized the Mayor to sign any documents necessary for implementation; and 3) Authorized an appropriation of \$21,320 from the General Fund Contingency to the City Manager division operating budget for Fiscal Year 2020-21 as described in the fiscal impact section of this agenda report, on consent.

ITEM 8: RECAP OF CITY COUNCIL JANUARY/FEBRUARY 2021 WORKSHOPS AND ADOPTION OF REVISED DEL MAR CORE VALUES & VALUE STATEMENTS (CLERK’S FILE NO. 401-1)

Council reviewed the recap provided for City Council workshops held on January 23 and February 27, 2021, and approved the revised Del Mar Core Values & Value Statements, on consent.

PUBLIC HEARING

ITEM 9: MODIFICATION PERMIT MOD21-002 – MODIFICATION OF PREVIOUSLY-APPROVED ENCROACHMENT PERMIT EP20-014 FOR CONSTRUCTION OF A NEW TRELLIS IN PUBLIC RIGHT-OF-WAY OVER THE EXISTING JIMMY O’S SIDEWALK CAFÉ ADJACENT TO 1438 CAMINO DEL MAR (CLERK’S FILE NO. 802-1)

Mayor Gaasterland opened the item to public comment and there were no speakers, therefore she closed the item to public comment. The item was opened and closed and moved to the Consent Calendar for consideration. The Council approved resolution 2021-11, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING MODIFICATION MOD21-002 TO PREVIOUSLY APPROVED ENCROACHMENT PERMIT EP20-014 FOR THE CONSTRUCTION OF A NEW TRELLIS IN PUBLIC RIGHT-OF-WAY, ADJACENT TO 1438 CAMINO DEL MAR (APN: 300-012-04) IN DEL MAR, CALIFORNIA”, on consent.

ITEM 10: ADOPTION OF RESOLUTION FOR 5TH CYCLE HOUSING ELEMENT PROGRAM 2E COMMUNITY PLAN AMENDMENT TO NORTH COMMERCIAL LAND USE DESIGNATION (CLERK’S FILE NO. 304-7)

The proposed action to be taken on this item included a change to the City's General Plan, which required that at least four members of the City Council participate in the vote. To facilitate this, a random drawing was conducted at the February 16, 2021, meeting with assistance from the Interim City Manager, and Councilmember Martinez was randomly selected to participate in the vote. Councilmember Quirk was recused from participating in this item due to the proximity of his home to the North Commercial area

A presentation was provided by Planning & Community Development Director Joseph Smith.

Council questions focused on density and potential units that could be built on the Watermark parcels; clarification about whether the Community Plan amendment is required to include residential densities; and whether the adoption of the Community Plan update changes the lot coverage, floor area ratio or underlying development standard.

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

Council discussion focused on the potential option to remove the residential densities from the action being considered by the Council; concerns and potential impacts of moving forward without including residential densities and inconsistency with the Community Plan, whether a second Community Plan amendment would be needed in order to implement the densities in the future.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO ADOPT RESOLUTION 2021-12, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO ADOPT AN AMENDMENT TO THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN) TO AMEND THE NORTH COMMERCIAL LAND USE DESIGNATION PER REQUIRED 5TH CYCLE HOUSING ELEMENT IMPLEMENTATION PROGRAM 2E TO ALLOW MULTIPLE DWELLING UNIT RESIDENTIAL USE ON ASSESSORS PARCEL NUMBER (APN) 299-100-49, 299-100-30, 299-100-28, 299-100-29, 299-100-27, 299-071-06, 299-071-07, AND 299-100-50, INCLUDING APN 299-100-47 AND 299-100-48; AND TO EXPLICITLY PROHIBIT MULTIPLE DWELLING UNIT USE ON APN 299-071-02, 299-100-32, 299-100-33, 299-100-34, 299-100-35, AND 299-100-36 TO ASSURE PRIORITY FOR COASTAL DEPENDENT USES AND AVOID IMPACTS TO SENSITIVE WETLAND HABITAT ON PARCELS LOCATED ALONG THE SAN DIEGUITO LAGOON AND SAN DIEGUITO RIVER FLOODWAY ZONE; AND TO DEMONSTRATE COMPLIANCE WITH STATE LAW, INCLUDING CALIFORNIA COASTAL ACT AND CALIFORNIA HOUSING LAWS, AS NECESSARY TO MINIMIZE OR AVOID OTHER STATE ENFORCEMENT PENALTIES AND FINES; ALL RELATING TO A TOTAL OF SIXTEEN EXISTING PARCELS LOCATED IN THE NORTH COMMERCIAL ZONE IN THE CITY OF DEL MAR, CALIFORNIA", WITH REVISION TO REMOVE DENSITY REFERENCES. (VOTE 4-0)

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

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 8:28 to 8:38 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 11: SELECTION OF CLEAN ENERGY ALLIANCE DEFAULT ENERGY PRODUCT FOR CITY OF DEL MAR CUSTOMERS (CLERK'S FILE NO. 1001-3, 1403-4)

A presentation was provided by Environmental Sustainability and Special Projects Manager Clem Brown and Clean Energy Alliance (CEA) JPA Interim Chief Executive Officer Barbara Boswell.

Council questions focused on whether individual customers could make a different product selection than the default option; percentage of renewable energy and/or carbon free energy in each option for consideration; which option provides the lowest rates; exist fees for vintage customers and what is anticipated in 2022; whether the options could be changed in the future; how the CEA flat fees will compare to San Diego Gas & Electric's flat fees; how energy buy back will work; clarification on the zero sum concept; whether the CEA will be developing new sources of green energy; and how rolling black outs will affect CEA customers.

There were no speakers for this item.

Council discussion focused on different energy supply default options and which would be the best option for Del Mar; benefits of selecting the Clean Impact 75 option; opportunities for future cost reductions as reserves are established; potential to go with the lowest cost Clean Impact option; and general consensus to select the Clean Impact 75 as the default option with customers being able opt-down, if so desired.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY COUNCILMEMBER QUIRK TO ADOPT RESOLUTION 2021-13, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, SELECTING THE CLEAN ENERGY ALLIANCE'S DEFAULT POWER SUPPLY PRODUCT FOR ALL CUSTOMER ACCOUNTS WITHIN THE CITY OF DEL MAR", SELECTING THE CLEAN IMPACT 75 OPTION AS THE DEFAULT OPTION FOR DEL MAR CLEAN ENERGY ALLIANCE CUSTOMERS. (VOTE 3-2)

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

ITEM 12: REVIEW OF NEXT STEPS ASSOCIATED WITH CITYWIDE UTILITY UNDERGROUNDING PROJECT (CLERK'S FILE NO. 1001-2)

A presentation was provided by Assistant City Manager Kristen Crane.

Council questions focused on clarification regarding staffing needs and proposal to hire a principal civil engineer; whether a coastal development permit will be needed for the undergrounding work; whether Americans with Disabilities Act (ADA) requirements would be triggered; whether road surveys will be completed as part of the pre-construction work; what the base map requirements are for public versus private projects; what type of projects the proposed principal civil engineer position would be working on and required funding.

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

Council discussion focused on support for hiring of a principal civil engineer to start on or before the beginning of July 2021.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY DEPUTY MAYOR WORDEN, TO MOVE FORWARD WITH HIRING OF A PRINCIPAL CIVIL ENGINEER. (VOTE 5-0)

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

**ITEM 13: CONSIDERATION OF TEWA COURT/10TH STREET UNDERGROUNDING PROJECT
(CLERK'S FILE NO. 1001-2)**

A presentation was provided by Assistant City Manager Kristen Crane.

Council questions focused on whether a remodel of one of the properties served by the alley would trigger an undergrounding requirement; poles to be undergrounded as part of the 941 Camino del Mar project; timing and scope for consultant work; whether the project cost estimates provided in the agenda report and staff presentation included staff costs; approximate cost for lateral work required to be completed by private property owners; how properties who do not want to participate will be handled; whether there is a legal requirement for district formation; and whether there is a legal requirement for the public bid process.

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

- 1) Bettina Experton
- 2) Marla Painter
- 3) Steven Voss

Mayor Gaasterland closed the item to public comment.

Council discussion focused on general support for including the Tewa Court project on the list as a standalone project; concern that this area was originally identified by the Undergrounding Project Advisory Committee (UPAC) as a Tier III project, and deviating from the prior plan; opportunity to run the proposed project through UPAC for feedback; opportunity to use the Tewa project to learn as much as possible for structuring the larger citywide Utility Underground Project; whether the City should consider bidding out the construction aspect of the project without civil design plans; and concern about Council stepping outside of the policy role and telling staff how to conduct staff level work such as the public bidding process.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE FOR STAFF TO PROCEED WITH TEWA COURT/10TH ST. AS A STANDALONE PROJECT AND FOR STAFF TO LOOK FOR COST SAVINGS WHEREVER POSSIBLE AND OPTIMIZE AS MUCH AS POSSIBLE (VOTE 4-1).

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

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO RESCIND THE PRIOR ACTION. (VOTE 4-1)

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

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO MOVE FORWARD WITH TEWA COURT AS A STANDALONE PROJECT AND DIRECT STAFF TO RETURN TO THE CITY COUNCIL WITH THE NECESSARY RESOLUTIONS FOR IMPLEMENTATION AND LOOK FOR COST SAVINGS WHERE POSSIBLE. (VOTE 4-1)

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

ITEM 14: DIRECTION TO PROCEED ON CITYWIDE UTILITY UNDERGROUNDING PROJECT (CLERK'S FILE NO. 1001-2)

Due to the proximity of their homes from the proposed Undergrounding Project Area 1A, which is one of the primary topics for discussed as part of this agenda item, Mayor Gaasterland and Councilmember Druker were recused from participating in this agenda item.

A presentation was provided by Assistant City Manager Kristen Crane.

Council questions focused on the timeframe for SDG&E to complete design work for the 1A and X1A project areas and how long those design plans are good for; whether there will be sufficient funding available for the City to pay as we go should the Council decide to move forward with the Tewa; 1A and X1A projects; and whether there would be costs savings for the City to piggy back on an SDG&E project(s).

Deputy Mayor Worden opened the item to public comment and Laura DeMarco spoke.

Council discussion focused on concern about an escalation of costs in comparison with information discussed with the project consultant and UPAC about a year ago; and general consensus to move forward with all three projects.

Deputy Mayor Worden closed the item to public comment.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY COUNCILMEMBER QUIRK TO REACTIVATE THE UTILITY UNDERGROUNDING PROJECT AND FOR STAFF TO RETURN WITH THE RESOLUTION(S) NECESSARY TO START WORK ON TEWA COURT; 1A AND X1A PROJECTS. (VOTE 3-0)

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

ITEM 15: UPDATE ON NEGOTIATIONS WITH REFERENDUM PROPONENT AND ACTIONS FOR CITY COUNCIL CONSIDERATION (CLERK'S FILE NO. 402-11)

A presentation was provided by Mayor Gaasterland and Councilmember Druker.

MOTION TO EXTEND MEETING

AT APPROXIMATELY 9:50 P.M., IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO EXTEND THE MEETING UNTIL 10:15 P.M. AND TO PLACE THE REGIONAL ORGANIZATION REPORTS AND THE COUNCIL COMMITTEE/SUBCOMMITTEE/ COMMUNITY ORGANIZATION REPORTS ON THE AGENDA FOR THE MARCH 25, CITY COUNCIL SPECIAL MEETING. (VOTE 4-0)

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

There were no speakers for this item.

Council discussion focused on reviewing, asking questions, and providing feedback on each of the ten requested items from the Referendum proponent. The Council then directed the City Attorney's office to work with the proponent and his legal representative to draft an agreement memorializing the agreed upon terms for the City Council's consideration on March 25 or April 5, 2021, whichever is practicable.

REGIONAL ORGANIZATION REPORTS

These reports will be provided at the March 25, 2021, City Council special meeting.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

These reports will be provided at the March 25, 2021, City Council special meeting.

ADJOURNMENT

Mayor Gaasterland adjourned the meeting at 10:17 p.m.



Ashley Jones, City Clerk/Interim City Manager