



**CITY OF DEL MAR**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**APRIL 5, 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 4:30 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**

City Attorney Leslie Devaney reported no reportable actions for items A, B or C on the closed session agenda. Living within 500 ft of the subject matter of the discussion, Councilmember Druker recused himself from one of the two items under B. Living within 500 ft of one of the items under B, Councilmembers Quirk and Martinez recused themselves.

**PLEDGE OF ALLEGIANCE**

Mayor Gaasterland led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

Susan Moore – Expressed concern about recent comments made by Councilmember Quirk regarding North County Transit District (NCTD) ridership numbers and public transportation options.

**CITY COUNCIL COMMENTS**

Mayor Gaasterland cautioned the public about trespassing related to the train tracks and enforcement efforts by NCTD and the San Diego County Sheriff's Department, including ticketing.

**COMMUNITY ANNOUNCEMENTS**

Mayor Gaasterland encouraged the community to get vaccinated when they become eligible.

**CITY MANAGER'S REPORT**

Interim City Manager Ashley Jones reported on the 2021 Community Emergency Response Team (CERT) academy; successful Del Mar Recycles Event held on March 27; and the one-year anniversary of the City pumping all wastewater to San Elijo JPA Water Reclamation Facility.

## **PRESENTATIONS**

### **ITEM 1: PROCLAMATION HONORING REAR ADMIRAL DONIPHAN B. SHELTON ON HIS 100TH BIRTHDAY (CLERK'S FILE NO. 1201-5)**

Mayor Gaasterland a proclamation to Don Shelton in honor of his 100<sup>th</sup> birthday. Mr. Shelton accepted the proclamation and provided insight on how he came to be a Del Mar resident and his experiences as a member of the Del Mar community.

## **CONSENT CALENDAR**

Mayor Gaasterland 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 DEPUTY MAYOR WORDEN SECONDED BY MAYOR GAASTERLAND TO APPROVE THE CONSENT CALENDAR ITEMS 2 THROUGH 10. COUNCILMEMBER MARTINEZ RECUSED HERSELF FROM VOTING ITEM 5 AND COUNCILMEMBER DRUKER RECUSED HIMSELF FROM VOTING ON ITEM 10.**

Ayes: Mayor Gaasterland, Deputy Mayor Worden, and Councilmembers Druker, Martinez and Quirk; Noes: 0; Absent: 0; Abstain: 0. With Councilmember Martinez recused from item 5 and Councilmember Druker recused from item 10.

### **ITEM 2: APPROVAL OF MINUTES: MARCH 15, 2021 REGULAR AND SPECIAL MEETING; MARCH 25, 2021 SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

### **ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED APRIL 5, 2021 (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 AND ADOPTION OF ORDINANCES TO ESTABLISH THE HOUSING ELEMENT IMPLEMENTATION OVERLAY ZONE AND IMPLEMENT 5TH CYCLE HOUSING ELEMENT PROGRAM 2G (LCPA20-003, ZA20-003, RP20-001) (CLERK'S FILE NO. 304-7, 401-4, 401-9)**

Councilmember Martinez recused herself.

Council adopted Ordinance 979, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADDING ZONING CHAPTER 30.92 TO THE DEL MAR MUNICIPAL CODE TO CREATE A NEW HOUSING ELEMENT IMPLEMENTATION OVERLAY ZONE AS AN OVERLAY ZONING TOOL THAT CAN BE APPLIED TO REAL PROPERTY THROUGH FUTURE REZONE ACTIONS AT THE DISCRETION OF THE CITY COUNCIL WHEN NECESSARY TO IMPLEMENT REQUIRED CITY OF DEL MAR HOUSING ELEMENT PROGRAM ACTIONS PER STATE LAW", and Ordinance 980,

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REZONING REAL PROPERTY IDENTIFIED AS ASSESSORS PARCEL NUMBERS 299-100-47 AND 299-100-48 LOCATED IN THE NORTH COMMERCIAL ZONE TO APPLY THE HOUSING ELEMENT IMPLEMENTATION OVERLAY ZONE AS NECESSARY TO IMPLEMENT REQUIRED CITY OF DEL MAR 5TH CYCLE HOUSING ELEMENT PROGRAM 2G PER STATE HOUSING LAW AND AMENDING ZONING CHAPTER 30.92 TO REFLECT THE REZONE ACTION”, on consent.

**ITEM 6: ARTS ADVISORY COMMITTEE APPOINTMENT (CLERK’S FILE NO. 401-5)**

Council appointed Marc Brutton as an ex-officio, non-voting member to serve a full three-year term starting April 5, 2021, and ending on June 30, 2024, on consent.

**ITEM 7: ACCEPTING A DONATION FROM THE DEL MAR FOUNDATION FOR ART NAME PLAQUES (CLERK’S FILE NO. 1202-5)**

Council accepted a donation from the Del Mar Foundation of two name plaques identifying the bronze sculptures donated to the City by artist Maily Morhous, on consent.

**ITEM 8: CREATION OF CITY COUNCIL AD-HOC SUBCOMMITTEE/TASK FORCE TO REVIEW CITY COMMITTEE EFFICIENCIES (CLERK’S FILE NO. 401-1, 401-5)**

Council 1) Approved the creation of a City Council subcommittee/task force to review committee efficiencies, which would be known as the Committee Efficiencies Task Force (CETF), and 2) Appointed Deputy Mayor Worden and Councilmember Martinez as members of the CETF, on consent.

**ITEM 9: ACCEPTANCE OF A DONATION FROM THE DEL MAR FOUNDATION FOR EQUIPMENT FOR THE CITY’S COMMUNITY EMERGENCY RESPONSE TEAM (CERT) (CLERK’S FILE NO. 201-16, 406-1)**

Council accepted a donation from the Del Mar Foundation to fund critical emergency communications equipment for the Community Emergency Response Team (CERT) and authorized the City Manager to execute the funding agreement, on consent.

**ITEM 10: APPROVAL OF TRANSFER OF CAPITAL FUNDS FOR SHORES PROPERTY VEGETATION CLEARING (CLERK’S FILE NO. 202-3, 702-15)**

Councilmember Druker recused himself.

Council approved a transfer of \$19,200 from the Capital Improvement Project fund to the Park Maintenance Operating budget for Shores property vegetation clearing, on consent.

**COMMISSION AND COMMITTEE INTERVIEWS**

**ITEM 11: DESIGN REVIEW BOARD INTERVIEWS AND APPOINTMENTS (CLERK’S FILE NO. 401-5)**

Acting City Clerk Sarah Krietor provided a brief overview of the interview and appointment process. There were no public speakers for this item. The Council interviewed applicants for two voting member vacancies including Julie Maxey-Allison, Arlene Prater, Greg Rothnem, Tina Thomas, and Ed

Yuskiewicz. Randolph Rhett withdrew his application from consideration just prior to the start of the meeting. The Council voted to appoint Tina Thomas and Greg Rothnem to serve a four-year term as voting members to the Design Review Board, which will expire April 5, 2025. The Council interviewed Philip Szymanski and Steve Mitgang to fill one non-voting member vacancy. Philip Szymanski was re-appointed to serve a second, two-year term as a non-voting, ex-officio member, which will begin June 1, 2021 and expire June 1, 2023.

Applicant	Mayor Terry Gaasterland	Deputy Mayor Dwight Worden	Councilmember Dave Druker	Councilmember Tracy Martinez	Councilmember Dan Quirk
Julie Maxey-Allison		X	X		
Arlene Prater					
Randolph Rhett					
Greg Rothnem	X			X	X
Tina Thomas	X		X	X	X
Edward Yuskiewicz		X			

Applicant	Mayor Terry Gaasterland	Deputy Mayor Dwight Worden	Councilmember Dave Druker	Councilmember Tracy Martinez	Councilmember Dan Quirk
Steve Mitgang					
Philip Szymanski	X	X	X	X	X

**COUNCIL MEETING RECESS:**

The City Council took a meeting recess from approximately 6:05 to 6:11 p.m.

**CITY COUNCIL OTHER BUSINESS**

**ITEM 12: CITY COUNCIL CONSIDERATION OF AN AGREEMENT FOR WITHDRAW OF THE REFERENDUM AGAINST CITY OF DEL MAR ORDINANCE 973 (CLERK’S FILE NO. 406-1)**

Councilmembers Quirk and Martinez were recused from participation in this agenda item due the proximity of their primary residences to the City’s North Commercial zone, which is the subject of the Referendum. A presentation was provided by Interim City Manager Jones and Assistant City Attorney Barry Shultz.

Council questions focused on the relationship between the agreement and the withdrawal of a Writ Petition filed by the proponents, confirmation that this action could be continued to the April 19, 2021 meeting, the timing for completion of the fire evacuation plan and feasibility of reaching an agreement with the proponent by April 19, 2021.

There were no public speakers for this item.

Council discussion focused on ingress and egress to Oribia Road and the surrounding community via the roundabout on Jimmy Durante Blvd. and the Council provided direction to the City Attorney's office to remove the reference to the Writ from the proposed agreement for withdrawal of the Referendum as they are two separate matters, and a separate agreement regarding the withdrawal of the Writ and potential payment of attorney's fees should be drafted for Council consideration.

**IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY MAYOR GAASTERLAND TO CONTINUE THE ITEM TO APRIL 19, 2021 AND DIRECT STAFF AND THE CITY ATTORNEY'S OFFICE TO IRON OUT THE REMAINING DETAILS, I.E. FIRE EVACUATION PLAN TIMING AND REMOVING WRIT SETTLEMENT PART TO A SEPARATE AGREEMENT. (VOTE 3-0, WITH COUNCILMEMBERS MARTINEZ AND QUIRK RECUSED)**

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

#### **REGIONAL ORGANIZATION REPORTS**

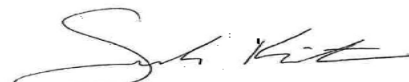
The City Council liaisons provided reports on the 22<sup>nd</sup> District Agricultural Association Community Relations Committee, Clean Energy Alliance JPA (CEA) Board of Directors, League of California Cities – San Diego Chapter, North County Transit District (NCTD), Regional Solid Waste Association,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

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

The City Council Liaisons provided reports on the San Dieguito Lagoon Committee, Del Mar Community Connections, Del Mar Village Association, and Housing Subcommittee.

#### **ADJOURNMENT**

Mayor Gaasterland adjourned the meeting at 7:00p.m.

  
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Sarah Krietor, Acting City Clerk