



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
MAY 3, 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

City Attorney Leslie Devaney reported out on the April 26, 2021 and the May 3, 2021 closed session meetings. On one of the two matters discussed under Item B on April 26, Councilmember Martinez recused herself due to living within 500 feet of the subject matter of the discussion. Under Item A on the May 3 closed session, Councilmember Druker was recused from participating in one of the two matters discussed due to the proximity of his home to the subject matter location and Councilmembers Martinez and Quirk were recused from participating in one of the two matters discussed due to the proximity of their homes to the subject matter location. On Item B on May 3, Councilmember Druker recused himself due to living within 500 feet of the subject matter of that discussion.

PLEDGE OF ALLEGIANCE

Councilmember Quirk led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

None.

CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS

Deputy Mayor Worden announced on the Clean Energy Alliance launch on May 1, 2021.

CITY MANAGER'S REPORT

Interim City Manager Ashley Jones reported on repairs to the Beach Safety Center and purchase of a new Lifeguard vehicle made possible by a donation from the Del Mar Foundation, and the creation of a new part-time Beach and Community Patrol Officer position for the City and the hiring of four officers.

Planning & Community Development Director Joseph Smith provided an update on the timing for the sea-level rise adaptation plan item going before the California Coastal Commission (CCC) and the local public hearing that will take place prior to the CCC hearing. Planning & Community Development

Director Smith also provided an update on upcoming Local Coastal Program Amendments (LCPA) going to the CCC related to the Housing Element Program 2G and other housing programs.

PRESENTATIONS

ITEM 1: PRESENTATION FROM DR. CHRISTOPHER G. LOWE, PROFESSOR OF MARINE BIOLOGY AND DIRECTOR OF THE SHARK LAB BIOLOGICAL SCIENCES AT CALIFORNIA STATE UNIVERSITY LONG BEACH (CLERK'S FILE NO. 1101-1, 1601-12)

Mayor Gaasterland introduced the item and a presentation was provided by Dr. Christopher G. Lowe, Professor of Marine Biology and Director of the Shark Lab biological sciences at California State University Long Beach.

Council questions focused on the number of stingrays in the area; the size scale used for shark length measurements; shark 'bumping' behavior; shark and human interaction do's and don't's for surfers; the type of sharks being studied by Shark Lab; concerning shark behavior; interaction between dolphins and sharks; proportion of the shark population that has been tagged; and the potential to have an education 'shark shack' pop up on the beach in Del Mar this summer.

There were no public speakers for this item.

ITEM 2: SD-LOSSAN REGIONAL RAIL CORRIDOR IMPROVEMENTS STUDY UPDATE (CLERK'S FILE NO. 1005-2, 1506-1)

Mayor Gaasterland introduced the item and a presentation was provided by Linda Culp and Hasan Ikhata of the San Diego Association of Governments (SANDAG), along with consultants Tillman Peter of Deutsche Bahn, and Mark Ramsey of Mott MacDonald.

Council questions and comments focused on the two preferred alternatives and their proximity to Crest Canyon; the name of the proposed Crest Canyon High Speed line; the rationale for focusing on both preferred alignments; the potential for unearthed tunneling ground material to be used for a beach replenishment project; the potential removal of the existing lines if an alternative route is selected; the process for moving existing lines off the bluff after a new line is established; the number of ventilation tubes needed for a tunnel and the impact to the surrounding areas; the lower scores of community acceptance and how the rankings were established; liability related and protections for homeowners whose homes may suffer damage during the construction of a tunnel; the factors considered under the environmental consequences category of the evaluation criteria; the weighting used for each item in the evaluation criteria; whether the intention is to use an electric train in this rail corridor; the desire to pursue American Jobs Act funding for this project; and the timing for selecting a rail alternative in relation to the regional study.

There were no public speakers for this item.

ITEM 3: PRESENTATION ON THE SAN DIEGO COUNTY CITIZENS' LAW ENFORCEMENT REVIEW BOARD (CLERB) (CLERK'S FILE NO. 1101-2)

Assistant City Manager Kristen Crane introduced the item and a presentation was provided by Paul R. Parker III, the Executive Officer of the San Diego County Citizens' Law Enforcement Review Board (CLERB).

Council questions focused on areas for improvement for the North County area; whether recommendations made by CLERB are public; how citizens know to reach out to CLERB to file a complaint; if witnesses can file a complaint based on perceived misconduct; the need for diversity on the CLERB board; the relationship between CLERB and the Sheriff's Department; and the potential need to expand CLERB's jurisdiction to include non-sworn staff.

There were no public speakers for this item.

CONSENT CALENDAR

There were no public speakers for items on the consent calendar.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR WORDEN TO APPROVE THE CONSENT CALENDAR ITEMS 4 THROUGH 7. (VOTE 5-0)

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

ITEM 4: APPROVAL OF MINUTES: APRIL 19, 2021 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 5: RATIFICATION OF LIST OF DEMANDS, DATED MAY 3, 2021 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 6: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 7: FIRST AMENDMENT TO AGREEMENT WITH DIANE FOOTE FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SERVICES (CLERK'S FILE NO. 406-1)

Council approved the First Amendment to the Agreement between the City of Del Mar and Diane Foote for Geographic Information System (GIS) Services, extending the agreement for an additional two-year period ending May 21, 2023; and authorized the Interim City Manager to execute the First Amendment, on consent.

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 6:45 to 6:55 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 8: REVIEW AND ACCEPTANCE OF A DESIGN REVIEW BOARD POLICY MANUAL UPDATE (CLERK'S FILE NO. 401-5)

A presentation was provided by Matt Bator, Principal Planner and Glen Warren, Chair of the Design Review Board (DRB).

Council questions focused on amending the membership requirements for the Design Review Board; the relationship between the Policy Manual, Design Review Ordinances and Design Guidelines; the use of more cooperative language related to the Design Guidelines; the cost and frequency of continuances initiated by the DRB; tie-vote procedures; and the type of DRB project tracking conducted by staff related to review times and continuances since the Design Guidelines have been implemented.

There were no public speakers for this item.

Council discussion focused on the suggested changes proposed by Deputy Mayor Worden prior to the meeting related to the DRB exemption for by-right developments and Accessory Dwelling Units (ADUs), the code of civil discourse, and a policy related to remote/Zoom meetings; the priority tier for the DRB; Planning Commission and related policies manuals and City Council policies; and suggested cooperative language related to an applicant's project adhering to the Design Guidelines.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO ADOPT RESOLUTION 2021-15, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING A COMPREHENSIVE UPDATE TO THE DESIGN REVIEW BOARD POLICY MANUAL", WITH MAYOR GAASTERLAND AND COUNCIL MEMBER DRUKER TO WORK WITH STAFF TO INCORPORATE THE AMENDED LANGUAGE DISCUSSED FOR 6.1, SECTION C AND TO ADD A STATEMENT REGARDING BY-RIGHT AND ADU DRB EXCEPTIONS. (VOTE 5-0)

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

ITEM 9: OVERVIEW OF 6TH CYCLE HOUSING PROGRAM WORK PLAN FOR FISCAL YEARS 2021-2022 AND 2022-2023 (CLERK'S FILE NO. 303-1, 304-7)

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

Council questions focused on the availability of state funding for implementation of the housing program; lobbyist contract that covers grant funding; potential to establish a housing fund as part of the upcoming budget process; establishing a housing program at the Fairgrounds that will satisfy the Department of Housing and Community Development (HCD); and the related California Environmental Quality Act (CEQA) cost and time frames.

There were no public speakers for this item.

Council discussion focused on the need to engage key state level stakeholders related to funding affordable housing at the Fairgrounds; importance of reaching an agreement with the Fairgrounds for affordable housing; and the need for public transparency throughout the process.

ITEM 10: PRESENTATION BY COUNCILMEMBER DAN QUIRK ON TRAIN STATISTICS AND THE FUTURE OF TRANSPORTATION IN DEL MAR, SAN DIEGO, AND NATIONALLY (CLERK'S FILE NO. 1005-1, 1005-2, 1005-4)

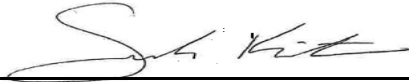
This item was continued to the next available City Council meeting.

**REGIONAL ORGANIZATION REPORTS & COUNCIL COMMITTEES/ SUBCOMMITTEES/
COMMUNITY ORG REPORTS**

The Council reported on the Arts Advisory Committee; Legislative Subcommittee; Del Mar Village Association; San Dieguito Lagoon Committee; Sea-Level Rise Subcommittee, and Shores Advisory Committee related to recent landscape improvements at the site.

ADJOURNMENT

Mayor Gaasterland adjourned the meeting at 8:44 p.m.



Sarah Krietor, Acting City Clerk