



**CITY OF DEL MAR**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**MAY 4, 2020**  
**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 Haviland called the Regular Meeting to order at 4:30 p.m.

**ROLL CALL**

Present: Mayor Ellie Haviland; Deputy Mayor Terry Gaasterland; Council Members Dave Druker, Sherryl Parks, and Dwight Worden

**PLEDGE OF ALLEGIANCE**

Councilmember Parks led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

There were no public oral communications to be read into the record.

**CITY COUNCIL COMMENTS**

Councilmember Worden reported that Congressman Mike Levin organized an online event thanking front line healthcare workers and volunteers; thanked members of the public that provided comments for the May 1, 2020, Special Meeting; and changes to regulations for discharges related to point services. Councilmember Druker thanked staff for their hard work getting the beaches open and expressed hopefulness that the public will wear masks and use the beach safely. Deputy Mayor Gaasterland also encouraged the use of masks and talked about the red tide blooms in the water. Mayor Haviland talked about the heightened level of public stress surrounding the COVID-19 pandemic, and talked about her participation in Congressman Levin's online event over the weekend.

**COMMUNITY ANNOUNCEMENTS**

Councilmember Worden announced that the Del Mar Foundation will host a free online Zoom art experience on Thursday, May 7; and that he is looking for a report on the North County Transit District (NCTD) bluff repair. Councilmember Druker provided an update on the NCTD bluff repair project. Mayor Haviland announced that she participated in a recent California Mayors Coalition meeting last week focused on community testing; and she announced that the Farmer's Market will reopen this Saturday, May 9.

### **REGIONAL ORGANIZATION REPORTS**

Councilmember Worden reported on the LOSSAN (Los Angeles-San Diego-San Luis Obispo Rail Corridor) Regional Rail Task Force meeting. Mayor Haviland reported on the San Diego Association of Governments (SANDAG) Board.

### **CITY MANAGER'S REPORT**

City Manager CJ Johnson reported on the public hearing notices sent to residents from the California Coastal Commission (CCC) regarding a Local Coastal Program Amendment which will be discussed by the CCC on May 14, 2020; scope of the NCTD bluff repair project that started this week; information about the Del Mar Farmer's Market reopening on Saturday, May 9, 2020; announcement from Governor Newsom about plans for some business re-openings to be announced on Thursday, May 7; summary of work and staff efforts on COVID related issues in the community and vandalism that occurred over the weekend; discussion of beach issues that are occurring in Encinitas that are troublesome; cancellation of Junior Guard Program for 2020; and Torrey Pines State beach reopening. Community Services Director/Lifeguard Chief Jon Edelbrock provided an update on the Del Mar beach reopening that occurred today, May 4.

Council questions about the beach reopening focused on parking; allowances for dogs on the beach; handwashing stations; sharing of information among neighboring coastal cities; and enforcement of rules. General questions focused on cleaning of public spaces and trash disposal and whether or not there have been concerns raised by the public regarding reopening City Hall.

### **CONSENT CALENDAR**

Mayor Haviland opened Items 1 through 4 for public comment to be read into the record and there were no comments.

### **IT WAS MOVED BY COUNCIL MEMBER DRUKER, SECONDED BY COUNCIL MEMBER PARKS TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 4, AND 6. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

#### **ITEM 1: APPROVAL OF MINUTES: APRIL 16, 2020 SPECIAL MEETING, APRIL 20, 2020 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

#### **ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED MAY 4, 2020 (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 MODIFYING THE CITY'S SCHEDULE OF FEES AND CHARGES FOR ENGINEERING REVIEW SERVICES (CLERK'S FILE NO. 401-4)**

Council adopted Ordinance 962, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING A MODIFIED SCHEDULE OF FEES AND CHARGES FOR ENGINEERING REVIEW SERVICES", on consent.

**STANDING DISCUSSION ITEMS**

**ITEM 5: HOUSING (CLERK'S FILE NO. 303-1)**

Planning & Community Development Director Joseph Smith provided an update on the 6<sup>th</sup> Cycle Housing Element process and related activities. Management Analyst Shaun McMahon provided a presentation on the results of the housing related community survey, which were included in the City Council agenda packet.

Mayor Haviland opened this item to public comment and comments from the following were read into the record:

- 1) Laura DeMarco and Joe Sullivan, Friends of Del Mar Parks – Thanked the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force (Housing Task Force) for excluding the Shores Park as a potential affordable housing site, and discussed fundraising associated with acquisition of the Shores Park property.

Mayor Haviland closed the item to public comment.

Council questions and discussion focused on the charter and scope of the Housing Task Force; number of participants attributable to geographic areas in the City; potential to conduct another survey; statistical analysis of the results; need to better understand the data; and concern that the data should not be used to assume the desires of all members of the community.

**PUBLIC HEARING**

**ITEM 6: CANCELLATION OF THE INTRODUCTION OF AN ORDINANCE ADOPTING THE CITY OF DEL MAR FEE SCHEDULE FOR PLANNING, PUBLIC WORKS, COMMUNITY SERVICES ADMINISTRATION, AND FIRE PREVENTION**

This item was opened by Mayor Haviland and moved to the Consent Calendar for consideration. There were no public comments to be read into the record. This item was approved by the Council, on consent.

**ITEM 7: INTRODUCTION OF AN ORDINANCE REGULATING THE USE OF UNMANNED AIRCRAFT SYSTEMS IN THE CITY OF DEL MAR (CLERK'S FILE NO. 401-4)**

A presentation was provided by Environmental Sustainability and Special Projects Manager Clem Brown.

Council questions focused on where people will be able to use drones; whether drones can be flown over the ocean; examples of places where drones could be flown; what restrictions exist for flying drones over private property; how can a resident report non-compliant drone activity; and to what extent, if any, the operation of drones from the bluff in Del Mar was considered, and why not included in the proposed Ordinance.

Mayor Haviland opened this item to public comment and comments from the following were read into the record:

- 1) John Peterson – Expressed support for the Council to adopt the proposed Ordinance.

Mayor Haviland closed the item to public comment.

Council discussion focused on the work on this ordinance by staff and the Parks & Recreation Committee; need to inform the public as to the rules regarding operation of drones; concern that by restricting drones in parks, it will push them into private areas; and whether an analysis of unintended consequences was done.

**IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER PARKS TO APPROVE INTRODUCTION OF THE PROPOSED ORDINANCE WITH THE PROPOSED AMENDMENT FROM STAFF IN SUBSECTION H TO NOW READ SCHOOLS INSTEAD OF PUBLIC SCHOOLS. (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 6:25 to 6:40 p.m.

CITY COUNCIL OTHER BUSINESS

**ITEM 8: RESOLUTION INITIATING THE PROPOSITION 218 PROTEST PROCESS FOR SOLID WASTE COLLECTION AND DIVERSION SERVICE RATES TO ADDRESS NEW STATE REGULATIONS FOR GREEN WASTE (CLERK'S FILE NO. 401-7, 906-9)**

A presentation was provided by Environmental Sustainability and Special Projects Manager Clem Brown.

Council questions focused on customer services levels/costs and proposed changes; what happens if the fee increase is not approved; options for downsizing or decreasing services; effects of the Fairgrounds being closed on recycling percentages; and timing for a Request for Proposal process for waste hauling franchise agreement.

Mayor Haviland opened the item to public comment and there were no comments to be read into the record.

Council discussion focused on support for staff's recommendation, and clarification on Council's role with regard to the 218 Process and informing the public.

**IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO ADOPT RESOLUTION 2020-21, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA DIRECTING STAFF TO INITIATE THE PROPOSITION 218 PROCESS FOR SETTING SOLID WASTE AND DIVERSION RATES, AND SETTING THE DATE OF THE PUBLIC HEARING TO CONSIDER ALL PROTESTS AS REQUIRED BY PROPOSITION 218." (VOTE 5-0)**

Ayes: Mayor Haviland, Deputy Mayor Gaasterland, and Council Members Druker, Parks and Worden; Noes: 0; Absent: 0; Abstain: 0.

**ITEM 9: DISCUSS POSSIBILITY OF REQUESTING THAT THE CLEAN ENERGY ALLIANCE BOARD CONSIDER A DELAYED LAUNCH OF THE COMMUNITY CHOICE ENERGY PROGRAM (CLERK'S FILE NO. 1001-5)**

A presentation was provided by Councilmember Druker and Deputy Mayor Gaasterland. Mayor Haviland as the Clean Energy Alliance (CEA) representative for Del Mar provided some additional clarifying information.

Mayor Haviland opened the item to public comment and the following comments were read into the record:

- 1) Don Mosier, City Climate Action Plan Coordinator – Suggested leaving the date for launch of the CEA up to the CEA Board.
- 2) Ann Feeney, Vice Chair of the Sustainability Advisory Board – Does not support asking the CEA Board to consider a delayed launch.

Mayor Haviland closed the item to public comment.

Council discussion focused on predictions for energy demands and the type of energy in demand moving forward; benefits vs lack of benefits associated with a delayed launch; and commitment to achieving the goals of the City's Climate Action Plan. There was not a consensus among the Council to direct the Mayor, as the CEA representative, to request that the CEA Board consider a delayed launch of the Community Choice Energy Program.

**ITEM 10: DISCUSSION REGARDING THE STATUS OF THE DRAFT ENVIRONMENTAL IMPACT REPORT RELATED TO MARISOL SPECIFIC PLAN (CLERK'S FILE NO. 301-6)**

A presentation was provided by Deputy Mayor Gaasterland and Councilmember Druker.

Mayor Haviland opened the item to public comment and the following comments were read into the record:

- 1) Terry Gaasterland – Submitted a proposed resolution for City Council consideration to terminate evaluation of the Marisol Specific Plan and draft Environmental Impact Report (EIR).
- 2) Jim McMenemy – Encouraged the Council to retain the EIR on file for future use.

Mayor Haviland closed the item to public comment.

The Mayor additionally read related City Council questions and answers from staff into the record.

Council discussion focused on whether or not Council action needs to be taken to discontinue staff activity related to the Marisol Specific Plan and draft EIR; whether or not staff or City Attorney have reviewed this item; why this item is important for discussion now; and interest in bringing closure to this issue.

**IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO BRING THIS ITEM BACK FOR ACTION AS SOON AS REASONABLE WITH ADDED LANGUAGE TO THE RESOLUTION TO ADD A RESOLVE CLAUSE REGARDING MONEY AND CLOSING OUT FILES. (VOTE 3-2)**

Ayes: Deputy Mayor Gaasterland, and Council Members Druker and Worden; Noes: Mayor Haviland and Councilmember Parks; Absent: 0; Abstain: 0.

**ITEM 11: PROPOSED AGENDA FOR CITY COUNCIL BUDGET WORKSHOP ON MAY 16, 2020 (CLERK'S FILE NO. 202-3, 401-1)**

A presentation was provided by City Manager Johnson and Administrative Services Director Jones.

Council discussion focused on "triggers or thresholds" for revenue projections returning to normal; potential inclusion of Finance Committee Chair Tom McGreal in the City Council workshop as a resource; several major items playing into revenue projections including Fairgrounds, horse races, hotels, retail, parking revenues; Finance Committee's upcoming meeting; presentation on impacts to the California Public Employees Retirement System (CalPERS) and what the City can expect moving forward; concerns about any member of the public having a "seat at the table", and feeling that the Finance Committee has chance to weigh in prior to the workshop; potential to provide rent forgiveness for non-profit tenants of the City; when proposed budget expenditures for FY 2020-21 will be discussed; and discussion regarding essential services; use of City facilities for public events.

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

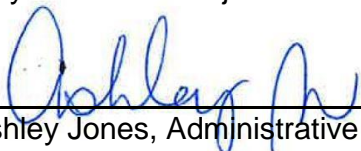
Councilmember Parks reported on the Del Mar Community Connections. Deputy Mayor Gaasterland reported on the upcoming California Coastal Commission hearing scheduled for May 14, 2020. Councilmember Worden reported on the LOSSAN documents available for review; and the 22<sup>nd</sup> District Agricultural Association's recent letter to the Governor's office and the bad financial situation they are in related to the impacts of COVID-19 on their business operations.

**UPCOMING AGENDA ITEMS**

Request by the Mayor and Deputy Mayor to add COVID-19 as a standing agenda item on the City Council meeting agenda.

**ADJOURNMENT**

Mayor Haviland adjourned the meeting at 8:56 p.m.



Ashley Jones, Administrative Services Director/City Clerk