



**CITY OF DEL MAR**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**MAY 17, 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 provided a report out on the May 10 and May 17, 2021, closed sessions. For Items B and C on the May 17 closed session agenda, Councilmember Druker recused himself due to living within 500 feet of the subject matters of those discussions.

**PLEDGE OF ALLEGIANCE**

Mayor Gaasterland led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

None.

**CITY COUNCIL COMMENTS**

None.

**COMMUNITY ANNOUNCEMENTS**

None.

**CITY MANAGER'S REPORT**

Interim City Manager Ashley Jones reported that Friday, March 21, 2021, marks the 100<sup>th</sup> edition of Del Mar Weekly since the weekly publication was relaunched in 2019, which has also resulted in an increase in subscribers.

**PRESENTATIONS**

**ITEM 1: SAN DIEGO COUNTY WATER AUTHORITY UPDATE TO CITY COUNCIL (CLERK'S FILE NO. 1506-3)**

A presentation was provided by Del Mar San Diego County Water Authority (SDCWA) Representative Mel Katz, and SDCWA General Manager Tish Berge.

Council questions focused on funding and upgrades to storage tanks in Del Mar; efficiently moving water; options for sediment removal, at regional dams; high water rates and ways to maintain diversity in water resources while controlling costs; desalination plant and its current operational capacity; expectations if the County of San Diego is put under a drought declaration by the State; and SDCWA's involvement in ground water management.

### **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 MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THE CONSENT CALENDAR ITEMS 2 THROUGH 9. (VOTE 5-0)**

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

**ITEM 2: APPROVAL OF MINUTES: APPROVAL OF MINUTES: APRIL 26, 2021 SPECIAL MEETING, MAY 3, 2021 REGULAR AND SPECIAL MEETING, MAY 10, 2021 SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

**ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED MAY 17, 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 AMENDMENT TO ANIMAL SERVICES CONTRACT WITH THE SAN DIEGO HUMANE SOCIETY (CLERK'S FILE NO. 406-1)**

Council adopted the Second Amendment to the City of Del Mar's animal services agreement with the San Diego Humane Society to extend the term of the agreement to June 30, 2022; and authorized the Interim City Manager to sign the Second Amendment, on consent.

**ITEM 6: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR CLEAN WATER PROGRAM MANAGEMENT CONSULTANT SERVICES (CLERK'S FILE NO. 406-1)**

Council approved an agreement with Mikhail Ogawa Engineers for Clean Water Program Management Services for an initial five-year period ending June 30, 2026, with an option to extend for an additional two years; and authorized the Interim City Manager to execute the agreement, on consent.

**ITEM 7: ACCEPTANCE OF A PUBLIC ACCESS EASEMENT OVER PROPERTY LOCATED AT 1702 COAST BOULEVARD (DEL MAR MOTEL) (CLERK'S FILE NO. 1306-1)**

Council adopted Resolution 2021-16, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING ACCEPTANCE OF A VERTICAL PUBLIC ACCESS EASEMENT ON THE PROPERTY LOCATED AT 1702 COAST BOULEVARD FOR USE AND OPERATION OF PUBLIC BENEFIT TO THE CITY OF DEL MAR"; and authorized staff to record the Grant of Easement, on consent.

**ITEM 8: SAN DIEGUITO LAGOON COMMITTEE APPOINTMENTS (CLERK'S FILE NO. 401-5)**

Council appointed Donna Shaw as an ex-officio, non-voting member to fill the balance of a vacant term effective May 17, 2021, and expiring on April 1, 2023; appointed Ann Feeney as an ex-officio, non-voting member to serve a full four-year term effective May 17, 2021, and expiring on May 17, 2025; and appointed Udo Wahn as a voting member to fill the balance of a vacant term effective May 17, 2021, and expiring on October 31, 2023, on consent.

**ITEM 9: APPROVAL OF FISCAL YEAR 2021-22 SENATE BILL 1 FUNDING FOR THE ANNUAL PAVEMENT REHABILITATION PROJECT (CLERK'S FILE NO. 901-5, 906-12)**

Council adopted Resolution 2021-17, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2021-22 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017", on consent.

**PUBLIC HEARING**

**ITEM 10: ADOPTION OF A RESOLUTION DESIGNATING A CERTAIN AREA OF THE CITY AS A UTILITY UNDERGROUNDING DISTRICT SUBJECT TO CALIFORNIA PUBLIC UTILITIES COMMISSION RULE 20 AND IN ACCORDANCE WITH DEL MAR MUNICIPAL CODE SECTION 23.54.030, GENERALLY DESCRIBED AS TEWA COURT/10TH STREET DISTRICT (CLERK'S FILE NO. 1001-2)**

A presentation was provided by Assistant City Manager Kristen Crane.

Council questions focused on the location of the project; pre-construction costs; the balance of the Measure Q reserves; the status of the information from AT&T; the proposed district's proximity to the fire protection zone; and legal clarity surrounding the Memorandum of Understanding and negotiations with AT&T.

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

- 1) Bettina Experton
- 2) Rene Grevas

Mayor Gaasterland closed the item to public comment.

Council discussion focused on support for the project and the project being a good size for a pilot study; excitement for this project and the 1A and X1A projects; the benefits of starting with the Tewa Court/10<sup>th</sup> Street smaller project as a pilot project to accelerate the larger denser 1A and X1A; the variation in the

cost estimates provided by consultants and the Undergrounding Project Advisory Committee; concerns regarding the process for selecting and starting with Tewa Court as the pilot program; and timing and funding considerations for designing and starting the projects 1A and X1A.

**IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER QUIRK TO ADOPT RESOLUTION 2021-18, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ESTABLISHING AN UNDERGROUND UTILITY DISTRICT IN THE CITY OF DEL MAR, ON 10TH STREET EAST OF CAMINO DEL MAR, TEWA COURT, AND PORTION OF KLISH WAY." (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 QUIRK, SECONDED BY MAYOR GAASTERLAND TO APPROPRIATE FUNDING OF \$635,220 FROM THE MEASURE Q FUND. (VOTE 5-0)**

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

**COUNCIL MEETING RECESS:**

The City Council took a meeting recess from approximately 5:45 to 6:00 p.m.

**CITY COUNCIL OTHER BUSINESS**

**ITEM 11: CITY COUNCIL CONSIDERATION OF THE WINSTON SCHOOL'S PROPOSED REDEVELOPMENT PLAN (CLERK'S FILE NO. 103-8, 702-15)**

Councilmember Druker recused himself from participating in this agenda item due to living within 500 feet of The Winston School.

Mayor Gaasterland introduced the item. A presentation was provided by The Winston School Head of School Dena Harris, Domus Studios Architect Jon Dominy, and Winston Attorney Whitney Hodges from Sheppard Mullin law firm.

Council questions focused on the square footage of the proposed project; the number of students at the school; if building five was excluded from the remodel plans; what a needs assessment for building five would entail; timing for finalizing the plans for building five; how long the proposed remodel will take; and whether a lower capacity project for the current student enrollment ever went through the Citizens' Participation Process (CPP).

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

- 1) Laura DeMarco
- 2) Robert Fried

Mayor Gaasterland closed the item to public comment.

Council discussion focused on concerns about the scope of the remodel and open-ended completion for building 5; absence of landscaping plans in the proposed remodel application; need to bring all buildings up to current code including building five, if it is not demolished; feedback to Winston School to submit a

phased plan that includes plans for building five; and the need for Winston School to develop parking management plans that do not rely on the shared parking to achieve the required number of spaces.

Council took a recess from 7:26 to 8:12 p.m.

**IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ THAT THE WINSTON SCHOOL NEEDS TO AMEND THEIR DEVELOPMENT APPLICATION TO INCLUDE BUILDING FIVE IN ACCORDANCE WITH THE LEASE; AND SHOW HOW THEY ARE GOING TO ADDRESS PARKING LONG-TERM WITHIN THEIR LEASE HOLD AREA; AND EXTEND THE DEADLINE FROM THE JUNE 8, 2021 DATE BY 45 DAYS TO FRIDAY, JULY 23, 2021.**

**IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO AMEND THE MOTION THAT THE WINSTON SCHOOL NEEDS TO AMEND THEIR DEVELOPMENT APPLICATION TO INCLUDE BUILDING FIVE IN ACCORDANCE WITH THE LEASE, IN ADDITION TO BUILDINGS ONE-FOUR; AND SHOW HOW THEY ARE GOING TO ADDRESS PARKING LONG-TERM WITHIN THEIR LEASE HOLD AREA; AND EXTEND THE DEADLINE FROM THE JUNE 8, 2021 DATE BY 45 DAYS TO FRIDAY, JULY 23, 2021**

**IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ TO MAKE A SECOND AMENDMENT TO THE MOTION THAT THE WINSTON SCHOOL NEEDS TO AMEND THEIR DEVELOPMENT APPLICATION TO INCLUDE BUILDING 5 IN ACCORDANCE WITH THE LEASE; SHOW HOW THEY ARE GOING TO ADDRESS PARKING LONG-TERM WITHIN THEIR LEASEHOLD AREA AND HOW THE RESULTING DEVELOPMENT WILL BRING BUILDINGS ONE THROUGH FIVE UP TO CURRENT CODES; AND EXTENDING THE CURRENT DEADLINE FROM JUNE 8, 2021 BY 45 DAYS TO FRIDAY, JULY 23, 2021. (VOTE 4-0 WITH COUNCILMEMBER DRUKER RECUSED)**

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

Staff will return with to the City Council on August 9, 2021, with an update on this item following the close of the extended deadline.

**ITEM 12: 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)**

A presentation was provided by Councilmember Quirk.

There were no public speakers for this item.

Council questions and discussion focused on the data used in the presentation including ridership data; public subsidies of transportation; traffic congestion; relationship between the San Diego Association of Governments' (SANDAG) 5 Big Moves Regional Transportation Plan and Councilmember Quirk's presentation; the data used in the presentation including vehicle miles traveled; ridership categories for public transit; uncertain future of self-driving and electric cars; the data driven approach of SANDAG's 5 Big Moves; and a cost benefit analysis for undergrounding the rail in Del Mar.

**MOTION TO EXTEND MEETING**

**AT APPROXIMATELY 9:54 P.M., IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY DEPUTY MAYOR WORDEN TO EXTEND THE MEETING UNTIL 10:15 P.M. (VOTE 5-0)**

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

**ITEM 13: LEGISLATIVE POLICY GUIDELINES PERTAINING TO TRANSPORTATION (CLERK'S FILE NO. 401-1, 401-7, 401-8)**

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

There were no public speakers for this item.

Council discussed the proposed changes to the Legislative Policy Guidelines pertaining to transportation and reached consensus on the changes to be implemented, which will be finalized by staff and distributed to the Council, City's lobbyist firm, and staff. A copy of the final Legislative Policy Guidelines can be obtained by submitting a request to the City.

**ITEM 14: CITY ARTS ADVISORY COMMITTEE/DEL MAR FOUNDATION PROPOSAL FOR A TEMPORARY OUTDOOR SCULPTURE PROGRAM (CLERK'S FILE NO. 401-5, 1202-5, 1202-11)**

Senior Management Analyst Beth Murray introduced the item. A presentation was provided by Del Mar Foundation President Betty Wheeler and Arts Advisory Committee Chair Bonnie Grossman provided additional comments.

Council questions focused on the timeline for establishing the sculpture pads; locations of the pads to be minimally intrusive; who would pay for and coordinate removal of the pads, if needed; whether \$2,000 is sufficient to cover the costs of the art locator; the timeframe for installing the art pieces after the pads are installed; and if the artwork would stay on display if it sold.

There were no public speakers for this item.

Council discussion focused on support for item; rationale behind having the art pieces temporarily on display for 23 months; and consideration of having a minimum time the art is displayed.

**IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO APPROVE STAFF'S RECOMMENDED ACTION TO DIRECT THE INTERIM CITY MANAGER TO DRAFT A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE FOUNDATION TO ESTABLISH THE ROLES AND RESPONSIBILITIES OF THE PROGRAM FOR FUTURE COUNCIL CONSIDERATION; AND TO DIRECT CITY STAFF TO PROCESS A LONG-TERM, MAJOR ENCROACHMENT PERMIT FOR PLACEMENT OF THE ART PEDESTALS (VOTE 5-0)**

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

**REGIONAL ORGANIZATION REPORTS**


Regional organization reports were deferred by the Council to the June 7, 2021, City Council meeting.

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

Council Committees/Subcommittees/Community Organization reports were deferred by the Council to the June 7, 2021, City Council meeting.

**ADJOURNMENT**

Mayor Gaasterland adjourned the meeting at 10:15 p.m.



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Sarah Krietor, Acting City Clerk