



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 1, 2020 – VIA TELECONFERENCE
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 Haviland called the Regular Meeting to order at 4:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Councilmember Druker led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

Public oral communications from the following were read into the record:

- 1) Hershell Price – Urged the City Council to direct staff to come up with a process that allows for live public participation during the City Council meetings.

CITY COUNCIL COMMENTS

Councilmembers Worden and Druker requested that an emergency item be added to the City Council agenda for tonight's meeting to address the current civil unrest throughout the Country pertaining to law enforcement and asking for the City Council's support to send out a letter to the District Attorney and San Diego County Sheriff related to law enforcement protocols.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER WORDEN TO ADD AN AGENDA ITEM AT THE END OF THE MEETING TO APPROVE A DRAFT LETTER TO APPROPRIATE AUTHORITIES IN RESPONSE TO THE CURRENT SITUATION IN THE UNITED STATES. (VOTE 5-0)

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

Mayor Haviland commented on the rapid pace at which San Diego is continuing to reopen and urged members of the community to take steps to protect themselves and their families and follow best practices to prevent the spread of COVID-19.

COMMUNITY ANNOUNCEMENTS

Councilmember Worden announced that Congressman Mike Levin secured \$11 million in funding for the San Diego Association of Governments (SANDAG) and North County Transit District (NCTD) to be used for bluff stabilization. Councilmember Parks announced that the Del Mar Village Association (DMVA) will be hold a modified Summer Solstice event on June 18, 2020. Mayor Haviland announced that the County is continuing to ramp up their COVID testing capacity; Mayor's Coalition met last week to discuss impacts associated with COVID-19; and she reminded people to participate in the 2020 Census. Deputy Mayor Gaasterland reminded the public of the importance of wearing masks in order to protect themselves and prevent the spread of COVID-19.

REGIONAL ORGANIZATION REPORTS

Councilmember Parks reported on the Metro Wastewater Joint Powers Authority. Mayor Haviland reported on the Clean Energy Alliance (CEA) Board and the SANDAG Board.

CITY MANAGER'S REPORT

City Manager Johnson reported on protests and related property destruction that has occurred in San Diego County; reopening of the beach, Powerhouse Park, and restrooms for passive uses; new light fixtures to be installed on Coast Boulevard; reopening of the Court Street tennis courts; Seagrove Park project update; replacement of a speed feedback sign; planned San Diego Gas & Electric work between Luneta Drive and Forest Way; and implementation of new meeting protocols to allow for live public participation starting with the first meeting in July.

CONSENT CALENDAR

Mayor Haviland opened Items 1-9 to public comment, and there were no comments. Items 6 and 9 were pulled from the Consent Calendar for additional discussion, and Item 13 was added to the Consent Calendar for consideration.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO APPROVE CONSENT CALENDAR ITEMS 1 THROUGH 5, 7, 8, and 13. (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: MAY 16, 2020 SPECIAL MEETING, AND MAY 18, 2020 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS (CLERK'S FILE NO. 201-3)

Council ratified the List of Demands, on consent.

ITEM 3: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-1)

Council waived the reading of ordinances, on consent.

ITEM 4: APPROVAL OF CONSULTANT AGREEMENT WITH TRUE NORTH COMPLIANCE SERVICES, INC. TO PROVIDE BUILDING AND SAFETY SERVICES FOR AN INITIAL FIVE-YEAR PERIOD WITH AN OPTION TO EXTEND (CLERK'S FILE NO. 401-6)

Council approved a consultant agreement with True North Compliance Services, Inc. to provide building and safety services to the City of Del Mar for an initial five-year period ending June 30, 2025, with an option to extend for an additional five-years; and authorized the City Manager to execute the agreement, on consent.

ITEM 5: APPROVAL OF AN AGREEMENT FOR PROFESSIONAL AUDIT SERVICES WITH WHITE NELSON DIEHL EVANS LLP (CLERK'S FILE NO. 401-6)

Council approved a consulting services agreement with White Nelson Diehl Evans, LLP for professional auditing services for an initial three-year period ending June 30, 2023, with an option to extend for an additional two-year period; and authorized the City Manager to execute the agreement, on consent.

ITEM 6: SECOND READING AND ADOPTION OF ORDINANCE TO AMEND ACCESSORY DWELLING UNIT (ADU) REGULATIONS (CLERK'S FILE NO. 401-1)

This item was pulled from the Consent Calendar for additional discussion. The Mayor opened this item for public comment, and the following comments were read into the record:

- 1) Art Olson – Expressed concern about the ability of the provisions of the proposed ordinance and ADU Pilot Program to assist with achieving housing goals.
- 2) Linda & Frank Chisari – Expressed concern about the provisions of the ordinance and encouraged the Council to look for opportunities to exert more control over the impacts of such developments.

Mayor Haviland closed the item to public comment.

Council comments focused on the concerns raised by members of the public; limitations on the City control under State law; options and limitations on view protections; opportunities for a property owner to fight an ADU application; and potential impacts on community character.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER PARKS TO ADOPT ORDINANCE 966, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTERS 30.19, 30.21, AND 30.91 OF THE CITY OF DEL MAR MUNICIPAL CODE RELATING TO THE REGULATION OF ACCESSORY DWELLING UNITS." (VOTE 5-0)

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

ITEM 7: SECOND READING AND ADOPTION OF AN ORDINANCE TO EXTEND THE ACCESSORY DWELLING UNIT (ADU) PILOT PROGRAM TO ENCOURAGE ADUs THAT ARE DEED RESTRICTED AFFORDABLE UNITS (CLERK'S FILE NO. 401-1)

The Council adopted Ordinance 964, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, EXTENDING A PILOT PROGRAM FOR CREATION OF DEED RESTRICTED AFFORDABLE ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS", on consent.

ITEM 8: SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 1.16 OF THE DEL MAR MUNICIPAL CODE RELATED TO FEES AND CHARGES (CLERK'S FILE NO. 401-4; 401-9)

The Council adopted Ordinance 965, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING AN AMENDMENT TO CHAPTER 1.16 OF THE DEL MAR MUNICIPAL CODE REGARDING FEES AND CHARGES", on consent.

ITEM 9: REQUEST FROM THE WINSTON SCHOOL TO CONSTRUCT A LEASEHOLD PERIMETER FENCE AT THE SHORES PROPERTY (CLERK'S FILE NO. 702-15)

This item was pulled by the City Council for additional discussion. Councilmember Druker recused himself from this item due to the proximity of his home to the Winston School site. City Manager Johnson provided a brief presentation on this item.

The Mayor opened this item for public comment, and comments from the following were read into the record:

- 1) Robert Fried – Expressed support for the Winston School fence proposal.
- 2) Drew Cady & Nitza Leichtling– Expressed support for the Winston School fence proposal.
- 3) Dr. Dena Harris, Head of Winston School – Expressed support for the fence proposal submitted by Winston School.

Mayor Haviland closed the item to public comment.

Council questions focused on landscape and existing fence maintenance responsibilities; leased area; how an appeal of the fence application would be handled; what the review process was for installation of the modular classrooms that were installed previously on the property; California Environmental Quality Act (CEQA) requirements for the fence proposal; and potential misinformation provided by Winston School representatives to the community.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO APPROVE THAT THE CITY COUNCIL, REPRESENTING THE CITY OF DEL MAR AS PROPERTY OWNER FOR THE SHORES PROPERTY, CONSIDER A REQUEST FROM THE WINSTON SCHOOL (TENANT) TO CONSTRUCT A FENCE AROUND THEIR LEASEHOLD PERIMETER AND GIVE CONSENT FOR THE WINSTON SCHOOL TO SUBMIT AN APPLICATION FOR AN ADMINISTRATIVE DESIGN REVIEW PERMIT. (VOTE 4-0)

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

ITEM 10: PLANNING COMMISSION INTERVIEWS AND APPOINTMENTS (CLERK'S FILE NO. 401-5)

Administrative Services Director Jones provided an overview of the Planning Commission interview and appointment process. The City Council interviewed seven applicants including Ted Bakker; Don Countryman; Robin Crabtree; Tracy Martinez; Claire McGreal; Bill Michalsky; and Philip Posner. The Council voted first to fill three, full-term seats on the Planning Commission. Next, the Council voted to fill one, partial-term seat on the Commission. The results of which are outlined below.

Full-Term (4 yrs.) Appointments: Three Appointments

Candidates	Haviland	Gaasterland	Druker	Parks	Worden
Ted Bakker	X			X	X
Don Countryman					
Robin Crabtree					
Tracy Martinez		X	X		
Claire McGreal		X	X	X	X
Bill Michalsky	X				
Philip Posner	X			X	X

Partial-Term (3 yrs.) Appointment (Final Round of Voting): One Appointment

Candidates	Haviland	Gaasterland	Druker	Parks	Worden
Ted Bakker					
Don Countryman	X			X	X
Robin Crabtree					
Tracy Martinez		X	X		
Claire McGreal					
Bill Michalsky					
Philip Posner					

First Round of Voting: Councilmember Druker – T. Martinez; Deputy Mayor Gaasterland – T. Martinez; Mayor Haviland – B. Michalsky; Councilmember Parks – R. Crabtree; and Councilmember Worden – D. Countryman

Second Round of Voting: Councilmember Druker – T. Martinez; Deputy Mayor Gaasterland – T. Martinez; Mayor Haviland – D. Countryman; Councilmember Parks – R. Crabtree; and Councilmember Worden – D. Countryman

COUNCIL MEETING RECESS

The City Council took a meeting recess from approximately 7:05 to 7:20 p.m.

STANDING DISCUSSION ITEMS

ITEM 11: COVID-19 (CLERK’S FILE NO. 1104-3, 1404-1)

A COVID-19 update was given by City Manager Johnson.

Council questions focused on how the new County rules will be implemented by staff.

Assistant City Manager Crane provided a presentation on the City’s efforts with the business community, and a proposal to provide \$10,000 to assist businesses with permit costs related to business reopening efforts.

Council questions focused on the proposed fee subsidies and how long the permits would be valid.

The Mayor opened this item up for public comment, and comments from the following were read into the record:

- 1) KC Vafiadis – Urged the Council to consider waiving fee permits in support of businesses reopening rather than limiting support to the \$10,000 in subsidies being recommended by staff.

Mayor Haviland closed the item to public comment.

Council discussion focused on ways to support the business community in light of the City's financial situation; intended use of funds; City receipt of relief funds based on population being a disadvantage; potential to issue up to \$1,000 per business, but not increase the total amount of funding being allocated beyond \$10,000; requirements for social distancing in restaurants/businesses; needs of the business community; direct impact of businesses on community and City revenues; and idea of doing a trial period to measure success.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO APPROVE A \$10,000 EARMARK OF CARES ACT FUNDING FOR BUSINESSES NEEDING CERTAIN PERMITS FOR RE-OPENING WITH A LIMIT OF \$500 PER BUSINESS. (VOTE 5-0)

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

Deputy Mayor Gaasterland proposed a friendly amendment to allow for a business to receive an additional \$500 if needed for a separate permit. After further discussion, she suggested to come back in three months to consider issuing a second permit to a business if needed, if there is money left of the \$10,000. The amendment failed to get a second.

ITEM 12: HOUSING (CLERK'S FILE NO. 303-1)

An update was provided by Planning & Community Development Director Joseph Smith on the outcome of the Housing Task Force's work effort and planned next steps; draft Housing Element Environmental Impact Report (EIR); staff taking advantage of the State Housing and Community Development (HCD) local office hours and questions submitted by staff, and timing for Housing Element submittal to HCD.

Council questions focused on when a draft Housing Element will be available.

PUBLIC HEARING

ITEM 13: ADOPTION OF A RESOLUTION REGARDING CDBG-CV ALLOCATION (CLERK'S FILE NO. 201-13; 1104-3)

The Mayor opened and closed the public hearing for this item, and it was moved to the Consent Calendar for consideration.

The Council approved the continuation of this item to June 15, 2020, on consent.

ITEM 14: ADOPTION OF RESOLUTION TO UPDATE THE CITY OF DEL MAR CEQA GUIDELINES WITH PROCEDURES FOR TRANSPORTATION IMPACT ANALYSIS TO IMPLEMENT SB 743 (CLERK'S FILE NO. 401-7, 1601-9)

A presentation was provided by Principal Planner Amanda Lee and traffic engineering consultant Dawn Wilson from Michael Baker International.

Council questions focused on how Vehicle Miles Traveled (VMT) would be calculated for projects with more than 11 single dwelling units; Transportation Demand Management program requirements; how

projects that don't generate traffic are handled; whether VMT calculations include visitors to the Fairgrounds.

Mayor Haviland opened the item to public comment and there were no public comments.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND, TO ADOPT RESOLUTION 2020-24, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA ADOPTING AN UPDATE TO THE CITY OF DEL MAR'S CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES TO ESTABLISH PROCEDURES FOR TRANSPORTATION-RELATED IMPACT ANALYSIS TO IMPLEMENT SENATE BILL 743 (2013)." (VOTE 5-0)

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

CITY COUNCIL OTHER BUSINESS

ITEM 15: URGENCY ORDINANCE APPROVING A TEMPORARY STREAMLINED REVIEW PROCESS FOR COMMERCIAL A-FRAME SIGNAGE TEMPORARILY LOCATED IN THE RIGHT-OF-WAY ADJACENT TO ALL COMMERCIAL ZONES (CLERK'S FILE NO. 401-4)

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

There were no public comments for this item.

Council questions focused on whether the period for the urgency ordinance could be extended beyond October 6, and process for doing so.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT ORDINANCE 967, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING A TEMPORARY STREAMLINED REVIEW PROCESS FOR COMMERCIAL A-FRAME SIGNAGE TEMPORARILY LOCATED IN THE RIGHT-OF-WAY ADJACENT TO ALL COMMERCIAL ZONES." (VOTE 5-0)

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

ITEM 16: URGENCY ITEM ADDED BY UNANIMOUS VOTE OF THE CITY COUNCIL: LETTER TO APPROPRIATE OFFICIALS RELATED TO THE CURRENT SITUATION IN THE COUNTRY RELATED TO LAW ENFORCEMENT (CLERK'S FILE NO. 1101-2)

Councilmembers Druker and Worden requested City Council support for sending a letter to the San Diego County Sheriff related to protocols for law enforcement to ensure fairness regardless of ethnicity and encouraging a culture of peace officers, and sending a letter to the District Attorney encouraging investigation of complaints related to law enforcement personnel.

Council discussion focused on the contents of the letter; potential for all Councilmembers to sign; and focus of letter being clear and concise.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO AUTHORIZE STAFF TO DRAFT A LETTER, WORKING WITH THE MAYOR, AND DIRECTED TO SHERIFF GORE AND THE SAN DIEGO COUNTY DISTRICT ATTORNEY, INCLUDING REVIEW OF PROCEDURES TO ENSURE FAIRNESS; REVIEW CULTURE AND REMOVE VESTIGES OF BUNKER MENTALITY AND REINFORCE PUBLIC CONFIDENCE IN LAW ENFORCEMENT; REQUEST DISTRICT ATTORNEY TO REVIEW PROCEDURES TO ENSURE SHERIFFS ARE PROSECUTED AS APPROPRIATE, INCLUDING UNDERTAKING THIRD PARTY IMPARTIAL REVIEW OF COMPLAINTS; AND INCLUDE LANGUAGE SUGGESTED BY DEPUTY MAYOR GAASTERLAND. (VOTE 5-0)

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

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

Councilmember Druker provided an update on the DMVA. Councilmember Worden provided an update on the Housing Task Force, thanking staff and Task Force members for their hard work; and the Planning Subcommittee. Deputy Mayor Gaasterland reported on the Housing Task Force. Mayor Haviland provided an update on the Fairgrounds Community Relations Committee.

ADJOURNMENT

Mayor Haviland adjourned the meeting at 9:46 p.m.



Ashley Jones, Administrative Services
Director/City Clerk