



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 6, 2022 – 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 Worden called the Regular Meeting to order at 4:31 p.m.

ROLL CALL

Present: Mayor Dwight Worden; Deputy Mayor Tracy Martinez; Councilmembers Dave Druker, Terry Gaasterland, and Dan Quirk

CITY ATTORNEY CLOSED SESSION REPORT

City Attorney Leslie Devaney reported that there were no recusals or reportable actions for the June 6, 2022 City Council Closed Session meeting.

PLEDGE OF ALLEGIANCE

Mayor Worden led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

None.

CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS

Deputy Mayor Martinez announced the start of the San Diego County Fair on Wednesday, June 8, 2022. Councilmember Gaasterland reported on the Smart Coast California Forum event she attended. City Councilmembers acknowledged Assistant City Manager Kristen Crane for her service to the City of Del Mar and wished her luck in her new role with the City of Murrieta. Mayor Worden reported on statewide water usage; San Diego Airport construction at Terminal 1; the 2022 California Primary Election including the Del Mar library serving as a ballot drop off location for the primary election; and the dedication of the James Hubbell sculpture in front of the Del Mar Library that took place on Friday, June 3, 2022.

CITY MANAGER'S REPORT

City Manager Ashley Jones and Assistant City Manager Kristen Crane reported on the Tewa Underground Project beginning this week. Mayor Worden inquired about the timing for the California Coastal Commission (CCC) to hear appeals filed for the Watermark Project.

CONSENT CALENDAR

There were no public speakers for the consent calendar items.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR WORDEN TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 10 and 14. (VOTE 5-0 WITH THE AMENDMENT NOTED FOR THE MAY 16, 2022 REGULAR MEETING MINUTES.)

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

ITEM 1: APPROVAL OF MINUTES: MAY 16, 2022 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes with amendment to item 13 to now read, "Council consensus was to defer consideration of any City action related to SB 1105 until additional information is available, with Mayor Worden indicating he was in support and ready to act tonight", on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED JUNE 6, 2022 (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 AMENDMENT TO AGREEMENT WITH MOFFATT & NICHOL FOR THE CITY OF DEL MAR SHORELINE MANAGEMENT PROGRAM (CLERK'S FILE NO. 406-1)

Council approved the Second Amendment to the Agreement between the City of Del Mar and Moffatt and Nichol for consulting services related to the City's Shoreline Management Program extending the Agreement for an additional two-year period ending June 17, 2024; and authorized the City Manager to execute the Second Amendment, on consent.

ITEM 5: SECOND READING AND ADOPTION OF AN ORDINANCE TO ACCEPT MODIFICATIONS TO THE 5TH CYCLE HOUSING ELEMENT PROGRAM 2G LOCAL COASTAL PROGRAM AMENDMENT PURSUANT TO COASTAL COMMISSION ACTION (CLERK'S FILE NO. 304-7, 401-4)

Council adopted ordinance 989, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ACCEPTING THE COASTAL COMMISSION MODIFICATIONS TO THE 5th CYCLE HOUSING ELEMENT PROGRAM 2G LOCAL COASTAL PROGRAM AMENDMENT BY AMENDING PROSPECTIVE ORDINANCE 979 THAT ADDS A NEW ZONING CHAPTER 30.92 TO THE DEL MAR MUNICIPAL CODE TO CREATE A NEW HOUSING ELEMENT IMPLEMENTATION OVERLAY ZONE (HEI-OZ) 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 FUTURE REQUIRED CITY OF DEL MAR HOUSING ELEMENT PROGRAM ACTIONS PER STATE LAW; AND BY AMENDING PROSPECTIVE ORDINANCE 980 THAT APPLIES THE HEI-OZ TO APNS 299-100-47 AND 299-100-48", on consent.

ITEM 6: AWARD OF A CONSTRUCTION CONTRACT TO FERANDELL TENNIS COURTS, INC. FOR THE TENNIS COURT RESURFACING PROJECT (CLERK'S FILE NO. 406-1)

Council awarded a construction contract for the Tennis Court Resurfacing Project to Ferandell Tennis Courts, Inc; and authorized the City Manager to execute the contract, on consent.

ITEM 7: RESOLUTIONS CALLING FOR A 2022 GENERAL MUNICIPAL ELECTION (CLERK'S FILE NO. 402-1, 402-3)

Council adopted RESOLUTION 2022-31, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES"; RESOLUTION 2022-32, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE", and RESOLUTION 2022-33, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022", on consent.

ITEM 8: SUSTAINABILITY ADVISORY COMMITTEE APPOINTMENT (CLERK'S FILE NO. 401-5)

Council reappointed Alan Sweedler as a voting member to serve a full three-year term beginning July 4, 2022 and ending on July 31, 2025, on consent.

ITEM 9: ARTS ADVISORY COMMITTEE APPOINTMENT (CLERK'S FILE NO. 401-5)

Council reappointed Julie Maxey-Allison as a Del Mar Foundation representative and voting member to the Arts Advisory Committee, to serve a full three-year term beginning July 1, 2022, and ending on July 31, 2025, on consent.

ITEM 10: CONTINUATION OF REMOTE PUBLIC MEETINGS IN COMPLIANCE WITH GOVERNMENT CODE SECTION 54953 (ASSEMBLY BILL 361) (CLERK'S FILE NO. 401-7)

Council adopted RESOLUTION 2022-34, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, MAKING FINDINGS REQUIRED UNDER GOVERNMENT CODE SECTION 54953 RELATED TO ASSEMBLY BILL 361 IN ORDER TO CONTINUE THE USE OF TELECONFERENCE OR A REMOTE MEETING PLATFORM TO FACILITATE REMOTE PUBLIC MEETINGS", and to continue with remote public meetings for the next thirty (30) days during the local emergency declared in response to the COVID-19 global pandemic, on consent.

PUBLIC HEARING

ITEM 11: INTRODUCTION OF AN ORDINANCE TO AMEND DEL MAR MUNICIPAL CHAPTER 30.84 SIGNS RELATED TO TEMPORARY SIGNS (ZA22-002) (CLERK’S FILE NO. 303-2, 401-4, 401-9)

A presentation was provided by Administrative Services Manager/City Clerk Krietor.

There were no public speakers for the item.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR MARTINEZ TO INTRODUCE THE PROPOSED ORDINANCE AMENDING DEL MAR MUNICIPAL CODE (DMMC) CHAPTER 30.84 (ZA22-002) TO ALLOW TEMPORARY SIGNS IN LOCATIONS WITHIN UNIMPROVED PORTIONS OF THE PUBLIC RIGHT-OF-WAY THAT DO NOT CAUSE A PUBLIC SAFETY ISSUE IN RESIDENTIAL ZONES BY OR WITH PERMISSION OF THE UNDERLYING PROPERTY OWNER; AND CLARIFY HOW THE ALLOWABLE SIZE OF TEMPORARY SIGNS IS CALCULATED. (VOTE 5-0)

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

ITEM 12: APPROVAL OF A CONDITIONAL USE PERMIT AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION TO AUTHORIZE RIVERPATH DEL MAR TRAIL EXTENSION (PHASE III) (CLERK’S FILE NO. 301-4)

An introduction to the item was provided by City Manager Ashley Jones. A presentation was provided by Associate Planner Adriana Jaramishian.

Council questions and discussion focused on the timing for California Coastal Commission’s review of the permit application and support for the project.

There were no public speakers for the item.

IT WAS MOVED BY COUNCILMEMBER QUIRK, SECONDED BY MAYOR WORDEN TO ADOPT RESOLUTION 2022-36, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO APPROVE A CONDITIONAL USE PERMIT (CUP22-002) AND TO CERTIFY A MITIGATED NEGATIVE DECLARATION (EA19-001) ASSOCIATED WITH AN APPROXIMATELY 2,070 LINEAR-FOOT EXTENSION OF THE RIVERPATH DEL MAR TRAIL TERMINATING AT THE EASTERN BOUNDARY OF THE CITY NEAR THE CREST CANYON TRAIL, INSTALLATION OF TRAIL AMENITIES INCLUDING SIGNAGE AND TRASH CANS, VEGETATION REMOVAL, MINOR GRADING, AND DEBRIS REMOVAL, LOCATED NORTH OF SAN DIEGUITO DRIVE IN THE FLOODWAY ZONE AND LAGOON OVERLAY ZONE, IN DEL MAR, CALIFORNIA.” (VOTE 5-0)

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

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 5:20 p.m. to 5:25 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 13: SANDAG PRESENTATION REGARDING DEL MAR BLUFFS STABILIZATION PROJECT 5 IN PREPARATION FOR CALIFORNIA COASTAL COMMISSION HEARING ON JUNE 8, 2022 (CLERK'S FILE NO. 1404-2, 1506-1)

Councilmember Druker recused himself from participation due to Brown Act concerns associated with the item. Mayor Worden disclosed he reviewed the California Coastal Commission (CCC) agenda report. Deputy Mayor Martinez disclosed she received an informational email sent to residents. Councilmember Gaasterland disclosed that she drafted a cover letter and shared an informational email with residents and Deputy Mayor Martinez, engaged in a brief email exchange with Mayor Worden, and spoke briefly over the phone with Councilmember Druker regarding this agenda item.

An introduction to the item was provided by Assistant City Manager Crane. A presentation was provided by San Diego Association of Governments (SANDAG) Senior Environmental Engineer Allie DeVaux. SANDAG Principal Engineer Bruce Smith was available to answer questions.

Council questions focused on the comment process for public participation on the Del Mar Bluff 5 Project (Project) mitigation measures; clarification on the cost estimate for the Project; whether the bluff top trail would require fencing; clarification on the removal of seawalls associated with the Project; clarification on the number of steel posts needed to secure the seawalls; emergency repair efforts in the area; location of the integrated Project; clarification on the grading included in the project; whether SANDAG has considered emergency evacuations related to the Project's seawalls; whether SANDAG has modeled sand retention/sand levels if the Project is constructed;

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

- 1) John Stahl
- 2) Camilla Rang
- 3) Mike Maier
- 4) Payson Stevens
- 5) Karen Lare
- 6) Laura Walsh, Surfrider Foundation
- 7) Laura DeMarco
- 8) Al Tarkington
- 9) John Weare

Mayor Worden closed the item to public comment.

Council discussion focused on the effects of seawalls on Del Mar South Beach; Project mitigations associated with effects of seawalls; whether SANDAG considered adding seawalls in section if and when needed instead of adding seawalls for the entire proposed length; concrete bases and beams remaining when the seawalls are removed; lost beach area, especially during high tide associated with the Project; appreciation for SANDAG staff for their efforts to engage the City on the Project; staff crossings associated with the Project; desire to obtain additional information about the environmental impacts of the Project to fully assess mitigation efforts; and importance of a commitment from SANDAG that the railroad tracks will be relocated off the bluffs by 2035.

Council consensus was to have Councilmember Gaasterland represent the City at CCC for the Project hearing on Wednesday, June 8, 2022. Additionally, Council directed City Manager Jones to work with each Councilmember individually to develop a draft statement and to work with Deputy Mayor Martinez and Councilmember Gaasterland to finalize the statement.

ITEM 14: MASTER LICENSE AGREEMENT WITH CROWN CASTLE FIBER LLC FOR WIRELESS FACILITIES ON CITY POLES IN THE PUBLIC RIGHT-OF-WAY (CLERK'S FILE NO. 406-1)

The item was moved to the consent calendar for approval. Council approved adoption of RESOLUTION 2022-35, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING A MASTER LICENSE FOR WIRELESS FACILITIES ON CITY POLES IN THE PUBLIC RIGHT-OF-WAY WITH CROWN CASTLE FIBER LLC, AND AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY IN ALL FUTURE DECISIONS AND ACTIONS NECESSARY TO IMPLEMENT THE MASTER LICENSE AGREEMENT", on consent.

ITEM 15: CARE COURT LEGISLATION AND UPDATE ON DEL MAR'S EFFORTS RELATED TO ADDRESSING HOMELESSNESS (CLERK'S FILE NO. 303-1, 401-7)

A presentation was provided by Assistant City Manager Kristen Crane and Senior Management Analyst Beth Murray.

Council questions and discussion focused on the Governor's proposal including upfront and ongoing funding for the CARE Court Program (Program); importance of Program; and thoughtful compassionate care provided by the Program.

There were no public speakers for the item.

IT WAS MOVED BY DEPUTY MAYOR MARTINEZ, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT RESOLUTION 2022-37, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, SUPPORTING CALIFORNIA SENATE BILL (SB) 1338: COMMUNITY ASSISTANCE, RECOVERY, AND EMPOWERMENT (CARE) COURT PROGRAM." (VOTE 5-0)

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

REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

City Council representatives reported on the Clean Energy Alliance; Arts Advisory Committee; and SANDAG Board.

ADJOURNMENT

Mayor Worden adjourned the meeting at 8:13 p.m.



Sarah Krietor, Administrative Services Manager/City Clerk