



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 7, 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 4:32 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

There were no recusals for items on the June 7, 2021, closed session agenda.

PLEDGE OF ALLEGIANCE

Joel Holliday led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

There were no public oral communications.

CITY COUNCIL COMMENTS

None.

COMMUNITY ANNOUNCEMENTS

None.

CITY MANAGER'S REPORT

Interim City Manager Ashley Jones reported on the restoration of the Del Mar library mixed media mosaic wall, and thanked the community volunteers for their hard work.

PRESENTATIONS

ITEM 1: PROCLAMATION HONORING JOEL HOLLIDAY FOR HIS CONTRIBUTIONS TO DEL MAR AND THE REGION (CLERK'S FILE NO. 1201-5)

The Mayor read the proclamation. Joel Holliday received the proclamation and made comments. Councilmember comments focused on appreciation for Joel Holliday's contributions and service to the Del Mar community.

ITEM 2: PRESENTATION BY FAIRGROUNDS ON "HOMEGROWN FUN" (CLERK'S FILE NO. 1502-10)

Chief Business Services Officer Katie Mueller provided a presentation. Council questions and discussion focused on costs for coaster tickets; ingress and egress for the Fair and parking areas; online ticket sale; if visitors can walk or ride their bike to the fair; height and duration of the firework show; and communication efforts related to the smaller scale fireworks show.

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 COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR WORDEN TO APPROVE THE CONSENT CALENDAR ITEMS 3 THROUGH 9 AND ITEM 11. (VOTE 5-0)

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

ITEM 3: APPROVAL OF MINUTES: APPROVAL OF MINUTES: MAY 17, 2021 AND MAY 22, 2021 SPECIAL MEETINGS (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 4: RATIFICATION OF LIST OF DEMANDS, DATED JUNE 7, 2021 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 5: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 6: DEL MAR VILLAGE ASSOCIATION AND THE ROTARY CLUB OF DEL MAR PROPOSED DOWNTOWN STREET BENCH RESTORATION PILOT PROGRAM (CLERK'S FILE NO. 1202-16)

Council approved the Street Bench Restoration Pilot Program and authorized the Interim City Manager to execute the Memorandum of Understanding (MOU) with the Del Mar Village Association for the Pilot Program implementation, on consent.

ITEM 7: FIRST AMENDMENTS TO AGREEMENTS FOR AS-NEEDED FIRE ENGINE MAINTENANCE AND REPAIR (CLERK'S FILE NO. 406-1)

Council approved the First Amendment to the As-Needed Agreement with Southern California Fire Services, Inc.; approved the First Amendment to the As-Needed Agreement with South Coast Emergency Vehicle Service; and authorized the Interim City Manager to execute the First Amendments, on consent.

ITEM 8: APPROPRIATION FOR CONSULTING SERVICES RELATED TO THE RESTART OF THE UTILITY UNDERGROUNDING PROJECT FOR FY 2020-2021 (CLERK'S FILE NO. 406-1)

Council allocated \$37,870 in funding from the Measure Q Fund for consulting services related to the restart of the Utility Undergrounding project, on consent.

PUBLIC HEARING

ITEM 9: ENCROACHMENT PERMIT EP21-043 – REQUEST TO MAINTAIN EXISTING VEGETATION THAT EXCEEDS A HEIGHT OF 30 INCHES WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 640 NOB AVENUE (APPLICANT: JONATHON POLIKOFF) (CLERK'S FILE NO. 802-1)

Mayor Gaasterland open and closed the public hearing and the item was moved to the consent calendar for approval. There were no public speakers for the item.

Council adopted Resolution 2021-20, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING ENCROACHMENT PERMIT EP21-043 TO ALLOW EXISTING VEGETATION LOCATED IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 640 NOB AVENUE IN DEL MAR, CALIFORNIA", on consent.

ITEM 10: HORIZONTAL ZONING EXCEPTION PERMIT HZ21-001 – A REQUEST FOR RELIEF FROM THE HORIZONTAL ZONING REQUIREMENTS OF THE CENTRAL COMMERCIAL ZONE TO ALLOW A STREET-FRONTAGE BUILDING SPACE TO BE OCCUPIED WITH REAL ESTATE OFFICE USE (CLERK'S FILE NO. 302-6, 302-7)

A presentation was provided by Assistant Planner Adriana Jaramishian.

Council questions focused on the owner's ability to place signage on the street front; prior uses for the site; other horizontal zoning exceptions in the zone; and if the definition of retail has changed.

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

- 1) Tami Botello, Applicant

Mayor Gaasterland closed the item to public comment.

Council discussion focused on prior uses for the property and length of time approved for the exception permit.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY MAYOR GAASTERLAND TO ADOPT RESOLUTION 2021-21, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, CONDITIONALLY APPROVING APPLICATION HZ20-001 A REQUEST FOR RELIEF FROM THE HORIZONTAL ZONING REQUIREMENTS OF THE CENTRAL COMMERCIAL ZONE TO ALLOW A STREET-FRONTAGE BUILDING SPACE TO BE OCCUPIED FOR A FIVE-YEAR PERIOD WITH A PROFESSIONAL OFFICE USE AT 1217 CAMINO DEL MAR (APN: 300-020-03) IN DEL MAR, CALIFORNIA." (VOTE 5-0)

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

ITEM 11: RESOLUTION APPROVING AN AMENDMENT TO THE TRANSNET LOCAL STREETS AND ROADS PROGRAM OF PROJECTS FOR FISCAL YEARS 2020-2021 THROUGH 2024-2025 (CLERK'S FILE NO. 1506-1)

This item was moved to the Consent Calendar for consideration. Council continued the item date certain to June 21, 2021, on the consent.

CITY COUNCIL OTHER BUSINESS

ITEM 12: UPDATE REGARDING THE CITY'S SEA LEVEL RISE LCPA SCHEDULED FOR A JUNE 10, 2021 COASTAL COMMISSION HEARING (CLERK'S FILE NO. 1502-14)

A presentation was provided by Planning and Community Development Director Joseph Smith and Principal Planner Amanda Lee.

There were no City Council questions.

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

- 1) Larry Hayward
- 2) David Turkin
- 3) Kristin Brinner
- 4) Jim Jaffee
- 5) John Imperato
- 6) Jerry Jacobs
- 7) Laura DeMarco
- 8) Julie Hamilton
- 9) Ryan Maxson
- 10) Andrew Cerrina

Mayor Gaasterland closed the item to public comment.

Mayor Gaasterland provided remarks on the item. Council discussion focused on the history for Del Mar's Local Coastal Program Amendment (LCPA) related to sea-level rise and the reasons why the LCPA as drafted by the City provides sufficient resource protection; considerations of the timing for withdrawal; grant funding availability related to sea-level rise projects; California Coastal Commission (CCC) modification related to hazardous disclosures for property owners; differing definitions of existing structure in the LCPA and the CCC modifications; short timeframe for the City to evaluate, analyze and respond to the CCC's LCPA modifications; City's unique geography as it relates to sea-level rise planning and the unmodified LCPA; CCC's generalized approach for LCPAs for various cities; Del Mar being a small city with limited resources to address complex sea-level rise planning; and the desire to protect private property owner rights as related to the LCPA.

Council discussion focused on the reasons why the Del Mar LCPA provides sufficient resource protection and development policies and regulations in the LCP Land Use Plan and implementing ordinances including sand replenishment for beach and bluff protection; living levee for river flooding; wetlands – space for upland migration; public resources including relocation or protection from flooding which includes the sewer pump lift station and the fire station which are in the flood plains; Beach Protection Initiative (BPI) in place since 1988 – preserves and protects City beaches, beach access, private property and public resources; planned changes to the Lake Hodges Dam, which may create opportunity for sand and sediment replenishment from sand trapped behind the dam; and concern

about the modifications that would require owners without current or near-term risk to assume future risk in a recorded acknowledgement based on uncertain long-term projections.

Council discussion also included the reasons why the City is not able to move forward with the CCC modifications including the short timeframe and limited opportunities for public input on the CCC modifications and the reintroduction of managed retreat for private properties into the plan.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER QUIRK, TO WITHDRAW THE LCPA. (VOTE 4-1)

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

Council direction was for staff to transmit formal notice of the City's withdrawal of the LCPA to the CCC and for Mayor Gaasterland and Councilmember Martinez to advise staff on any related questions as the liaisons to the Sea-Level Rise Adaptation Plan Implementation Subcommittee. Staff was also directed to issue a press release and communication to the public on the Council's action. Staff will return to the City Council on June 21, 2021, with a resolution for adoption stating the reasons for withdrawal.

ITEM 13: PROCUREMENT PROCESS FOR THE CITY'S NEXT SOLID WASTE FRANCHISE AGREEMENT (CLERK'S FILE NO. 406-1)

A presentation was provided by Environmental Sustainability and Special Projects Manager Clem Brown and President of MSW Consultants David L. Davis was available to answer questions.

Council questions and discussion focused on changes in State law that caused the need for the procurement; acknowledgement of the red dot letters supporting the current services with Waste Management; comments on a newspaper article related to this item; comparison of time, cost, and staff resources associated with renegotiating with the current waste hauler versus conducting a competitive procurement process; and different haulers' programs for organics recycling and hauling.

There were no public speakers for the item.

IT WAS MOVED BY DEPUTY MAYOR WORDEN, SECONDED BY COUNCILMEMBER QUIRK TO DIRECT STAFF TO CONDUCT A COMPETITIVE PROCUREMENT PROCESS FOR THE CITY'S NEXT SOLID WASTE FRANCHISE AGREEMENT. (VOTE 4-1)

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

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 7:25 to 7:40 p.m.

ITEM 14: COVID-19 SAFE REOPENING PLAN (CLERK'S FILE NO. 103-1)

A presentation was provided by Management Analyst Sarah Krietor.

Council questions focused on options for hybrid meetings; support for continued remote meetings; support for continued telework options for staff; consideration to require vaccinations for staff, if

allowable; if the reopening plan applied to operations at the community building leased by the Del Mar Community Connection (DMCC) and Del Mar Foundation (DMF); and CalOSHA regulations related to the use of face coverings by staff and members of the public related to vaccination status.

There were no public speakers for the item.

Council discussion focused on Council desire to lobby for legislative changes that would allow remote public meetings to continue after Executive Order 29-20 is rescinded and for staff to work with the League of California Cities on these efforts; benefits of offering continued telework options for staff; and direction to staff to explore options and logistics for hybrid meetings. The City Council accepted the COVID-19 Safe Reopening Plan as presented.

ITEM 15: ANNUAL PREPARATIONS FOR SUMMER SEASON (CLERK'S FILE NO. 1101-1, 1404-1)

A presentation was provided by Assistant City Manager Kristen Crane.

Council questions focused on the part-time Beach and Community Patrol Officers; increased enforcement of individuals on probation; beach cleaning efforts; communication to the public and plans related to the Fairgrounds fireworks show; enforcement efforts related to camping and other uses that are not allowed at City beaches; shark sightings by surfers; and considerations to use traffic enforcement to move traffic through town after holiday events.

There were no public speakers for the item.

Council discussion focused on consideration to allow for a 4th of July parade to be hosted by the Del Mar Foundation. Council consensus was to defer the 4th of July parade event until 2022.

REGIONAL ORGANIZATION REPORTS

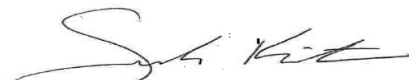
The City Council liaisons provided reports on SANDAG Shoreline Preservation Working Group, CSA-17 Ambulance District Advisory Board, Clean Energy Alliance JPA, and League of California Cities- San Diego Chapter.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

The City Council liaisons provided reports on Committee Efficiencies Task Force, Del Mar Community Connections (DMCC), Del Mar Village Association, (DMVA), and Legislative Subcommittee.

ADJOURNMENT

Mayor Gaasterland adjourned the meeting at 9:35 p.m.



Sarah Krietor, Acting City Clerk