



**CITY OF DEL MAR**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**July 11, 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](http://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 4:30 p.m.

**ROLL CALL**

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

Absent: Councilmember Terry Gaasterland (Joined the meeting at approximately 5:23 p.m.)

**CITY ATTORNEY CLOSED SESSION REPORT**

City Attorney Leslie Devaney reported that there were no reportable actions for the July 11, 2022, City Council Closed Session meeting. For Item C, Councilmember Druker was recused due to living within 500 feet of the subject matter location. The Closed Session City Council Meeting was adjourned at 3:50 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Worden led the Pledge of Allegiance.

**PUBLIC ORAL COMMUNICATIONS**

None.

**CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS**

Councilmember Druker reported on the allocation of \$300 million in State funding that will be allocated to the San Diego Association of Governments (SANDAG), which they will use to complete the studies required to relocate the train tracks off the Del Mar bluffs.

Mayor Worden reported on the 4<sup>th</sup> of July Parade hosted by the Del Mar Foundation; local protest objecting to the recent Supreme Court decision overturning Roe vs. Wade; City Council recess for the month of August with City Council meetings resuming on September 6, 2022; a recent meeting between City staff and Mike Levin regarding City projects included in a federal funding request he is supporting that was submitted by the City for funding to support the City's Sand Compatibility and Opportunistic Use Program (SCOUP), Living Levee, and Riverpath Phase 3 projects; and the City's transition to EDCO for waste hauler, recycling, and organics recycling services.

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

City Manager Ashley Jones reported on the City's transition to EDCO for waste hauler services, which went into effect on July 1, 2022, and the 2022 November General Municipal Election candidate filing period.

### **PRESENTATIONS**

#### **ITEM 1: PRESENTATION FROM MEL KATZ, DEL MAR REPRESENTATIVE TO THE SAN DIEGO COUNTY WATER AUTHORITY (CLERK'S FILE NO. 1506-3)**

Public Works Director Joe Bride introduced the item. A presentation was provided by Del Mar Representative to the San Diego County Water Authority Board (SDCWA)/SDCWA Board Vice Chair Mel Katz and San Diego County Water Authority Deputy General Manager Dan Denham.

City Council questions and discussion focused on the City of San Diego pure water program; appreciation to SDCWA Vice Board Chair Mel Katz for his service; break down of residential versus agricultural water usage in San Diego County; future of desalinated water and desalination projects in California; energy tradeoffs involved in desalination versus pumping water from east of the Mississippi; whether SDCWA is pursuing covering canals to prevent evaporation; and impacts to the western grid system and hydropower supply related to the drought conditions affecting Lake Mead and Lake Powell.

There were no public speakers

### **CONSENT CALENDAR**

There were no public speakers for the consent calendar items.

#### **IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR MARTINEZ TO APPROVE THE CONSENT CALENDAR ITEMS 2 THROUGH 6 AND 8 THROUGH 10. (VOTE 4-0-1 WITH COUNCILMEMBER GAASTERLAND ABSENT)**

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

#### **ITEM 2: APPROVAL OF MINUTES: JUNE 13, 2022 SPECIAL MEETING, JUNE 20, 2022 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)**

Council approved the minutes, on consent.

#### **ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED JULY 11, 2020 (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: APPROVAL OF A FOURTH AMENDMENT TO THE AGREEMENT WITH ADAM KAYE FOR AS-NEEDED PUBLIC INFORMATION, COMMUNICATION, AND OUTREACH SERVICES (CLERK'S FILE NO. 406-1)**

Council approved a Fourth Amendment to the Agreement with Adam Kaye for as-needed public information, communication and outreach services through June 30, 2023, and authorized the City Manager to execute the Fourth Amendment, on consent.

**ITEM 6: AGREEMENT WITH THE DEL MAR VILLAGE ASSOCIATION (DMVA) FOR ECONOMIC DEVELOPMENT SERVICES FOR FISCAL YEAR 2022-2023 (CLERK'S FILE NO. 406-1; 1202-6)**

Council approved an Agreement with the DMVA for FY2022-23 Economic Development Services totaling \$50,000, and authorized the City Manager to execute the agreement, on consent.

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

The item was pulled from the Consent Calendar for a brief staff presentation and City Council questions. Councilmember Terry Gaasterland joined the meeting.

A brief presentation was provided by Administrative Services Manager/City Clerk Sarah Krietor. City Manager Jones answered Council questions and addressed the comments raised in the red dot received from Laura DeMarco related to resuming in-person meetings. It was moved by Councilmember Druker and seconded by Councilmember Gaasterland to adopted Resolution 2022-52, "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. (VOTE 5-0)

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

**ITEM 8: SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING SECTIONS 21.70.110 AND 21.70.120 OF THE DEL MAR MUNICIPAL CODE TO REVISE EMERGENCY WATER MANAGEMENT REQUIREMENTS FOR DROUGHT WATCH CONDITIONS AND RESOLUTION REAFFIRMING THE CITY'S INTENT TO REMAIN IN STAGE 1 DROUGHT WATCH CONDITION (CLERK'S FILE NO. 401-4; 401-9)**

Council adopted Ordinance 991, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING DEL MAR MUNICIPAL CODE SECTIONS 21.70.110 (DEMAND MANAGEMENT/DROUGHT RESPONSE STAGE 1 — DROUGHT WATCH CONDITION) AND 21.70.120 (DEMAND MANAGEMENT/DROUGHT RESPONSE STAGE 2 — DROUGHT ALERT CONDITION) TO REVISE EMERGENCY WATER MANAGEMENT REQUIREMENTS FOR DROUGHT WATCH AND ALERT CONDITIONS and Resolution 2022-51, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REAFFIRMING DROUGHT RESPONSE STAGE 1 - DROUGHT WATCH AND ENCOURAGING CONTINUED VOLUNTARY ADHERENCE WITH WATER DEMAND REDUCTION MEASURES", on consent.

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

Council appointed Sean McDowell to the Sustainability Advisory Committee as a voting member to serve a full three-year term effective July 11, 2022 and ending on July 31, 2025, on consent.

**ITEM 10: APPROVAL OF AGREEMENT FOR AS-NEEDED AFFORDABLE HOUSING CONSULTING SERVICES (CLERK'S FILE NO. 303-1; 406-1)**

Council approved an as-needed agreement with Whitaker Real Estate Services and authorized the City Manager to execute the agreement, on consent.

**PUBLIC HEARING**

**ITEM 11: CONTINUED FROM JUNE 20, 2022: INTRODUCTION OF AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (DA 22-001) AND AN ASSOCIATED REGULATORY HOUSING AGREEMENT FOR A MIXED-USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT LOCATED AT 941 CAMINO DEL MAR (APNS: 300-221-32 & 33)("PROPERTY"). (CLERK'S FILE NO. 401-4; 406-1)**

An introduction to the item was provided by City Manager Jones. A presentation was provided by Principal Planner Matt Bator and Assistant City Attorney Barry Shultz.

Council questions focused on the Planning Commission findings; clarification on the requirements that would need to be met by the October 15, 2022, deadline and the ten-year deadline included in the development agreement; how the two deed restricted units included in the 941 Camino del Mar Project (Project) are accounted for in the City's 6<sup>th</sup> Cycle Housing Element; logistics and standards for mandatory turnover of affordable units included in the agreement; anticipated construction timeframe for the Project; location of the affordable units on the site; whether failure to complete the two deed restricted units could result in by-right development at the Project site in the future under the City's 6<sup>th</sup> Cycle Housing Element; whether the developer has any objections to the development

and regulatory housing agreements as proposed; and the types of retail expected on the ground level of the project.

There were no public speakers for the item.

Council discussion included the desire to focus on the development agreement and to discuss the details and requirements for the affordable units at a future meeting; consideration of the staff time that will be required in relation to this project; concern about the timeframe associated with the development agreement and potential for by-right development in the future if the project is not completed within the City's 6<sup>th</sup> Cycle Housing Element period; and clarification on the Project's zoning.

**IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY DEPUTY MAYOR MARTINEZ TO APPROVE INTRODUCTION OF ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (DA 22-001) AND AN ASSOCIATED REGULATORY HOUSING AGREEMENT FOR A MIXED-USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT LOCATED AT 941 CAMINO DEL MAR (APNS: 300-221-32 & 33)("PROPERTY") WITH AN AMENDMENT TO CHANGE THE DEADLINE FROM 10 YEAR TO A SEVEN YEAR OR FOUR YEAR DEADLINE. (VOTE: COUNCILMEMBER GAASTERLAND WITHDREW MOTION)**

**COUNCILMEMBER DRUKER MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER GAASTERLAND, TO TABLE/CONTINUE CONSIDERATION OF THE ORDINANCE UNTIL THE JULY 25, 2022 COUNCIL MEETING. (VOTE 5-0)**

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

**ITEM 12: POWERHOUSE PARK TOT LOT RENOVATION PROJECT – APPROVAL OF CONDITIONAL USE PERMIT (CUP) 22-001, COASTAL DEVELOPMENT PERMIT (CDP) 22-009, AND DESIGN REVIEW PERMIT (DRB) 22-011 AND AUTHORIZATION TO PURCHASE PLAY EQUIPMENT (CLERK'S FILE NO. 301-4; 301-18; 1401-2)**

An introduction to the item was provided by City Manager Jones. A presentation was provided by Interim Assistant City Manager Clem Brown and Associate Planner Jennifer Gavin. Principal Engineer Karen Falk was available to answer questions along with City consultant Daryl Brady with KOMPAN.

Council questions and discussion focused on the height of the swings; support for the project; typical useful life of the rubberized surface; clarification on the bid process for bringing a qualified contractor on board; strategies for preventing rust on the metal portions of the playground equipment; clarification on the construction component costs of the project and the overall cost estimate; consideration of timing for purchasing the equipment and going out to bid; appreciation to staff for their work on the project; and appreciation to the Friends of the Powerhouse and community for their fund raising efforts.

There were no public speakers for this item.

**IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT RESOLUTION 2022-53, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING DESIGN REVIEW BOARD PERMIT DRB22-011, CONDITIONAL USE PERMIT CUP22-001, AND COASTAL DEVELOPMENT PERMIT 22-009 TO REMOVE AND REPLACE EXISTING PLAYGROUND EQUIPMENT AND MAKE RELATED IMPROVEMENTS TO THE RUBBERIZED SURFACE AND DRAINAGE WITHIN THE PP (PUBLIC PARKLAND) ZONE AND THE OPEN SPACE, BEACH, AND COASTAL BLUFF OVERLAY ZONES AT POWERHOUSE PARK, DEL MAR, CALIFORNIA"; AND AUTHORIZED THE PURCHASE OF KOMPAN PLAY EQUIPMENT VIA A COOPERATIVE PURCHASE AGREEMENT WITH OMNIA PARTNERS FOR A NOT-TO-EXCEED AMOUNT OF \$102,580. (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 7:11 p.m. to 7:20 p.m.

**CITY COUNCIL OTHER BUSINESS**

**ITEM 13: DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) TO THE LEAGUE OF CALIFORNIA CITIES 2022 ANNUAL CONFERENCE (CLERK'S FILE NO. 1506-2)**

A brief presentation of the item was provided by Administrative Services Manager/City Clerk Sarah Krietor.

Council questions focused on the deadline to register for the conference and whether remote attendance options were available.

There were no public speakers for this item.

Council consensus was to not designate a City Council representative to attend the League of California Cities 2022 Annual Conference due to scheduling conflicts.

**ITEM 14: CONSIDERATION OF A PROPOSAL FROM THE CITY ARTS ADVISORY COMMITTEE AND DEL MAR FOUNDATION FOR PLACEMENT OF PUBLIC ART AT THE DEL MAR CIVIC CENTER (CLERK'S FILE NO. 1202-5)**

An introduction to the item was provided by City Manager Jones. A presentation was provided by Mayor Worden and Councilmember Druker, liaisons to the Arts Advisory Committee.

Mayor Worden opened the item to public comment and Betty Wheeler, Del Mar Foundation President spoke. Mayor Worden closed the item to public comment.

Council discussion focused on clarification that Council is being asked to approve authorizing the Del Mar Foundation, in partnership with the City's Arts Advisory Committee, to hire a consultant to explore the feasibility of placing art at the City's Civic Center in accordance with the City's Public Arts Policy.

**IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR WORDEN TO APPROVE IN CONCEPT, THE POTENTIAL DISPLAY OF ARTWORK AT THE DEL MAR CIVIC CENTER AND AUTHORIZE THE ARTS ADVISORY COMMITTEE (AAC) TO WORK ON A PROPOSAL FOR THE ACQUISITION AND INSTALLATION OF PUBLIC ART OUTDOORS AT THE CIVIC CENTER, CONSISTENT WITH THE CITY'S ADOPTED PUBLIC ART POLICY. (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; Traffic and Parking Advisory Committee; Del Mar Community Connections; San Diego Association of Governments (SANDAG) Board; SANDAG Shoreline Preservation Working Group; and Lagoon Committee.

**ADJOURNMENT**

Mayor Worden adjourned the meeting at 7:58 p.m.



---

Sarah Krietor, Administrative Services Manager/  
City Clerk