



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JULY 12, 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 4:30 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

Assistant City Attorney Christina Cameron reported that Councilmembers Martinez and Quirk recused from Item A and Councilmember Druker recused from Item's C and E due to living within 500 feet of the subject location of those discussions.

PLEDGE OF ALLEGIANCE

Councilmember Martinez led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

Mayor Gaasterland opened public oral communications and Carter Chappell spoke.

CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS

Deputy Mayor Worden commented on the Seaside Saturday event organized by the Del Mar Village Association (DMVA) celebrating the reopening of Del Mar, which included ribbon cuttings for Del Mar businesses and dedication of the public art pieces provided by artist Maily Morhous. Councilmember Druker added that the DMVA will be hosting second Saturday events in Del Mar and commented on the passing of Jill Coughlin, who was a very active member of the Del Mar community. Mayor Gaasterland commented on how smoothly operations for the 4th of July holiday went and thanked staff for their efforts.

CITY MANAGER'S REPORT

Interim City Manager Ashley Jones reported on the County of San Diego vector control program's efforts and upcoming activity in Del Mar.

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. Councilmembers Quirk and Martinez stated that they would not be voting on Item 8 due to recusal, and Mayor Gaasterland stated that she would not be voting on Item 15 due to recusal.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR WORDEN TO APPROVE CONSENT CALENDAR ITEMS 1 THROUGH 8 AND ITEM 15. (VOTE 5-0 WITH COUNCILMEMBERS QUIRK AND MARTINEZ RECUSED ON ITEM 8 AND MAYOR GASSTERLAND RECUSED ON ITEM 15.)

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

ITEM 1: APPROVAL OF MINUTES: JUNE 21, 2021 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED JULY 12, 2021 (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: FIRST ADDENDUM TO MEMORANDUM OF UNDERSTANDING FOR FIRE EMPLOYEE RESOURCE POOL BETWEEN THE CITIES OF DEL MAR, SOLANA BEACH, AND ENCINITAS (CLERK'S FILE NO. 1101-8)

Council approved the First Addendum to the Memorandum of Understanding for Fire Employee Resource Pool between the cities of Del Mar, Solana Beach and Encinitas, and authorized the Interim City Manager to execute the First Addendum on behalf of the City, on consent.

ITEM 5: AMENDMENT TO THE 2021 CITY COUNCIL MEETING SCHEDULE (CLERK'S FILE NO. 401-1)

Council adopted resolution 2021-34, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE 2021 CITY COUNCIL MEETING SCHEDULE TO CANCEL THE AUGUST 9, 2021 REGULAR MEETING", on consent.

ITEM 6: THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER, INC FOR PRELIMINARY ENGINEERING AND PROJECT APPROVAL/ENVIRONMENTAL DOCUMENTATION (PA/ED) FOR THE CAMINO DEL MAR BRIDGE PROJECT (CLERK'S FILE NO. 406-1)

Council approved the Third Amendment to an Agreement with Kleinfelder, Inc. for preliminary work related to the Camino del Mar Bridge Project; and authorized the Interim City Manager to execute the Third Amendment, on consent.

ITEM 7: FINANCE COMMITTEE APPOINTMENTS (CLERK'S FILE NO. 401-5)

Council reappointed Jas Grewal and appointed Laura Pierce to the Finance Committee for a full three-year term effective July 31, 2021, and expiring on July 31, 2024, on consent.

Mayor Gaasterland and Councilmember Druker requested that staff return to City Council with a proclamation honoring outgoing Finance Committee Member Tom McGreal for his nine years of service to the committee and community.

ITEM 8: CITY COUNCIL CONSIDERATION OF AN AGREEMENT FOR WITHDRAW OF THE REFERENDUM AGAINST CITY OF DEL MAR ORDINANCE 973 (CLERK'S FILE NO. 406-1)

Council approved the Agreement between the City of Del Mar and The Del Mar Hillside Community Group for Withdraw of Referendum Against City of Del Mar City Council Ordinance 973, and authorized the Mayor to sign the Agreement on behalf of the City, on consent. Councilmembers Martinez and Quirk were recused and did not participate in the vote for this agenda item.

PUBLIC HEARING

ITEM 9: 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 RESIDENTIAL AREAS ALONG CREST ROAD AND IN CANYON BELOW CREST ROAD WITHIN AREAS WEST AND NORTH OF THE CITY OF SAN DIEGO BORDER AND SOUTH OF THE LAGOON ALONG SAN DIEGUITO DRIVE (UUD X1A – CREST CANYON) (CLERK'S FILE NO. 1001-2)

A presentation was provided by Assistant City Manager Kristen Crane. Fire Chief Mike Stein was available to answer City Council questions related to fire services and safety.

Councilmember questions focused SDG&E assessment of poles located inside and immediately outside of the identified district boundaries; if the SDG&E base map can be modified once a district is established; whether the Fire Department has evaluated the proposal from residents requesting to expand the district area for X1A; whether the expansion proposal has been routed through the Undergrounding Project Advisory Committee; additional explanation of how the variables of CEQA project review, tree roots, and private easements fit into the process and at which point in the project more information about these variables will become available; how the project will improve pedestrian and bicycle circulation; at what stage in the project does the Design Review Board get involved with the placement of transformers and other aspects of the project; additional time and cost for adding the expansion area to the project; whether public noticing would need to be repeated again if the item is moved to October 2021; criteria and considerations in the field for walking the district to determine which poles should be remove; clarification on the process for a group of private residents to go through the undergrounding process; whether there is a path for private residents to contribute to the public project; and the trench work associated with the project.

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

- 1) Laura DeMarco
- 2) Joseph Calabro

Mayor Gaasterland closed the item to public comment.

Councilmember discussion focused on whether or not to expand the project area for X1A; timelines for the project; cost projections and actual costs related to bids received for the projects; balancing costs of this project with other Measure Q priorities such as Shores Park Master Planning; hesitation for delaying the project due to fire risk in Crest Canyon and the homes on Crest Road; need to have the expansion proposal evaluation by the Undergrounding Project Advisory Committee, Undergrounding Project consultant Utility Specialists, and staff; fire safety related to power lines; and if there will be opportunity in the future to refine the projected costs for Crest Canyon (X1A) and Stratford Court south (1A) projects based on information obtained through Tewa Project.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER QUIRK TO ADOPT RESOLUTION 2021-36, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ESTABLISHING AN UNDERGROUND UTILITY DISTRICT IN THE CITY OF DEL MAR, ALONG CREST ROAD AND IN CANYON BELOW CREST ROAD WITHIN AREAS WEST AND NORTH OF THE CITY OF SAN DIEGO BORDER AND SOUTH OF THE LAGOON ALONG SAN DIEGUITO DRIVE." (VOTE 5-0)

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

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO ALLOCATE \$694,485 IN FUNDING FROM THE MEASURE Q FUND FOR THE PRE-CONSTRUCTION COSTS FOR THIS PROJECT (X1A). (VOTE 5-0)

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

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 BETWEEN 4TH AND 12TH STREETS, WEST OF CAMINO DEL MAR (UUD 1A – STRATFORD COURT SOUTH) (CLERK’S FILE NO. 1001-2)

Mayor Gaasterland and Councilmember Druker were recused from participating in this agenda item due to the proximity of their homes to the subject location.

A presentation was provided by Assistant City Manager Crane.

Council questions and discussion focused on staggering the projects; resident laterals, process for organizing residents who would like to participate in the process, and details about the noticing process; and whether private roads and easements apply to this proposed district.

There were no public speakers for the item.

IT WAS MOVED BY COUNCILMEMBER QUIRK, SECONDED BY COUNCILMEMBER MARTINEZ TO ADOPT RESOLUTION 2021-37, "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 STRATFORD COURT (WEST OF CAMINO DEL MAR, FROM 4TH STREET TO 12TH STREET)" AND APPROVE TO ALLOCATE \$555,900 IN FUNDING FROM THE MEASURE Q FUND

FOR THE PRE-CONSTRUCTION COSTS FOR THIS PROJECT. (VOTE 3-0-2 WITH MAYOR GAASTERLAND AND COUNCILMEMBER DRUKER RECUSED.)

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

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 6:25 to 6:45 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 11: ARTS ADVISORY COMMITTEE APPOINTMENTS (CLERK'S FILE NO. 401-5)

A presentation was provided by Interim City Manager Jones and Acting City Clerk Sarah Krietor.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR WORDEN TO APPOINT ANNE MERY AS A VOTING MEMBER (BUSINESS OWNER) TO THE ARTS ADVISORY COMMITTEE TO SERVE A FULL THREE-YEAR TERM EFFECTIVE JULY 12, 2021, AND EXPIRING ON JUNE 30, 2024. (VOTE 5-0)

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

The City Council reviewed the applications for Nicole Forrest and Barbara Inbody for the second voting member vacancy (resident). With the exception of Deputy Mayor Worden, the Council voted (4-1) to reappoint Barbara Inbody to the Arts Advisory Committee to serve a full three-year term, from July 12, 2021, to June 30, 2024.

ITEM 12: CLEAN ENERGY ALLIANCE ENERGY POWER SUPPLY PRODUCT SELECTION FOR CITY OF DEL MAR'S MUNICIPAL ELECTRIC SERVICE ACCOUNTS (CLERK'S FILE NO. 1001-3, 1403-4)

A presentation was provided by Environmental Sustainability/Special Projects Manager Clem Brown and Clean Energy Alliance Interim CEO Barbara Boswell was available to answer questions.

Council questions focused on the difference between the Clean Impact and Clean Impact Plus power supply options; possibility of renewable becoming less expensive than non-renewables in the future; and clarification on the 60-day period for opting out of the program versus the option and timing to opt up or down between power supply options.

There were no public speakers for the item.

Council discussion focused on the solar system at City Hall; minimal cost increase for opting up to the Green Impact-100% option; how the selection of the Green Impact-100% option aligns with the City's Climate Action Plan; and support for selecting the Green Impact-100% option.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR WORDEN TO ADOPT RESOLUTION 2021-38, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, SELECTING THE CLEAN ENERGY ALLIANCE POWER SUPPLY PRODUCT

FOR CITY OF DEL MAR MUNICIPAL ELECTRIC SERVICE ACCOUNTS”, AND TO APPROVE SELECTION OF THE GREEN IMPACT – 100% OF POWER SUPPLY OPTION. (VOTE 5-0)

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

ITEM 13: CONSIDERATION OF PLANNING COMMISSION POLICY MANUAL UPDATES (CLERK’S FILE NO. 401-5)

A presentation was provided by Principal Planner Matt Bator.

Council questions focused on protocols in place for projects where the City is the applicant and clarification on who is allowed a rebuttal; clarification on the statement of concerns; and provision of the manual that excludes Planning Commissioners from testifying at City Council meetings with the exception of testifying for items related to their property.

There were no public speakers for the item.

Council discussion focused on the administrative change related to the homeowner exception for Commissioners to testify at City Council meetings.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO ADOPT RESOLUTION 2021-39, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING A COMPREHENSIVE UPDATE TO THE PLANNING COMMISSION POLICY MANUAL”, WITH THE REVISION OUTLINED BY ASSISTANT CITY ATTORNEY CAMERON. (VOTE 5-0)

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

ITEM 14: ESTABLISHMENT OF CITY COUNCIL POLICY 319 - PUBLIC HEARING PROCEDURES FOR DEVELOPMENT RELATED APPLICATIONS/MATTERS BEFORE THE CITY COUNCIL (CLERK’S FILE NO. 101-2)

A presentation was provided by Principal Planner Bator.

Council questions focused on if this policy change will help with continuity when the City Council acts as the subordinate body in a hearing and mechanism for which items can come before the Council via appeal or de novo hearing.

There were no public speakers for the item.

Council discussion focused on accepting the policy and designating Mayor Gaasterland and Councilmember Druker to work with staff on improving the policy as it relates to de novo hearings and updating the separate City Council policy related to specific plans.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR GAASTERLAND TO ADOPT RESOLUTION 2021-40, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING A NEW POLICY ESTABLISHING PUBLIC HEARING PROCEDURES FOR DEVELOPMENT RELATED APPLICATIONS BEFORE THE CITY COUNCIL.” (VOTE 5-0)

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

ITEM 15: REQUESTS TO NAME THE UNNAMED ALLEY LOCATED SOUTH OF 6TH STREET AND WEST OF STRATFORD COURT (SAN21-001, SAN21-002) (CLERK'S FILE NO. 901-7)

This item was moved to consent calendar and Council adopted resolution 2021-35, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING A REQUEST TO NAME THE ALLEY LOCATED SOUTH OF 6TH STREET AND WEST OF STRATFORD COURT AS SEA CLIFF WAY", on consent. Mayor Gaasterland was recused and did not participate in the vote on this item.

REGIONAL ORGANIZATION REPORTS

Council representatives reported on the SANDAG Borders Committee.

COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

Council representatives reported on the Del Mar Village Association, Arts Advisory Committee, and Solid Waste Procurement Services Subcommittee.

ADJOURNMENT

Mayor Gaasterland adjourned the meeting at 7:49 p.m.



Sarah Krietor, Acting City Clerk