



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JULY 20, 2020 – 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 Haviland called the Regular Meeting to order at 4:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Councilmember Parks led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

Arthur Olson – Spoke about the Design Review Board (DRB) process.

CITY COUNCIL COMMENTS

Councilmember Worden thanked the City Manager and staff for their work to support the business community; announced that he and Mayor Haviland will be bringing forward a mask ordinance on August 3rd for Council consideration; thanked the City's Sparks Fellow for her work on the Climate Action Plan update; requested that the public please pitch in and do their part by picking up trash when they are out in the community; provided information about the San Onofre Nuclear Generating Station (SONGS) report included in the agenda packet; and initiated a discussion about the possibility to remand Item 12 back to the Design Review Board (DRB) for consideration. The details of the subsequent Council discussion and action are included under Item 12 of these minutes.

COMMUNITY ANNOUNCEMENTS

None.

REGIONAL ORGANIZATION REPORTS

Councilmember Worden reported on the LOSSAN Board and related committees; 22nd District Agricultural Association Community Relations Committee; and San Diego Association of Governments (SANDAG) regional planning committee. Deputy Mayor Gaasterland reported on the North County Transit District (NCTD) Board and comments she submitted to the 22nd District Agricultural Association Board as a private citizen regarding the proposal to house homeless at the Fairgrounds. Mayor Haviland reported on the Community Energy Alliance (CEA) Board, and SANDAG Board.

CITY MANAGER’S REPORT

City Manager Johnson reported on questions she submitted to Fairground staff for consideration by the Fair Board related to the concept of a potential temporary homeless shelter at the Fairgrounds property; trellis work at the Power House Community Center; reminder to residents about clearing private sewer laterals; vegetation clearing on sidewalks; activity and crowds at the beach; picking up and proper disposal of trash; and ongoing sanitation efforts by Public Works staff.

PRESENTATIONS

ITEM 1: PRESENTATION FROM SANDAG - BLUFF STABILIZATION PROJECT 4 MODIFICATIONS AND UPDATE ON FUTURE STABILIZATION AND RELOCATION PROJECTS (CLERK’S FILE NO. 1506-1)

Senior Engineer Bruce Smith from SANDAG provided a presentation to the City Council on the 2019 Emergency Repair Project, modifications to the Project 4 bluff stabilization project; and plans for Phase 5 and 6 projects.

Council questions focused on what type of material the beams being installed will be made of; constant drainage coming from 12th Street; what permits are required for work that will be done on the bluffs located within the Torrey Pines State Park; and how tunnel alignment alternatives will be evaluated and who will be involved.

CONSENT CALENDAR

Mayor Haviland opened Items 2 through 8 for public comment. There being no speakers, Mayor Haviland closed the items to public comment. Item 11 was added to the Consent Calendar for consideration.

IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO APPROVE CONSENT CALENDAR ITEMS 2 THROUGH 8, AND 11. (VOTE 5-0)

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

ITEM 2: APPROVAL OF MINUTES: JULY 6, 2020 REGULAR AND SPECIAL MEETING (CLERK’S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED JULY 20, 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: SECOND READING AND ADOPTION OF ORDINANCE TO AMEND THE DEL MAR MUNICIPAL CODE RELATED TO WATER RATES AND CHARGES (CLERK'S FILE NO. 401-4, 401-9)

Council adopted Ordinance 968, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING MUNICIPAL CODE AMENDMENTS BY AMENDING DEL MAR MUNICIPAL CODE SECTION 21.12.020 REGARDING RATES AND CHARGES FOR WATER SERVICE; SECTION 21.12.140 REGARDING WATER RATES AND CHARGES; AND SECTION 21.20.070 REGARDING MAINTENANCE OF ASSEMBLY FOR BACKFLOW PREVENTION ASSEMBLIES NON-COMPLIANCE FEES", on consent.

ITEM 6: AGREEMENT WITH THE NORTH COUNTY DISPATCH JOINT POWERS AUTHORITY TO REPLACE FIRE DEPARTMENT RADIO EQUIPMENT LOCATED ON CITY PROPERTY (CLERK'S FILE NO. 406-1)

Council approved the Use and Occupancy Agreement with the North County Dispatch Joint Powers Authority to replace Fire Department radio equipment at the City's Crest Reservoir property and authorized the City Manager to sign the Agreement, on consent.

ITEM 7: FIRST AMENDMENT TO AGREEMENT WITH CANNON PACIFIC SERVICES, INC. FOR STREET SWEEPING SERVICES (CLERK'S FILE NO. 406-1)

Council approved the First Amendment to the Agreement between the City of Del Mar and Cannon Pacific Services, Inc. extending the term of the Agreement through August 17, 2022, and amending the cost of services, and authorized the City Manager to execute the First Amendment, on consent.

ITEM 8: THIRD AMENDMENT TO CONSULTING SERVICES AGREEMENT WITH THE CENTER FOR SUSTAINABLE ENERGY (CSE) (CLERK'S FILE NO. 406-1)

Council approved the Third Amendment to the Agreement with the Center for Sustainable Energy (CSE) and authorized the City Manager to execute the Third Amendment, on consent.

STANDING DISCUSSION ITEMS

ITEM 9: HOUSING (CLERK'S FILE NO. 303-1)

Deputy Mayor Gaasterland reported on the Program Environmental Impact Report related to the 6th Cycle Housing Element and encouraged the public to review the document and provide feedback.

PUBLIC HEARING

ITEM 10: PUBLIC HEARING TO ESTABLISH SOLID WASTE COLLECTION AND DIVERSION SERVICE RATES EFFECTIVE AUGUST 1, 2020 (CLERK'S FILE NO. 906-9)

A presentation was provided by Environmental Sustainability and Special Projects Manager Clem Brown.

Mayor Haviland opened the item to public comment and there were no speakers, therefore she closed the item to public comment.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER PARKS TO ADOPT RESOLUTION 2020-43, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, SETTING SOLID WASTE AND DIVERSION RATES EFFECTIVE AUGUST 1, 2020". (VOTE 5-0)

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

ITEM 11: HORIZONTAL ZONING EXCEPTION PERMIT 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 WITH A PROFESSIONAL OFFICE USE (CLERK’S FILE NO. 302-6)

The Mayor opened and closed the public hearing for this item, and it was moved to the Consent Calendar for consideration. There were no public speakers for this item. The City Council adopted resolution 2020-42, "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 WITH A PROFESSIONAL OFFICE USE AT 1335 CAMINO DEL MAR (APN: 300-020-03) IN DEL MAR, CALIFORNIA " with amended language requested by Councilmember Worden of "That the unique property and building design constraints identified above cannot feasibly be overcome during the term of this approval by building alterations without an undue financial hardship", being added to the appropriate section in the Resolution, on consent.

ITEM 12: A REQUEST FOR DESIGN REVIEW PERMIT DRB19-022, COASTAL DEVELOPMENT PERMIT CDP19-017 AND LAND CONSERVATION PERMIT LC19-008 TO ALLOW THE DEMOLITION OF AN EXISTING TWO-STORY RESIDENTIAL UNIT, AND THE CONSTRUCTION OF A NEW, TWO-STORY RESIDENTIAL UNIT OVER BASEMENT, IN CONJUNCTION WITH GRADING AND VARIOUS SITE AND LANDSCAPING IMPROVEMENTS AT 722 AMPHITHEATRE DRIVE (APN 300-261-06) (CONTINUED FROM JULY 6, 2020) (CLERK’S FILE NO. 301-5)

Councilmember Worden initiated a discussion about remanding this item back to the Design Review Board for consideration during the Council Comments portion of the meeting.

Councilmember Parks recused herself from this item due to the proximity of her home to the project site.

Council Disclosures: Deputy Mayor Gaasterland visited the neighboring Chisari property, and met with applicant’s architect. Councilmember Worden visited the Chisari’s home and the project site. Mayor Haviland walked the perimeter of the project site and the Chisari property.

Council questions focused on whether the project will go back through the Community Participation Program (CPP) process if remanded; what would happen if the original project were denied by the City Council; and whether the applicant would stipulate that they would agree to do an informal CPP.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO REMAND THE ITEM BACK TO THE DESIGN REVIEW BOARD WITH AN AMENDMENT BY MAYOR HAVILAND TO REQUIRE APPLICANT TO GO THROUGH MODIFIED CPP PROCESS

WHERE FIRST CPP IS SKIPPED, BUT CONDUCT FORMAL SECOND CPP MEETING AND GIVE NEIGHBORS OPPORTUNITY TO COMMENT, DISCUSS AND VET PROJECT BEFORE IT GOES TO DRB WITH EXPEDITED NOTICING PERIOD FOR SECOND CPP. (VOTE 4-0)

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

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 6:22 p.m. to 6:40 p.m.

CITY COUNCIL OTHER BUSINESS

**ITEM 13: CLIMATE ACTION PLAN IMPLEMENTATION PLAN AND MONITORING REPORT
(CLERK'S FILE NO. 1403-4)**

A presentation was provided by Environmental Sustainability and Special Projects Manager Brown and Civic Spark Fellow Serena Pelka.

Council questions focused on how much time staff will be working on the Community Energy Alliance (CEA) in the coming year, pros and cons to making the Climate Action Plan (CAP) binding and at what point it would make sense to make the City's CAP binding; information being reported on greenhouse gas reductions and goals; reduction information being reported; clarification on natural gas usage; and what work can be done in the coming year.

Mayor Haviland opened the item to public comment and there were no speakers, therefore she closed the item to public comment.

ITEM 14: RESOLUTION AUTHORIZING THE CITY OF DEL MAR TO PROVIDE A NOT TO EXCEED \$75,000 GUARANTY FOR A \$2,500,000 CREDIT OPTION FOR THE CLEAN ENERGY ALLIANCE (CLERK'S FILE NO. 203-3)

A presentation was provided by Mayor Haviland and Councilmember Worden.

Council questions focused on when the City should expect repayment of start-up costs; what was voted on by cities of Solana Beach and Carlsbad; why Del Mar needs to vote on this now; what the risk is of not launching timely; difference between the two financial options considered; customer participation rate needed for success; conditions for converting the River City Bank loan to a term loan; timeframe for Carlsbad to make a decision; and ability to hold off on taking a vote until August 3 when the terms of Carlsbad's loan would be known.

Mayor Haviland opened the item to public comment and there were no speakers, therefore she closed the item to public comment.

Council discussion focused on the goal of getting clean energy into homes; concerns about cost of financing; energy rates that may be set; issues with San Diego Gas & Electric (SDG&E) being able to facilitate transition to the CEA timely; and concern about this not being a Tier 1 essential activity for the City.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY MAYOR HAVILAND TO ADOPT RESOLUTION 2020-44, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR,

CALIFORNIA, AUTHORIZING THE CITY OF DEL MAR TO PROVIDE UP TO A \$75,000 GUARANTY FOR A \$2,500,000 CREDIT OPTION FOR THE CLEAN ENERGY ALLIANCE.” (VOTE 3-2)

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

Council discussed how the \$150,000 CEA repayment would be used and setting aside \$75,000 for CEA Guaranty.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO APPROVE ALLOCATION OF THE FUNDS WITH DEPUTY MAYOR GAASTERLAND DOING A FRIENDLY AMENDMENT THAT \$75,000 OF THE CEA REPAYMENT GO INTO THE GENERAL FUND CONTINGENCY, STAYS THERE UNTIL QUARTERLY UPDATE TAKES PLACE AT THE BEGINNING OF 2021. (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 Worden reported on the Council Planning Subcommittee meeting and that the Council liaisons and Planning staff will bring the Administrative Design Review item back to the Council for consideration on August 3, 2020.

Deputy Mayor Gaasterland proposed an item on the agenda for August 3, to discuss the concept being considered by the Fairgrounds Board regarding a temporary shelter for the homeless. It was explained by the Council liaisons for the Fairgrounds, Haviland and Worden, that the Fairgrounds has committed to providing a presentation to the City Council at such time that a formal proposal to provide a temporary shelter at the Fairgrounds is developed, and there was consensus among the Council to hold off on agendaing this matter until that time.

Councilmember Druker indicated that the City Council should be prepared to meet on August 17, 2020, if needed.

ADJOURNMENT

Mayor Haviland adjourned the meeting at 8:05 p.m.



Ashley Jones, Administrative Services
Director/City Clerk