



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
AUGUST 3, 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; Councilmembers Dave Druker, Sherryl Parks, and Dwight Worden

PLEDGE OF ALLEGIANCE

Mayor Haviland led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

- 1) KC Vafiadis – Expressed concern about the Del Mar business community and provided examples of some additional things the City could do to support local businesses.
- 2) Laura Cunitz – Spoke on behalf of the Winston School as Board President and expressed concern about a recently discovered discrepancy in the legal description for the leased property and the resulting impact to the school's ability to place a fence around the leased area.

CITY COUNCIL COMMENTS

Councilmember Parks thanked a local walking group who took up a collection and paid for additional mask signs that were distributed throughout the community and she announced that this is fuel reduction week and the green waste bins in the community will be removed on August 10. Councilmember Worden shared the feedback and concerns that he has received from the business community. Deputy Mayor Gaasterland provided insight that has been shared by the head of UCSD Health related to COVID-19. Mayor Haviland encouraged advocating to State and Federal representatives for funding to help the Del Mar community and businesses during COVID-19.

COMMUNITY ANNOUNCEMENTS

Councilmember Worden announced that the proposal to house homeless at the Fairgrounds has been withdrawn by the proposer, FIXX Solutions.

REGIONAL ORGANIZATION REPORTS

Councilmember Worden reported on the upcoming joint meeting of the San Diego Association of Governments (SANDAG) Regional Planning Committee, SANDAG Transportation Committee and the SANDAG Borders Committee to be held on August 7; and he announced that on August 12, the California Coastal Commission will meet to consider the after the fact permit for railroad repairs on the Del Mar bluff

last fall. Councilmember Druker informed the Council that the North County Transit District (NCTD) did not take kindly to the letter that was sent to the California Coastal Commission by members of the City Council. Mayor Haviland reported on the Community Energy Alliance and the SANDAG Board.

CITY MANAGER'S REPORT

City Manager Johnson reported on future SANDAG Projects 5 & 6 and collaboration with staff; parking circulation in the community; the retirement of Captain Pat Giannetto and the subsequent promotion of firefighter Joel Carrington to Captain with the Del Mar Fire Department; a letter that was sent out recently from the City to the Del Mar Village Association and Business Support Advisory Committee regarding the City's support of the business community; and the considerably small amount of COVID related grant funding available to the City.

PRESENTATIONS

ITEM 1: IN RECOGNITION OF DEL MAR COMMUNITY CONNECTIONS 20 YEARS OF SERVICE TO THE DEL MAR COMMUNITY (CLERK'S FILE NO. 1201-5)

Mayor Haviland presented a proclamation to Terry Kopanski from Del Mar Community Connections (DMCC) in recognition of the non-profit's 20 years of service to the Del Mar community. Terry Kopanski thanked the City Council for their support and recognition of the DMCC.

ITEM 2: PRESENTATION BY DEL MAR FOUNDATION (CLERK'S FILE NO. 1202-11)

Del Mar Foundation (Foundation) President Sandra Hoyle provided a presentation to the City Council about the Foundation's proposed \$180,000 donation to the City for Fiscal Year 2020/21. In her presentation, Ms. Hoyle provided information about how each of the items for funding were selected, including the funding of two City advisory committees, Arts and San Dieguito Lagoon, which are doing work that support the Foundation's mission.

The City Council thanked the Foundation for their generous contribution. Council questions focused on essentiality and potential staffing impacts associated with the Riverpath Project; what the funding for advisory committee meetings would be used for specifically; and impacts to staff and costs associated with the Beach Safety Center project identified for funding.

The Council pulled Item 7 from the Consent Calendar for consideration.

IT WAS MOVED BY COUNCILMEMBER PARKS, SECONDED BY COUNCILMEMBER WORDEN TO ACCEPT A DONATION FROM THE DEL MAR FOUNDATION TO BE USED TO HELP FUND CRITICAL ITEMS THAT WERE REMOVED FROM THE FISCAL YEAR 2020-21 BUDGET DUE TO ECONOMIC IMPACTS TO THE CITY RESULTING FROM THE COVID-19 PANDEMIC. (VOTE 5-0)

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

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO MAKE A SUBSTITUTE MOTION OF ACCEPTING A DONATION FROM THE DEL MAR FOUNDATION TO BE USED TO HELP FUND CRITICAL ITEMS THAT WERE REMOVED FROM THE FISCAL YEAR 2020-21 BUDGET DUE TO ECONOMIC IMPACTS TO THE CITY RESULTING FROM THE COVID-19 PANDEMIC, EXCEPT FOR COUNCIL ADVISORY COMMITTEES. THE SUBSTITUTE MOTION WAS ACCEPTED BY COUNCILMEMBER PARKS. (VOTE 2-3)

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

After the substitute motion from Councilmember Druker and Deputy Mayor Gaasterland failed, the Council voted on the original motion that was introduced by Councilmember Parks, the language and vote for which is stated above.

CONSENT CALENDAR

Mayor Haviland opened Items 3 through 9 for public comment. Dugan Lamoise from the Rotary Club of Del Mar spoke about the Rotary's donation to the City for lifeguard training, and the Council thanked the Rotary Club for their generous donation. Mayor Haviland closed items 3 through 9 to public comment.

Item 7 was pulled from the Consent Calendar and voted on earlier in the meeting following a presentation by Sandra Hoyle regarding the DMF donation of \$180,000 to the City for Fiscal Year 20-21.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO APPROVE THE CONSENT CALENDAR ITEMS 3 THROUGH 6 AND ITEMS 8 AND 9. (VOTE 5-0)

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

ITEM 3: APPROVAL OF MINUTES: JULY 20, 2020 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 4: RATIFICATION OF LIST OF DEMANDS, DATED AUGUST 3, 2020 (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: APPROVAL OF A LETTER TO THE STATE WATER RESOURCES CONTROL BOARD TO REQUEST REDUCED PERMIT FEES FOR SCOUP PROGRAMS AND BEACH NOURISHMENT PROJECTS (CLERK'S FILE NO. 1404-2, 1502-28)

Council approved a letter be signed by the Mayor and submitted on behalf of the City to the State Water Resources Control Board to request reduced permit fees for Sand Compatibility Opportunistic Use Program (SCOUP) programs and beach nourishment projects on consent.

ITEM 7: ACCEPTANCE OF DONATION FROM THE DEL MAR FOUNDATION (CLERK'S FILE NO. 201-16)

This item was pulled from the Consent Calendar and moved to the Presentation section of the agenda for consideration.

ITEM 8: ACCEPTANCE OF DONATION FROM THE ROTARY CLUB OF DEL MAR (CLERK'S FILE NO. 201-16)

Council accepted a donation of \$3,775 from the Rotary Club of Del Mar, on consent.

ITEM 9: FIRST AMENDMENT TO AGREEMENT WITH DIAMOND ENVIRONMENTAL SERVICES LP FOR PORTABLE RESTROOM SERVICES (CLERK'S FILE NO. 406-1)

Council approved the First Amendment to the Agreement with Diamond Environmental Services, L.P., extending the term of the Agreement through August 9, 2022, and authorized the City Manager to execute the First Amendment, on consent.

STANDING DISCUSSION ITEMS

ITEM 10: HOUSING (CLERK'S FILE NO. 303-1)

Councilmember Worden provided an update on the FIXX solutions proposal related to the Fairgrounds; discussed concerns about funding to implement the Housing Element item related to affordable housing at the Fairgrounds, and he answered some questions from Deputy Mayor Gaasterland regarding the next Fairgrounds Board meeting.

Planning & Community Development Director Joseph Smith provided an update on discussions with the Fairgrounds regarding affordable housing; announced that Housing related FAQ's are now available on the City's website; provided an update on the status of the City's \$65,000 LEAP grant submittal; and announced the completion of three Accessory Dwelling Unit (ADU) floor plans, which are available on the City's website.

Council questions focused on the status of the temporary homeless shelter located at the downtown San Diego Convention Center, possible modifications to the ADU floor plans and related process requirements; how roof design concerns will be considered and addressed; and whether the plans available on the website are free to the public for download.

PUBLIC HEARING

ITEM 11: ADOPTION OF A RESOLUTION TO ADOPT THE CITY OF DEL MAR'S SAND COMPATIBILITY OPPORTUNISTIC USE PROGRAM (SCOUP) MITIGATED NEGATIVE DECLARATION AND APPROVE THE SCOUP COASTAL DEVELOPMENT PERMIT (CLERK'S FILE NO. 301-18, 1404-2)

A brief overview was provided by Principal Planner Amanda Lee.

There were no public comments on this item.

Council questions focused on what part of the beach the SCOUP applies to; whether this item can move forward to the California Coastal Commission prior to State Water Resources Control Board approval;

clarification on potential grant activity anticipated for September 2021; and the positive impact of sand replenishment on bluff erosion.

IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT RESOLUTION 2020-45, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE COASTAL DEVELOPMENT PERMIT FOR THE CITY OF DEL MAR'S SAND COMPATIBILITY OPPORTUNISTIC USE PROGRAM TO FACILITATE, COORDINATE, AND MANAGE FUTURE BEACH NOURISHMENT ALONG THE CITY OF DEL MAR SHORELINE GENERALLY BETWEEN 15th STREET/SOUTH END OF POWERHOUSE PARK AND THE NORTHERLY CITY BOUNDARY, INCLUDING ACTIVITY IN THE SAN DIEGUITO LAGOON RIVER INLET, DEL MAR, CALIFORNIA." (VOTE 5-0)

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

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 6:35 to 6:50 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 12: PILOT PROGRAM TO RESTART ADVISORY COMMITTEE MEETINGS IN FY2020/21 (CLERK'S FILE NO. 401-5)

Mayor Haviland provided a presentation on this item.

Council questions focused on rationale for the committees recommended to be included in the pilot program; when Councilmembers think the City may recover financially; impacts to staff; and why filling vacancies for committees that are meeting is necessary.

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

Robin Crabtree – Provided feedback on the proposed Pilot Program.

Mayor Haviland closed the item to public comment.

Council discussion focused on the potential to extend terms for existing committee members by one year; concern about accepting funding from outside organizations related to policy decisions; concern about the timing of starting the pilot program now, and possibility of holding off until December; potential to politicize City committees considering the upcoming general election; basis for recommendation; value of citizen feedback and watchful eyes through City committee participation; suggestion that the policy include evaluation of essentiality of the committee efforts.

IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND TO APPROVE THE PILOT PROGRAM TO INCLUDE THE ARTS ADVISORY COMMITTEE AND THE SAN DIEGUITO LAGOON COMMITTEE. MOTION FAILED TO RECEIVE A SECOND. NO VOTE WAS TAKEN.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY MAYOR HAVILAND FOR APPROVAL OF INCLUDING THE ARTS ADVISORY COMMITTEE AND SAN DIEGUITO LAGOON COMMITTEE IN THE PILOT PROGRAM, AND ADOPTION OF THE POLICY INCLUDED AS

ATTACHMENT A. NO VOTE TAKEN; THE MOTION WAS AMENDED BY DEPUTY MAYOR GAASTERLAND.

DEPUTY MAYOR GAASTERLAND MADE A PROPOSED AMENDMENT TO THE MOTION, SECONDED BY COUNCILMEMBER DRUKER, OF APPROVAL OF INCLUDING THE ARTS ADVISORY COMMITTEE AND SAN DIEGUITO LAGOON COMMITTEE IN THE PILOT PROGRAM, AND ADOPTION OF THE POLICY INCLUDED AS ATTACHMENT A, BUT DELAYING IMPLEMENTATION UNTIL DECEMBER 2020. (VOTE 2-3)

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

IT WAS MOVED BY MAYOR HAVILAND, SECONDED BY COUNCILMEMBER WORDEN FOR APPROVAL OF INCLUDING THE ARTS ADVISORY COMMITTEE AND SAN DIEGUITO LAGOON COMMITTEE IN THE PILOT PROGRAM, AND ADOPTION OF THE POLICY INCLUDED AS ATTACHMENT A. (VOTE 5-0)

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

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY MAYOR HAVILAND TO APPROVE TO ADD THE SUSTAINABILITY ADVISORY BOARD AS THE THIRD COMMITTEE TO BE INCLUDED IN THE PILOT PROGRAM CONTINGENT UPON THE COMMITTEE IDENTIFYING FUNDING. (VOTE 3-2)

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

ITEM 13: FUNDING FOR SAN DIEGO COUNTY SHERIFF'S DEPARTMENT TO ENFORCE FACE COVERING REQUIREMENT IN STATE AND COUNTY PUBLIC HEALTH ORDERS (CLERK'S FILE NO. 1104-3)

A presentation was provided by City Manager CJ Johnson.

Council questions focused on what other cities are doing regarding enforcement; types of citations being issued by the Sheriff's Department; what the policy or direction of the Sheriff is regarding enforcement of the County Health Order; whether there is any anecdotal evidence about whether the mask wearing signs are working; concerns with "heavy handed" enforcement; advantages of having Sheriff's representatives being present to observe the violation first hand; and whether or not anyone has checked with the businesses on potential impacts related to mask enforcement.

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

Robin Crabtree – Expressed concern about the cost for the Sheriff's Department to enforce the County safe covering requirement in Del Mar, suggested the focus should be on public education instead, and questioned how the program would be monitored for success.

Mayor Haviland closed the item to public comment.

Council discussion focused on reasons for bringing this item forward; interest in protecting members of the community; need to change the culture surrounding mask wearing to that of wearing a seat belt; benefits of having Sheriff's deputies do enforcement rather than City staff; consideration of sending a letter to the County asking for a change to County Health Order requiring masks anytime you are outside of your property, making the order easier to enforce; the need for employees to set the example and wear masks; the need to have a cache of signs so they can be easily replaced when stolen; concerns about unintended consequences and impacts to the City's budget; need for consistency with other cities; plan for how success will be measured; and essentiality of signage.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY MAYOR HAVILAND TO APPROPRIATE \$22,000 FROM THE COVID-19 ECONOMIC UNCERTAINTY RESERVE TO CONTRACT WITH THE SAN DIEGO COUNTY SHERIFF'S DEPARTMENT FOR RESOURCES TO ENFORCE THE FACE COVERING REQUIREMENTS IN THE STATE OF CALIFORNIA AND COUNTY OF SAN DIEGO'S PUBLIC HEALTH ORDERS FOR A FOUR-MONTH PILOT PERIOD AND TO PURCHASE ADDITIONAL SIGNAGE, AND INCLUDING THE JULY 21, 2020 COUNTY OF SAN DIEGO HEALTH ORDER AND NOT JUST LIMITED TO FACE COVERINGS BUT ANY VIOLATION OF THE HEALTH ORDER. TO ALSO INCLUDE A TWO-MONTH CHECK IN, ADDING STRATFORD COURT AS AN AREA OF CONCERN THAT WAS RECOMMENDED BY THE CITY MANAGER AND SHERIFF CAPTAIN HERBERT TAFT. (VOTE 4-1)

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

Councilmember Druker requested that the Council consider sending a letter asking the County to change the County Health Order to require mask wearing anytime someone leaves their property. Council discussion focused on how changes to the ordinance would be implemented; support for the intent; need to make the order as black and white as possible and easy to enforce; suggestion to allow the Mayor and Councilmember Druker to work together to draft a letter to the County Sheriff.

IT WAS MOVED BY MAYOR HAVILAND, SECONDED BY DEPUTY MAYOR GAASTERLAND FOR COUNCILMEMBER DRUKER TO WRITE A LETTER IN COLLABORATION WITH MAYOR HAVILAND, CITY MANAGER JOHNSON AND CITY ATTORNEY DEVANEY TO BE SENT TO THE COUNTY BOARD OF SUPERVISORS AND COUNTY HEALTH DEPARTMENT ENCOURAGING STRICTER REGULATIONS OF WEARING MASKS. (VOTE 5-0)

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

It should be noted that the request to send a letter to the County Board of Supervisors and County Health Department by Councilmember Druker was subsequently withdrawn, with agreement from Mayor Haviland, and the letter was not sent.

ITEM 14: DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) TO THE LEAGUE OF CALIFORNIA CITIES 2020 ANNUAL CONFERENCE (CLERK'S FILE NO. 1506-2)

Administrative Services Director Jones provided a brief overview of this item.

Deputy Mayor Gaasterland volunteered to attend the conference on behalf of the City as the primary voting delegate. Councilmember Parks volunteered to be an alternate voting delegate.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR HAVILAND TO APPROVE DEPUTY MAYOR GAASTERLAND AS THE PRIMARY VOTING DELEGATE AND COUNCILMEMBER PARKS AS THE ALTERNATE VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES 2020 ANNUAL CONFERENCE, INCLUDING AN AMENDMENT BY COUNCILMEMBER WORDEN THAT THE VOTING DELEGATES BRING IMPORTANT ISSUES TO THE CITY COUNCIL TO GIVE GUIDANCE IF NEEDED. (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 Housing Subcommittee. Deputy Mayor Gaasterland reported on the Dunham house relocation status.

ADJOURNMENT

Mayor Haviland adjourned the meeting at 9:30 p.m.



Ashley Jones, Administrative Services
Director/City Clerk