



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 8, 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

Mayor Haviland led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

- 1) Larry Brooks – Spoke about the Dunham house and asked that the City Council consider approving relocation of the home to the City Hall or Winston School sites.
- 2) Terri-Ann Skelly – Expressed concern about signature collecting tactics used to collect signatures for Measures S and H, which are on the ballot for neighboring cities, not Del Mar.
- 3) Jas Grewal – Expressed concern about which advisory committees the Council has prioritized to meet in Fiscal Year 20/21 and asked that Council reconsider which advisory committees have been identified to meet.
- 4) Karen Lare – Encouraged the City to reach out to the North County Transit District (NCTD) about the removal of benches at the top of the bluff set for removal by the NCTD.

CITY COUNCIL COMMENTS

None.

COMMUNITY ANNOUNCEMENTS

Mayor Haviland announced that the San Dieguito Lagoon Committee will meet on September 16, at 1 p.m., and the Arts Committee will meet on September 23, at 2 p.m. Councilmember Parks announced that flu shots will be available through Del Mar Community Connections starting on September 9, and that the St. Peter's thrift shop has reopened for shopping and delivery of donations.

REGIONAL ORGANIZATION REPORTS

Councilmember Worden reported on the Fairgrounds Community Relations Committee; San Diego Riverpark Joint Powers Authority; and the Council Planning subcommittee. Deputy Mayor Gaasterland reported on the NCTD Board. Mayor Haviland reported on the Community Energy Alliance and San Diego Association of Governments (SANDAG) Boards.

CITY MANAGER'S REPORT

City Manager CJ Johnson asked Fire Chief Mike Stein to provide an update on the Valley Fire and tips on wildfire preparedness. City Manager Johnson reported on winter storm preparation and the City's storm drain cleaning program; that a document shredding and hazardous waste collection event will be held at Shores Park this weekend; that the Del Mar Library will restart limited in-person activities this Thursday; the City's mask enforcement efforts and impacts to patrols due to the Valley Fire; the high volume of visitors over the holiday weekend; changes to dog rules and staff hours on the beach effective today; and that staff member Shaun McMahon in the Planning Department will be leaving the City for a new opportunity at San Diego Gas & Electric this week.

Council questions focused on how many, if any, mask citations have been issued to date.

CONSENT CALENDAR

Mayor Haviland opened Items 1 through 9 for public comment and there were no comments.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY COUNCILMEMBER PARKS TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 9, INCLUDING AMENDMENTS TO THE MINUTES FOR AUGUST 3 AS DESCRIBED IN THE RED DOT MEMO FROM STAFF AND ADDITIONAL LANGUAGE REQUESTED BY COUNCIL FOR ITEM 13. (VOTE 5-0)

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

ITEM 1: APPROVAL OF MINUTES: AUGUST 3, 2020 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED SEPTEMBER 8, 2020 (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: BIENNIAL REVIEW AND UPDATE OF THE DEL MAR CONFLICT OF INTEREST CODE (CLERK'S FILE NO. 404-6)

Council adopted resolution 2020-46, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE CITY OF DEL MAR CONFLICT OF INTEREST CODE", on consent.

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

Council reappointed Bonnie Grossman as a resident, at-large member and Karen Powell as a Del Mar Village Association representative member to serve full three-year terms starting September 8, 2020, and ending on June 30, 2023, on consent.

ITEM 6: ACCEPT 2019 STATE HOMELAND SECURITY PROGRAM GRANT FUNDS FOR THE PURCHASE OF REPLACEMENT RADIOS FOR THE DEL MAR FIRE DEPARTMENT (CLERK'S FILE NO. 201-13)

Council authorized the acceptance of \$7,271 from the 2019 State Homeland Security Program (SHSP) grant funds for the purchase of six 800-megahertz replacement radios for the Del Mar Fire Department and authorized the City Manager to execute the necessary grant documents, on consent.

ITEM 7: APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH WEST COAST ARBORISTS FOR AS-NEEDED CITYWIDE TREE MANAGEMENT AND MAINTENANCE SERVICES (CLERK'S FILE NO. 406-1)

Council approved an agreement with West Coast Arborists, Inc. for as-needed citywide tree management and maintenance services for a three-year term beginning on September 8, 2020 and ending on September 8, 2023, with an option to extend the agreement for an additional two-year period; and authorized the City Manager to execute the agreement, on consent.

ITEM 8: AGREEMENTS WITH THE DEL MAR VILLAGE ASSOCIATION FOR DESTINATION MARKETING AND ECONOMIC DEVELOPMENT FOR FISCAL YEAR 2020-2021 (CLERK'S FILE NO. 406-1)

Council approved two agreements with the Del Mar Village Association (DMVA) for Destination Marketing using a portion of Transient Occupancy Tax and \$25,000 for Economic Development for Fiscal Year 2020-2021 through June 30, 2021 and authorized the City Manager to execute the agreements, on consent.

ITEM 9: APPROVAL OF A SECOND 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 Second Amendment to the Agreement with Adam Kaye for as-needed public information, communication and outreach services and authorized the City Manager to execute the Second Amendment, on consent.

STANDING DISCUSSION ITEMS

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

Planning & Community Development Director Joseph Smith reported that there has been an increase to planning applications in recent months; the draft 6th Cycle Housing Element is available on the City's website; that the State will not be granting any cities an extension on the next Housing Element submittal deadline at this time; and he provided information about the Accessory Dwelling Unit (ADU) amnesty program.

Council comments focused on housing measures considered by the State in their last session.

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

- 1) Jas Grewal: Discussed her position with regard to affordable housing and provided insight on efforts she supports and those that she feels should not be pursued by the City.

Mayor Haviland closed the item to public comment.

PUBLIC HEARING

ITEM 11: AMENDMENT OF THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN), ZONING CODE, AND LOCAL COASTAL PROGRAM RELATED TO THE NORTH COMMERCIAL AND PROFESSIONAL COMMERCIAL LAND USE DESIGNATIONS AND ZONES (CLERK'S FILE NO. 401-4, 401-9)

Planning & Community Development Director Smith and Principal Planner Amanda Lee provided a presentation on this item.

Council questions focused on the basis of the unit range provided by staff; clarification on the assumptions and how the unit counts were derived for specific areas and parcels within the NC/PC zone; why the City failed to complete these actions previously; potential development opportunities based on hypothetical scenarios; and clarification on whether Accessory Dwelling Unit's (ADUs) could be built on the identified sites in addition to the units that are proposed.

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

- 1) Bob Gans – Spoke in support of staff's recommendation.
- 2) Anne Farrell – Spoke in support of staff's recommendation.
- 3) Tracy Martinez – Expressed concern about staff's recommendation.
- 4) Phil Blair – Spoke in support of staff's recommendation.
- 5) Jas Grewal – Spoke in opposition of staff's recommendations in their current form.
- 6) Karen Lare – Asked the Council to hold off on rezoning the PC zone at this time.

Mayor Haviland closed the item to public comment.

Council discussion focused on the history of the 5th Cycle Housing Element approval and why some members of the Council feel taking the steps recommended by staff are imperative; potential increased fire risk and impacts to traffic and emergency response times due to increased housing units and density in the identified areas; failure of prior Councils to address this issue; concerns about the draft Environmental Impact Report for the rezone and location of the area in the floodplain; concerns about the 20 units per acre for the North Commercial zone if rezoned to permit residential development; concerns about potential penalties and consequences for failure to act; and the potential to hold off on rezoning of the North Commercial zone to identify alternative options to accomplish the necessary units.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER PARKS TO ADOPT RESOLUTION 2020-47, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR A PROPOSED PACKAGE OF AMENDMENTS TO LAND USE PLANS AND ZONING REGULATIONS THAT WOULD AMEND THE CITY OF DEL MAR COMMUNITY PLAN, DEL MAR MUNICIPAL CODE CHAPTERS 30.24 AND 30.25, AND THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM CONSISTENT WITH PROGRAMS 2-E AND 2-F REQUIRED BY THE CITY'S EXISTING CERTIFIED HOUSING ELEMENT; ALL RELATING TO A TOTAL OF TWENTY EXISTING PARCELS LOCATED IN THE NORTH COMMERCIAL AND PROFESSIONAL COMMERCIAL ZONES IN THE CITY OF DEL MAR, CALIFORNIA." (VOTE 3-2)

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

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER PARKS TO ADOPT A RESOLUTION AMENDING THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN) NC LAND USE DESIGNATION. COUNCILMEMBER DRUKER REQUEST ITEM THREE OF THE RECOMMENDED ACTIONS BE DISCUSSED FIRST, THEREFORE COUNCILMEMBER WORDEN WITHDREW HIS MOTION.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT RESOLUTION 2020-48, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA AMENDING THE CITY OF DEL MAR COMMUNITY PLAN CONSISTENT WITH PROGRAM 2-F IN THE CITY'S EXISTING CERTIFIED HOUSING ELEMENT THAT IS A PART OF THE EXISTING COMMUNITY PLAN (GENERAL PLAN) TO AMEND LAND USE DESIGNATIONS RELATING TO A TOTAL OF FOUR EXISTING PARCELS LOCATED IN THE PROFESSIONAL COMMERCIAL ZONE IN THE CITY OF 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.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER DRUKER, TO INTRODUCE THE PROPOSED ORDINANCE AMENDING THE DEL MAR MUNICIPAL CODE (DMMC) CHAPTER 30.25 (PC ZONE) AND THE LOCAL COASTAL PROGRAM (LCP) (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 COUNCILMEMBER PARKS TO ADOPT THE RESOLUTION TO AMEND THE CITY OF DEL MAR COMMUNITY PLAN (GENERAL PLAN) NC LAND USE DESIGNATION (VOTE 3-2). MOTION FAILED AS 4/5 MAJORITY VOTE NEEDED IN ORDER TO PASS.

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

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 7:30 to 7:45 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 12: COVID-19 BUSINESS ASSISTANCE EFFORTS AND RECOMMENDED ACTIONS (CLERK'S FILE NO. 1104-3)

A presentation was provided by Assistant City Manager Kristen Crane.

Council questions focused on mask enforcement funds spent to date; details related to having a traffic engineer review Temporary Use Permit (TUP) applications involving restaurants setting up eating areas in the street, parking spaces or adjacent to traffic; clarification on current alcohol rules versus what has

been requested by the businesses; and clarification on the rules regarding alcohol service included in the current County Public Health Order.

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

- 1) Jen Grove – Spoke in support of staff’s recommendation with regard to use of a \$20,000 donation to the City from a member of the public and talked about Del Mar Village Associations preparation to promote the dining on the deck concept being proposed by staff.
- 2) Randy Gruber – Talked about the impacts of COVID-19 on the business community and spoke in support of the Council allowing for sheltering of outdoor patio space at restaurants so that patrons can continue to eat outside during COVID into the fall and winter.

Mayor Haviland closed the item to public comment.

Council discussion focused on appreciation for the time staff spent on putting the report and recommendations together; support for the ideas that were presented; concern that if Measure Q funds are used, it should be in the form of a loan; appreciation for the anonymous \$20,000 donation to the City to be used to support the Del Mar business community; support for allowing temporary shelter for outdoor eating areas during COVID-19; potential to change course and use unspent funds that were set aside for the Sheriff’s enforcement of mask wearing to be used to support the business community; potential for sidewalk café applicants to use the City’s traffic engineer if needed, at their own cost; need to increase subsidies to cover increased permit costs; concern about use of Measure Q funds, preference to use COVID funds instead; support for dine on the deck concept; and general support for, with some concern for potential safety issues, use of on-street parking for dining purposes; best possible uses of the \$20,000 donation; and how the donation funds would be split between downtown cleaning and purchase of e-cards as proposed by staff and the Del Mar Village Association (DMVA).

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR GAASTERLAND TO 1) ALLOCATE \$2,500, NOT \$5,000 TO \$10,000, FROM THE COVID CONTINGENCY FUND NOT FROM MEASURE Q TO SUBSIDIZE PERMITS; 2) AUTHORIZE THE CITY MANAGER TO USE UP TO \$2,500 FROM THE COVID-19 ECONOMIC UNCERTAINTY CONTINGENCY TO FUND COSTS FOR THE “DINE ON THE DECK” PILOT PROGRAM ON THURSDAY EVENINGS AT THE CIVIC CENTER FROM SEPTEMBER 17TH TO OCTOBER 9TH; 3) APPROVE TEMPORARY ALLOWANCE OF TWO A-FRAME SIGNS PER BUSINESS; 4) APPROVE PROVISIONS FOR USE OF ON-STREET PARKING FOR DINING OR OTHER USES; 5) ADOPT ORDINANCE 969, “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING AND EXTENDING ORDINANCE NO. 961, APPROVING A PROVISIONAL INCREASE IN TEMPORARY COMMERCIAL SIGNAGE IN ALL COMMERCIAL ZONES”; AND ADOPT ORDINANCE 970, “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING AND EXTENDING ORDINANCE NO. 967 APPROVING A TEMPORARY STREAMLINED REVIEW PROCESS FOR COMMERCIAL A-FRAME SIGNAGE TEMPORARILY LOCATED IN THE RIGHT-OF-WAY ADJACENT TO ALL COMMERCIAL ZONES”; AND DIRECT THE CITY MANAGER TO EXTEND THE EXPIRATION DATES FOR ALL COVID-RELATED PERMITS ISSUED INCLUDING TEMPORARY ENCROACHMENT PERMITS AND TEMPORARY USE PERMITS; 6) AUTHORIZE THE CITY MANAGER TO ALLOW FOR A ONE-HOUR EXTENSION OF ALCOHOL SALES, SERVICE, AND CONSUMPTION FOR ANY RESTAURANT WITH AN APPROVED SIDEWALK CAFÉ PERMIT; AND 7) APPROVE TEMPORARY ALLOWANCE OF OUTDOOR COVERINGS. COUNCILMEMBER DRUKER THEN REMOVED THE FOLLOWING FROM THE MOTION, WITH AGREEMENT FROM DEPUTY MAYOR GAASTERLAND: ALLOCATE \$2,500 NOT \$5,000 TO \$10,000 FROM THE COVID CONTINGENCY FUND NOT FROM MEASURE Q TO SUBSIDIZE PERMITS. (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 INCREASE SUBSIDY FUND BY \$2,500 FROM THE COVID CONTINGENCY FUND TO SUBSIDIZE PERMITS.

MAYOR HAVILAND DID A SUBSTITUTE MOTION TO INCREASE SUBSIDY FUND BY \$5,000 TO \$10,000 USING MEASURE Q FUNDS. THERE WAS NO SECOND ON THE MOTION.

THE ORIGINAL MOTION WAS VOTED ON AN APPROVED. (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 ACCEPT A \$20,000 DONATION AND GIVE THE DONATION TO THE DEL MAR VILLAGE ASSOCIATION FOR THEIR CLEANING PROGRAM AND THE E-CARDS. THERE WAS NO VOTE.

COUNCILMEMBER WORDEN DID AN AMENDED MOTION, SECONDED BY COUNCILMEMBER PARKS FOR A NOT TO EXCEED AMOUNT OF \$5,000 FOR CLEANING AND BALANCE FOR E-CARDS. THERE WAS NO VOTE.

COUNCILMEMBER WORDEN DID AN ALTERNATE MOTION, SECONDED BY MAYOR HAVILAND TO APPROVE \$10,000 FOR E-CARDS AND BRING BACK THE REMAINING \$10,000 FOR DISCUSSION AT THE SEPTEMBER 21, 2020 COUNCIL MEETING. (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 Long-Term Rail Relocation Task Force; San Dieguito Lagoon Committee; and the Sustainability Advisory Board. Deputy Mayor Gaasterland reported again on NCTD.

UPCOMING AGENDA ITEMS

Councilmember Parks requested that the Dunham house item be placed on a future agenda, which was supported by Deputy Mayor Gaasterland. City Manager Johnson weighed in on the request and asked for clarification as to what the item would be focused on and what action may be taken. It was agreed that the two proponents of this item would be responsible for preparing all materials needed for inclusion in the City Council agenda packet for September 21, 2020.

ADJOURNMENT

Mayor Haviland adjourned the meeting at 9:28 p.m.



Ashley Jones, Administrative Services
Director/City Clerk