



CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 19, 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 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, Terry Gaasterland, and Dan Quirk

CITY ATTORNEY CLOSED SESSION REPORT

There was no closed session on September 19, 2022.

PLEDGE OF ALLEGIANCE

Deputy Mayor Martinez led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

None.

CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS

Councilmember Gaasterland requested a staff presentation regarding the City's dog off leash regulation at City beaches. City Manager Ashley Jones confirmed staff will provide a presentation at a future meeting.

Mayor Worden reported that he signed the Anti-Defamation League and U.S. Conference of Mayors Resolution to combat hate and extremism and will submit a copy to the City Clerk; updated the Council that the Monarch Pledge to save the Monarch butterflies will delay installation of a pollination garden at the Civic Center due to the hot weather; Del Mar Foundation annual picnic to be held on September 25, 2022; Del Mar Community Connection's annual fund raising gala on Saturday October 5, 2022; 2022 Surf Dog Surf-A-Thon held at Del Mar North Beach (Dog Beach) on September 18, 2022; and provided an update on the Scripps Institute of Oceanography at UC San Diego's Del Mar bluff pilot program made possible by Assembly Bill AB 66 Early Warning System for Bluff Collapse Research Study drafted by Assembly member Tasha Boerner Horvath.

CITY MANAGER'S REPORT

City Manager Jones turned it over to Administrative Services Manager/City Clerk Sarah Krietor to provide an update on the November 2022 election including voting options; Candidate Forum moderated by the League of Women Voters on October 10, 2022; and the City's campaign sign regulations.

PRESENTATIONS

ITEM 1: UPDATE FROM CLEAN ENERGY ALLIANCE CEO BARBARA BOSWELL (CLERK'S FILE NO. 1001-3, 1403-4)

A presentation was provided by Clean Energy Alliance (CEA) CEO Barbara Boswell. Councilmember Druker, Del Mar representative to CEA, commented on CEA's growth and new member agencies.

City Council questions focused on CEA's response to the recent heat wave; clarification that CEA rates do not increase due to flex alerts and black out conditions; whether battery storage in the State assisted with preventing outages; clarification on CEA power sources; public resources to review CEAs power sources including the CEA's 2021 Power Content Label; whether CEA's power can come from out of state sources; clarification on the number of customers who are on 100% renewable (Green Impact); whether there is an option for homes with solar to have 100% renewable (Green Impact) for the evening hours only; percentage of CEA customers who have solar; and whether CEA could handle 100% of customers opting into the Green Impact 100% renewable program.

Interim Assistant City Manager Clem Brown added that City accounts are operating on 100% renewable (Green Impact) option based on a prior City Council decision to lead by example.

There were no public speakers for the item.

ITEM 2: SDG&E RECONFIGURATION PHASE 2 AND 3 UPDATE (CLERK'S FILE NO. 1001-2, 1002-3)

City Manager Jones introduced the item. SDG&E Public Affairs Liaison Joe Gabaldon introduced SDG&E staff. A presentation regarding the SDG&E Phase 2 and 3 Reconfiguration Project was provided by SDG&E Project Manager Todd Voorhees and SDG&E Senior Project Affairs Manager Jennifer Ramp was available to answer questions.

City Council questions focused on traffic control measures and traffic delays associated with Phase 2 and 3 of the Reconfiguration Project; whether construction in Phase 2 will be done during the day or evening; clarification on the poles remaining after the Reconfiguration Project is complete; confirmation that the transmission lines will be either undergrounded or removed from service; and whether the City considered undergrounding the poles associated with the Reconfiguration Project.

There were no public speakers for the item.

CONSENT CALENDAR

Administrative Services Manager/City Clerk Sarah Krietor read the titles of the items included on the 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 3 THROUGH 9. (VOTE 5-0)

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

ITEM 3: APPROVAL OF MINUTES: SEPTEMBER 6, 2022 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 4: RATIFICATION OF LIST OF DEMANDS, DATED SEPTEMBER 19, 2022 (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: SUSTAINABILITY ADVISORY COMMITTEE APPOINTMENT (CLERK'S FILE NO. 401-5)

Council questions focused on the number of applications received.

Council appointed Jennifer Anderson to the Sustainability Advisory Committee as a voting member to serve the balance of a vacant term effective September 19, 2022, and ending on July 31, 2025, on consent.

ITEM 7: ACCEPTANCE OF 2021 STATE HOMELAND SECURITY PROGRAM GRANT FUNDS (CLERK'S FILE NO. 201-13)

Council accepted \$7,234 in grant funds from the 2021 State Homeland Security Program (SHSP) for the purchase of structural firefighting turnouts for the Del Mar Fire Department; authorized the City Manager to execute the necessary grant documents; and authorized the budget adjustments identified in the Fiscal Impact section of the agenda report, on consent.

ITEM 8: ACCEPTANCE OF STATE GRANT FUNDS FOR DEL MAR LIBRARY IMPROVEMENTS (CLERK'S FILE NO. 201-13, 1503-13)

Council adopted Resolution 2022-59, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF BUILDING FORWARD LIBRARY INFRASTRUCTURE PROGRAM GRANT FUNDS FROM THE STATE OF CALIFORNIA FOR THE DEL MAR LIBRARY IMPROVEMENTS PROJECT"; authorized the City Manager to execute the necessary grant documents; and authorized the budget adjustments included in the Fiscal Impact section of the agenda report, on consent.

ITEM 9: RELOCATION OF BABY BOOMERS GOOGLE SCULPTURE (CLERK'S FILE NO. 1202-5)

Council expressed appreciation to the artist for the donation of the art and for working collaboratively with City staff, Del Mar Foundation, and Arts Advisory Committee to relocate the sculpture.

Council approved the relocation of the Baby Boomers Google Sculpture from the art bench on the Camino del Mar sidewalk in front of the Del Mar Library to the cement planter on the west side of the Library's 13th Street entrance, on consent.

PUBLIC HEARING

ITEM 10: UTILITY UNDERGROUNDING PROJECT UPDATE AND ADOPTION OF A RESOLUTION ESTABLISHING THE TEWA COURT/10TH STREET UTILITY UNDERGROUND DISTRICT OVERHEAD FACILITIES REMOVAL DATE (CLERK'S FILE NO. 1001-2)

An introduction to the item was provided by City Manager Jones. A presentation was provided by Public Works Director Joe Bride. Project consultants Duane Strooboscher from Utility Specialists Southwest, Inc. and Bridget Black from KCM Group were available to answer questions.

Council questions focused on the number of parcels included in project X1A and 1A; clarification on existing street conditions prior to the start of work; clarification on the white lateral pipes shown in the PowerPoint presentation and whether contractors have to hand dig around them; feedback on the process and challenges to coordinate with Spectrum and other cable companies to remove their wires; cause of the water main line break on 10th Street and rationale for not completing detailed plans of the utilities in the street; lessons learned from the Tewa project; supply chain issues and associated cost increases; plan for replacing the façade on the Tewa court retaining wall; whether the City was able to obtain unit prices for work like trenching to effectively estimate costs for future undergrounding projects; timing for Councilmembers Gaasterland and Quirk to return to the City Council with an updated charter and/or recommendation related to the Undergrounding Project Advisory Committee (UPAC); and whether the City can hold a final pole removal or ribbon cutting ceremony for completion of the project.

Mayor Worden opened the item to public comment and Joe Gabaldon with SDG&E spoke. Mayor Worden closed the item to public comment.

Council discussion focused on desire to communicate proactively with residents; support for the project; complexities associated with coordinating undergrounding projects with SDG&E, AT&T and Spectrum; desire to improve communications and spend more time with the residents to review the details in easement documents; challenges associated with the City taking over a project that was previously designed by undergrounding area residents; importance of doing a small project as a pilot project prior to undertaking larger projects like 1A and X1A; importance of the City completing comprehensive civil engineering plans for future projects; desire to increase communication with residents; 1A may require California Coastal Commission (CCC) and California Environmental Quality Act (CEQA) review and desire to ensure that the City takes all the proper steps towards completing the project; costs associated with the water main break; appreciation to staff and the City's consultants for their work on the Project; importance of the lessons learned; and desire to maintain credibility with community by not cutting corners with the planning, design, communications and construction management on future undergrounding projects.

IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO ADOPT REVISED RESOLUTION 2022-61, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, FIXING THE TIMES FOR PROPERTIES TO BE READY TO RECEIVE UNDERGROUND SERVICE AND FOR REMOVAL OF OVERHEAD FACILITIES WITHIN THE TEWA COURT/10TH STREET UNDERGROUND UTILITY DISTRICT", WITH THE DATE CHANGED FOR REMOVAL OF OVERHEAD FACILITIES FROM DECEMBER 31, 2022 TO JANUARY

31, 2023; TYPO CORRECTED FOR THIRD RESOLVE CLAUSE IN RESOLUTION AND OTHER AMENDMENTS PER RED DOT. (VOTE 5-0)

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

ITEM 11: ENCROACHMENT PERMIT EP22-067 – REQUEST TO CONSTRUCT FENCING AND AN ENTRYWAY STRUCTURE WITHIN THE PUBLIC RIGHT-OF-WAY AT 1128 CUCHARA DRIVE (APPLICANT: VLADIMIR NOVAKOVIC) (CLERK’S FILE NO. 802-1)

City Attorney Devaney asked for Council disclosures. Mayor Worden, Deputy Mayor Martinez, Councilmembers Gaasterland and Quirk had no disclosures. Councilmember Druker disclosed that he drove by the property.

An introduction to the item was provided by City Manager Jones. A presentation was provided by Assistant Planner Madeline Shute with Principal Planner Matt Bator available to answer questions.

Council questions focused on clarifying the language for finding #6 in Del Mar Municipal Code Chapter 23.28.070; clarification that no prior encroachment permit for the previous fence has been located; timing and scope of the full project; whether there is a photo of the previous wood fence; whether the remodel of the primary dwelling unit had gone to the Design Review Board (DRB) or an Administrative Design Review Process; whether the fence was previously reviewed as part of the Design Review process; clarification on the Accessory Dwelling Unit under construction on the property; whether the fence associated with EP22-067 is legally required for the pool and clarification that the pool fence and balcony application will go to the DRB at a future DRB Meeting;

There were no public speakers for the item.

Council discussion focused on support for the staff recommendation and clarification that the applicant could submit a separate encroachment permit application for the gate only.

IT WAS MOVED BY COUNCILMEMBER QUIRK, SECONDED BY COUNCILMEMBER GAASTERLAND TO ADOPT RESOLUTION 2022-60, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, DENYING ENCROACHMENT PERMIT EP22-067 REQUESTING CONSTRUCTION OF FENCING AND AN ENTRYWAY STRUCTURE WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 1128 CUCHARA DRIVE IN DEL MAR, CALIFORNIA”, BASED ON FINDINGS 1 AND 6. (VOTE 5-0)

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

CITY COUNCIL OTHER BUSINESS

ITEM 12: INITIAL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S DECISION ON TREES, SCENIC VIEWS, AND SUNLIGHT APPLICATION TVS21-002

TVS APPLICANT/APPELLANT: MICHAEL AND ANGELA DEFTOS APPLICANT’S ADDRESS: 225 TORREY PINES TERRACE

**TREE OWNERS: HARVEY AND SHERYL WHITE
TREE OWNERS ADDRESS: 473 OCEAN VIEW AVENUE
(CLERK'S FILE NO. 301-3, 301-12, 1403-7)**

City Attorney Leslie Devaney provided an overview of the initial consideration process. A presentation was provided by Associate Planner Adriana Jaramishian.

Councilmember Quirk disclosed that he spoke with the tree owner Sheryl White. Deputy Mayor Martinez and Councilmember Gaasterland had no disclosures. Mayor Worden disclosed that he was the City Attorney when the Carmel Valley Specific plan was adopted and that he had visited the property. Councilmember Druker disclosed that he had visited the property in the past and has spoken with Linda Deftos and the tree owner Sheryl White.

Council questions focused on the timing for updating the City's Trees, Scenic View and Sunlight ordinance and potential interim work to be done in collaboration by staff and Deputy Mayor Martinez and Councilmember Gaasterland; when tree #1 was planted; trimming period for a Torrey Pines tree; whether Council has the option to remand the item to the Planning Commission this evening; and whether photos exist from before and after the recent limb loss.

Associate Planner Jaramishian shared photos of the tree before and after the limb loss. The appellant and tree owner's representatives were each allowed one minute to respond to the photos.

Appellant Michael Deftos provided a presentation on why the City Council should set the item for de novo hearing. Adam Birnbaum, the tree owner's representative, provided a presentation on why he believed the item should not be set for a de novo hearing.

There were no public speakers for the item.

Deputy Mayor Martinez and Councilmembers Quirk and Gaasterland indicated that they would like to set the item for a de novo hearing.

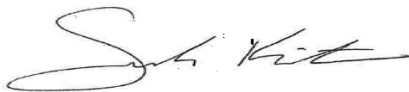
REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

City Council representatives reported on the San Diego Association of Governments (SANDAG) Board; North County Transit District; Parks and Recreation Committee; Legislative Subcommittee; San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA); Sustainability Advisory Committee; League of California Cities; Regional Solid Waste Association.

Council consensus was for the Housing Subcommittee to work with Planning & Community Development Director to bring an item to City Council related to Accessory Dwelling Unit (ADU) regulations and setbacks and to look into whether the City of Santa Barbara ordinance would be a feasible approach for Del Mar.

ADJOURNMENT

Mayor Worden adjourned the meeting at 7:55 p.m.



Sarah Krietor, Administrative Services Manager/
City Clerk