



**CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 17, 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

City Attorney Leslie Devaney reported that there were no recusals or reportable actions for the October 17, 2022, City Council Closed Session meeting. She also responded to an inquiry from an attorney regarding the noticing for the closed session agenda Item A by clarifying that for items where the facts and circumstances of the item are not yet known, no description of the item is needed on the agenda, and that the Closed Session Agenda was properly noticed.

PLEDGE OF ALLEGIANCE

Mayor Worden led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

None.

CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS

None.

CITY MANAGER'S REPORT

City Manager Ashley Jones reported that the deck treatment for the Torrey Pines Bridge Deck would begin October 18, 2022, with work to be completed by October 20, 2022; and the November 2022 Election including ballot drop box information and details about how to view the Del Mar Candidate Forum held on October 10, 2022.

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 COUNCILMEMBER GAASTERLAND TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 8, 10-16, 23, WITH MAYOR WORDEN RECUSED FROM ITEM 12 PERTAINING TO BELLAIR ST. AND

COUNCILMEMBER DRUKER RECUSED FROM ITEM 12 PERTAINING TO ALLEY BETWEEN 9TH AND 10TH ST. (VOTE 5-0)

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

ITEM 1: APPROVAL OF MINUTES: OCTOBER 3, 2022 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED OCTOBER 17, 2022 (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: APPROVAL OF AGREEMENTS FOR AS-NEEDED ECONOMIC IMPACT AND FISCAL ANALYSIS CONSULTING SERVICES (CLERK'S FILE NO. 406-1)

Council approved as-needed agreements with Keyser Marston Associates, Inc. and David Taussig and Associates, Inc. for as-needed economic impact and fiscal analysis consulting services for an initial three year period effective October 17, 2022, and ending October 17, 2025; and authorized the City Manager to execute the agreements, on consent.

ITEM 5: APPROVAL OF AGREEMENTS FOR AS-NEEDED GEOTECHNICAL SERVICES (CLERK'S FILE NO. 406-1)

Council approved consulting services agreements with Atlas Technical Consultants LLC and Barnett Quality Control Services, Inc. dba NOVA Services, Inc. to provide as-needed geotechnical services for an initial three-year period effective November 19, 2022, and ending November 19, 2025; and authorized the City Manager to execute the agreements, on consent.

ITEM 6: AGREEMENT WITH UNITED SITE SERVICES OF CALIFORNIA, INC. FOR PORTABLE RESTROOM SERVICES (CLERK'S FILE NO. 406-1)

Council awarded an agreement with United Site Services of California, Inc. (United Site Services) for portable restroom services for an initial three-year period effective November 1, 2022, and ending November 1, 2025; and authorized the City Manager to execute the agreement, on consent.

ITEM 7: FIRST AMENDMENTS TO AGREEMENTS FOR AS-NEEDED GENERAL ENGINEERING; SURVEYING; AND FATS, OIL, AND GREASE PROGRAM SERVICES (CLERK'S FILE NO. 406-1)

Council approved the First Amendment to the Agreement between the City of Del Mar and Dudek for as-needed general engineering (construction management) services for an additional two-year period ending November 18, 2024; approved the First Amendment to the Agreement between the City of Del Mar and PSOMAS for as-needed surveying services for an additional two-year period ending November 18, 2024; approved the First Amendment to the Agreement between the City of Del Mar and Mikhail Ogawa Engineering Inc. for as-needed Fats, Oil, and Grease program services for an additional two-year period ending November 18, 2024; and authorized the City Manager to execute the First Amendments, on consent.

ITEM 8: LAGOON COMMITTEE APPOINTMENT (CLERK'S FILE NO. 401-5)

Council re-appointed Karen Lare to the Lagoon Committee as a voting member to serve a second full three-year term starting October 31, 2022, and ending on October 31, 2025, on consent.

ITEM 9: PROPOSED AMENDMENT TO CIVIC CENTER OPERATIONS AND SPECIAL EVENT PLAN RELATED TO APPROVED USERS OF THE CIVIC CENTER FACILITIES (CLERK'S FILE NO. 103-4)

The item was pulled from the consent calendar. Council discussion focused on concerns related to WildCoast's position on sea-level rise; rational and evaluation criteria used in the Civic Center Operations and Special Events Plan related to allowing non-profits to use City facilities; desire to understand WildCoast's Del Mar work plan and community impact; desire to understand the demand and usage for the Civic Center facilities; and desire to revisit the City's overall policy related to non-profits use of the Civic Center and other City facilities.

Council consensus was to direct staff to look at the non-profit City facility use policy in a broader way and to bring the item back at a future meeting for City Council to consider a comprehensive update to the policy and Civic Center Operations and Special Event Plan.

ITEM 10: MAYOR'S MONARCH PLEDGE RESOLUTION (CLERK'S FILE NO. 401-1)

Council adopted Resolution 2022-64, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING THE MAYOR'S MONARCH PLEDGE TO RAISE AWARENESS ABOUT THE DECLINE OF THE MONARCH BUTTERFLY AND THE SPECIES' NEED FOR HABITAT", on consent.

ITEM 11: APPROVAL OF AGREEMENT FOR BUSINESS LICENSE TAX AND ADMINISTRATIVE SERVICES (CLERK'S FILE NO. 406-1)

Council approved the professional services agreement (Agreement) with Hinderliter De Llamas & Associates (HdL) for business license tax and administrative services for an initial three-year period effective October 17, 2022, and ending October 17, 2025; and authorized the City Manager to execute the agreement, on consent.

ITEM 12: APPROVAL OF A TASK ORDER WITH PSOMAS TO PERFORM ENGINEERING DESIGN SERVICES FOR THE 2023 WATER, WASTEWATER, PAVEMENT IMPROVEMENTS PROJECT (CLERK'S FILE NO. 406-1)

Council approved a \$66,510 task order with as-needed engineering consultant PSOMAS to perform design services for the 2023 Water, Wastewater, Pavement Improvements Project; and authorized the City Manager to execute the Task Order, on consent.

ITEM 13: ADOPTION OF THE 2022 FIRE CODE (CLERK'S FILE NO. 401-4, 401-9, 1101-8)

Council adopted Ordinance 993, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTER 10.04 OF THE CITY OF DEL MAR MUNICIPAL CODE TO ADOPT THE INTERNATIONAL FIRE CODE 2021 EDITION AND THE CALIFORNIA FIRE CODE 2022 EDITION, INCLUDING APPENDIX B AND I, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS" as introduced on October 3, 2022, on consent.

ITEM 14: ADOPTION OF THE 2022 CALIFORNIA BUILDING CODE AND LOCAL AMENDMENTS (CLERK'S FILE NO. 401-4, 401-9, 801-4)

Council adopted Ordinance 994, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING DEL MAR MUNICIPAL CODE CHAPTER 23.12 (CALIFORNIA CODES FOR CONSTRUCTION) BY AMENDING SECTIONS 23.12.010, 23.12.012, 23.12.018, 23.12.020, 23.12.030, 23.12.040, 23.12.050, 23.12.060, 23.12.062, 23.12.063, 23.12.070, 23.12.080 AND 23.12.090; BY CONFIRMING THAT THE LOCALLY ADOPTED AMENDMENTS IN EXISTING SECTIONS 23.12.011, 23.12.014, 23.12.061, 23.12.064, AND 23.12.065 WILL CONTINUE TO APPLY; AND BY ADDING NEW SECTIONS 23.12.013 AND 23.12.066, ALL RELATING TO APPLICABILITY OF THE 2022 CALIFORNIA BUILDING STANDARDS CODE AND ASSOCIATED NATIONAL AND STATE BUILDING AND CONSTRUCTION CODES WITHIN THE CITY OF DEL MAR", as introduced on October 3, 2022, on consent.

PUBLIC HEARING

ITEM 15: PLANNING AND ENGINEERING FEE SCHEDULE ADMINISTRATIVE UPDATE (CLERK'S FILE NO. 301-16, 801-3, 802-2)

The public hearing was opened and closed. There were no public speakers. The item was moved to the consent calendar for approval of Resolution 2022-65, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING ADMINISTRATIVE UPDATES TO THE FISCAL YEAR 2022-2023 CITY OF DEL MAR FEE SCHEDULE FOR PLANNING AND ENGINEERING SERVICES".

ITEM 16: CONTINUED TO NOVEMBER 14, 2022 COUNCIL MEETING: DE NOVO HEARING OF TVS21-002 (CLERK'S FILE NO. 1403-7)

The public hearing was opened and closed. There were no public speakers. The public hearing was continued to November 14, 2022, on consent.

CITY COUNCIL OTHER BUSINESS

ITEM 17: CONSIDERATION OF ADDING A BUILDING ELECTRIFICATION ORDINANCE TO STAFF'S FISCAL YEAR 2022-2023 WORK PLAN (CLERK'S FILE NO. 401-4, 401-5)

An introduction of the item was provided by Mayor Worden. A presentation was provided by Sustainability Advisory Committee Building Electrification Subcommittee Members Ann Feeney and Nilmini Silva-Send. City Manager Jones and Interim Assistant City Manager Clem Brown were available to answer Council questions. Misti Bruceri with the California Energy Codes and Standards, Statewide Reach Code Program was also available to answer Council questions.

Council questions focused on whether solar is required for new build Accessory Dwelling Units (ADUs), either on the ADU itself or on the main dwelling unit; estimate staff time needed to add the building electrification ordinance to the work plan; whether the Council desires to add this item to the City work plan; timing for staff to bring this item back to the City Council; whether current development applications already submitted would be required to comply with a building electrification ordinance adopted in the future; whether the City would need to hire new staff to implement a building electrification ordinance; and space needed for an electric water heater and how that may relate to Floor Area Ratio (FAR).

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

- 1) Karl Aldinger, Sierra Club
- 2) Serena Pelka, Climate Action Campaign
- 3) Mary D.

Mayor Worden closed the item to public comment.

Council discussion focused on timing for adding the item to the City's work plan; desire to understand what items may need to be moved from the work plan in order to initiate this item sooner; support for the City Council to consider the building electrification ordinance at a future meeting; whether Del Mar staff has spoken with City of Solana Beach staff regarding the work involved in implementing a building electrification ordinance; whether the Sustainability Advisory Committee (SAC) could continue working on the ordinance and outreach in the interim; and importance of official City outreach related to any future building electrification requirements.

IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO SUPPORT MOVING FORWARD WITH BUILDING ELECTRIFICATION ORDINANCE AND FOR CITY COUNCIL TO DISCUSS TIMING AT THE GOALS AND PRIORITIES WORKSHOP IN JANUARY OR FEBRUARY 2023 INCLUDING WHETHER IT IS FEASIBLE TO MOVE SOME PORTION OF THE BUILDING ELECTRIFICATION ORDINANCE PROCESS INTO THE CURRENT FISCAL YEAR 2022-2023 WORK PLAN. (VOTE 5-0)

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

ITEM 18: INITIAL CONSIDERATION OF AN APPEAL OF THE CITY MANAGER'S DECISION ON ENCROACHMENT PERMIT EP22-064

**EP APPLICANT/APPELLANT: STEVEN CROWE
APPLICANT'S ADDRESS: 111 SEA CLIFF WAY
(CLERK'S FILE NO. 802-1)**

Councilmember Gaasterland recused herself due to living within 500 feet of the subject matter of the initial consideration. City Attorney Devaney explained the initial consideration procedure.

Deputy Mayor Martinez disclosed that she received an email invitation from Mr. Crowe to view the site and she viewed the site but did not meet with Mr. Crowe. Councilmember Druker disclosed that he walked by the site. Councilmember Quirk disclosed that he did not visit the site recently, but he did have a

conversation with Mr. Crowe several months ago that was unrelated to the initial consideration. Mayor Worden disclosed that he read the red dots, visited the site, exchanged non-substantive emails with Mr. Crowe, and asked staff whether the series of photos submitted by Mr. Crowe showing hedges were in the public right-of-way.

An introduction to the item was provided by City Manager Jones. A presentation was provided by Assistant Planner Madeline Shute. Steve Crowe the applicant/appellant presented on why he felt the item should be set for a de novo hearing.

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

- 1) Karen Lare

The following residents were present in the location of speaker Karen Lare and indicated they were in support of setting the item for de novo hearing:

- 2) Eddie Lare
- 3) Karl Willert
- 4) MK Campion
- 5) Stephen Liston

Mayor Worden closed the item to public comment.

Mayor Worden and Councilmembers Druker and Martinez indicated they would like to set the item for a de novo hearing. Council directed staff to set the item for de novo hearing at the next available meeting and notify the parties involved.

ITEM 19: CONSIDERATION OF RETAINING WALL MATERIALS FOR UTILITY UNDERGROUNDING PROJECT (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. Planning and Community Development Director Karen Brindley was available to answer questions.

Council questions focused on staff selecting retaining wall materials that are compatible with the surrounding environment; whether staff has considered using different materials for walls that would not be visible; and whether the retaining walls go through the Design Review Board review and approval.

There were no public speakers for the item.

IT WAS MOVED BY COUNCILMEMBER QUIRK, SECONDED BY COUNCILMEMBER GAASTERLAND TO APPROVE STAFF'S RECOMMENDATION WITH COUNCILMEMBER GAASTERLAND SUGGESTED CHANGE THAT WILL ALLOW STAFF TO TAKE INTO CONSIDERATION WHETHER THE WALL WILL BE VISIBLE AND USE A LESS EXPENSIVE MATERIAL IF STAFF DETERMINES THE WALL WILL NOT BE VISIBLE. (VOTE 5-0)

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

ITEM 20: CONSIDERATION OF A LETTER TO THE NORTH COUNTY TRANSIT DISTRICT REGARDING LOSSAN RAIL REALIGNMENT FUNDING (CLERK'S FILE NO. 1005-2, 1506-20)

An introduction to the item was provided by City Manager Jones. A presentation was provided by Councilmember Gaasterland.

There were no public speakers for the item.

Council questions and discussion focused on correcting \$3 million to \$300 million; possible edits to the letter suggested by Mayor Worden; and cost benefit analysis used by North County Transit District (NCTD) for projects.

IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY DEPUTY MAYOR MARTINEZ TO APPROVE DISTRIBUTING THE LETTER WITH THE TYPO CORRECTED CHANGING 3 MILLION TO 300 MILLION. (VOTE 5-0)

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

IT WAS MOVED BY COUNCILMEMBER GAASTERLAND, SECONDED BY MAYOR WORDEN TO HAVE COUNCILMEMBER GAASTERLAND WORK WITH STAFF TO REVISE THE SENTENCE PROPOSED BY MAYOR WORDEN OF: "DEL MAR AGREES THAT OTHER PROJECTS NCTD WOULD LIKE TO PURSUE ARE ALSO IMPORTANT, AND WE WILL SUPPORT SEEKING FUNDING FOR THEM, BUT NOT AT THE EXPENSE OF THESE FUNDS FOR THE RELOCATION PROJECT." (VOTE 4-1 WITH COUNCILMEMBER QUIRK OPPOSED)

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

ITEM 21: CONSIDERATION OF A TREE DONATION PROPOSAL FROM THE DEL MAR FOUNDATION (CLERK'S FILE NO. 1202-5, 1202-11)

An introduction to the item was provided by Mayor Worden. A presentation was provided by Del Mar Foundation representatives Julie Maxey-Allison and Betty Wheeler. City Manager Jones provided additional comments. Public Works Director Bride was available to answer questions.

Council questions and discussion focused on potential view blockage from the trees and the City's public tree manual not addressing view blockage from public trees; drought considerations; timing for completing the planting; appreciation to Del Mar Foundation for sponsoring this item; Council desire to consider this item as part of the goals and priorities workshop in 2023; considerations related to tree placement and types of trees; and desire to refer the item to the Parks and Recreation Committee for further vetting.

There were no public speakers for the item.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR WORDEN, TO HAVE THE PARKS AND RECREATION COMMITTEE TAKE A LOOK AT THE ISSUE TO DETERMINE PLACEMENT OF TREES, ETC., AND TO VET OUT WHAT AND HOW THIS CAN BE DONE WITH MINIMAL IMPACT TO CITY STAFF. (VOTE 5-0)

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

ITEM 22: CONSIDER CONTINUATION OF REMOTE PUBLIC MEETINGS IN COMPLIANCE WITH GOVERNMENT CODE SECTION 54953 (ASSEMBLY BILL 361) (CLERK'S FILE NO. 401-7)

An introduction to the item was provided by City Manager Jones. A presentation was provided by Administrative Services Manager/City Clerk Krietor.

Council questions focused on whether other cities are meeting in-person; whether the City could consider a phased approach to resuming in-person meetings; and whether the City can facilitate hybrid meetings for public participation.

Mayor Worden opened the item to public comment and the following person spoke, Mary D. Mayor Worden closed the item to public comment.

Council discussion focused on Council's desire to resume in-person meetings in December 2022; Council's desire for staff to return with a plan for returning for in-person public meetings; and importance of having remote options for public participation.

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY DEPUTY MAYOR MARTINEZ TO RESUME IN PERSON MEETINGS IN DECEMBER 2022, WITH STAFF TO COME BACK TO CITY COUNCIL AT THE NOVEMBER MEETING TO DISCUSS THE PROCESS TO IMPLEMENT IN-PERSON MEETINGS. (VOTE 5-0)

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

IT WAS MOVED BY MAYOR WORDEN, SECONDED BY COUNCILMEMBER GAASTERLAND TO ADOPT RESOLUTION 2022-67, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, MAKING FINDINGS REQUIRED UNDER GOVERNMENT CODE SECTION 54953 RELATED TO ASSEMBLY BILL 361 IN ORDER TO CONTINUE THE USE OF TELECONFERENCE OR A REMOTE MEETING PLATFORM TO FACILITATE REMOTE PUBLIC MEETINGS". (VOTE 5-0)

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

ITEM 23: ADOPTION OF THE 2023 CITY COUNCIL MEETING SCHEDULE (CLERK'S FILE NO. 401-1)

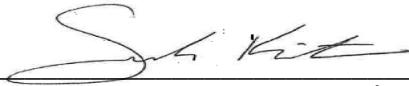
There were no public speakers for the item. Council adopted Resolution 2022-66 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, DESIGNATING REGULAR MEETINGS OF THE CITY COUNCIL FOR THE 2023 CALENDAR YEAR" on consent.

REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

City Council representatives reported on the San Diego Association of Governments (SANDAG) Board of Directors; Regional Solid Waste Association (RSWA); METRO Commission/METRO Wastewater Joint Powers Authority (JPA); Sustainability Advisory Committee (SAC); and League of California Cities.

ADJOURNMENT

Mayor Worden adjourned the meeting at 7:51 p.m.



Sarah Krietor, Administrative Services Manager/
City Clerk