

MINUTES
Del Mar City Council Meeting
Monday, May 16, 2016
Del Mar Communications Center
240 Tenth Street, Del Mar, California

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 was 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/ROLL CALL - 6:00 P.M.

All Council Members were present.

PLEDGE OF ALLEGIANCE

Mayor Parks led the Pledge of Allegiance.

ORAL COMMUNICATIONS

Jim Coleman thanked Council and City Staff for their work and invited Council and the public to celebrate his 45th Anniversary with State Farm on June 1st, 2016, from 3:00-6:00 P.M.

Kevin Melton, 78th Assembly Candidate, reminded Council and the public to vote in the June primary election. He stated he is a Republican endorsed and moderate candidate, but very fiscally conservative.

GOVERNING BODY ACTIONS AND COMMENTS

Council Member Worden gave an overview of the proposed ½ cent sales tax measure for SANDAG and what the sales tax would be used for. If passed, it would raise 18 billion, with a share to be distributed to cities. Mayors of Poway, La Mesa, Escondido and San Diego voted against it.

Council Member Worden spoke about annual report received on San Dieguito Lagoon mitigation studies and noted Saturday, May 21, 2016 is the ribbon cutting for Lagoon Day.

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Deputy Mayor Sinnott thanked Council Member Worden for representing the City of Del Mar on the SANDAG Committee. He recognized credibility of SANDAG's plan, and history of using sales tax funds to pay for needed projects.

Council Member Mosier spoke about Community Choice energy expiration, and noted that the Climate Action plan will be an item on the next Council meeting agenda.

Council Member Corti opposes ½ cent sales tax increase proposed by SANDAG. He said there is not enough benefit to Del Mar. He said local measure would be better for community.

Council Member Corti discussed 5% day at Whole Foods Market on May 26th, and stated some of the monies will be donated to the Del Mar Village Association.

CITY MANAGER'S REPORT

City Manager Huth did staff introductions for the new Administrative Services Director, Ashley Jones, and Planning Manager, Tracy Elliot-Yawn, and provided moving date and temporary location information. Friday, June 3rd will start physical move. Open again to public on Monday, June 6. Del Mar TV transmission with Time Warner, will take time. Available on the City's website and through AT&T. Mailing address and phone numbers will stay the same.

COMMUNITY ANNOUNCEMENTS AND PRESENTATIONS

ITEM 1

PROCLAMATION OF ANNUAL DEL MAR NON-PROFIT AWARENESS:
DEL MAR FARMERS MARKET (Clerk's File No. 1201-5)

Mayor Parks presented the Proclamation to members of the Farmers Market Board.

ITEM 2

PROCLAMATION FOR NATIONAL PUBLIC WORKS WEEK FROM MAY 15 - 21, 2016
(Clerk's File No. 1201-5)

Mayor Parks presented the Proclamation to Deputy Public Works Director Joe Bride.

CONSENT CALENDAR

Administrative Services Director, Ashley Jones, read the titles and recommendations for the Consent Calendar, Items 3 through 7.

Deputy Mayor Sinnott asked that a separate vote be held for Item 7.

Council Member Mosier nominated Items 11 and 12 for the Consent Calendar. Administrative Services Director Jones noted the Red Dot resolution on Item 12. Mayor Parks opened Items 11 and 12 to public comment. There being no one to speak, she closed items 11 and 12 to public comment.

IT WAS MOVED BY MAYOR PARKS, SECONDED BY COUNCIL MEMBER MOSIER, TO APPROVE THE CONSENT CALENDAR ITEMS 3 THROUGH 6. MOTION PASSED UNANIMOUSLY.

IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY COUNCIL MEMBER WORDEN, TO APPROVE CONSENT CALENDAR ITEM 7. MOTION PASSED 4-1, WITH DEPUTY MAYOR SINNOTT OPPOSED.

ITEM 3

APPROVAL OF MINUTES: MAY 2, 2016 REGULAR MEETING (Clerk's Minutes Book)

Council approved the minutes, as amended, on Consent.

ITEM 4

RATIFICATION OF LIST OF DEMANDS, DATED MAY 16, 2016 (Clerk's File No. 201-3)

Council ratified the List of Demands, on Consent.

ITEM 5

WAIVER OF READING OF ORDINANCES ON AGENDA (Clerk's File No. 401-4)

Council waived reading of ordinances, on Consent.

ITEM 6

AUTHORIZATION OF A LICENSE AGREEMENT AND OPERATIONS PERMITS FOR THE TEMPORARY OPERATION OF THE DEL MAR FARMERS MARKET AT SHORES PARK (DURING THE CONSTRUCTION OF CITY HALL)

APPLICANT: VALERIE FANNING AND RITA MEIER, DEL MAR FARMERS MARKET (Clerk's File No. 204-2, 406-1)

City Council: 1) authorized the City Manager to enter into a license agreement with the Del Mar Farmers Market for temporary operation on the upper paved portion of Shores Park during construction of the City Hall/Town Hall Project; and 2) authorized the City Manager to conditionally approve the requested Operations Permits subject to the suggested conditions of approval on Consent.

ITEM 7
SECOND READING AND ADOPTION OF AN ORDINANCE ADDING CHAPTER 11.36 TO THE DEL MAR MUNICIPAL CODE (DMMC) TO PROHIBIT THE USE OF SINGLE-USE PLASTIC CARRY-OUT BAGS (Clerk's File No. 401-4, 401-9)

Council adopted Ordinance 915 on Consent:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR ADDING CHAPTER 11.36 TO THE MUNICIPAL CODE PROHIBITING THE USE OF SINGLE-USE PLASTIC CARRY-OUT BAGS.

PUBLIC HEARINGS

ITEM 8
EXTENSION OF URGENCY ORDINANCE 913 IMPOSING A TEMPORARY MORATORIUM ON THE USE OF ANY RESIDENTIAL PROPERTY WITHIN THE CITY OF DEL MAR FOR SHORT-TERM RENTAL HOUSING AND EXCLUDING CURRENT SUCH USES (Clerk's File No. 401-4, 401-9)

Assistant City Attorney Randy Risner, provided a presentation.

Mayor Parks opened the Item to public comment and the following person spoke:

Brenda Sampiere, 26th Street

The following person submitted a speaker slip but did not wish to speak and to have her vote of support noted:

Robin Crabtree, 25th Street

Mayor Parks closed the Item to public comment.

Deputy Mayor Sinnott expressed willingness to work with the community to come up with collaborative solutions. He emphasized the moratorium is on new rentals, not existing rentals.

IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY COUNCIL MEMBER WORDEN, TO EXTEND URGENCY ORDINANCE 913, AS ALLOWED BY GOVERNMENT CODE §65858 FOR SIX MONTHS, EXPIRING NOVEMBER 16, 2016, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA. AN URGENCY, INTERIM ORDINANCE OF THE CITY OF DEL MAR, CALIFORNIA ESTABLISHING A TEMPORARY MORATORIUM ON THE USE OF ANY RESIDENTIAL PROPERTY WITHIN THE CITY OF DEL MAR FOR SHORT-TERM RESIDENTIAL RENTAL HOUSING." MOTION PASSED UNANIMOUSLY

CITY COUNCIL OTHER BUSINESS

ITEM 9

COMMUNITY FORUM & STATUS REPORT/DIRECTION ON THE CITY HALL/TOWN HALL PROJECT (Clerk's File No. 307-7)

Council Member Mosier spoke about an upcoming meeting with Miller Hull Architects to finish design details. He reported resolution of outstanding issues and there was minor redesigns, including interior bathroom access, breezeway roof configuration, and parking garage design.

Council Member Corti spoke about the ingress and egress on 10th and 11th St.; he announced that a decision on this issue will be made at a later date but that the design can still accommodate from a physical standpoint. He spoke about the flexibility of the Town Hall space. He updated Council on financing and shared that the project remains on budget and on schedule.

City Manager Huth updated Council about the temporary fencing and barriers which will be erected during demolition and construction.

Council Member Mosier updated the Council on sustainability measures. He announced that the City will receive less money from SDG&E than planned, but that other grant opportunities are being pursued.

Deputy Mayor Sinnott discussed concern about fencing of site during construction until the permanent wall is built.

Council Member Worden would like a lounge area to sit and have coffee, where people can watch and listen to the meeting. He asked when can the 50% plans be viewed by the public. Planning

and Community Development Director Garcia stated the plans will be available as part of the June 6th, 2016 Council packet.

ITEM 10

AMENDMENT TO THE CONTRACTUAL SERVICE AGREEMENT WITH THE MILLER HULL PARTNERSHIP LLC. FOR CITY HALL/TOWN HALL PROJECT CONSTRUCTION DOCUMENTS AND CONSTRUCTION ADMINISTRATION AND ADDITIONAL PROFESSIONAL SERVICES RELATED TO DESIGN (Clerk's File No. 307-7, 406-1)

City Manager Huth noted Red Dot updates on the Item and provided the Staff Report.

Council Member Worden inquired what changed from the original proposal. City Manager Huth stated construction contract administration costs and additional costs such as for acoustical design consultant services.

Deputy Mayor Sinnott requested confirmation that the expenditures aren't for typical unnecessary change orders, which City Manager Huth stated these costs are within the original budget proposal.

Mayor Parks opened the Item to public comment. There being no one to speak, she closed the item to public comment.

IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY DEPUTY MAYOR SINNOTT TO ADOPT RESOLUTION 2016-28 AS AMENDED, WITH ADDITION OF PAGE 2 OF RED DOT, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED PROFESSIONAL SERVICE AGREEMENT WITH THE MILLER HULL PARTNERSHIP LLC. PROVIDING SERVICES FOR CONSTRUCTION BID & AWARD AND CONSTRUCTION ADMINISTRATION, AS WELL AS AUXILIARY DESIGN SERVICES FOR THE CITY HALL/TOWN HALL PROJECT". MOTION PASSED UNANIMOUSLY.

ITEM 14

CONTINUATION OF DISCUSSION ON REGULATION OF SHORT-TERM RESIDENTIAL RENTALS: CLARIFICATION OF CITY COUNCIL DIRECTION, SUMMARY OF DATA ANALYSIS, AND PROPOSED COMMUNITY FEEDBACK APPROACH (Clerk's File No. 301-19)

Senior Management Analyst Terwilliger, and Associate Planner Casswell, provided the staff report with a PowerPoint Presentation.

Deputy Mayor Sinnott asked if there is any data that shows that these rentals are causing neighborhood problems. Senior Management Analyst Terwilliger stated there is nothing formal except one Code Enforcement complaint since April 4, 2016.

City Manager Huth said feedback implies the cluster areas are problematic for homeowners.

Council Member Corti asked how often properties are rented. Associate Planner Casswell stated an average of 270 days per year.

Council Member Worden requested staff do a formal analysis of the Community Plan.

Administrative Services Director Ashley Jones noted Red Dot Correspondence on the Item.

Mayor Parks opened the Item to public comment and the following people spoke:

Laura DeMarco, Avenida Primavera
Noel Quintana, Coast Boulevard
Ed Kurdziel, 13th Street
Kim Jackson, 21st Street
Robin Crabtree, 25th Street
David Doyle, 26th Street
Barbara McRoksey, 26th Street
Bill Michalsky, Drawer O
Brenda Sampiere, 26th Street
Angel O'Brien, Camino del Mar

The following people submitted speaker slips on the Item but did not wish to speak.

Bruce McDermott, 25th Street
Nancy Doyle, 26th Street

Mayor Parks closed the public comment.

Deputy Mayor Sinnott, Council Members Mosier and Corti were in favor of the Del Mar Municipal Code being amended to allow and

regulate Short Term Rentals, with Mayor Parks and Council Member Worden opposed.

Mayor Parks directed staff to look into Short Term Rentals in other communities.

City Manager Huth stated our existing code enforcement process needs to remain the same. He stated immediate disturbance of the peace should be addressed by the Sheriff's department, not through Code Enforcement.

Council recommended community workshops.

RECESS AND CALL TO ORDER

Mayor Parks recessed the meeting for a 10 minute break and called back to order. All Council Members were present.

ITEM 16

CONTINUATION OF DISCUSSION REGARDING PROPOSED DEL MAR SALES TAX MEASURE (Clerk's File No. 201-10, 201-15)

Administrative Services Director Ashley Jones provided the staff report.

Administrative Services Director Jones noted Red Dot Correspondences.

Mayor Parks opened the Item to public comment and the following people spoke:

Dan Quirk, 23rd Street
Jim Benedict, Christy Lane
Olivia Davis, Kalamath Drive
Linda Rock, 23rd Street
Richard Levak, 23rd Street
Charles Pinney, Kalamath Drive

Mayor Parks closed the Item to public comment.

Council's consensus is to pursue the measure in November, and determine what the percentage should be.

Council Member Worden is concerned about the timing and reassurance is necessary that it has a good chance of passing. He said community group needs to step up and lead the effort.

Council Member Mosier stated community support is important for measure and to look at .5% may be a more preferred proposed percentage.

Mayor Parks said time needs to be spent educating and incentivizing the business community.

Council Member Corti supports this measure and stated it would provide more money for streetscape and other significant projects. He feels it should go back to the Finance Committee for recommendation. He requested staff to return with language for November ballot. He proposed ballot language to look at options of .5% or 1%.

Deputy Mayor Sinnott is in favor of undergrounding and feels doing the work would be a huge community asset. He stated to package as an infrastructure improvement funding source.

ITEM 15

A REQUEST TO AUTHORIZE LANDSCAPING AND FENCING WITHIN THE VIA DE LA VALLE PUBLIC RIGHT-OF-WAY ASSOCIATED WITH THE DEL MAR FAIRGROUNDS/RACETRACK (ENCROACHMENT PERMIT EP16-014)

APPLICANT: GARY REIST, DEL MAR FAIRGROUNDS/RACETRACK, 22ND DISTRICT AGRICULTURAL ASSOCIATION (Clerk's File No. 802-1, 1502-10)

Joseph Smith, Senior Planner, provided the staff report and PowerPoint Presentation.

Applicant Gary Reist, Del Mar Fairgrounds/Racetrack, 22nd District Agricultural Association provided a presentation. He said the need is based on security and it is a quality product. He is asking for compromise on height limit, to increase due to placement on downward slope.

Mayor Parks opened the Item to public comment and the following people spoke:

Philip Campanelli, Hilton Del Mar
Donna Glenn, Shoemaker Lane, Solana Beach
Debra Grannick, Longden Lane, Solana Beach

The following people submitted speaker slips on the Item but did not wish to speak:

Nelly High, Del Mar Downs Rd., Solana Beach
Rozelyn Naliboff, Turfview Dr., Solana Beach
Fay Dadbeh, Calle Christopher, Encinitas

Mayor Parks closed the Item to public comment.

Council Member Corti asked why not put the fence on the property line? Applicant stated it is too close to the creek and it does not provide additional usable area on Fairground property.

Council Member Mosier clarified that if approved, the Design Review Board still needs to consider the design.

Council Member Mosier and Deputy Mayor Sinnott have concern about public safety.

IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY COUNCIL MEMBER MOSIER TO AUTHORIZE THE CITY MANAGER TO CONDITIONALLY APPROVE THE ENCROACHMENT PERMIT (EP) REQUEST SUBJECT TO THE SUGGESTED CONDITIONS OF APPROVAL IN ATTACHMENT A WITH THE REVISION THAT THERE BE NO BARBED WIRE, MOTION PASSED UNANIMOUSLY.

Fee waiver is being requested. City Manager Huth provided overview of why the fee waiver is being recommended to be waived.

IT WAS MOVED BY COUNCIL MEMBER WORDEN, SECONDED BY COUNCIL MEMBER MOSIER TO AUTHORIZE THE CITY MANAGER TO GRANT FULL FEE WAIVER OF THE REQUIRED FEES. MOTION PASSED UNANIMOUSLY.

ITEM 13

FINANCE COMMITTEE PRESENTATION ON THEIR PROPOSED IMPLEMENTATION OF A CITY POLICE DEPARTMENT PLAN (Clerk's File No. 401-5, 1101-2)

Finance Committee members Barry Entous and Jim Eckmann provided a powerpoint presentation.

Council Member Worden stated in the 1990's Community Service Officers were hired. He asked how it went with that program. It

was discontinued due to the economic downturn. He stated first exercise would be to hire a police chief.

Council Member Corti read a letter from the Sheriff's department and they will not form a small department for the City of Del Mar, but would provide assistance in forming own department. He said to consider the financial costs to really analyze the issue and come back and make that request. He would like the Finance Committee to solicit community support.

Mayor Parks has concern with recruitment. Council Member Worden and the Finance Committee indicated that recruitment will not be difficult. Plenty of qualified people would like to work in Del Mar.

City Manager Huth stated staff will provide an implementation plan. He said to look at November at the earliest to return with staff recommendations.

Deputy Mayor Sinnott recommended to take our time and do a good job.

Mayor Parks opened the Item to public comment. There being no one to speak, she closed the item to public comment. The following person submitted a speaker slip on the Item but did not wish to speak:

Robin Crabtree, 25th Street

Council Member Mosier stated staff needs to take time to evaluate risk benefit analysis.

CONSENT CALENDAR

ITEM 11

AUTHORIZATION FOR THE CITY MANAGER TO AWARD A CONTRACT FOR DEMOLITION SERVICES OF THE CITY HALL PROJECT SITE TO THE LOWEST RESPONSIBLE BIDDER AND TO NEGOTIATE AS NECESSARY TO RESOLVE POTENTIAL BID ISSUES (Clerk's File No. 307-7, 406-1)

Council authorized the City Manager to negotiate and award a construction contract with a Demolition Contractor to the lowest responsible bidder in the amount not to exceed \$500,000.

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ITEM 12

AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WESTERN AUDIO VISUAL FOR THE PURCHASE OF TELEVISION BROADCAST EQUIPMENT IN AN AMOUNT NOT-TO-EXCEED \$117,000 (Clerk's File No. 406-1)

Council adopted Resolution 2016-29 as amended, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WESTERN AUDIO VISUAL FOR THE PURCHASE OF TELEVISION BROADCAST EQUIPMENT AND ADJUST THE FISCAL YEARS 2015-2016 AND 2016-2017 OPERATING AND CAPITAL BUDGET FOR FUNDING FROM THE PEG FEE FUND", on Consent.

IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY DEPUTY MAYOR SINNOTT, TO APPROVE THE CONSENT CALENDAR ITEMS 11 AND 12. MOTION PASSED 5-0.

CITY COUNCIL OTHER BUSINESS

ITEM 17

DISCUSSION WHETHER TO EXERCISE THE FIRST OPTION TO EXTEND THE REDFLEX CONTRACT FOR ONE YEAR AND AUTHORIZE FUNDING OF SHERIFF COMMUNITY SERVICE OFFICER (CSO) TO PERFORM TICKET REVIEW (Clerk's File No. 406-1, 904-5)

Assistant City Manager Mark Delin provided the staff report and PowerPoint Presentation.

Mayor Parks opened the Item to public comment and the following people spoke:

Jim Benedict, Christy Lane
Bill Michalsky, Drawer O

Mayor Parks closed the Item to public comment.

Administrative Services Director Jones noted Red Dot correspondence on the Item.

Council directed this contract to be month to month, and bring back to Council once vetted through the Finance Committee.

ITEM 18

CONSIDERATION OF MODIFICATIONS TO DMMC 23.28 ENCROACHMENT PERMITS (Clerk's File No. 401-9, 802-1)

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Council consensus is to continue item to a future meeting.

ADJOURNMENT - 11:40 P.M.

Mayor Parks adjourned the meeting at 11:40 P.M.



ASHLEY JONES, ADMINISTRATIVE SERVICES DIRECTOR

ATTEST:



SHERRYL PARKS, MAYOR