

MINUTES  
Del Mar City Council Meeting  
Monday, November 18, 2013  
Del Mar Communications Center  
240 Tenth Street, Del Mar, California

CALL TO ORDER/ROLL CALL - 6:00 P.M.

Mayor Sinnott, Deputy Mayor Haydu, Council Members Corti, Mosier and Parks.

City Manager Huth, Assistant City Manager Delin, City Attorney Devaney, City Clerk and Information Systems Director Martin, Planning and Community Development Director Garcia, and Planning Manager Birnbaum, Assistant to the City Manager Potter, Public Works Director Minicilli, and Director of Finance/Treasurer McBroome.

City Attorney Devaney reported out of Closed Session and indicated that the Mayor and Council met on Conference with Legal Counsel, Existing Litigation, and on a vote of 5-0, Council stipulated the Workers Compensation claim payment in the DeStefano matter of \$6,210.

PLEDGE OF ALLEGIANCE

Mayor Sinnott led the Pledge of Allegiance.

COMMUNITY ANNOUNCEMENTS AND PRESENTATIONS

ITEM 1 - 6:02 P.M.

RESOLUTION RECOGNIZING CITY CLERK MERCEDES MARTIN FOR 25 YEARS OF SERVICE AND DEDICATION TO THE CITY OF DEL MAR. (Clerk's File No. 1201-5)

Mayor Sinnott presented a proclamation to City Clerk Martin.

IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY COUNCIL MEMBER PARKS, TO ADOPT RESOLUTION 2013-62, A RESOLUTION OF APPRECIATION FOR MERCEDES MARTIN HONORING HER 25 YEARS OF EXEMPLARY SERVICE TO THE CITY OF DEL MAR AND DECLARING DECEMBER 2, 2013 AS MERCEDES MARTIN DAY IN THE CITY OF DEL MAR. MOTION PASSED UNANIMOUSLY.

City Clerk Martin accepted the resolution and thanked the City Council.

Mayor Sinnott announced the City Council Workshop on December 2, 2013 that would be focused on alternatives and the process for a new city hall.

ORAL COMMUNICATIONS - 6:10 P.M.

Terri Wyatt, San Diego, spoke about her candidacy for District Attorney.

Tensia Trejo, Cuchara Drive, spoke about a previous presentation on the San Dieguito Lagoon and River Valley.

Estephannia Vilva-Colon, San Diego, speaking on behalf of Senator Joel Anderson, invited the Council to the Annual Holiday Legislative Open House on Thursday, November 21, 2013.

CITY MANAGER

City Manager Huth introduced Andrew Potter, the new Assistant to the City Manager.

CONSENT CALENDAR - 6:22 P.M.

City Clerk Martin read the titles of Items 2 through 7 on the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER PARKS, SECONDED BY DEPUTY MAYOR HAYDU, TO ADOPT THE RECOMMENDATIONS FOR ITEMS 2 THROUGH 7, ON THE CONSENT CALENDAR. MOTION PASSED UNANIMOUSLY.

ITEM 2  
RATIFICATION OF LIST OF DEMANDS, DATED NOVEMBER 18, 2013. (Clerk's File No. 201-3)

Council ratified the List of Demands in the amount of \$301,926.79.

ITEM 3  
WAIVER OF READING OF ORDINANCES ON AGENDA. (Clerk's File No. 401-4)

Council waived reading of ordinances.

ITEM 4

SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY OF DEL MAR AMENDING CHAPTER 30.24 OF THE DEL MAR MUNICIPAL CODE, THE NORTH COMMERCIAL ZONE TO INCLUDE EMERGENCY SHELTERS AS ONE OF THE ALLOWED USES WITHIN THE NORTH COMMERCIAL ZONE AND TO ESTABLISH PARAMETERS AND REVIEW PROCEDURES FOR EMERGENCY SHELTERS. [REFERENCE: ZA-13-02] (Clerk's File No. 401-4, 401-9)

Council adopted Ordinance 888.

ITEM 5

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR SEA-LEVEL RISE PLANNING GRANT PROGRAM FUNDS WITH THE CALIFORNIA COASTAL COMMISSION, ACCEPTING THE TERMS OF THE GRANT AGREEMENT, AND ALLOCATING UP TO \$50,000 AS A COMBINATION OF MATCHING FUNDS FROM THE FISCAL YEARS 2013-2014 AND 2014-2015 OPERATING AND CAPITAL BUDGET AND IN-KIND SERVICES. (Clerk's File No. 201-13)

Council adopted Resolution 2013-63.

ITEM 6

AMENDMENT TO THE AGREEMENT WITH WEST COAST ARBORISTS FOR URBAN FORESTRY MAINTENANCE SERVICES EXTENDING THE TERM OF THE CONTRACT AND INCREASING THE ANNUAL CONTRACT TO A NOT-TO-EXCEED AMOUNT OF \$40,000. (Clerk's File No. 406-2)

Council authorized the City Manager to execute up to three twelve-month extensions to the agreement with West Coast Arborist to perform Urban Forestry Maintenance Services and authorized the increase of the contract amount from \$15,000 annually to a not-to-exceed \$40,000 annually, for up to three twelve-month periods, beginning January 1, 2014.

ITEM 7

REQUEST TO INSTALL NEW METERS AND EXPAND CELL SERVICE IN THE L'AUBERGE GARAGE TO ALLOW FOR NEW PARKING METER OPERATION. (Clerk's File No. 905-4)

Council authorized the City Manager to take the necessary measures to install both new parking meters and cell service in the L'Auberge garage to allow for new parking meter operation.

COMMISSION AND COMMITTEE INTERVIEWS

ITEM 8 - 6:24 P.M.

DESIGN REVIEW BOARD (DRB) INTERVIEW AND APPOINTMENT. (Clerk's File No. 401-5)

City Clerk Martin presented the staff report.

Council discussed waiving City Council Policy #16, Section A, due to the lengthy vacancy on the Design Review Board.

By consensus, Council waived for one time only, Policy #16 and interviewed Dr. Bruce Bekkar for the vacancy on the Design Review Board.

IT WAS MOVED BY COUNCIL MEMBER PARKS, SECONDED BY COUNCIL MEMBER CORTI, TO APPROVE THE APPOINTMENT OF DR. BRUCE BEKKAR FOR A THREE-YEAR TERM ON THE DESIGN REVIEW BOARD, EXPIRING IN NOVEMBER, 2016, AND TO WAIVE CITY COUNCIL POLICY NUMBER 16 FOR THIS APPOINTMENT. MOTION PASSED UNANIMOUSLY.

CITY COUNCIL OTHER BUSINESS

ITEM 9 - 6:29 P.M.

REPORT ON LAW ENFORCEMENT OPTIONS FOR THE CITY OF DEL MAR. (Clerk's File No. 1101-2)

Assistant City Manager Delin indicated that Council would receive a report on options for law enforcement services. He introduced Consultants John Goss and George Rawson with Ralph Anderson & Associates. He also indicated that Sheriff's Contract Manager Keith Spears and Captain Robert Haley would also provide a report.

John Goss, Consultant for Ralph Anderson & Associates, provided his professional background.

George Rawson, Consultant for Ralph Anderson & Associates, and retired Chief of Police, also provided his professional background.

John Goss provided a report and PowerPoint presentation on the evaluation of the cost and services. He talked about the Sheriff's Contract, and their level of service. He also reported on Community Outreach such as foot patrols, neighborhood watch and

senior volunteer watch programs. He reported on the cost of police services as a percentage of the General Fund budget among Del Mar's four coastal neighbors. He also reported on the cost of police services as a percentage of the General Fund budget. He described the per capita cost of police services among Del Mar's four coastal neighbors and the per capita cost of police services among eight small, tourist-oriented California cities. He reported on the advantages and disadvantages of the Sheriff's contract. He provided their firm's recommendations with continuation of the Sheriff's contract. He indicated that they also looked at the issue of creating a stand-alone Del Mar Police Department.

George Rawson presented a report and PowerPoint presentation regarding the creation of a stand-alone Del Mar Police Department. He reported on staffing and the related salary and benefit expense. He explained the staffing levels that are recommended.

John Goss discussed safety vs. liability when there is insufficient staffing. He also reported on other related costs for services, supplies and overhead. He explained that a stand-alone total Police Department budget would be approximately \$2,025,634 in comparison to a projected FY 2014-15 Sheriff's contract amount of \$1,975,550.

George Rawson explained the transitional budget and the additional steps needed to form a Police Department.

John Goss explained that the overall cost for the transitional budget of \$960,000 could be reduced to \$600,000 if the City purchased vehicles through lease/purchase and if the Records Management function was contracted out to the Sheriff's Department, however, it would increase the operating budget. He indicated that the terms of the proposed operating budget contains a lot of assumptions that they cannot project at this time. He noted that dispatch services provided by the Sheriff's Department would be a consideration to review in more detail. He listed the advantages and disadvantages to an in-house Police Department. He indicated the challenge is cost and a facility location. He noted the best location option would be in a portable building on City-owned property, however, the ideal situation would be to include space in any proposal for new City facilities. He stated that if the City were to move forward with its own Police Department there would be many challenges and it would take a lot of staff resources. He also talked about the advantages and disadvantages

of a Joint Powers Authority, contracting with the City of San Diego and a Community Services District. He reported that the Sheriff's recommendations are designed for future discussions regarding service levels/costs. He indicated that their report provides eleven recommendations for improving the service contract with the Sheriff's Department. He stated that some of the improvements have already taken place during the course of the study, however it does provide an opportunity to discuss further improvements.

Captain Robert Haley, of San Diego County Sheriff's Department, reported that the limitation to the current contract is having one deputy, but lots of resources. He reported on the amount of calls for services, their type and noted the importance of proper comparisons when analyzing the report by the consultants. He reviewed specific calls for service and explained response times. He talked about the in-house Police Department proposal and explained the need for additional resources in crime prevention and police reserves staffing. He indicated that utilizing detectives to review Redflex tickets is not the best use, however that function does need to be performed by a peace officer. He noted the new regulations for housing prisoners and liability costs. He noted the high level of outreach performed by the Sheriff's Department to the community.

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

Jim Benedict, Christy Lane  
Barry Entous, 11th Street  
Robin Crabtree, 25th Street  
Bud Emerson, Box E  
Sharon Feierabend, Zuni Drive  
Dave Druker, 10th Street

Mayor Sinnott closed the item to public comment.

Council discussed concerns from the community and the need for the City to receive better service. Council indicated that the ultimate goal is to improve performance and service levels and control costs. Council felt that it was important to find out what the community is willing to spend for law enforcement. Council suggested having staff work with Captain Haley at the Sheriff's Department to identify key metrics that are necessary to measure and improve upon, such as response times, time in the community,

and crime rates, to see if we can improve services. Council felt that if no improvement was visible, then Council could move forward with the Finance Committee/Consultant's data toward an in-house Police Department. Council noted a desire to have an Impact Study for the Fairgrounds to determine if they are paying their fair share.

City Manager Huth indicated that staff will use information from the consultant's report to talk with the Fairgrounds about an Impact Report.

Mayor Sinnott requested that staff come back with an evaluation plan, time period, and metrics.

IT WAS MOVED BY DEPUTY MAYOR HAYDU, SECONDED BY COUNCIL MEMBER MOSIER, TO DIRECT STAFF TO WORK WITH THE SHERIFF'S DEPARTMENT TO IMPLEMENT THE CONSULTANT RECOMMENDATIONS AND DEFINE SPECIFIC MEASUREABLE METRICS AND UPDATE COUNCIL ON THEM IN JANUARY, WITH AN UPDATE IN SIX MONTHS ON THE RESULTS; TO DIRECT THE FINANCE COMMITTEE TO CONTINUE THE EVALUATION OF A STAND-ALONE POLICE DEPARTMENT OR ALTERNATIVES TO AUGMENT LAW ENFORCES SERVICES; AND TO IMPLEMENT A SHERIFF'S DEPARTMENT "SERVICE LEVEL" CITIZEN SATISFACTION SURVEY AND REPORT BACK IN JANUARY 2014. MOTION PASSED UNANIMOUSLY.

RECESS AND CALL TO ORDER - 8:45 P.M.

Mayor Sinnott recessed the meeting at 8:45 P.M. and called it back to order at 8:50 P.M. All Council Members were present.

ITEM 10

REVIEW OF A REQUEST BY THE KITCHELL DEVELOPMENT COMPANY FOR A DETERMINATION ON THE PROCESS TO BE USED FOR A POTENTIAL AMENDMENT TO THE GARDEN DEL MAR SPECIFIC PLAN TO INCLUDE "RESIDENTIAL" AS ONE OF THE SPECIFIC PLAN'S ALLOWED USES. (Clerk's File No. 301-6)

Planning Manager Birnbaum presented the staff report and PowerPoint presentation. He provided background information and an overview describing the square footage, the mix of uses allowed and required in the Specific Plan, including underground parking and Exceptional Public Benefits. He also provided a chronology of events regarding the property and proposed development beginning in 2006 when the Schaar Company purchased the property. He

indicated that Kitchell Development Company had entered into a real estate contract with California Bank and Trust to purchase the property. He explained the proposal/request from the Kitchell Development Company to allow some or all of the office space to be used instead for residences to increase the marketability of the project, generate less traffic and reduce the parking requirements. He noted that this proposal would not result in a change to the voter-approved size, height, massing or layout of the Garden Del Mar Specific Plan (GDMSP) and no less than the voter approved Exceptional Public Benefits and neighborhood-protection measures. He explained that the GDMSP contains a section on future amendments but it was not clear whether inclusion of a residential component would be considered a major or minor amendment. He further explained that a major amendment would require a vote of the people. He presented alternatives for Council action.

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

Marco Gonzales, Attorney, Kitchell Development Company  
Brooke Eisenberg-Pike, Hoska Drive  
Art Olson, Avenida Primavera  
Sharon Feierebend, Zuni Drive  
Bill Michalsky, Drawer O  
Dave Druker, 10th Street

Mayor Sinnott closed the item to public comment.

Council suggested reconvening the Ad Hoc Gas Station Site Steering Committee for 1 or 2 meetings to vet the issue of whether adding residential as an allowed use is a major or minor amendment along with any potential consequences. Council discussed performing a survey or formal vote, but also wanted to see an impact analysis of the change to residential.

City Clerk Martin reported on the estimated cost and timing for the Primary Election in June. She indicated that the estimated cost for a standard election consolidated with the June primary would be approximately \$12,000 with an additional \$4,000 for noticing and translation. She stated that all of the necessary documents to call the election would need to be submitted to the Registrar of Voters 88 days prior to the Election which would be March 7, 2014.



Council discussed concerns relating to parking and impacts to the neighborhood.

IT WAS MOVED BY DEPUTY MAYOR HAYDU, SECONDED BY COUNCIL MEMBER PARKS, TO RECONVENE THE AD HOC GAS STATION SITE STEERING COMMITTEE IN ORDER TO MEET 1 OR 2 TIMES, AND REPORT BACK TO COUNCIL BY DECEMBER 9, 2013 WITH RECOMMENDATIONS; COUNCIL COULD THEN GO FORWARD WITH A MAIL-IN BALLOT.

Planning and Community Development Director Garcia indicated that staff could vet the process by December 9th, but not the revised project because Environmental Review would need to be performed.

City Manager Huth talked about proposed language for the ballot. He indicated that it could be formulated in a postcard ballot quickly.

DEPUTY MAYOR HAYDU AMENDED THE MOTION, TO HAVE THE PROCESS VETTED BY THE AD HOC GAS STATION SITE STEERING COMMITTEE AND A MAIL-IN BALLOT PERFORMED BY THE END OF JANUARY 2014.

Assistant City Attorney Schultz clarified that Council is asking the residents to weigh in on whether the amendment is Minor or Major, but Council is also choosing this other process (mail-in ballot) to include public input.

IT WAS MOVED BY DEPUTY MAYOR HAYDU, SECONDED BY COUNCIL MEMBER PARKS, TO CONTINUE THE ITEM AND INVITE THE AD HOC GAS STATION SITE STEERING COMMITTEE TO RECONVENE TO MAKE RECOMMENDATIONS TO THE COUNCIL, AND DEFER THE DETERMINATION ON THE QUESTION OF WHETHER IT IS A MINOR VERSUS MAJOR AMENDMENT UNTIL COUNCIL RECEIVES THE REPORT; WITH A RECOMMENDATION TO COME BEFORE COUNCIL AT THE FIRST MEETING IN JANUARY. MOTION PASSED UNANIMOUSLY.

ITEM 11 - 9:51 P.M.

DIRECTION FOR RECOMMENDED PROCESS TO PREPARE THE SHORES PARK MASTER PLAN. (Clerk's File No. 307-8)

Planning and Community Development Director Garcia presented the staff report. She indicated that the requested action is for Council to receive the report and community input and provide

direction on implementing a process to prepare a Park Master Plan. She described the project site and Park Master Plan Process. She explained a preliminary schedule using a consultant and staff delivery method.

She noted that the process would take about 12 to 18 months if performed by a consultant through a "Request for Proposal" process. She noted that staff could perform some of the steps, however, it would extend the process for several more months (24 months). She described estimated cost ranges from \$145,000 to \$270,000 for both the Master Plan and Environmental review. She stated that staff would still return with a Work Plan, schedule and budget based on Council direction tonight regarding the process. She indicated that the process would require at least a Mitigated Negative Declaration and a Traffic Study.

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

Joe Sullivan, Ocean Front  
Linda Castile, 11th Street

Mayor Sinnott closed the item to public comment.

Council discussed the opportunity to coordinate with the Winston School during their Master Plan process. Council discussed their support to move forward and begin the process and also their concern with having to extend other projects out in order to take this project on.

IT WAS MOVED BY COUNCIL MEMBER CORTI, SECONDED BY COUNCIL MEMBER PARKS, TO DIRECT STAFF TO SOLICIT A BID FROM A CONSULTANT TO EXPEDITE THE PROCESS FOR THE SHORES PARK MASTER PLAN AS SOON AS POSSIBLE. MOTION PASSED 3-2, WITH DEPUTY MAYOR HAYDU AND COUNCIL MEMBER MOSIER OPPOSED.

ITEM 12 - 10:24 P.M.

DOWNTOWN PARKING MANAGEMENT PLAN UPDATE. (Clerk's File No. 905-5)

Planning and Community Development Director Garcia presented the staff report and PowerPoint presentation. She provided background information on the Parking Management Plan and indicated that the City Council discussed and identified a need for downtown actions to concentrate on reducing the impact of employee parking; better

parking utilization in impacted areas; and short-term 'fixes' for immediate relief. She stated that on May 6, 2013, Council awarded a contract for as-needed services for Parking Management with the firm "Walker Parking". She explained the task order for the Parking Management Plan services. She described the study area and noted that studies in 1999 and 2012 reinforce conditions identified in August 2013. She introduced consultant Steffen Turoff.

Steffen Turoff, Walker Parking, presented a summary which included the peak occupancy on-street findings, peak occupancy overall findings and turnover. He addressed recommendations which included an employee parking program; increase turnover of long-term vehicles in prime visitor spaces; and a Residential Permit Program.

Planning and Community Development Director Garcia talked about strategies underway: a review of the Del Mar Municipal Code for proposed code revisions; and signage to improve "wayfinding" to off-street public parking. She reviewed the proposed next steps and implementation. She explained the outreach performed through the Traffic Parking Advisory Committee and the Business Support Advisory Committee. She stated the action requested of Council is to receive the report and community comment; and provide input into the implementation program and priority actions. She noted that staff would return within six (6) months with implementation progress.

City Manager Huth indicated that there is an excess of parking on private property and felt that the City should step up and help manage and deal with the liability for the small business owner. He stated that staff can work with property owners to coordinate and use the un-parked spaces that they have, perhaps for employee parking. He noted that staff would still bring back a proposal.

Mayor Sinnott opened the item to public comment. There being no one to speak, he closed the item to public comment.

Council provided direction to staff to develop the strategies for the Downtown Parking Management Plan, the first phase of the Comprehensive Parking Management Plan and come back with implementation progress.

ITEM 13 - 10:50 P.M.

DISCUSSION REGARDING DIRECTING A PORTION OF DEL MAR'S WASTEWATER FLOW THROUGH SOLANA BEACH'S WASTEWATER SYSTEM TO THE SAN ELIJO JOINT POWERS AUTHORITY TREATMENT PLANT. (Clerk's File No. 906-14)

Public Works Director Minicilli provided the staff report.

Council questioned staff about potential savings.

City Manager Huth indicated that having two alternatives for disposal of wastewater gives the City more options. He noted that there are some synergies for other infrastructure projects. He indicated that there are negotiations that still must occur with the San Elijo Joint Powers Authority and Metro Wastewater Joint Powers Authority.

Mayor Sinnott opened the item to public comment. There being no one to speak he closed the public comment.

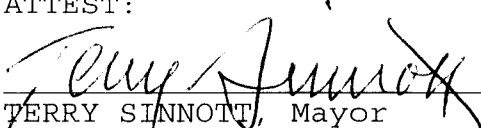
IT WAS MOVED BY COUNCIL MEMBER MOSIER, SECONDED BY MAYOR SINNOTT, TO DIRECT THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH SOLANA BEACH AND SAN ELIJO JOINT POWERS AUTHORITY FOR THE TRANSPORTATION AND TREATMENT OF A PORTION OF DEL MAR'S WASTEWATER AND RETURN TO THE CITY COUNCIL FOR FINAL APPROVAL OF THE AGREEMENT; DIRECT THE CITY MANAGER TO START THE DESIGN OF A PIPELINE FROM THE 21ST STREET PUMP STATION TO CEDROS TRUNK SEWER IN SOLANA BEACH. MOTION PASSED UNANIMOUSLY.

ADJOURNMENT - 11:03 P.M.

Mayor Sinnott adjourned the meeting at 11:03 P.M.

  
MERCEDES MARTIN, CITY CLERK

ATTEST:

  
TERRY SINNOTT, Mayor