

SANDPAPER

DEL MAR GETS SMART

Izzie Arthur | 16th Street

At a recent session, the City Council approved a new strategic plan for Del Mar's government. Based on the results of a study undertaken by the Finance Committee, Council has decided to fully embrace advances in technology to increase efficiency and reduce the costs of City government using artificial intelligence (AI). City spokesperson, Hope Lowe, spoke with the Sandpaper and laid out the broad scope of the plan, which was formulated with the help of the Smart City Consulting firm Citytron. Ms. Lowe noted that the approach will have a revolutionary impact on City functions and is being called "Del Mar 2.0." The Finance Committee's Max Pennypacker and Citytron consultant, Les Brainyard, predicted that with Del Mar's size and demographics, the adoption of the latest technology for city government will serve as a prototype for other cities and could even garner support from Jeff Bezos's City of the Future Initiative to help pay for its implementation.

Pennypacker noted that the first steps will be a major reworking of our law enforcement operations by utilizing AI technology to solve Del Mar's perennial policing dilemma. Since traffic violations are significantly reduced when patrol cars are present, the City will acquire several self-driving patrol vehicles, which will continuously cruise Del Mar's roads, creating the ultimate in traffic law compliance. As the technology improves, these cars also will replace parking enforcement staff. Artificially Intelligent vehicles will scan license plates and read parking meter status as they circulate around town, recognizing violations and issuing tickets. Subsequently, many other policing functions will be relegated to AI



Driverless Del Mar Patrol Car on the prowl.
Photo illustration Art Olson.

automation. Category 4 enforcement calls, involving reports of burglaries and break-ins will be handled by mobile "Alexis-like" agents which can quickly arrive at the crime scene in their self-driving vehicle to take testimony from the victims. This will reduce the response time for such calls to under 5 minutes, without the need of increasing law enforcement personnel. While at present there is no plan to utilize "robo-cops" for more serious criminal activities, it remains an option for the future.

Citytron's Brainyard described how Internet capabilities will be expanded with AI enabled interactive options for handling all city business - "think of it as Del Mar's answer to Amazon Prime" he offered. If one wants to book a city facility such as Seagrove Park for a wedding,

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March 17 Anti-Gun Show Demo
at DM Fairgrounds
more www.delmarsandpaper.org



Piling it On
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TRUTH AND SUNLIGHT

“All is fair in love and politics.” No more in Del Mar politics. The City Council considered on Feb. 22nd and March 5th upgrades to our local election codes to meet new state standards and address issues surrounding fair campaign practices that arose during the 2016 election cycle. In addition to new state rules, candidates for local office or campaign committees for ballot measures are expected to sign a pledge to adhere to new Council Policy 108. The pledge includes several “shall nots” summarized here:

1. No last minute campaign materials released the last two days before the election.
2. No use of surrogates by candidates to provide misleading information.
3. Candidates will take personal responsibility to fact check campaign materials.
4. Candidates will disavow any material known to be false or misleading.

5. No embellishment/exaggeration in campaign material.
6. No use of personal slurs or innuendoes about other candidates.
7. No false claims, and a pledge to correct the record if one is discovered.

Individual contributions of \$75 or more must be reported and the candidate-controlled committee cannot gather more than \$2000 for each election from the same political party, although candidates can exceed this limit using their own funds or donations from individuals. Individuals can now donate \$200 per candidate/issue rather than the former \$100 limit. Every form of candidate communication (signs, email, website, Facebook, Twitter, mailers, flyers, door hangers, etc.) must give the name and address of the person or committee responsible for the campaign literature. This requirement comes from the new state law and is incorporated into the Del Mar ordinance. A fine of not more than \$1000 will be levied against candidates who violate this provision. The circulation of anonymous election material that became common during the 2016 campaign season can now be a source of city revenue if it should continue.

The first hearing of the ordinance with these items was approved at the March 5th Council meeting, and the ordinance will go into effect 30 days after the second reading on March 19th.

Enforcement of these new state and local regulations is assigned to a Special Counsel, a person appointed by the City Council. Investigations will be triggered either by citizen complaints or direct observation of questionable practices by the Special Counsel. The Special Counsel is not well defined in the ordinance, but it appears that independence from the City Council and City Attorney will be required. Nothing appears to preclude a Del Mar resident from assuming the position, but a legal background and full understanding of the California Fair Political Practices Commission rules should be essential qualifications.

The lack of civility and the promotion of alternative “facts” that characterize national politics have no place in Del Mar. These new rules will only make a difference if all candidates actually follow them and the enforcement actions by the Special Counsel penalize those who break the rules. An informed electorate can only make the best choice when truth and transparency prevail. ■

LETTERS TO THE EDITOR

- The Sandpiper welcomes readers’ letters and articles.
- Material submitted must include the writer’s name, street address, and phone number, and should not exceed 400 words.
- Material selected to be published may be edited or shortened.

Contact us via e-mail or post at:

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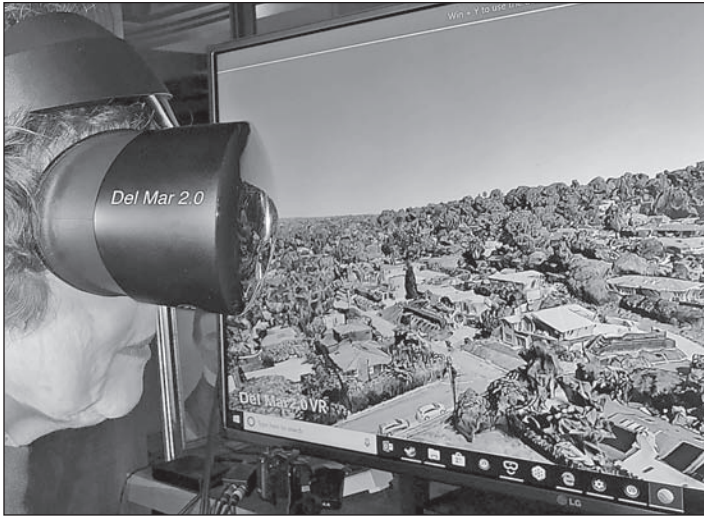
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DEL MAR GETS SMART

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*Viewing development projects in Virtual Reality.
Photo illustration Art Olson*

or the Powerhouse for a birthday party, it will all be done interactively online – no staff intervention or personal factors involved. To apply for development permits one will interact with Artificial Intelligence agents called “bots” which will assess the requirements for the project and inform the applicant how to proceed. A virtual model of the entire city will be available to assist both developers and neighbors in assessing the impacts of proposed projects. This 3D virtual reality (VR) model, which will represent all the buildings and natural features within Del Mar, will be available for download and be updated with the proposed projects as they are submitted. Using VR goggles anyone will be able to navigate around the city’s neighborhoods and view a proposed development from any location on the street or from the windows, decks and yards of nearby homes. For citizens who don’t own VR goggles, they will be made available at the new City Hall, or in the Del Mar Library.

As the technology advances, more city functions involving decision making will be relegated to artificially intelligent bots, using Deep Learning algorithms. As CityTron’s Brainyard explained “even though no one understands how these algorithms come to their self-derived conclusions, our engineers have demonstrated that their AI agents outperform humans in most important decision making tasks. CityTron is training AI capable Consulting bots for city planning and Lawyer bots are also under development.” Financial Committee member Pennypacker emphasized “Del Mar’s use of these advances will cut city costs considerably. They’ll enable significant reductions in city staff with savings in both salaries and pension obligations.” City Spokesperson Lowe also remarked on the new efficiencies, but lamented that she wouldn’t be around to see it, since she is being replaced by a bot as of April 1. Max Brainyard went on to announce that the next big project at CityTron will be a City Manager bot, while Pennypacker, summed up Del Mar 2.0 saying “with these smart autonomous agents in place, the future of Del Mar will be safer, cheaper, and conflict-free. In the near future, I wouldn’t be surprised if the only human City staff left will be our lifeguards.” ■

ROVING TEEN REPORTER

Teens Take on the Planet

Sammy Hallal | Torrey Pines High School Senior

Sparked by the massacre at Marjory Stoneman Douglas High School, on March 14 thousands of students from Maine to California walked out of their classrooms at 10 a.m. to protest for stricter gun control laws and to honor the 17 lives lost in Parkland, Florida. The historic show of political unity showed not only that teenagers are fed up with our legislators and the people who keep them in office, but also served as a reminder that young people are the future. We are the ones who will soon inherit this world, benefitting from its developments but also dealing with its problems.

“A lot of older people look down on teenagers and think we are apathetic to what’s going on in the world,” Jones, a senior at Torrey Pines High School said. “We pay attention and will continue to voice our opinions about the things we are passionate about. People seem to forget that most high school seniors are old enough to vote and make a difference.”

Despite the many issues we see in the headlines on a daily basis, it cannot be denied that the world today is in better shape than ever before. More people have a better standard of living than throughout history. Deaths due to war, violence, disease, and famine are at an all-time low. Life expectancy is up, and infant mortality is down. This, however, doesn’t mean that there is nothing to take issue with.

“I wouldn’t say that I have resentment toward adults for the problems they’re passing on, but there are definitely things to be disappointed about,” Brown, a junior at Canyon Crest Academy said. “Just one example is that we have a dysfunctional Congress and president, and it wasn’t my generation that put them there.”

Climate change is a relatively new and major issue that affects everyone, but it is young people who have to grow up with its effects. In 2015, a group of teenagers even filed an ongoing lawsuit against the federal government (*Juliana v. United States*) claiming that the government’s actions that cause climate change have violated the youngest generations’ right to life, liberty, and property. [Ed. note: On March 3, 2018, the 9th Circuit Court of Appeals denied the Trump administration’s petition seeking dismissal of this case.] No matter what the court ultimately decides, the degradation of a world and climate that can sustain human life is an issue that outweighs all others. If there is nowhere to live, then all the other issues couldn’t even exist.

“Obviously, our lives today are better than before because of things that our parents’ generation has done, but this doesn’t mean we can’t also have problems,” Abu Khalaf, a senior at Francis Parker High School said. “Climate change is an issue that will be passed on to us and will change the way we live today. That’s something the last generation kind of threw onto us.”

More than ever before, young people are getting involved and informing themselves about the problems present around the globe. In just a few years it will be the younger generation that’ll be steering this world, and it seems as though they’re ready for the challenge. ■



LET'S GET READY FOR SUMMER

Bob Gans | DMF President

Spring is here, which means that summer is right around the corner, along with a full line-up of fun, free activities sponsored by the Del Mar Foundation. Here's a sampling of what's on tap:

Cinema By The Sea: We're changing things up this year and moving our popular movie series from the Shores Park to the beach and Powerhouse Park! Join us on the sand by the lifeguard tower on Saturday, May 19, at 8:00 p.m., for the ever-popular "Weekend at Bernie's." Come back to Powerhouse Park on Friday, June 15, for a showing of "The Princess Bride," and celebrate July 4 weekend on Saturday, June 30, with a screening of "Independence Day." Each feature will be preceded by an animated short, so make sure to bring the kids (in their pajamas).

Summer Twilight Concerts: It wouldn't be summer in Del Mar without our Summer Twilight Concert series. We will be featuring four concerts this year, all on Tuesday evenings: June 19, July 10, August 7, and August 21. Be on the lookout for some great new acts, as well as some old favorites – it's too early to ruin the surprise!

4th of July Parade Bike Parade: It's never too early to start decorating your bicycle for the annual Independence Day parade down Coast Boulevard. As always, there will be live entertainment, and maybe even some treats for everyone, compliments of some of our generous sponsors.

Picnic at Powerhouse Park: You definitely will not want to miss our 3rd Annual Picnic at Powerhouse Park, on Sunday, September 23. We're moving it up a few weeks to take advantage of our typically beautiful September weather, but other than that it remains the same: lawn games, food, beer garden, live bands, and all of your favorite non-profits displaying their unique contributions to Del Mar. Look out for the return of the mechanical milking cow!

All of these are in addition to our periodic Meet and Greets, DMF Talks, Bluegrass and Beyond and First Thursdays concerts, and various other community gatherings – none of which would be possible without our generous donors, sponsors and volunteers. Thank you for helping us make Del Mar such a great place to live and play. Mark your calendars, and we'll see you soon.

MANAGED RETREAT SINKS

Don Mosier | Rimini Road

The Planning Commission voted 4-1 (Commissioner Posner opposed) at its February 13th meeting to approve the Sea Level Rise Adaptation Plan created by the Sea Level Rise Technical Advisory Committee (STAC) and its consultant, Environmental Sciences Associates (ESA). After 2 hours of spirited discussion about the merits (or lack thereof) of including "managed retreat" as an adaptation strategy for private property owners, the vote supported the compromise reached in December by the STAC. Managed retreat, moving buildings out of harm's way, was supported for municipal buildings like the firehouse and public works building, but was deleted as a strategy for private property owners. Coastal Commission staff strongly recommended retaining managed retreat as a last resort strategy, but several speakers objected to this as ill-defined and unlikely to preserve public access to the beach, a key goal of the Coastal Act. The consensus of the Planning Commission was that it was too soon to consider managed retreat until we see how other adaptation strategies work and whether or not new technologies will be developed to combat sea level rise.

Long term planning must make assumptions based on past events and project them into the future. Table 1 from the Adaptation Plan is reproduced below, which shows the range of estimates for sea level rise in Del Mar. Major adaptation strategies would be triggered by 18 in. of sea level rise, which could occur in the 2040-2050 time frame.

TABLE 1. Sea Level Rise (SLR) Scenarios Used in Adaptation Plan

	2030	2050	2070	2100
Low SLR	2 in.	5 in.		17 in.
Mid SLR	5 in.	12 in.	20 in.	37 in.
High SLR	12 in.	24 in.	38 in.	66 in.

Eighteen inches of sea level rise may not seem like a lot, but that translates into 150 ft. of beach run-up, and overtopping of sea walls during high tides and storms. Planning for moving major public infrastructure will take time and money, lots of it. Planning Commission Chair Bakker emphasized that this is a global problem and the federal and state governments need to step up with clearer programs and significant financial help to really implement adaptation strategies. The Del Mar Adaptation Program now heads to City Council for approval, and then to Coastal Commission as a revision to our Local Coastal Plan. ■



BEACH PRESERVATION RISES

Joe Sullivan | Ocean Front

It is generally accepted science that global temperatures are rising, causing the polar ice caps to melt at a higher rate, leading to a measurable rise in sea level. Commentators have noted the survival of low-lying cities like New Orleans and Miami may be threatened by the end of this century. The controversy over how to amend Del Mar's Local Coastal Program to account for sea level rise may put our small city on the same threatened list.

The California Coastal Commission (CCC), with the encouragement of the Surfrider Foundation and other advocacy groups, is pushing a strategy of "managed retreat," which they maintain would save a walkable beach and improve surfing conditions in the face of sea level rise. While the CCC is short on specifics of "managed retreat," staff has suggested that the first row of homes along Del Mar's beach front with their existing seawalls should be removed to allow the beach to "naturally migrate." This suggestion is made without consideration of cost and ignores the unique topography of Del Mar. Unlike other beach towns, such as Manhattan Beach or Carmel, the properties on our beach front are higher than the neighborhoods to the east. The 30-block, densely urbanized area landward is 6-14 feet below the beach front. This area includes approximately 400 homes, roads, utilities, the sewer pump station, rail tracks, and the busy Camino del Mar.

The City's Sea Level Technical Advisory Committee (STAC), with the support of staff and consultants, has been studying this issue since July 2015 in preparation of an amendment to our Local Coastal Program. STAC evaluated the retreat option, determining it is too early to include retreat as an adaptation strategy for Del Mar. Instead, STAC is recommending planning for beach nourishment, sand retention, raising/improving sea walls and revetments, elevating structures, and relocating public infrastructure at risk. STAC adopted the report and sent it to the Planning Commission in February. At their February meeting the Planning Commission, after a robust public hearing, voted to recommend approval to the City Council.

Del Mar, under the guidance of STAC, now has consultants working on a Sediment Management Plan that will address the issues of natural sand loss on the beach, the potential effect of sea level rise, strategies for adding sand and sand retention. The goals are to limit the risk of flooding, maintain our beach for recreational use and economic benefit, and maintain the San Dieguito Lagoon habitat. A new community organization, the Del Mar Beach Preservation Coalition, has been organized to support these plans. See <https://www.delmarbpc.org>.

To review the STAC report and supporting documents see <http://www.delmar.ca.us/sealevelrise>. ■

APRIL 2018

Ashley Simpkins, Office Administrator

When Life Gives You Lemons... Make Tea!

DMCC's beloved annual Spring Tea tradition is back for 2018, this time with a sunny, citrus hue, as we get inspired for the Spring season by covering everything in yellow. Musical entertainment will be provided by vocal trio the Sweethearts of Swing and pianist Lori Ritman.

Catch up with friends and neighbors over tea and other light refreshments in the Parish Hall at St. Peter's Episcopal Church on April 18, 2pm - 4pm. This program is free, but if you plan to attend, please contact our office and let us know.

ROMEO: Retired Old Men Eating Out

Do you know about ROMEO? This program is an opportunity for the senior men of Del Mar to share a meal at Sbicca, on the fourth Tuesday of every month at Noon. The cost is \$15, which includes your meal and a beverage. Please call the DMCC office to make a reservation. We asked John Healy, one of our ardent ROMEOs, to share what he likes about the luncheon:

An old Del Mar tradition, Retired Old Men Eating Out is looking for fresh (new) old blood. I have been at ROMEO sporadically over the past three years and have met about fifteen engaging men from their 60s to their 80s, from many different walks of life and with many differing current interests. Usually two to five gents show up and DMCC would like to increase the number of monthly attendees. The program is informal, and I like meeting at Sbicca, as they are great hosts. Meeting new people and socializing are supposed to keep all of us from aging faster than we want.

For more information...

Please contact the DMCC office at (858) 792-7565 or dmcc@dmcc.cc for more information on these programs, or to join our mailing list.

HAPPY TRAILS TO YOU

Julie Maxey-Allison | 10th Street

New territory has opened up for walkers, runners and bikers. Our local segment of the Coast to Crest Trail, a part of the San Dieguito River Park completed in late 2017, is ready for travelers. The trail now runs through the area restored to wetlands in the San Diego Lagoon as it weaves its way east.

Our lagoon, essential for wildlife, is a nursery for fish, a home for resident birds, a stopover on the Pacific Flyway for migrating birds from Siberia to South America—more than 200 species of birds have been counted—and a safe place or pass-through for many animals. Outdoor advocate Henry David Thoreau's words fit here: "At present, in this vicinity, the best part of the land is not private property; the landscape is not owned, and the walker enjoys comparative freedom."

The entrance to the trail, free to the public for day use, is on the east side of the Jimmy Durante Boulevard, across from the Fire Station. Paid parking for trail users is available at San Dieguito Dr. and Jimmy Durante Blvd (NE corner). For hikers, the trail is flat, a comfortable hike for families. Dogs on leash are welcome. For bikers, Mayor Dwight Worden reports: "The trail goes under I-5 and you can ride all the way to El Camino Real, behind Horse Park. It is also a good way to get to the shopping areas without having to use Via De La Valle. You can take the trail all the way from Jimmy Durante by the river to the markets without cars!" The trail is open to equestrians too, but only east of the I-5 →



Hiking the newly opened road. Photo James Coffee Studios.

where it continues on its way toward Volcan Mountain.

Currently the Coast to Crest Trail consists of a series of 45 miles of non-contiguous sections of the planned 71 mile route to Volcan Mountain, just north of Julian, the origin of the San Dieguito River. It has been in the works for more than 30 years. In 1989 The San Dieguito River Park JPA was formed as a separate agency. Members include the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego, and Solana Beach. The goal is to provide "a continuous and coordinated system of preserved lands with a connecting corridor of walking, equestrian, and bicycle trails, encompassing the San Dieguito River Valley from the ocean to the river's source."

While there is more to come, we can enjoy "comparative freedom," right now. For more information: www.sdrp.org. ■

DOGGONE GOOD DINING

Barley Gaylord | Ocean Front

On so many occasions I have been asked which are my favorite restaurants in Del Mar. I have so many that I don't know where to begin. My humans, Lynn and Charlie, love to sit outside and this is great with me because from there I can see all the other doggies passing, not to mention clean up what might fall on the pavement.

In fact, at L'Auberge they even have a doggy menu! Steak, chicken, eggs – they have it all. At Americana there is always a treat jar, as at Elixir next door. Sbicca's has wonderful shade and views and I love the dropped crumbs at Del Mar Pizza. I don't have to worry about "gluten-free." Same when my people order quesadillas at En Fuego. Mmmm... delicious!

Sometimes we go to the Plaza where every restaurant is friendly to us four-legged creatures and we can eat Chinese, Italian, Japanese, and hamburgers on every floor, not to mention salmon. Being a Portuguese Water dog, salmon is my favorite.

Visitors love coming to Del Mar because it is so dog-friendly and I can vouch for that. Sometimes people will even ask if they can pet me because they miss their doggy back home who couldn't come. This happens all the time to me. I don't mind. I kind of like it. Just call me an ambassador. Maybe they will drop some bacon my way!

Hope to see you around town for breakfast, lunch, or dinner, or anything in between! ■



At L'Auberge with Charlie Gaylord and Justin Hill ready to take my order. Photo Lynn Gaylord,

MID-YEAR DOLLAR TRAIL

Tom McGreal | Finance Committee Chair

Each year the City reviews its Budget based upon actual Mid-Year results. The review includes any encumbrances and appropriations carried over from the prior year, all adjustments approved by the City Council in the first six months and any additional increases deemed necessary to meet the forecast for the remainder of the fiscal year. Based upon this Mid-Year review the City Council approved a new Operating and Capital Budget for the FY ended June 30, 2018 at the March 5th Council meeting. The Dashboard chart accompanying this article presents the new Mid-Year numbers and also includes the impact of recent increases to Capital Improvement Projects.

City Of Del Mar General Fund Dashboard					
\$ Millions	6/30/15 Actual	6/30/16 Actual	6/30/17 Actual	6/30/18 Adopted Budget	6/30/18 Mid Year Budget
Total Revenues	14.1	14.6	16.0	17.1	17.7
(Measure Q revenues)			.7	1.8	1.8
Revenues (without Q)	14.1	14.6	15.3	15.3	15.9
Expenditures	9.9	10.5	11.8	11.9	12.2
Transfersto Special Funds	.7	.7	1.0	1.1	1.0
City Hall Debt Service	-	-	.5	.9	.9
Total Spending before CIP	10.6	11.2	13.3	13.9	14.1
Cash Flow from Operations	3.5	3.4	2.0	1.4	1.8
Transfers to Capital Improvement Fund	2.1	3.0	.9	3.0	4.6
Contingency Reserves	3.9	4.0	5.4	2.6	2.5
Measure Q Reserve			.7	2.3	2.1
Pension Reserve			.1	.5	.7

Revenues are forecast to increase by \$628,000 as a result of Property Taxes, Transient Occupancy Taxes, Parking Meter Revenue and an expected insurance reimbursement. It should noted that Measure Q Sales tax revenues, which are expected to be \$1.8 million this year, are excluded from this calculation of the increase in Revenues. Measure Q revenues go directly to a Designated Measure Q Reserve and are available for major priority projects such as Undergrounding, Shores Park and Downtown Streetscape.

The Expenditures are forecast to increase by \$435,000, which includes carryover encumbrances from the prior year of roughly \$323,000 and several specific increases approved by the City Council over the first six months of the year. These increases do not include certain additional costs that will be covered by available Designated Reserves, such as the transfer of \$225,000 from the Self Insurance Reserve for Legal Costs and Equipment Replacements totaling \$112,000.

The largest changes to the Adopted Budget relate to Capital Improvement Projects, which were increased by \$3.2 million primarily for the Downtown Streetscape and the Segment 5 Camino Del Mar project (Carmel Valley Rd to Del Mar Heights Rd). The Downtown Streetscape represents phase I of the project totaling \$1.3 million plus an additional \$400,000 transferred from the Measure Q Reserve. The project bids received for the Segment 5 project were higher than expected requiring a further

STAYING TRUE TO Q

Dan Quirk | 23rd Street

Measure Q, a 1% sales tax increase for the City of Del Mar, passed in the November 2016 election with a 66.5% voter approval. City Council named the initial members of the Measure Q Oversight Committee in October 2017, including Tom McGreal, Jim Benedict, Al Corti, William Jurewitz, and Dan Quirk. The key purpose of the tax is for infrastructure projects— primarily streetscape improvements, the Shores Park redevelopment, and utility undergrounding. The tax is estimated to generate approximately \$2 million per year in revenue and can comfortably fund a bond issuance to finance all three projects.

The downtown streetscape project is moving forward quickly, with construction set to begin in April 2018. The project is now in the City's 10-year CIP (Capital Improvement Plan) for a total of \$4.8 million. The City Council approved the \$1.4 million Phase 1 at its February 20 meeting, with \$400,000 coming from Measure Q funds, projected to be \$2.5 million at the end of the 2017-18 fiscal year. Phase 1 is expected to last from April to June and will target 9th to 11th Streets. Future phases would begin in January 2019 and continue northward. More information can be found at <http://www.delmar.ca.us/downtownstreetscape>.

The Shores Park redevelopment is also moving forward, and cost estimates from the Schmidt Design Group should be coming soon. There were initially three designs being evaluated, updated in May 2017 to collaborate more closely with the neighboring Winston School's redevelopment plans. However, at the November 6 City Council meeting, Council moved closer to a final decision by requesting cost estimates on only concepts A and C, the two which incorporate underground parking at the southwest end of the park. These will be reviewed at the April 2, 2018 Council meeting. More information can be found at <http://www.delmar.ca.us/452/Shores-Park-Master-Plan>.

City Council will confirm members of the recently created Undergrounding Committee at the March 19th Council meeting. The project has an initial cost estimate of \$18.1 million. The issues of laterals (individual home connections) and reimbursements to residents who undergrounded prior to the vote will be included as tasks for the committee. Additionally, the committee will hire a consultant to guide the project. Looking ahead, the initial consultant report also identified 15 distinct neighborhoods based on the underlying electrical grid. Which area to tackle first? Prioritization will be based on costs, efficiency, and coordination with other City projects. ■

transfer from the Contingency Reserve of \$310,000 to cover project costs that could not be covered by the available CIP Reserves.

The Capital Improvement Project costs for 2018 now total \$6.2 million (excluding City Hall), which will be funded by the transfer of \$4.2 million from the Contingency Reserves, the transfer of \$400,000 from Measure Q Reserve and the full utilization of the existing CIP Reserve. Ultimately, these Budget actions leave the City Reserves somewhat reduced from their prior levels but still in good shape in terms of the Contingency Reserve of \$2.5 million, which represents 17.7% and the total General Fund Reserves of \$6.5 million. ■

Managing City Legal Costs

Questions have been raised about whether the City of Del Mar's legal costs are putting a strain on the budget and creating undue financial risk. In a prior issue the Sandpiper addressed some of the questions in its News Update Column entitled "City Suits." We also asked Mayor Dwight Worden, a retired lawyer and prior city attorney, and Tom McGreal, Chair of the City Finance Committee, to provide us with a deeper look. The following is their report.

ARE WE BUSTING THE BUDGET?

Finance Chair Tom McGreal and Mayor Dwight Worden

Background. Every city has a City Attorney. Larger cities typically hire an in-house counsel who works full time for the city. This is typically the most expensive route to go given all the related employment costs and benefits. Moreover, one or even two in-house attorneys can never have expertise in all the subject matters that cities face requiring significant additional budgets for hiring outside specialist counsel at higher hourly rates when needed.

Del Mar follows the more cost-effective approach of hiring a contract legal firm to provide city attorney services. Currently, that firm is Devaney, Pate, Morris & Cameron (DPMC) containing lawyers and staff with deep background and experience in all phases of municipal law. Cost savings come to Del Mar in that the city only pays for the lawyers and services it needs and the law firm carries the burden of insurance, benefits, and overhead, keeping lawyers in a variety of fields on standby. This is by far the most cost-effective way for Del Mar to access legal services. Del Mar hires its contract law firm through a competitive process, gives its city attorneys regular performance reviews, and retains the option to go back out to the market to change firms when needed.

The Range of Legal Services. Del Mar's contract with its city attorney firm calls for payment of a monthly retainer of \$18,000 per month. This amount covers all services except for litigation, claims, and "special projects." Litigation, claims, and special projects are billed separately on an hourly basis. Special projects include those that are anticipated to require more than 20 hours of attorney time and must be pre-approved by the Council.

Litigation and Claims. The city faces regular claims for damage, arising from sewer backups, pothole damage, trip and fall claims, and so on. In addition, the city occasionally gets sued, or initiates a suit -- for example, to enforce city laws/ordinances -- sometimes recovering money for the city. Estimates to cover these costs are included in the budget if they are known at the time that the city prepares the budget, or the budget can be adjusted during the mid-year budget review process.

Special Projects. These are projects the city deems important that require significant additional legal services beyond what is covered by the retainer. These include review of major developments like the City Hall project, Watermark, the Garden redo, the Bully's makeover, our new roundabout, short term rental regulations, law enforcement services, and the North Bluff Resort. An estimate for these legal services is also included



in the budget if the city knows these costs at the time the budget is prepared or they can be adjusted for during the mid-year budget process. In the case of large developments, legal costs are passed through to the developer or offset by development fees.

How is Del Mar Doing? Here are some reasonable benchmarks for evaluating how Del Mar is doing in the legal arena:

1. **Does the City Budget cover the Legal costs?** Yes. Below is the explanation of the Legal costs and the Budget.

Legal Cost forecast for 2018:

	6 Month Actual	2018 Forecast
City Attorney Retainer	\$108,000	\$216,500
Litigation / Claims	\$387,500	\$667,400
Special Projects	\$76,500	\$188,800
Total Legal Costs	\$572,500	\$1,072,500

2018 Budget available for Legal Costs:

Budget for 2018	\$432,000
Transfer from Self Insurance Reserve	\$225,000
Remaining Carryover from 2017 budget	\$417,400
Total Legal Cost Funding	\$1,074,400

In addition the City has a **Special Projects budget** in the amount of \$648,000 as of the Mid-Year Budget, which can also be used to pay legal expenses that might exceed the above Budget.

2. **Is the City initiating a lot of expensive litigation?** No. Recent litigation initiated by the city has been to recover money from third parties and has been successful.
3. **Is the city losing a lot of cases requiring payouts?** No. In the past several years the city has lost no cases. DPMC hasn't lost any cases since its lawyers were retained in 2009. In addition, DPMC has been successful knocking cases out of court well before trial saving the City from trial costs.

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Councilmember Dave Druker

ARE WE BUSTING THE BUDGET?

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4. Is the city taking actions that generate lawsuits by third parties? The answer is mixed. Most of the actions taken by the city, even when controversial, do not result in litigation. Good up front “special project” legal services assure the city’s actions are defensible, reducing litigation exposure. There are times when the City gets sued because the party is not happy with the outcome of the City’s decision. Suits the city has faced recently include Short Term Rental regulation, Public Records Request process, personnel-action/termination, City Hall CEQA EIR approval, private property parking enforcement, and a train accident on NCTD property.

5. Is the city undertaking special projects that bring high legal costs? Over the past several years the city has taken on many large special projects important to the community: our first roundabout, a new civic center, new sidewalks, a Climate Action Plan, studying policing options, affordable housing options, regulating short term rentals, and more. These incur legal expenses, which may then be covered by the Special Projects budget.

6. Are there other factors driving legal costs? Yes and no. Major new development projects initiated by outside third parties are pending at the City that necessitate special project legal services. These projects have the potential to dramatically change Del Mar, for better or for worse, and require a high level of planning and legal review. They include: Watermark, The North Bluff Resort, the Garden Project redo (now called 941), and the Bully’s makeover. To do a good job of reviewing these projects requires extra legal services. Many legal fees incurred are being passed through to developers at no cost to the City. As a result the city has incurred higher than normal special project legal expenses for good reasons, but many are being passed on to developers.

7. Does the City have Insurance that covers litigation costs and claims? The City has insurance coverage of \$50 million subject to the \$100,000 deductible, to cover legal expenses of litigation and payouts of litigation claims. This means that the City’s out-of-pocket costs in most litigation are limited to the deductible of \$100,000. The City’s insurance does not cover claims relating to “intentional” illegal conduct by the City, which would be against public policy. Plaintiffs may allege intentional misconduct or plead for punitive damages, but findings of this nature must meet a very high legal standard. The City believes that all active and pending litigation would be covered by insurance.

8. Are legal expenses busting the city budget? The City has covered its legal costs in the 2018 Budget and is well insured for litigation-related risks, as outlined above. ■



Update to Del Mar City Council, March 5th, 2018 by Bruce Smith of SANDAG and Patricia McColl of HNTB. This 60-page pdf may be viewed on the Sandpiper website.

The Del Mar Bluffs will eventually fail due to water erosion or an earthquake. In the meantime, NCTD and SANDAG have performed and will complete projects to stabilize the bluff as long as possible. In the past these agencies have improved the drainage system to divert water from the street ends and installed soldier piles to ensure the tracks do not fall into the ocean.

SANDAG has recently identified two more projects to assure the train can remain on the bluff for the next 50 years. Beginning in October, 2018 the first project will commence and cost a few million dollars. This first project will make some urgent repairs as detailed below. A second project to install soldier piles will cost between \$36 and \$82 million is currently not funded or scheduled.

The urgent work to be completed will include the following:

- 1) Repair drainage structures at the end of 14th St and 12th St.
- 2) Build new drainage channel on the east side of the tracks between 6th St and 8th St.
- 3) Replace drainage channel at 8th St.
- 4) Rebuild the path on the upper bluff east of the track between 6th St and 8th St.
- 5) Repair drain and wall at the end of 10th St and east of the tracks.
- 6) Repair erosion at the flood wall at the end of 9th St.
- 7) Remove hydro-auger debris
- 8) Install piling to increase factors of safety.
- 9) Repair the timber retaining walls by replacing the pile supports at the end of 7th St and 13th St.
- 10) Stabilize structures threatened by erosion and corrosion at the slope on the east side of tracks at 7th St.

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A TREE GROWS AT CITY HALL

Don Mosier | Rimini Road

Finish work is rapidly progressing on our new Civic Center. Lighting fixtures are being installed in both the Town Hall and City Hall, and several large trees have been planted, including a Monterey Cypress in front of City Hall and a Torrey Pine on the east side of the central commons area. Doors have been installed on the breezeway between the two buildings, and the final areas of outdoor paving are being completed. The fixtures are installed in the bathrooms, and cabinets are hung in the kitchen. Landscaping continues with recycled water plumbing being routed to all future planting areas. Most of the project will be completed by mid-April, but there has been a delay in the installation of the new solar panels and battery storage system while some issues regarding a requirement for American-made products are clarified. It looks like the new lights will be powered by the grid for the first couple of months of occupancy.



The new Monterey Cypress tree in the large rectangular planter in front of City Hall. Decomposed granite will be added to surround the planter.



The new Town Hall looking south from the central commons area. The breezeway doors can be seen at the far right of the picture.

Photos Don Mosier. ■

LET THERE BE LIGHT

Julie Maxey-Allison | 10th Street

One of the perks of living or visiting Del Mar is that our small village is a walking city from our coast to Crest Road. However, sidewalks are discouraged and not every street is flat or perfectly paved.

It can be tricky to walk our streets with the irregular asphalt, bumps, curb cuts, gutters, various forms of debris, and fellow travelers on foot and on bikes, fellow traveling dogs. And that's in daylight. After dark, unless the moon is full, or there is the odd sporadic landscaping illumination, night walkers face a greater challenge. Whether on their way to dinner, events, friends or just out for evening exercise, they best be armed with a flashlight, or, for the more outdoor types, headlamps. Still, focused light doesn't shine everywhere and there is always the worry of oncoming traffic.

Let there be night lighting? Depends. Dark sky proponents warn of creeping celestial blindness due to light pollution—excessive, misdirected or invasive use of artificial outdoor lighting. Del Mar agrees. While protecting the city from light pollution blinding us to the glories of the dark night sky, the community plan does provide a provision for residential streets. It states that for the majority of the city “low level pedestrian lighting should be installed.”

The issues: The blue tone LED lights that are good for reducing our carbon footprint are bad for other parts of our environment, and the astronomy research being done by the folks at the Palomar Observatory. Blue tone LED lights compete with moonlight, altering the color and contrast of our nighttime sky as well as blocking our

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Photo Julie Maxey-Allison

BUY IN OR BYE-BYE BLUFFS

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11) Stabilize the slope at Anderson Canyon.

The next step is for SANDAG to go to the Coastal Commission and then back to the city for encroachment permits to allow repair vehicle access at the Lifeguard Station and Coast Blvd. Most of the work will be completed during the day and not affect the daily train operations.

Ed. note: The City of Del Mar's adopted policy, endorsed by SANDAG and contained in its 2050 Regional Transportation Plan, is to relocate the railroad tracks off the bluff. ■

DEL MAR COMMUNITY CALENDAR

Highlights for APRIL 2018

DEL MAR FARMERS MARKET
Every Saturday
from 1-4 pm in the Upper Shores Park
225 Ninth Street behind the Community Building

City Council Meeting. April 2, 2018, 4:30 PM-9:00 PM @ Del Mar Council Chambers at Southfair.

DM Community Connections - Tuesday Lunch Connections. Tuesday, April 3, noon to 1:30 pm, Del Mar Community Building, 225 9th St.

DM Foundation - First Thursdays: Pierre-Yves Plat. Thu, April 5, 7-8:15pm Powerhouse. Open to subscription holders only!

DM Library Kids: Do, Re, Me & You. Interactive music education & appreciation program. Fridays in April, 10:00 am.

DM Community Connections - Healthy Aging Forum with Dr. Kalina - Topic: Reversing Disease and Disability. Tuesday, April 10, 9:30 to 11:30am, Del Mar Community Building, 225 9th St.

DM Foundation - Cultural Arts Committee Meeting. Wed, April 11, 8:30-10:00am Powerhouse.

DM Library Adults: 100 Years of County Parks (author talk). Wednesday, April 11, 6:00 pm – 7:30 pm.

DM Library Adults: Art Instruction. With local artist, Sandra Dodd. All supplies provided. Wednesdays, April 11 & 25th, 3:30 pm. (2nd & 4th Wednesdays of the month.)

DM Library Kids: Art & Culture Class by Zone for Babies & Kids (presented by the Del Mar Foundation). Thursday, April 12 & 26, 3:30 pm. (2nd & 4th Thursday of the month.)

DM Foundation - Bluegrass & Beyond: Lindsay Lou. Fri, April 13, 7:30-9pm Powerhouse. Doors open at 7:00 PM. This event is sold out.

DM Library Kids: Learning to Play Class by Zone for Babies & Kids (presented by the Del Mar Foundation). Friday, April 13 & 27, 11:20 am. (2nd & 4th Friday of the month.)

DM Community Connections - Board of Directors Meeting Saturday, April 14, 9am, Del Mar Community Building, 225 9th St.

City Council Meeting. April 16, 2018, 4:30 PM-9:00 PM @ Del Mar Council Chambers at Southfair.

Traffic and Parking Advisory Committee. April 17, 5:00 PM-7:00 PM @ Del Mar Council Chambers at Southfair.

DM Community Connections - Tuesday Lunch Connections. Tuesday, April 17, noon to 1:30 pm, Del Mar Community Building, 225 9th St.

San Dieguito Lagoon Committee. April 18, 2018, 6:00 PM-8:00 PM @ Del Mar Library.

Sustainability Advisory Board. April 19, 2018, 7:30 AM-9:30 AM @ Del Mar Council Chambers at Southfair.

DM Library Adults: Bluegrass Concert with the Vulcan Mountain Boys. Join us for our monthly concert in the branch great room. Thursday, April 19, 6:30 pm.

The Del Mar Historical Society meeting will be Tuesday, April 17, at 5:00 pm in the conference room at 225 9th Street. The public is encouraged to attend.

DM Library Teens/Adults: Book Talks and Treats. Staff & readers share reviews and recommendations of recently read books. Copies are available for checkout. Coffee and snacks. Friday, April 20, 2:00pm. (3rd Friday of the month.)

Business Support Advisory Committee. April 24, 2018, 9:00 AM-11:00 AM @ Del Mar Council Chambers at Southfair.

Finance Committee. April 24, 2018, 4:30 PM-6:00 PM @ Del Mar Council Chambers at Southfair.

DM Community Connections - ROMEO (Retired Old Men Eating Out) Luncheon. Thursday, April 24, noon to 1:30pm, Sbicca Restaurant, 215 15th St.

DM Library Teens/Adults: Meditation. Practice the ancient art of meditation. All experience levels welcome. Wednesday, April 25, 6:00 pm. (4th Wednesday of the month.)

Sea-Level Rise Stakeholder-Technical Advisory Committee. April 26, 2018, 4:00 PM-6:00 PM @ Del Mar Council Chambers at Southfair.

DM Community Connections - DMCC Explorers excursion to Lux Art Institute. Thursday, April 26, 9:30am to 2pm, Del Mar Community Building, 225 9th St.

DM Foundation - Del Mar Foundation Board Meeting. Thu, April 26, 8-9:30am 225 9th St.

DM Library: Del Mar Rose Weekend presented by the Del Mar Rose Society. Thursday, April 26, 6:00 pm – 8:00 pm: judging. Friday, April 27 and Saturday, April 28th, 9:30am to 5pm: public viewing.

DM Library: Del Mar Rose Weekend Concert with Gregory Page. Friday, April 27, 11:00 am.

Friends of the San Dieguito River Valley. Monthly meeting Monday, April 23, 4 to 6 p.m. at Del Mar Council Chambers on Jimmy Durante Blvd.

LET THERE BE LIGHT

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starlight. Worse, circadian rhythms—the 24-hour processes of most organisms—are disrupted for wildlife, plants, and us. Indoors, think the smartphone, computer screen, and television.

For the many who would like to be able to be out with the night sky and on clear nights see sparkling stars without turning an ankle or being run down by a car there are possibilities. Low bollard lighting is one option, with compact fluorescent lamps or LED warm white lighting. “Cut-off lighting” designs send the light down to the ground with shields that prevent light from being emitted to the sky. Some have motion sensors.

Start with street corners. Start on Stratford. ■

VISIT THE SANDPIPER ONLINE!



www.delmarsandpiper.org

SANDPIPER

DEL MAR'S COMMUNITY JOURNAL
Box 2177, Del Mar, CA 92014

DATED MATERIAL

ROCK HAUS REVIVAL

Dolores Davies | Crest Road and Jeff Barnouw | Amphitheatre Drive

After four to five years of painstaking renovation work, one of Del Mar's most iconic historic houses has been restored to its original splendor under the ownership of longtime Del Mar resident and conservationist, Ivan Gayler. Gayler purchased the 1910 Craftsman house, situated at the corner of Luneta and 15th Street in 1997, after it had been used as an inn and a bed & breakfast for many years by previous owners.

The Rock Haus name dates back to 1981, when Tom and Carol Hauser bought the house, and converted the once stately residence to a B&B. The rock part of the Rock Haus moniker is a bit of a misnomer, however, as the chimneys and other exterior areas are constructed with clinker bricks, which somewhat resemble volcanic rock but are not actual rocks. Clinker bricks—dark and delightfully irregular bricks produced through exposure to excessive heat during the firing process—were a prominent feature of the Arts & Crafts aesthetic, best exemplified in the craftsman bungalows by Greene & Greene in the early 20th century up until the 1930s. This meticulous style, which began in England and was highly influenced by Japanese aesthetics, was also characterized by nature-inspired stained glass window designs, indoor-outdoor living spaces, and beautiful woodwork, always with an emphasis on natural materials.

Thanks to Gayler's extraordinary eye for detail, the renovated Rock Haus is historically correct and true to its origins while embodying modern technology and sustainability features, such as the use of organic cotton for insulation. The extensive woodwork throughout the house was restored using Douglas fir, the original wood. In addition to the wood floors, the unique black pulls and hinges on the house's extensive built-in cabinetry are also original, as is the hardware on the elegant double-hung windows. Gayler also owns the rights to the view corridors looking west over the Del Mar Plaza. He negotiated these rights when he sold the retail center, which he built with partner David Winkler in 1989.



Grand opening of Rock Haus, co-hosted by the DMCC and the DMHS on February 25. Owner Ivan Gayler with the agent who had first shown him the house - Chiquita Abbott. Photo Jeff Barnouw.

Originally built as a residence for the Henry W. Keller family, the Rock Haus was designed by renowned Pasadena architect John Austin, who was the architect for a number of other distinctive properties in town, including the original Stratford Inn (the site of the current L'Auberge hotel), the historic Canfield-Wright house (long known as the Pink Lady), and the St. James Church building now occupied by the Del Mar Library. Keller was one of the partners in the South Coast Land Company, which developed Del Mar and other parts of North County. Keller's partners included some of the southland's quintessential movers and shakers, most of whom built second homes in Del Mar. Keller was also a partner in the L.A.-based K&K Brick Company, which supplied the clinker bricks for the house and St. James Church.

Besides its iterations as a private residence, an inn, and a B&B, rumor has it that the house might have been used as a speakeasy in the 1930s. It's also been documented that the house was the site for the first religious mass in Del Mar, which attracted a large crowd, convincing the Bishop of the need for a dedicated parish, paving the way for the development of the St. James Church building. □