



MINUTES

Regular Meeting of the San Marcos City Council

TUESDAY, MARCH 24, 2020

City Council Chambers

1 Civic Center Drive, San Marcos, CA 92069

Regular City Council Meeting

Special City of San Marcos as Successor Agency to the San Marcos Redevelopment Agency Meeting

Special City of San Marcos as Successor Housing Agency to the San Marcos Redevelopment Agency Meeting

Regular Fire Protection District Meeting

Special San Marcos Public Financing Authority Meeting

Regular San Marcos Public Facilities Authority Meeting

CALL TO ORDER: Mayor Jones called the City Council meeting to order at 6:07 P.M.

ROLL CALL:

PRESENT: COUNCILMEMBERS: JENKINS*, NUÑEZ*, PETREK, WALTON*, JONES*
ABSENT: COUNCILMEMBERS: NONE

*Members of the City Council attending the meeting via teleconference pursuant to Governor Newsom's Executive Order N-25-20.

ALSO PRESENT: City Manager Griffin, City Attorney Peak, and City Clerk Scollick

CONSENT CALENDAR

MOVED BY PRO TEM MAYOR JENKINS SECONDED BY COUNCILMEMBER WALTON TO APPROVE THE CONSENT CALENDAR.

AYES: COUNCILMEMBERS: JENKINS, NUÑEZ, PETREK, WALTON, JONES
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

- 1) **APPROVAL OF MINUTES.** Approved the minutes of a Regular City Council meeting on February 25, 2020, at 6:00 p.m. and Special City Council meeting on March 10, 2020 at 9:00a.m.
- 2) **APPROVAL OF WARRANTS.** Approved City Council, Successor Agency, and Fire Protection District warrants dated 03/02/2020 and 03/16/2020.



- 3) **RESOLUTION NO. 2020-8741 - EXPENDITURE OF FUNDS PURSUANT TO COMPENSATION AND REIMBURSEMENT POLICY, EVENT TICKET APPROVAL.** Adopted a resolution approving expenditure of funds for attendance at a public purpose event.
- 4) **RESOLUTION NO. 2020-8742 -APPROVING A TEMPORARY WAIVER FROM THE REQUIREMENTS OF RESOLUTION 2002-5865 FOR THE VALLECITOS WATER DISTRICT SEWER INTERCEPTOR PROJECT.** Adopted a resolution to approve a temporary waiver of the requirements of Resolution 2002-5865 to allow work to occur along San Marcos Boulevard at hours approved by the City Engineer, for the Vallecitos Water District Sewer Interceptor Project.
- 5) **RESOLUTION NO. 2020-8743 -APPROVE THE ANNUAL PROGRESS REPORT ON HOUSING ELEMENT COMPLIANCE FOR 2019.** Adopted a resolution approving the Annual Progress Report and Addendum (SB341 Report) on Implementation of the Housing Element.
- 6) **RESOLUTION NO. 2020-8744 -DELEGATING THE AUTHORITY TO CANCEL REGULARLY-SCHEDULED CITY COUNCIL MEETINGS, IF NECESSARY, TO THE CITY MANAGER DURING THE PENDENCY OF THE LOCAL EMERGENCY (COVID-19).** Adopted a resolution delegating the authority to cancel regularly-scheduled City Council meetings, if necessary, to the City Manager during the pendency of the local emergency (COVID-19).
- 7) **RESOLUTION NO. 2020-8746 -LEGISLATIVE REPORT UPDATE.** Adopted a resolution updating official City positions to new legislation.
- 8) **RESOLUTION NO. FD 2020-349 – AUTHORIZING CONTINUED PARTICIPATION OF THE SAN MARCOS FIRE PROTECTION DISTRICT IN THE SAN DIEGO COUNTY FIRE MITIGATION FEE PROGRAM.** Adopted a resolution authorizing continued participation of the San Marcos Fire Protection District in the San Diego County Fire Mitigation Fee Program.

ORDINANCES

- 9) **ORDINANCE NO. 2020-1485 – AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL AND COMMERCIAL TENANTS IMPACTED BY THE NOVEL CORONAVIRUS (COVID-19).** Adopted an urgency ordinance enacting a temporary moratorium on evictions due to nonpayment of rent for residential and commercial tenants impacted by the novel coronavirus (COVID-19).

CITY ATTORNEY PEAK provided the staff report and noted two typographical errors on the drafted Ordinance, the corrections read as follows:

- Line 1, page 5, section 5, “Nothing in this Ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord’s ability to recover rent due, including any late fees imposed by an underlying rental agreement.
- Line 1, page 5, section 6, “This Ordinance shall be punishable as set forth in San Marcos Municipal Code section 1.14.030 and any other applicable section”



COUNCILMEMBER DISCUSSION INCLUDED: clarification on the assignment of the hearing officer; the process and timeline of the determination of a complaint; renter eviction based on factors other than non-payment of rent; involvement of the League of Cities of California on this matter; enforcement of violation by the DA's office; use of the City's e-alert system to notify residents of the moratorium on evictions; letter to the State Legislature to consider moving the due dates on property taxes to provide relief on property owners.

CITY ATTORNEY PEAK clarified that the hearing officer will be a neutral and independent contractor; the timeline from the submitted complaint to the determination of the case will be 30-45 days; the moratorium only protects eviction on lack of payment related to COVID-19; the League of California Cities will be continuing the conversation on this topic; the City can work with the DA's office if that type of enforcement is needed

CITY MANAGER GRIFFIN confirmed that the e-alert system can be used to send email notifications to residents

ORAL COMMUNICATIONS

Arcela Nuñez-Alvarez, resident, in form of an email noted her support for the approval of this Ordinance.

MOVED BY MAYOR JONES SECONDED BY COUNCILMEMBER NUÑEZ TO APPROVE ITEM NO. 9, AS RECOMMENDED BY STAFF.

AYES: COUNCILMEMBERS: JENKINS, NUÑEZ, PETREK, WALTON, JONES
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

NEW BUSINESS

10) **RESOLUTION NO. 2020-8747 – ESTABLISHING THE CITY OF SAN MARCOS COVID-19 BUSINESS SUSTAINABILITY PROGRAM.** Adopted a resolution establishing the City of San Marcos COVID-19 Business Sustainability Program.

CITY MANAGER GRIFFIN provided the staff report and asked for the amendment of the following items in the program description and resolution:

- Program Description - Page 2, sentence 1, amend to state "residential zoning districts"
- Program Description - Page 2, second paragraph, amend to state "The City reserves the right to require a personal guarantee on loans less than \$25k should it feel that is the best way to ensure smaller loans are paid"
- Resolution No. 2020-8747 - Page 2, second paragraph, add the following "The City Council reserves the right to amend the program, as well as, authorizes the City Manager the flexibility to negotiate the loan terms in terms of repayment schedules on a case by case basis, supported with appropriate findings, but not the maximum loan amount or the not to exceed amount of the total approved program."



COUNCILMEMBER DISCUSSION INCLUDED: providing the City Manager the flexibility to negotiate retainment terms and to consider requesting personal guarantees for loans of less than \$25k; consideration of loans greater than \$50k; clarification on loan agreements and terms; signature requirement of all business owners on the loan agreement; flexibility on the start date of repayment plans; loan agreement and/or rent deferrals for businesses that lease city owned lands.

CITY MANAGER noted the need to provide smaller loans to small businesses due to the unknown need for loans; possibility of delayed approval for loans over \$50k due to the scarcity of council meetings; signatures of multiple owners on the loan agreement lessens any liability; clarified the structured loans, payback terms and fixed time frames; repayment schedules can start up to 120 days from the expiration of the emergency declaration; discussion of rent deferrals with business that lease city property instead of business loan application;

CITY ATTORNEY stated that the City has the ability to structure loans adequately, and the City Manager has a structured loan term in place.

MOVED BY PRO TEM MAYOR JENKINS SECONDED BY MAYOR JONES TO APPROVE ITEM NO. 10, AS RECOMMENDED BY STAFF.

AYES: COUNCILMEMBERS: JENKINS, NUÑEZ, PETREK, WALTON, JONES
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

ORAL COMMUNICATIONS

The following individual and business owners emailed letters of support for the Business Sustainability Program:

- Rick Rungaitis, San Marcos Chamber of Commerce
- Tomme Arthur – Port Brewing and the Lost Abbey
- Jamie Minotti – My Yard Live
- Paul Thomas – Advanced Veterinary care of San Elijo
- David West – Aquatica Custom Aquariums Inc
- Owner - Catch a Fade Barbershop

CITY MANAGER noted that the construction for the Creek Project will continue as planned; the Fire and Sherriff's Departments are operating normally; Public Works is minimally staffed in order to maintain all routine operations; Development Services is still accepting applications and building inspections are being done on an as-needed basis; the Administration Department has the majority of staff working from home and completing their normal duties; the IT Department is fully staffed at City Hall and has purchased laptops to expand the capacity for remote working; the Parks & Recreation Department has closed playgrounds, bathrooms at public facilities, however, open areas of parks and trails continue to be open at this moment.

COUNCIL COMMENTARY



COUNCILMEMBER WALTON thanked healthcare workers, food preparers, food and goods deliverers for their work during these difficult times; urged the public to continue practicing social distancing and to support their local business

COUNCILMEMBER PETREK asked the public to support their local businesses

COUNCILMEMBER NUÑEZ expressed her gratitude for residents that are complying with orders that are in place and to continue to support each other during these trying times.

MAYOR JONES provided a statement about the current COVID-19 crisis and urged the community to practice and become a H-E-R-O:

Help prevent the spread of COVID-19 by following all government orders and guidelines. This includes the stay-at-home order issued by Governor Newsom and all public health orders.

- Educate yourself with facts, not rumors. It's more important than ever to share factual information and not inadvertently spread misinformation. Remember to share official updates from the City, the County, the State and the CDC.
- Remain calm. Practice kindness and compassion at home and in the community – even when that means practicing social distancing to keep each other safe.
- Opt in for emergency alerts. Sign up for E-news Alerts on the City's website, and register for the County's COVID-19 Text Message Alert System.

ADJOURNMENT

MAYOR JONES adjourned the meeting at 7:45 p.m.

REBECCA D. JONES, MAYOR
CITY OF SAN MARCOS

ATTEST:

PHILLIP SCOLLICK, CITY CLERK
CITY OF SAN MARCOS