



MINUTES

Regular Meeting of the San Marcos City Council

TUESDAY, JUNE 27, 2017

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 Desmond called the City Council Meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE: Led by Councilmember Orlando

INVOCATION: Given by Father Derek Twilliger from St. Mark's Catholic Church

ROLL CALL:

PRESENT: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND

ABSENT: COUNCILMEMBERS: NONE

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

PROCLAMATIONS AND PRESENTATIONS

- A. Proclamation presented to Bobby Garrido, San Marcos Fire Support Services Volunteer.
- B. Presentation given by Kirby Brady, Director of Research, San Diego Regional Economic Development Corporation.
- C. Discover San Marcos Video Debut presented by Jonathan Henry, student from California State University San Marcos
- D. Creek District Update given by Development Services Director, Dahvia Lynch.



CONSENT CALENDAR

MOVED BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JABARA TO APPROVE THE CONSENT CALENDAR, EXCEPT ITEM NO. 11 AND ITEM NO. 15.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

- 1) **WAIVER OF TEXT.** This item is to waive the reading of the text of all ordinances and resolutions introduced and adopted at this meeting. Ordinances and resolutions shall be introduced or adopted by title.
- 2) **APPROVAL OF MINUTES.** Regular City Council/Special City of San Marcos as Successor Agency to the San Marcos Redevelopment Agency/Special City of San Marcos as Successor Housing Agency to the San Marcos Redevelopment Agency/Regular Fire Protection District/ Special Public Financing Authority/Regular San Marcos Public Facilities Authority meeting on June 13, 2017, at 6:00 p.m.
- 3) **APPROVAL OF WARRANTS.** Approved City Council, Successor Agency, and Fire Protection District warrants dated 6/18/2017.
- 4) **ORDINANCE NO. 2017-1444 - SECOND READING OF ORDINANCE APPROVING AMENDMENT NO. 2 TO FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT AND OWNER PARTICIPATION AGREEMENT BETWEEN THE CITY OF SAN MARCOS, AND SAN ELIJO HILLS DEVELOPMENT COMPANY, LLC. (P16-0038 (DA 16-002)).** Approved second reading of ordinance Amendment No. 2 to the first amended and restated development agreement and owner participation agreement between the City of San Marcos, and San Elijo Hills Development Company, LLC for the development of real property into a planned residential community known as San Elijo Ranch.
- 5) **RESOLUTION NOS. 2017-8363 & 2017-8364 - ANNEXATION NO. 124 TO COMMUNITY FACILITIES DISTRICT NO. 98-02 (LIGHTING, LANDSCAPING, OPEN SPACE AND PRESERVE MAINTENANCE) ("CFD NO. 98-02") DESIGNATION OF IMPROVEMENT AREA F-55.** Approved resolutions approving the boundary of the territory to be annexed to Community Facilities District No. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance) (CFD No. 98-02) and Improvement Area F-55 thereto (IA F-55); resolution declaring the intention to annex such territories to CFD No. 98-02 and IA F-55 and setting the public hearing date for August 8, 2017.
- 6) **RESOLUTION NOS. 2017-8365 & 2017-8366 - AUTHORIZING THE CITY ENGINEER/PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE TO EXECUTE PROGRAM SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENTS AND/OR FUND TRANSFER AGREEMENTS FOR ELIGIBLE FEDERAL AND/OR STATE FUNDED PROJECTS WITH THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION (CALTRANS).** Approved resolutions authorizing the City



Engineer/Public Works Director or his/her designee to execute Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements for eligible federal and/or state funded projects with the State of California, Department of Transportation (Caltrans).

- 7) **RESOLUTION NO. 2017-8367 - LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE VOTING DELEGATE APPOINTMENT.** Approved a resolution designating a primary voting delegate to represent the City of San Marcos during the League of California Cities 2017 Annual Conference.
- 8) **RESOLUTION NO. 2017-8368 - REVISED RESIDENTIAL REHABILITATION LOAN PROGRAM POLICIES AND PROCEDURES.** Approved a resolution approving revisions to the home repair loan program policies and procedures.
- 9) **RESOLUTION NO. 2017-8369 - APPROVAL OF MUTUAL THREAT ZONE (MTZ) COOPERATIVE FIRE PROTECTION AGREEMENT.** Approved a resolution approving the Mutual Threat Zone Fire Protection Agreement (Agreement) between the San Marcos Fire Department (SMFD) and California Department of Forestry and Fire Protection - San Diego Unit (CAL FIRE).
- 10) **RESOLUTION NO. 2017-8370 - APPROVING A FIVE YEAR CONTRACT WITH THE SAN DIEGO COUNTY SHERIFF FOR THE PROVISION OF POLICE SERVICES IN THE CITY OF SAN MARCOS.** Approved a resolution approving a five year contract with the San Diego County Sheriff for the provision of police services in the City of Marcos. The contract would be effective July 1, 2017 and expire on June 30, 2022.
- 11) **RESOLUTION NO. 2017-8371 - AMENDING THE FISCAL YEAR 2017-18 BUDGET TO APPROPRIATE AN ADDITIONAL \$106,000 FROM THE CITY AFFORDABLE HOUSING FUND TO THE HOUSING SUPPORT ACCOUNT.** Approve a resolution amending the Fiscal Year 2017-2018 Budget to appropriate an additional \$106,000 from the Affordable Housing Fund to the Housing Support Account. ***THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR AND MOVED TO NEW BUSINESS.***
- 12) **RESOLUTION NO. 2017-8372 - FISCAL YEAR 2017-18 APPROPRIATIONS LIMIT.** Approved a resolution establishing the City of San Marcos' appropriations subject to limit for the fiscal year ending June 30, 2018 as presented.
- 13) **RESOLUTION NO. 2017-8373 - AWARD MAINTENANCE CONTRACT FOR AS-NEEDED FENCE SERVICES AT CITY OWNED FACILITIES.** Approved a resolution awarding a five (5) year maintenance contract for as-needed fence services to Sierra Pacific Fence, Inc, not to exceed \$400,000.
- 14) **RESOLUTION NO. 2017-8374 - DEBT ISSUANCE, MANAGEMENT AND POST ISSUANCE COMPLIANCE POLICY.** Approved a resolution approving Debt Issuance, Management and Post Issuance Compliance Policy for all future debt issuances.
- 15) **RESOLUTION NO. 2017-8375 - HOURLY RATE FOR CITY ATTORNEY SERVICES, AUTHORIZATION FOR SAN MARCOS MUNICIPAL CODE ENFORCEMENT ACTIONS.** Approve a resolution to



increase the hourly rates for City Attorney services, and authorized attorneys of the City Attorney's firm to prosecute San Marcos Municipal Code violations. ***THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR.***

ITEMS REMOVED FROM THE CONSENT CALENDAR

- 15) **RESOLUTION NO. 2017-8375 - HOURLY RATE FOR CITY ATTORNEY SERVICES, AUTHORIZATION FOR SAN MARCOS MUNICIPAL CODE ENFORCEMENT ACTIONS.** Approved a resolution to increase the hourly rates for City Attorney services, and authorized attorneys of the City Attorney's firm to prosecute San Marcos Municipal Code violations. ***THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR.***

MAYOR DESMOND stated this item is requesting to increase the City Attorney services from \$210.00 per hour to \$220.00 per hour.

MOVED BY MAYOR DESMOND, SECONDED BY COUNCILMEMBER JABARA TO APPROVE ITEM NO. 15, AS RECOMMENDED BY STAFF.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

ORAL COMMUNICATIONS

MIIKE HUNSAKER, resident, requested to remove the dry fountain in front of City Hall and re-landscape with drought tolerant plants, and stated his concern with inadequate development fees for schools.

VICKI TERRELL, resident, spoke on her concerns about the overgrowth of trees and vegetation at Discovery Lake.

KATELIN MURRAY, student, spoke about her concerns with the Climate Action Plan, Community Choice Energy, and Renewable Energy.

ELISHA EXON, resident, spoke about her concerns with having adequate schools to accommodate the new homes being developed in the city.

BECKY SHIPLEY, resident, spoke about her concerns with the city's development plan for new homes, and the lack of infrastructure of new schools, sidewalks and sufficient streets to support the growth.

JEFF GELT, resident, spoke about his concerns with having adequate schools to accommodate the new homes being developed in the city.

PUBLIC HEARING



- 16) **RESOLUTION NO. 2017-8376 - ADOPTING THE CITY'S 2016 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM PROJECTS FOR FISCAL YEAR 2017 TO FISCAL YEAR 2021.** Approved a resolution to approve the City's 2016 Regional Transportation Improvement Program (RTIP) List of Projects for Fiscal Year 2017 to Fiscal Year 2021.

CITY MANAGER GRIFFIN reported that there are no changes to the Regional Transportation Improvement Program (RTIP) and is consistent with the city's Capital Improvement Program (CIP).

There were no requests to speak.

MOVED BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JABARA TO CLOSE THE PUBLIC HEARING.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

MOVE BY MAYOR DESMOND, SECONDED BY VICE MAYOR JONES TO APPROVE ITEM NO. 16, AS RECOMMENDED BY STAFF.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

- 17) **RESOLUTION NO. 2017-8377 - DETACHMENT OF THE PROPOSED TERRITORY FROM LANDSCAPING AND LIGHTING DISTRICT NO. 1.** Approved a resolution declaring the detachment of territory from Landscaping and Lighting District No. 1 subject to the public hearing.

ASSISTANT ENGINEER KYLE WRIGHT provided the staff report.

COUNCILMEMBER DISCUSSIONS INCLUDED: clarification on payment of fees.

CITY STAFF responded that the territory will no longer be assessed under the Landscaping and Lighting District, and will be assessed under Community Facilities District (CFD) 98-02 with the anticipated assessment of \$1,662.90.

There were no requests to speak.

MOVED BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JABARA TO CLOSE THE PUBLIC HEARING.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE



MOVE BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JABARA TO APPROVE ITEM NO. 17, AS RECOMMENDED BY STAFF.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

- 18) **RESOLUTION NO. 2017-8378 - LEVY OF THE ASSESSMENT OF VALLECITOS TOWN CENTER STREET MAINTENANCE DISTRICT WITHIN THE CITY OF SAN MARCOS FOR FISCAL YEAR 2017-2018.** Approved a resolution approving and confirming the diagram and assessment, and levying the assessment for Fiscal Year 2017-2018.

ASSISTANT ENGINEER KYLE WRIGHT provided the staff report.

There were no requests to speak.

MOVED BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JABARA TO CLOSE THE PUBLIC HEARING.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

MOVE BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JABARA TO APPROVE ITEM NO. 18, AS RECOMMENDED BY STAFF.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

- 19) **ORDINANCE NO. 2017-1445 - FIRST READING OF AN ORDINANCE AMENDING VARIOUS PROVISIONS UNDER TITLE 20 OF THE SAN MARCOS MUNICIPAL CODE (ZONING ORDINANCE) TO REGULATE LAND USES RELATING TO ACCESSORY DWELLING UNITS; DENSITY BONUSES; NOISE PERFORMANCE STANDARDS; WALLS AND FENCES; AND HEARING PROCEDURES TO AMEND THE ZONING ORDINANCE OR THE SAN MARCOS GENERAL PLAN.** Approved the first reading of an ordinance amending various provisions under TITLE 20 of the San Marcos Municipal Code (Zoning Ordinance) to regulate land uses relating to accessory dwelling units, density bonuses; noise performance standards; walls and fences; and hearing procedures to amend the zoning ordinance or the San Marcos General Plan.

CITY MANAGER GRIFFIN stated that there was confusion with the direction for the "Notice and Hearings" Exhibit E, Section 6, and requested that it be removed from the ordinance and that it should go back to the Planning Commission for review/approval.

PLANNING MANAGER KAREN BRINDLEY provided the staff report.



COUNCILMEMBER DISCUSSIONS INCLUDED: clarification on state required changes for Accessory Dwelling Units, ridesharing services as part of transportation requirements, and affordable housing concessions or incentives; partnering of density bonus projects in different areas of the city; existing industrial areas and noise thresholds; homes in agricultural areas and fencing; notice and hearings requirements; need of a 4/5th vote; density bonus application timeline; and school district and water department involvement in project applications.

CITY STAFF responded that the current ordinance is no longer enforceable and that the City's regulations must be updated to comply with State law, but allowed local agencies to regulate the development of Accessory Dwelling Units, including, but not limited to, restrictions relating to unit size, parking requirements, setbacks, fire sprinklers, garage conversions, and utility connections. Provisions in the government code allow a developer one to three concessions or incentives, when the project meets the affordable housing eligibility standards. Chain link fencing is allowed in agricultural zones. The timeline on the density bonus application is 30 days for City to review, and if needed, request in writing the reason for additional time to review the application. The noise element does not address rock crushing or grading activity.

CITY ATTORNEY PEAK stated the ordinance included State required density bonus changes, and additional amendments to the City's general plan and noise element. The provisions in respect to Accessory Dwelling Units are governed by State law, and these changes would bring the City's ordinance in compliance with State Code. Council recommended changes to this ordinance would require that Council refer the ordinance back to the Planning Commission for approval. As a Charter City, the City is obligated to follow State and planning zoning laws. State policy on density bonus is in favor of the production of housing, particularly affordable housing.

CITY MANAGER GRIFFIN stated direction to staff would be to explore and exhaust all possible arguments to meet the burden of proof to deny a density bonus project not meeting city standards.

MATT SIMMONS Consultants Collaborative, stated he agreed with the simple majority voting and questioned whether the noise element addressed rock crushing and grading activity.

PAUL MALONE, resident, spoke in support of changing the voting process to a simple majority.

MOVED BY COUNCILMEMBER JABARA, SECONDED BY VICE MAYOR JONES TO CLOSE THE PUBLIC HEARING.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

MOVED BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JABARA TO APPROVE FIRST READING OF ORDINANCE NO. 2017-1445, WITH CHANGES TO DELETE EXHIBITS "D" AND "E", AND RECITALS 5 AND 6, AND REFER BACK TO THE PLANNING COMMISSION THE



RECOMMENDED CHANGES TO AMENDMENTS PERTAINING WALLS AND FENCES, AND HEARING PROCEDURES FOR REVIEW.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

ORAL COMMUNICATIONS – CONTINUED

There were no requests to speak.

NEW BUSINESS

- 11) **RESOLUTION NO. 2017-8371 - AMENDING THE FISCAL YEAR 2017-18 BUDGET TO APPROPRIATE AN ADDITIONAL \$106,000 FROM THE CITY AFFORDABLE HOUSING FUND TO THE HOUSING SUPPORT ACCOUNT.** Approved a resolution amending the Fiscal Year 2017-2018 Budget to appropriate an additional \$106,000 from the Affordable Housing Fund to the Housing Support Account. ***THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR AND MOVED TO NEW BUSINESS.***

CITY MANAGER GRIFFIN provided the staff report.

COUNCILMEMBER DISCUSSION INCLUDED: clarification on affordable housing funds being used for Solutions For Change; concerned about setting a precedent for one-time allocation of funds; requested a future policy for allocating affordable housing funds.

CITY ATTORNEY PEAK responded that housing funds can be used for Solutions for Change.

CHRIS COCHRAN, Director of Operations, Solutions for Change Farms, spoke about homelessness and the effects on the community, and how the allocation of funds help support a solution for homelessness in North County.

DEBRA SALLAZ, Solutions for Change, spoke about homelessness in North County and how Solutions for Change provides shelter to families, offer job skills training and resources to help their residents become self sufficient and independent.

TONI RIVERA, Solutions for Change, spoke about being homeless and how Solutions for Change provided a stable foundation for her and her 3 year old.

CHRIS MEGISON, Founder, Solutions for Change, spoke about how the organization has been serving the community for 20 years and currently helping 130 homeless families and 43 kids from San Marcos. Thanked the City Council for acting so quickly to help with homelessness in North County.

MOVE BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JABARA TO APPROVE ITEM NO. 11, AS RECOMMENDED BY STAFF.



AYES: COUNCILMEMBERS: JABARA, JONES, ORLANDO, DESMOND
NOES: COUNCILMEMBERS: JENKINS
ABSENT: COUNCILMEMBERS: NONE

- 20) **RESOLUTION NO. 2017-8379 - APPOINTING A MEMBER OF THE CITY COUNCIL TO THE CITY OF SAN MARCOS/SAN MARCOS UNIFIED SCHOOL DISTRICT JOINT WORKING GROUP.** Approved a resolution appointing a member of the City Council to the joint working group that has been created to work on future residential development in the City and the impact that has on existing and potential future School District facilities.

CITY MANAGER GRIFFIN provided the staff report.

COUNCILMEMBER DISCUSSIONS INCLUDED: working group responsibilities and reporting.

CITY MANAGER GRIFFIN responded that he and the Superintendent of the San Marcos Unified School District, Melissa Hunt, were going to meet to discuss the responsibilities of the task force.

There were no requests to speak.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE MAYOR JONES TO APPOINT SHARON JENKINS AS THE CITY COUNCIL REPRESENTATIVE TO THE CITY OF SAN MARCOS/ SAN MARCOS UNIFIED SCHOOL DISTRICT JOINT WORKING GROUP, AND APPROVE ITEM NO. 20, AS RECOMMENDED BY STAFF.

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

ORAL COMMUNICATIONS

ANNETTE GABRIELLA, resident, spoke about her concerns with over development of homes, overcrowded schools and streets, and wanting a better quality of life for current residents in the community.

REPORTS (Including AB 1234 Reporting Requirements)

- 21) **SAN DIEGO ASSOCIATION OF GOVERNMENTS REPORT** – MAYOR DESMOND. Report given with no action taken.
- 22) **NORTH COUNTY TRANSIT DISTRICT REPORT** - VICE MAYOR JONES. Report given with no action taken.
- 23) **LEAGUE OF CALIFORNIA CITIES REPORT** - COUNCILMEMBER JABARA. No report given.



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- 24) **NORTH COUNTY DISPATCH JOINT POWERS AUTHORITY REPORT** - COUNCILMEMBER JENKINS.
No report given.

COUNCIL COMMENTARY

MAYOR DESMOND announced a visit and tour with Economic Development Manager, Tess Radmill, to the business Oasis Bread Company in San Marcos.

MAYORS DESMOND announced a visit and tour with Councilmember Jabara, and Economic Development Manager, Tess Radmill, to the business Landsberg Orora in San Marcos.

CLOSED SESSION

The City Council adjourned to closed session at 9:38 p.m.

- 25) **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION [GC 54956.9(e)(1)]**. Confer with City Manager and City Attorney regarding potential litigation, two potential actions.

The City Council reconvened from closed session at 10:30 p.m.

CITY ATTORNEY PEAK reported that Item No. 25 was discussed and conferred with the City Manager and City Attorney's office regarding two potential litigation items, and provided direction and conditional authorization on one item to the City Attorney, with no further action taken.

ADJOURNMENT

MAYOR DESMOND adjourned the meeting at 10:31 p.m.

JAMES M. DESMOND, MAYOR
CITY OF SAN MARCOS

ATTEST:

PHILLIP SCOLLICK, CITY CLERK
CITY OF SAN MARCOS