



MINUTES

Regular Meeting of the San Marcos City Council

TUESDAY, AUGUST 08, 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 6:01 p.m.

PLEDGE OF ALLEGIANCE: Led by Councilmember Orlando

INVOCATION: Given by Pastor Dan Daugherty, The Father's House

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 Office Specialist II Cadima

PROCLAMATION AND PRESENTATIONS:

- A. Presentation for Democracy in Action given by Scott Gross, Associate Vice President, Community Engagement Program at CSUSM
- B. Proclamations presented to following members of Troop 649 for the achievement of obtaining the Eagle Scout award:
 - Ruchit Mehta
 - Vishaan Singh
 - Anuraj Singh
- C. Certificate of volunteer recognition granted to Patty Morton, finalist in San Diego County Parks & Recreation Champion Awards.



CONSENT CALENDAR

MOVED BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JENKINS TO APPROVE THE CONSENT CALENDAR, AS RECOMMENDED BY STAFF, EXCEPT ITEM NO. 6.

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 or 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 Meetings, July 25, 2017, at 6:00 p.m.
- 3) **APPROVAL OF WARRANTS.** Approved City Council, Successor Agency, and Fire Protection District warrants dated 7/31/2017.
- 4) **ORDINANCE NO. 2017-1447 - SECOND READING OF AN ORDINANCE AMENDING THE SAN MARCOS MUNICIPAL CODE CHAPTER 5.74 REGULATING TRANSIENT LODGING FACILITIES.** Adopted second reading of an ordinance amending the San Marcos Municipal Code Chapter 5.74 regulating transient lodging facilities.
- 5) **ORDINANCE NO. 2017-1448 - SECOND READING OF AN ORDINANCE REPEALING CHAPTER 10.44 OF THE SAN MARCOS MUNICIPAL CODE.** Adopted second reading of an ordinance repealing Chapter 10.44 of the San Marcos Municipal Code.
- 6) **RESOLUTION NO. 2017-8394 - LEGISLATIVE REPORT.** Adopted a resolution on legislation pending in the State Legislature.
- 7) **RESOLUTION NO. FD 2017-338 - ADOPTION OF THE MULTI-YEAR PLAN FOR SAN DIEGO COUNTY FIRE MITIGATION FUNDING.** Adopted a resolution approving the San Diego County Fire Mitigation Fee Program Funding Multi-Year Plan
- 8) **RESOLUTION NO. 2017-8395 - AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENTS FOR CONSULTANT SERVICES WITH PARSONS TRANSPORTATION GROUP, INC., TO PERFORM ENGINEERING DESIGN SERVICES REQUIRED TO COMPLETE THE BENT AVENUE BRIDGE PROJECT (CIP #88263) AND THE VIA VERA CRUZ BRIDGE PROJECT (CIP #88264).** Adopted a resolution authorizing the City Manager and City Attorney to finalize and execute the Agreements for



Consultant Services with Parsons Transportation Group, Inc., to perform engineering design services required to complete plans, specifications and estimates for the Bent Avenue Bridge Project (CIP #88263) and Via Vera Cruz Bridge Project (CIP #88264).

- 9) **RESOLUTION NO. 2017-8396 - AWARD CONTRACT TO CHAMBERS INC., DBA ROOF CONSTRUCTION FOR THE CITY HALL RE-ROOFING PROJECT AND THE ALLOCATION OF ADDITIONAL FUNDING.** Adopted a resolution awarding the construction contract for the City Hall Re-roofing Project in the amount of \$825,500 to Chambers Inc., dba Roof Construction, and the allocation of \$300,805.00 of unencumbered Infrastructure funds.
- 10) **RESOLUTION NO. 2017-8397 - 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.
- 11) **RESOLUTION NO. 2017-8398 - CANCELLATION OF THE AUGUST 22, 2017 REGULAR CITY COUNCIL MEETING.** Adopted a resolution canceling the August 22, 2017 regular city council meeting

ITEMS REMOVED FROM THE CONSENT CALENDAR

- 6) **RESOLUTION NO. 2017-8394 - LEGISLATIVE REPORT.** Adopted a resolution on legislation pending in the State Legislature. ***THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR.***

MIKE HUNSAKER, resident, spoke of his concerns about the Legislative report and the effects it will have on the City's affordable housing infrastructure.

MOVED BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JABARA TO APPROVE ITEM NO. 6 , AS RECOMMENDED BY STAFF.

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

ORAL COMMUNICATIONS

MIKE HUNSAKER, resident, stated concerns of led based paint in homes located in transit priority areas that may be required to be demolished at the expense of the homeowner; and asked council to protect senior citizens and mobile home park owners.

PUBLIC HEARING

- 12) **RESOLUTION NO. 2017-8399 - ANNEXATION NO. 124, F-55 TO COMMUNITY FACILITIES DISTRICT 98-02 FOR LIGHTING, LANDSCAPING, OPEN SPACE AND PRESERVE MAINTENANCE**



(CFD NO. 98-02) IMPROVEMENT AREA F-55 PUBLIC HEARING. Adopted a resolution declaring the annexation of territory to CFD 98-02 Improvement Area F-55 and authorizing submittal of levy of special taxes to the qualified electors.

LEWIS CLAPP presented the staff report, and clarified that there are other factors that are inclusive in the tax levy of preserve maintenance and confirmed that this tax is only subject to properties in the F-55 zone.

MAYOR DESMOND requested further clarification on other items that may be inclusive in this tax levy.

VICE MAYOR JONES asked for confirmation on whether or not properties adjacent to this project would be included in this tax levy or if it's only specific to those in the F-55 zone.

There were no requests to speak.

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

MOVE BY VICE MAYOR JONES, SECONDED BY MAYOR DESMOND TO APPROVE ITEM NO. 12 AS RECOMMENDED BY STAFF.

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

- 13) **ORDINANCE NO. 2017-1449 - URGENCY ORDINANCE EXTENDING THE EXISTING MORATORIUM REGARDING MARIJUANA REGULATIONS AND ISSUANCE OF GOVERNMENT CODE SECTION 65858(D) WRITTEN REPORT.** Adopted the proposed urgency Ordinance extending the existing moratorium on the establishment of marijuana dispensaries, the outdoor cultivation and processing of marijuana, the indoor cultivation and processing of marijuana in excess of what is permitted under the "Medicinal and Adult-Use Cannabis Regulation and Safety Act", and the use and possession of marijuana and marijuana products in public places, places where smoking is prohibited under the SMMC and otherwise, and within buildings owned, leased or occupied by the City, and the issuance of Government Code section 65858(d)written report.

DEPUTY CITY ATTORNEY HOUSE presented staff report and reminded council that a 4/5 vote is required to adopt this ordinance.



MAYOR DESMOND requested further clarification on the possible ramifications that could occur once this ordinance expires and if no further action is taken. He questioned if state law will preside over local law, and if the City has to the possibility to deny recreational use dispensaries even if they are licensed by the state.

DEPUTY CITY ATTORNEY HOUSE responded that medical dispensaries will continue to remain prohibited, but any recreational dispensaries could be permitted if they applied for state licensure beginning in 2018, unless regulated by the City.

CITY ATTORNEY PEAK confirmed that the process for state licensing continues on its path to begin on January 1, 2018 despite small delays; the City can deny recreational dispensaries that are licensed by the state, and reminded council that if no immediate action is taken, these dispensaries could not be taxed if located within city boundaries.

VICE MAYOR JONES clarified for the record that the recreational use of marijuana is still illegal at the Federal level.

There were no requests to speak.

MOVED BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JENKINS 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. 13, AS RECOMMENDED BY STAFF.

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

OLD BUSINESS

- 14) **ORDINANCE NO. 2017-1450 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA AMENDING VARIOUS PROVISIONS UNDER TITLE 20 OF THE SAN MARCOS MUNICIPAL CODE (ZONING ORDINANCE) TO REGULATE 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 walls and fences; and hearing procedures to amend the Zoning Ordinance or the San Marcos General Plan



PLANNING MANAGER BRINDLEY provided the staff report.

There were no requests to speak.

MOVED BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JABARA TO REINTRODUCE ORDINANCE NO. 2017-1450, AS RECOMMENDED BY STAFF.

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

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

ORAL COMMUNICATIONS - CONTINUED

There were no requests to speak.

REPORTS (Including AB 1234 Reporting Requirements)

- 15) **SAN DIEGO ASSOCIATION OF GOVERNMENTS REPORT** – MAYOR DESMOND. Report given with no action taken.
- 16) **NORTH COUNTY TRANSIT DISTRICT REPORT** - VICE MAYOR JONES. No Report given.
- 17) **LEAGUE OF CALIFORNIA CITIES REPORT** - COUNCILMEMBER JABARA. No report given.
- 18) **NORTH COUNTY DISPATCH JOINT POWERS AUTHORITY REPORT** - COUNCILMEMBER JENKINS. No report given.
- 19) **SAN MARCOS UNIFIED SCHOOL DISTRICT JOINT WORKING GROUP** - COUNCILMEMBER JENKINS. No report given.

COUNCIL COMMENTARY

COUNCILMEMBER JABARA announced a visit and tour with Mayor Desmond, to the San Marcos business Quick Charge Power.

CLOSED SESSION

The City Council adjourned to closed session at 7:11 p.m.

- 20) **CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION [GC 54956.9(d)(1)]**. City of San Marcos v. James L. Lukich and Petka Lukich, Trustees of the Lukich Family Trust, San Diego Superior Court Case No. 37-2016-00010270-CU-EI-NC.



- 21) **CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION [GC 54956.9(d)(1)]**. City of San Marcos v. James and Petka Lukich, as husband and wife; New Century Title Company; Plaza Home Mortgage Inc.; PRLAP, Inc.; Bank of America, N.A.; Vivint Solar Developer LLC; County of San Diego, San Diego Superior Court Case No. 37-2016-00010266-CU-EI-NC.
- 22) **CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION [GC 54956.9(d)(1)]**. San Diego County Office of Education, et al., v. The County of San Diego, et al., San Diego Superior Court Case No. 37-2017-00019775-CU-WM-CTL.

The City Council reconvened from closed session at 7:50 p.m.

CITY ATTORNEY PEAK reported that Item No. 20 and Item No. 21 were approved by City Council for the settlement amount of \$175,000; which would be allocated between the affected properties. City Council discussed and approved design details with the property owners for how the project would affect their properties.

Item No. 22 was discussed and City Council approved the retention of Colantuono, Highsmith & Whatley Firm as counsel for a joint defense and common interest agreement with other responsive entities.

ADJOURNMENT

MAYOR DESMOND adjourned the meeting at 7:52 p.m.

JAMES M. DESMOND, MAYOR
CITY OF SAN MARCOS

ATTEST:

PHILLIP SCOLLICK, CITY CLERK
CITY OF SAN MARCOS