



# MINUTES

## Regular Meeting of the San Marcos City Council

**TUESDAY, JULY 28, 2015**

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.

**ROLL CALL:**

PRESENT: COUNCILMEMBERS: JABARA, JENKINS, ORLANDO, DESMOND

ABSENT: COUNCILMEMBERS: JONES

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

**PLEDGE OF ALLEGIANCE:** Led by Councilmember Jenkins

**INVOCATION:** Given by Mother Clay Ola Gitane from Grace Episcopal Church

**PROCLAMATIONS AND PRESENTATIONS**

A. San Diego County Sheriff Department Senior Patrol Graduation

- Administrative Senior Volunteer Bruce Walters introduced three new Senior Volunteers: Martha Ryan, David Ryan and Gene Sawyer

**CONSENT CALENDAR**

**MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER JABARA TO APPROVE THE CONSENT CALENDAR, EXCEPT ITEM NO. 6, AS RECOMMENDED BY STAFF.**



AYES: COUNCILMEMBERS: JABARA, JENKINS, ORLANDO, DESMOND

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: JONES

- 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/Special Fire Protection District/ Special Public Financing Authority/Regular San Marcos Public Facilities Authority Meetings, July 14, 2015, 6:00 p.m.
- 3) **APPROVAL OF WARRANTS.** Approved City Council, Successor Agency, and Fire Protection District warrants.
- 4) **RESOLUTION NO. 2015-8097 - ANNEXATION NO. 62 TO THE CITY OF SAN MARCOS COMMUNITY FACILITIES DISTRICT NO. 98-01 IMPROVEMENT AREA NO. 1 (POLICE ONLY) ("CFD NO. 98-01 IA NO. 1").** Approved certifying the results of elections and annexing properties to CFD No. 98-01 IA No. 1.
- 5) **RESOLUTION NO. FD 2015-328 - ANNEXATION NO. 66 TO COMMUNITY FACILITIES DISTRICT NO. 2001-01 (FIRE AND PARAMEDIC) OF THE SAN MARCOS FIRE PROTECTION DISTRICT ("CFD NO. 2001-01").** Approved certified elections and annexation of properties to CFD No. 2001-01.
- 6) **RESOLUTION NO. 2015-8098 - ANNEXATION NO. 8 TO COMMUNITY FACILITIES DISTRICT NO. 2011-01 (CONGESTION MANAGEMENT) OF THE CITY OF SAN MARCOS ("CFD NO. 2011-01").** Approve certified elections and annexation of properties to CFD No. 2011-01.  
***THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR***
- 7) **RESOLUTION NO. 2015-8099 - ANNEXATION 119 - CITYWIDE ANNEXATION OF PROPERTIES TO COMMUNITY FACILITIES DISTRICT NO. 98-02 (LIGHTING, LANDSCAPING, OPEN SPACE AND PRESERVE MAINTENANCE) ("CFD 98-02").** Approved certified elections and annexation of properties to CFD 98-02 and approving the boundary map for Annexation No. 119.
- 8) **RESOLUTION NO. 2015-8100 - AWARD CONSTRUCTION CONTRACT FOR THE ANNUAL SURFACE SEAL PROJECT - 2015 CHIP SEAL CAPITAL IMPROVEMENT PROJECT (CIP) # 86004.** Approved awarding the construction contract for the Annual Surface Seal Project - 2015



Chip Seal CIP #86004 in the amount of \$1,554,683.26 to Pavement Coatings Co. and authorize the re-allocation of additional funds to the project in the amount of \$454,683.26.

- 9) **RESOLUTION NO. 2015-8101 - AWARD CONSTRUCTION CONTRACT FOR THE ANNUAL SURFACE SEAL PROJECT - 2015 SLURRY SEAL CAPITAL IMPROVEMENT PROJECT (CIP) #86004.** Approved awarding the construction contract for the Annual Surface Seal Project - 2015 Slurry Seal CIP #86004 in the amount of \$728,739.73 to Roy Allan Slurry Seal Inc.
- 10) **RESOLUTION NO. 2015-8102 - 2015 AQUATIC FEE SCHEDULE CHANGES.** Approved the 2015 fee schedule for the City's aquatic facilities.
- 11) **RESOLUTION NO. 2015-8103 - LEGISLATIVE REPORT.** Approved opposing one bill pending at the State Legislature.
- 12) **RESOLUTION NO. 2015-8104 - AMENDING RESOLUTION NO. 2015-8076 TO CORRECT, NUNC PRO TUNC, CLERICAL ERRORS IN THE THIRD ADDENDUM TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT.** Approved addendum to the City Manager's Employment Agreement.
- 13) **RESOLUTION NO. 2015-8105 - LEAGUE OF CALIFORNIA CITIES 2015 ANNUAL CONFERENCE VOTING DELEGATES.** Approved designating primary and alternate voting delegates to represent the City of San Marcos during the League of California Cities 2015 Annual Conference.

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

- 6) **RESOLUTION NO. 2015-8098 - ANNEXATION NO. 8 TO COMMUNITY FACILITIES DISTRICT NO. 2011-01 (CONGESTION MANAGEMENT) OF THE CITY OF SAN MARCOS ("CFD NO. 2011-01").** Approved certified elections and annexation of properties to CFD No. 2011-01. ***THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR.***

**MIKE HUNSAKER**, resident, asked for the current fee schedule for the Congestion Management District and whether anyone in the City could choose to be in the district.

**CITY MANAGER GRIFFIN**, clarified that there is an adopted congestion management fee schedule that can be provided to Mr. Hunsaker and that the district only applies to commercial, non-residential and multi-family use – not single family residences.

**MOVED BY MAYOR DESMOND ,SECONDED BY COUNCILMEMBER JENKINS TO APPROVE ITEM NO 6, AS RECOMMENDED BY STAFF.**

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



ABSENT: COUNCILMEMBERS: JONES

### **ORAL COMMUNICATIONS**

There were no requests to speak.

### **PUBLIC HEARING**

- 14) **RESOLUTION NO. 2015-8106 - LEVY OF THE ASSESSMENT OF THE LANDSCAPING AND LIGHTING DISTRICT NO. 1 WITHIN THE CITY OF SAN MARCOS FOR FISCAL YEAR 2015-2016.** Approved and confirmed the diagram and assessment, and levying the assessment for fiscal year 2015-2016.

**CITY ATTORNEY PEAK** explained that Mayor Desmond and Councilmember Jenkins would be disqualified from discussion on this item due to owning real property in the Landscape and Lighting District No. 1; stated that there would not be a quorum to take action on this with Vice-Mayor Jones being absent; the statutory deadline to adopt the annual assessment is before August 10, 2015, so council cannot wait for a full quorum to be present; the FPPC regulation 18705 allows for Council to meet the legally required quorum by a random drawing of straws or toss of a coin by the two disqualified council members.

**MAYOR DESMOND**, re-cused himself from the discussion of the item after drawing the short straw.

**MOVED BY COUNCILMEMBER JABARA, SECONDED BY COUNCILMEMBER JENKINS TO CLOSE THE PUBLIC HEARING.**

**MOVED BY COUNCILMEMBER JABARA, SECONDED BY COUNCILMEMBER JENKINS TO APPROVE ITEM NO 14, AS RECOMMENDED BY STAFF.**

AYES: COUNCILMEMBERS: JABARA, JENKINS, ORLANDO

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: JONES

ABSTAINED: COUNCILMEMBERS: DESMOND

- 15) **RESOLUTION NO. 2015-8107 - LEVY OF THE ASSESSMENT OF VALLECITOS TOWN CENTER STREET MAINTENANCE DISTRICT WITHIN THE CITY OF SAN MARCOS FOR FISCAL YEAR 2015-2016.** Approved and confirmed the diagram and assessment, and levying the assessment for Fiscal Year 2015-2016.

**MOVED BY COUNCILMEMBER JABARA, SECONDED BY COUNCILMEMBER ORLANDO TO CLOSE THE PUBLIC HEARING.**



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

AYES: COUNCILMEMBERS: JABARA, JENKINS, ORLANDO, DESMOND

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: JONES

**ORAL COMMUNICATIONS - CONTINUED**

There were no requests to speak.

**REPORTS** (Including AB 1234 Reporting Requirements)

- 16) **REGIONAL ECONOMIC REPORT** - MAYOR DESMOND. No report given.
- 17) **SAN DIEGO ASSOCIATION OF GOVERNMENTS REPORT** - COUNCILMEMBER ORLANDO.  
Report provided with no action taken.
- 18) **NORTH COUNTY TRANSIT DISTRICT REPORT** - VICE MAYOR JONES. No report given.
- 19) **LEAGUE OF CALIFORNIA CITIES REPORT** - COUNCILMEMBER JABARA. No report given.
- 20) **NORTH COUNTY DISPATCH JOINT POWERS AUTHORITY REPORT** - COUNCILMEMBER  
JENKINS. No report given.

**COUNCIL COMMENTARY**

**MAYOR DESMOND** spoke about the upcoming event "National Night Out" on Tuesday, August 4, 2015.

**CLOSED SESSION**

The City Council adjourned to closed session at 6:25 p.m.

- 21) **CONFERENCE WITH LEGAL COUNSEL -PENDING LITIGATION [GC 54956.9(d)(1)]**. San Marcos Unified School District v. White-Atterbury, LLC; San Diego Gas and Electric Company; San Marcos County Water District; Lake San Marcos - 605 Partnership, Lake San Marcos 153 Partnership; Byron A. White; City of San Marcos, et al., San Diego Superior Court Case No. 37-2015-00022414-CU-EI-NC.

The City Council reconvened from closed session at 6:43 p.m.

**CITY ATTORNEY PEAK** announced Council discussed the item and provided direction to staff on potential resolutions and settlement of the litigation.

**ADJOURNMENT**



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

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**MAYOR DESMOND** adjourned the meeting at 6:44 p.m.

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JAMES M. DESMOND, MAYOR  
CITY OF SAN MARCOS

ATTEST:

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PHILLIP SCOLICK, CITY CLERK  
CITY OF SAN MARCOS