



MINUTES

Regular Meeting of the San Marcos City Council

Tuesday, September 24, 2024

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 6:01 P.M.

PLEDGE OF ALLEGIANCE: Led by Mayor Jones

INVOCATION: Led by Mayor Jones

ROLL CALL:

PRESENT: COUNCILMEMBERS: JONES, JENKINS, NUÑEZ, MUSGROVE, SANNELLA

ABSENT: COUNCILMEMBERS: NONE

ALSO PRESENT: City Manager Bender, City Attorney Peak, Deputy City Clerk Olinger Chavez, City Clerk Scollick and interpretation services by OC Interpreting Agency.

PROCLAMATIONS AND PRESENTATIONS:

- A. SMILE Award – Cathy Baur
- B. Klamath Africa Vibe Festival Proclamation
- C. Fire Department Badge Pinning and Retirement Proclamations Ceremony

CONSENT CALENDAR:



MOVED TO APPROVE THE CONSENT CALENDAR BY COUNCILMEMBER SANNELLA, SECONDED BY DEPUTY MAYOR JENKINS AND UNANIMOUSLY APPROVED.

AYES: COUNCILMEMBERS: JONES, JENKINS, NUÑEZ, MUSGROVE, SANNELLA
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.** Approved the minutes of City Council regular meeting on September 10, 2024.
- 3) **APPROVAL OF WARRANTS.** Approved City Council, Successor Agency, and Fire Protection District warrants dated September 2024.
- 4) **ORDINANCE NO. 2024-1551 - SECOND READING OF ORDINANCE REPEALING AND REPLACING CHAPTER 20.410 OF THE SAN MARCOS MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES AND FINDING THAT SAID REPEAL AND REPLACEMENT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.** Adopted (second reading) Ordinance 2024-1551 repealing and replacing Chapter 20.410 of the San Marcos Municipal Code and finding that said repeal and replacement is categorically exempt from CEQA review (EX24-013).
- 5) **RESOLUTION NO. 2024-9352 - EXPENDITURE OF FUNDS PURSUANT TO COMPENSATION AND REIMBURSEMENT POLICY, EVENT TICKET APPROVAL.** Adopted a resolution approving the expenditure of funds for attendance at public purpose events.
- 6) **RESOLUTION NO. 2024-9353 - AUTHORIZE THE SAN MARCOS FIRE DEPARTMENT TO APPLY FOR THE COUNTY OF SAN DIEGO NEIGHBORHOOD REINVESTMENT GRANT.** Adopted a resolution approving the San Marcos Fire Department's County of San Diego Neighborhood Reinvestment Program application for grant funds in the amount of \$65,000 to support funding for the Emergency Operations Center (EOC) Power Project.
- 7) **RESOLUTION NO. 2024-9354 - AUTHORIZATION TO TAKE THE NECESSARY ACTIONS AND TO FORECLOSE ON DELINQUENT SPECIAL TAX LIENS.** Adopted a resolution authorizing the City Manager and City Attorney to take the necessary actions and to foreclose on property owners that are delinquent in the payment of Community Facilities District (CFD) special taxes.
- 8) **RESOLUTION NO. 2024-9355 - CARRY-OVER OF FISCAL YEAR 2023-24 APPROPRIATIONS INTO FISCAL YEAR 2024-25.** Adopted a resolution approving the carry-over of appropriations from Fiscal Year 2023-24 to Fiscal Year 2024-25.
- 9) **PROGRAM YEAR 2023-2024 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING.** Noted and Filed.



- 10) **RESOLUTION NO. 2024-9356 - AMENDMENTS TO THE SAN MARCOS BAIL SCHEDULE FOR SUBMISSION TO THE SAN DIEGO SUPERIOR COURT FOR INCLUSION IN THE COUNTY-WIDE BAIL SCHEDULE; AND APPROVING AMENDMENTS TO THE SAN MARCOS PENALTY FEE SCHEDULE FOR PARKING VIOLATIONS.** Approved resolution modifying the San Marcos Bail Schedule, including revised bail amounts, and to the Penalty Fee Schedule for Parking Violations.
- 11) **RESOLUTION NO. 2024-9357 - APPROVING A RESOLUTION IN ACCORDANCE WITH COUNCIL POLICY 2012-04 TO APPROPRIATE AND UTILIZE UP TO \$466,000 IN ONE-TIME RECURRING SAVINGS/OPPORTUNITY RESERVE FUNDS TO PROCURE AND INSTALL A SOLAR ENERGY SYSTEM AT THE CORKY SMITH GYM FACILITY.** Adopted resolution approving the use of one-time recurring savings/opportunity reserve funds to procure and install a solar energy system at the Corky Smith Gym and delegate authority to the City Manager to negotiate and execute a contract with Core Energy Solutions for equipment and installation.
- 12) **RESOLUTION NO. 2024-9358 -AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS, FINALIZE, AND EXECUTE ALL DOCUMENTS RELATED TO A PURCHASE AND SALE AGREEMENT NECESSARY FOR THE ACQUISITION OF REAL PROPERTY AT 0 ARMORLITE DR, SAN MARCOS, CA (ASSESSOR'S PARCEL NUMBER 219-163-60-00, KARL STRAUSS PROPERTY) FOR THE DEVELOPMENT OF A FUTURE FIRE STATION, AND AMENDING THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE FUNDS RELATED TO THE PURCHASE.**
 1. Adopted a resolution authorizing the City Manager to negotiate, finalize, and execute a purchase and sale agreement and all related documents necessary for the acquisition of real property located at 0 Armorlite Dr APN 219-163-60-00 for the construction of a future Fire Station.
 2. Amended the Fiscal Year 2024-25 Capital Improvement Program Budget to appropriate \$4.1M to finance the purchase of the property.
- 13) **RESOLUTION NO. 2024-9359- DELEGATING TO AND AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR ON-PREMISES SERVER HARDWARE AND RELATED SERVICES TO SIDEPATH AND DELL TECHNOLOGIES, AND TO NEGOTIATE, FINALIZE, AND EXECUTE DOCUMENTS RELATING TO SUCH CONTRACT.** Adopted a resolution delegating to and authorizing the City Manager to award a five-year contract to Sidepath and Dell Technologies in an amount not to exceed \$550,000, and to negotiate, finalize, and execute documents relating to such contract.

ORAL COMMUNICATIONS

Skip Hammann, volunteer for United Sovereign Americans, presented information regarding the organization and a resolution for a Legally Valid 2024 Election.

Ann Matchinske, volunteer for United Sovereign Americans, presented a resolution for a Legally Valid 2024 Election.



Jackie Zoellick, volunteer for United Sovereign Americans, continued the presentation of a resolution for a Legally Valid 2024 Election.

Barbara Carnaham, volunteer for United Sovereign Americans, continued the presentation of a resolution for a Legally Valid 2024 Election.

John Mosher commended City Council and City staff for their quick response regarding issues presented at two mobile home parks in the city.

NEW BUSINESS

- 14) **RESOLUTION NO. 2024-9360 - SUPPORT OF PROPOSITION 36, THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT.** Discussion and action as desired regarding a resolution in support of Proposition 36, The Homelessness, Drug Addiction, and Theft Reduction Act.

Mayor Jones presented the report.

PUBLIC COMMENTS INCLUDED:

A letter from Dane White, Mayor of Escondido, was read into the record.

Peter Whitley spoke in opposition of Proposition 36 and the resolution.

Alan Geraci spoke in opposition of Proposition 36 and the resolution.

Flower Alvarez-Lopez, Universidad Popular, spoke in opposition of Proposition 36 and the resolution.

Sandy Nissou, Neighborhood Market Association, spoke in support of the resolution.

Emily Mahmoud spoke in opposition of Proposition 36 and the resolution.

Nathalie Martinez, Universidad Popular, spoke in opposition of Proposition 36 and the resolution.

Justin Gans spoke in opposition of Proposition 36 and the resolution.

Edward Poulert spoke in opposition of Proposition 36 and the resolution.

Adan Abaquin-Brown spoke in opposition of Proposition 36 and the resolution.

Cameron Ashtiani- Eisemann spoke in opposition of Proposition 36 and the resolution.

A letter from the San Diego Regional Chamber was read into the record.

COUNCILMEMBER DISCUSSION INCLUDED: clarification that Proposition 36 creates tougher penalties for serial smash and grabs, clarification that individuals that successfully complete



treatment will have their record expunged, proposition provides opportunity for treatment, Deputy Sherriff's Association supporting proposition, goal of proposition to provide help, retail theft at local stores, mental health needs, and support for law enforcement and the District Attorney.

MOTION TO APPROVE BY MAYOR JONES, SECONDED BY COUNCILMEMBER SANNELLA.

AYES: COUNCILMEMBERS: JONES, JENKINS, MUSGROVE, SANNELLA
NOES: COUNCILMEMBERS: NUÑEZ
ABSENT: COUNCILMEMBERS: NONE

- 15) **RESOLUTION NO. 2024-9361 - OPPOSE BATTERY ENERGY STORAGE SYSTEM (BESS) PROJECTS IN AND ADJACENT TO THE CITY OF SAN MARCOS.** Discussion and action as desired regarding a resolution in opposition to Battery Energy Storage System (BESS) projects in and adjacent to the City of San Marcos.

Deputy Mayor Jenkins and Councilmember Sannella presented the report and made a clarification regarding the resolution and revisions made.

COUNCILMEMBER DISCUSSION INCLUDED: clarification that the Seguro project is in the San Marcos Fire Protection District, support of green technology, safety standards and monitoring being implemented within the community for BESS projects, current safeguards in place, project sphere of influence, study being done at the County, mandates for battery storage under the Climate Action Plan, research for local guidelines, clarification on authority provided to the San Marcos Fire Department, and the creation of regulations for future BESS projects in the City.

PUBLIC COMMENTS INCLUDED:

Alan Geraci stated that the Sierra Club of San Diego supported the spirit and intent of the resolution.

Andrew McSparron spoke in support of Council comments and the resolution in opposition to the Seguro project.

Kendra Corrlia spoke in support of the resolution in opposition to the Seguro project.

Kevin Norris spoke to the installation and to the safety of newer BESS projects.

Jared Pache spoke to research regarding BESS projects having the potential to be biased and safety concerns around the projects.

Andrew Laderman spoke in support of the resolution in opposition to the Seguro project.

Phyllis Laderman spoke in support of the resolution in opposition to the Seguro project.

JP Theberge spoke in support of the resolution in opposition to the Seguro project.



Joe Rowley spoke in support of the resolution in opposition to the Seguro project.

Jon Dummer spoke in support of the resolution in opposition to the Seguro project.

David Ecklund spoke in support of the resolution in opposition to the Seguro project.

MOTION TO APPROVE THE REVISED RESOLUTION BY DEPUTY MAYOR JENKINS, SECONDED BY COUNCILMEMBER NUÑEZ.

SUBSTITUTE MOTION BY COUNCILMEMBER MUSGROVE, SECONDED BY MAYOR JONES TO SEND THE RESOLUTION BACK TO STAFF WITH RECOMMENDATIONS MADE TO RESEARCH SAFETY PROTOCOLS, RESPONSE, EFFECT ON FIRST RESPONDERS, AND SAFETY MECHANISMS IN PLACE FOR BATTERY PLANTS, AS WELL AS TO CONSECUTIVELY WORK ON SAFETY REGULATIONS WITHIN THE CITY FOR BESS PROJECTS.

AYES: COUNCILMEMBERS: JONES, MUSGROVE, SANNELLA
NOES: COUNCILMEMBERS: JENKINS, NUÑEZ
ABSENT: COUNCILMEMBERS: NONE

ORAL COMMUNICATIONS - CONTINUED

Azarely Aispuro expressed concerns over co-mingling of genders in locker rooms at local schools.

Noah Stangby expressed concerns over co-mingling of genders in locker rooms at local schools.

Jeffrey Papendieck expressed concerns over senior housing for Lakeview Mobile Estates changing to allow those under 55 to reside there and requested the senior mobile home overlay district be placed on the agenda.

Flower Alvarez-Lopez, Universidad Popular, spoke to the history of the organization in North County and the events that have disproportionately affected historically marginalized community members.

Marlene Walder expressed concerns regarding traffic and safety concerns on Barham Drive and La Moree Road.

REPORTS (Including AB 1234 Reporting Requirements)

- 16) **SAN DIEGO ASSOCIATION OF GOVERNMENTS REPORT** – MAYOR JONES. Report given with no action taken.
- 17) **LEAGUE OF CALIFORNIA CITIES REPORT** – COUNCILMEMBER SANNELLA. No report given.
- 18) **NORTH COUNTY TRANSIT DISTRICT REPORT** – DEPUTY MAYOR JENKINS. No report given.



- 19) **NORTH COUNTY DISPATCH JOINT POWERS AUTHORITY REPORT** – COUNCILMEMBER NUÑEZ. No report given.
- 20) **CLEAN ENERGY ALLIANCE REPORT** – COUNCILMEMBER MUSGROVE. No report given.
- 21) **CITY COUNCIL BUSINESS VISITS** –MAYOR JONES AND COUNCILMEMBER NUÑEZ. Visited Moonlight Glassing. Report given with no action taken.

COUNCIL COMMENTARY

Councilmember Sannella commended San Marcos Fire Department for swiftly putting out a fire near a local school earlier in the day.

ADJOURNMENT

MAYOR JONES adjourned the meeting at 9:24 pm.

REBECCA D. JONES, MAYOR
CITY OF SAN MARCOS

ATTEST:

PHILLIP SCOLLICK, CITY CLERK
CITY OF SAN MARCOS