



**ATTACHMENT D**

**CITY COUNCIL MINUTES**

**NOVEMBER 13, 2018**



# MINUTES

## Regular Meeting of the San Marcos City Council

**TUESDAY, NOVEMBER 13 , 2018**

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 Jabara .

**INVOCATION:** Given by Tanis Brown.

**ROLL CALL:**

PRESENT: COUNCILMEMBERS: JABARA, JENKINS, JONES

ABSENT: COUNCILMEMBERS: ORLANDO, DESMOND

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

**PROCLAMATIONS AND PRESENTATIONS**

- A. Proclaimed December 2018 as Drugged Driving Prevention Month
- B. Proclaimed November 17, 2018 as San Marcos Lions Club Day
- C. Presentation given by Roberto Garcia on Census 2020

**CONSENT CALENDAR**

**MOVED BY COUNCILMEMBER JABARA, SECONDED BY COUNCILMEMBER JENKINS TO APPROVE THE  
CONSENT CALENDAR, AS RECOMMENDED BY STAFF.**



AYES: COUNCILMEMBERS: JABARA, JONES, JENKINS

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: ORLANDO, DESMOND

- 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, October 23, 2018, at 6:00 p.m.
- 3) **APPROVAL OF WARRANTS.** Approved City Council, Successor Agency, and Fire Protection District warrants dated 11/5/2018.
- 4) **RESOLUTION NO. 2018-8555 - ORDERING A SUMMARY VACATION OF OFFERS TO DEDICATE EASEMENTS FOR PUBLIC HIGHWAY PURPOSES (TWIN OAKS VALLEY ROAD).** Approved a Summary Vacation of Offers to Dedicate easements for Public Highway purposes (Twin Oaks Valley Road), which is not needed for future highway purposes.
- 5) **RESOLUTION NO. 2018-8556 - NAMING RECOMMENDATION FOR NEW FITNESS ZONE ADJACENT TO SENIOR ACTIVITY CENTER.** Approved a resolution naming the new fitness zone adjacent to the Senior Activity Center as the "Mark J. Noy, Jr. Adult Fitness Zone".
- 6) **RESOLUTION NO. 2018-8557 - APPROVING A TEMPORARY WAIVER TO THE REQUIREMENTS OF RESOLUTION 2002-5865 FOR THE SKYLINE PROJECT IMPROVEMENTS.** Approved a resolution for a temporary waiver of the restrictions imposed by Resolution 2002-5865 for the Skyline Project improvements.
- 7) **RESOLUTION NO. 2018-8558 - CANCELLATION OF THE NOVEMBER 27, 2018 REGULAR CITY COUNCIL MEETING.** Approved a resolution canceling the November 27, 2018 regular city council meeting.
- 8) **RESOLUTION NO. 2018-8559 - APPROVING AN AMENDED AND RESTATED PARTNERSHIP AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND LBP PARTNERSHIP.** Approved a resolution approving an amended and reinstated partnership agreement between the City of San Marcos and LBP Partnership, and authorizing the City Manager to finalize and execute the same.
- 9) **RESOLUTION NOS. 2018-8560 (CONSTRUCTION FUNDING AGREEMENT) & 2018-8561 (SALE OF PROPERTY) - APPROVING A CONSTRUCTION FUNDING AGREEMENT RELATING TO TWIN OAKS VALLEY ROAD AND BARHAM DRIVE IMPROVEMENTS AND REGIONAL DRAINAGE FACILITIES**





**ALONG CARMEL ROAD AND ESTABLISHING A CAPITAL IMPROVEMENT PROJECT (CIP) ST008 & THE APPROPRIATION OF \$8,500,000 OF THE PROCEEDS FROM THE SALE OF CITY OWNED PROPERTY WITHIN THE UNIVERSITY DISTRICT SPECIFIC PLAN AREA TO CAPITAL IMPROVEMENT PROJECT (CIP) ST008.** Approved resolutions to approve a Construction Funding Agreement between the City and Urban Villages San Marcos, LLC related to the design and construction of improvements on Twin Oaks Valley Road and Barham Drive as well as drainage facilities along Carmel Road.

- 10) **FISCAL YEAR 2018-19 FIRST QUARTER FINANCIAL STATUS REPORT.** Noted and Filed Fiscal Year 2018-19 First Quarter Financial Status Report.

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

There were no items removed from the consent calendar.

#### **ORAL COMMUNICATIONS**

There were no requests to speak.

#### **PUBLIC HEARINGS**

- 11) **ORDINANCE NO. 2018-1468 (SPECIFIC PLAN AMENDMENT 18-0001), RESOLUTION NO. 2018-8562 (CONDITIONAL USE PERMIT 18-0004, ADDENDUM TO PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION 03-681) - LOMA SAN MARCOS LLC, REQUEST FOR A SPECIFIC PLAN AMENDMENT AND CONDITIONAL USE PERMIT MODIFICATION TO ALLOW FOR THE RECONFIGURATION OF DEVELOPMENT PHASING ASSOCIATED WITH AN APPROVED FILM PRODUCTION FACILITY BUILDING ON 15.34 ACRES LOCATED AT 1601 SAN ELIJO ROAD.** Approved the following entitlements:

1. First Reading of Ordinance to approve a Specific Plan Amendment to the existing Loma San Marcos Specific Plan to change use distribution and development phasing within a film production building; and
2. Resolution to approve a Conditional Use Permit modification to change conditions related to use and development phasing within a film production building and approve an Addendum to the previously adopted Mitigated Negative Declaration.

**DEVELOPMENT SERVICES DIRECTOR LYNCH** provided the staff report.

**COUNCILMEMBER DISCUSSIONS INCLUDED:** General Plan Amendment and zoning; monitoring of methane sensors and perforation evaluations; speed surveys on San Elijo Road; triggers for additional traffic studies and speed limit changes on San Elijo Road; cross walk improvements including striping and flashing lights for safety; traffic signal and right-of-way permissions needed from San Diego County and American Disabilities Act (ADA) crosswalk compliance.



**CITY STAFF** responded that during the review of the project the County of San Diego indicated that soil vapor levels were acceptable and requested the installation of methane gas sensor detectors in the facility for monitoring and evaluate the existing and proposed conduit perforations into the building structure; the city could elect to monitor traffic or perform traffic studies as deemed necessary; the crosswalk and signage is within the scope of the project; the Conditional Use Permit (CUP) will either cease after three (3) years or expand triggering additional improvements to the location; and Phase 1B of the project would include traffic signal improvements.

**CITY ATTORNEY PEAK** responded that the 35 Miles Per-Hour (MPH) speed change on San Elijo Road would depend on the evaluation and certification of a traffic study.

The following San Elijo residents spoke about their concerns with traffic congestion and pedestrian safety and opposed approval of the project until a traffic signal could be installed:

**RICHARD AGNELLO**

**ELLIOT HERMAN**

**RON GREITZER**

**FRANCES DONNELLY**

**JASON SIMMONS**, Project Manager, Consultants Collaborative (CCI), spoke about the history of the project site and the commercial filming use; explained approval of the CUP would allow more density at the site with lower impacts; testing of methane gases were done and zero gases were detected; traffic and noise impacts were done to ensure traffic safety and minimal noise; and stated CCI is willing to work with the city to provide a safe crosswalk and future improvements to include a traffic signal.

**TINA HEAP**, San Elijo resident, spoke in favor of the project.

**JOHN SANCHEZ**, Traffic Engineer, Chen-Ryan, stated that current traffic volumes from the major and minor roads would not trigger a traffic signal.

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

AYES: COUNCILMEMBERS: JABARA, JONES, JENKINS

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: ORLANDO, DESMOND

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

AYES: COUNCILMEMBERS: JABARA, JONES, JENKINS

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: ORLANDO, DESMOND





**JASON SIMMONS**, Project Manager, Consultants Collaborative (CCI), responded that CCI would commit to paying for the installation of an ADA compliant crosswalk.

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

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

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

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

**JASON SIMMONS**, Project Manager, Consultants Collaborative (CCI), responded that they would continue to move forward with the design process of the traffic signal on San Elijo Road for Phase 1B of the project.

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

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

**MOVED BY COUNCILMEMBER JABARA TO APPROVE THE FIRST READING OF ORDINANCE NO. 2018-1468, AND ADOPT RESOLUTION NO. 2018-8562 WITH CHANGES TO THE CONDITIONS TO INCLUDE THE APPLICANT TO PAY AN ADDITIONAL \$10,000 TOWARD THE INSTALLATION OF AN ADA CROSSWALK AND CONTINUE TO MOVE FORWARD WITH THE DESIGN PROCESS OF THE TRAFFIC SIGNAL ON SAN ELIJO ROAD.**

**MOTION DIED DUE TO LACK OF SECOND.**

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

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



**JASON SIMMONS**, Project Manager, Consultants Collaborative (CCI), spoke about possible creative options to install a traffic signal before Phase1B of the project.

**COUNCILMEMBER DISCUSSION INCLUDED:** concerns with pedestrians crossing Baker Street safely and timeframe of the traffic signal installation.

**FRANCIS DONNELLY**, San Elijo resident, spoke in favor of a traffic signal for the safety of the children walking from San Elijo schools to Old Creek Ranch and suggested to add the cost of a crossing guard while the project was in development.

**RON GREITZER**, San Elijo resident, spoke about residents living in apartments in San Elijo use the gas station unsafely to cut through traffic on San Elijo Road, and felt that vehicles were traveling faster than the 45 MPH speed limit.

**ELLIOTT HERMAN**, President of San Elijo Home Owners Association, spoke about postponing the project until a traffic signal on San Elijo Road was installed.

**RICHARD AGNELLO**, resident, provided a petition of 150 San Elijo residents signatures to the City Clerk opposing the project until the installation of a traffic signal on San Elijo Road.

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

AYES: COUNCILMEMBERS: JABARA, JONES, JENKINS

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: ORLANDO, DESMOND

**VICE MAYOR JONES** recessed the meeting at 8:22 p.m.

**VICE MAYOR JONES** reconvened the meeting at 8:40 p.m.

**CITY COUNCIL DISCUSSION INCLUDED:** change the length of time to complete the traffic signal to no later than (14) months with construction completed within four months of receipt of all the necessary approvals.

**MOVED BY VICE MAYOR JONES, SECONDED BY COUNCILMEMBER JENKINS TO APPROVE THE FIRST READING OF ORDINANCE NO. 2018-1468.**

AYES: COUNCILMEMBERS: JABARA, JONES, JENKINS

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: ORLANDO, DESMOND





**MOVED BY COUNCILMEMBER JENKINS, SECONDED BY VICE MAYOR JONES TO ADOPT RESOLUTION NO. 2018-8562 WITH CHANGES TO THE CONDITIONS TO INCLUDE THE FOLLOWING:**

**ITEM M.9 TO READ: PRIOR TO OCCUPANCY OF PHASE 1A, ALL PARKING AND IMPROVEMENTS SHALL BE INSTALLED PER THE APPROVED PARKING LAYOUT PLAN. IN ADDITION, DESIGN AND PERMITTING OF THE TRAFFIC SIGNAL WILL BE PURSUED, WITH ALL NECESSARY APPROVALS TO BE ACHIEVED NO LATER THAN FOURTEEN (14) MONTHS FROM THE DATE OF APPROVAL OF THIS RESOLUTION, AND CONSTRUCTION COMPLETED WITHIN FOUR (4) MONTHS OF RECEIPT OF ALL SUCH NECESSARY APPROVALS.**

**ITEM M.10 TO READ: PRIOR TO OCCUPANCY OF PHASE 1B, ALL IMPROVEMENTS SHOWN ON THE IMPROVEMENT PLANS, AS APPROVED BY THE CITY ENGINEER, INCLUDING, BUT NOT LIMITED TO THE ON-SITE IMPROVEMENTS, ADDITIONAL TRAVEL LANE AND TRANSITIONS, AND THE TRAFFIC SIGNAL, SHALL BE CONSTRUCTED OR MODIFIED AS APPLICABLE, PRIOR TO RELEASE OF ANY IMPROVEMENT SECURITIES.**

AYES: COUNCILMEMBERS: JABARA, JONES, JENKINS

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: ORLANDO, DESMOND

#### **ORAL COMMUNICATIONS**

**DR. ROBERT PACK**, retired educator, spoke about San Diego Gas & Electric power line placement proposal.

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

- 12) **SAN DIEGO ASSOCIATION OF GOVERNMENTS REPORT** – MAYOR DESMOND. No report given.
- 13) **NORTH COUNTY TRANSIT DISTRICT REPORT** - VICE MAYOR JONES. No report given.
- 14) **LEAGUE OF CALIFORNIA CITIES REPORT** - COUNCILMEMBER JABARA. No report given.
- 15) **NORTH COUNTY DISPATCH JOINT POWERS AUTHORITY REPORT** - COUNCILMEMBER JENKINS. No report given.
- 16) **SAN MARCOS UNIFIED SCHOOL DISTRICT JOINT WORKING GROUP** - COUNCILMEMBER JENKINS. No report given.

#### **COUNCIL COMMENTARY**

**VICE MAYOR JONES** announced a business site visit with Councilmember Jenkins to Subrex in San Marcos.





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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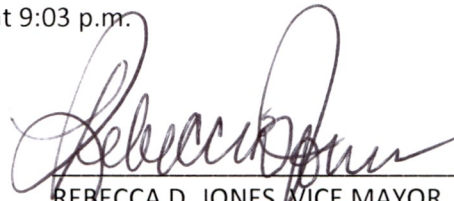
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**COUNCILMEMBER JABARA** announced a business site visit with Mayor Desmond to Servpro in San Marcos.


**COUNCILMEMBER JENKINS** announced that the Veterans Day celebration at Helen Bougher Memorial Park on Sunday, November 11, 2018 was a great success and thanked staff for all their efforts.

**ADJOURNMENT**

**VICE MAYOR JONES** adjourned the meeting at 9:03 p.m.

  
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REBECCA D. JONES, VICE MAYOR  
CITY OF SAN MARCOS

ATTEST:

  
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PHILLIP SCOLICK, CITY CLERK  
CITY OF SAN MARCOS