



Regular City Council Meeting

Special San Marcos Successor Agency to the San Marcos Redevelopment Agency Meeting
Special San Marcos 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

Cell Phones: As a courtesy to others, please silence your cell phone or pager during the meeting and engage in conversations outside the Council Chambers.

Americans with Disabilities Act: If you need special assistance to participate in this meeting, please contact the City Clerk at (760) 744-1050, ext. 3145. Notification 48 hours in advance will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Assisted listening devices are available for the hearing impaired. Please see the City Clerk if you wish to use this device.

Public Comment: If you wish to address the City Council, please complete a "Request to Speak" form. Forms are located at the rear of the Council Chambers. Be sure to indicate which item number you wish to address. Comments are limited to FIVE minutes, unless you meet the requirements of a formal or informal organization and have registered your organization with the City Clerk in advance. Speakers are asked to fill out a "Request to Speak" form and hand it to staff, although provision of a name, address, or other identifying information is optional.

The Oral Communication segment of the agenda is for the purpose of allowing the public to address the City Council on any matter NOT listed on the agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications. The Oral Communication segment is split on the agenda and begins with a 15-minute timed segment during which the Council will hear as many speakers as possible. Upon the conclusion of the 15-minute timed segment, any remaining speakers will automatically be called during the continuation of the Oral Communication segment at the end of the agenda. The City Council is prohibited by state law from taking action on items NOT listed on the Agenda. However, they may refer the matter to staff for a future report and recommendation. If you wish to speak under "Oral Communications," please complete a "Request to Speak" form as noted above.

Meeting Schedule and Broadcast Information: Regular City Council meetings are held on the second and fourth Tuesday of each month at 6:00 pm in the Council Chambers. City meetings are broadcast LIVE on San Marcos Community Television (SMTV) on Cox Channel 19, Time Warner Channel 24 and AT&T Channel 99. Meetings are also streamed live and archived online at www.san-marcos.net.

Agendas: Agenda packets are available for public inspection 72 hours prior to scheduled meetings at the City Clerk Department located on the second floor of City Hall, 1 Civic Center Drive, San Marcos, during normal business hours. Packet documents are also posted online at www.san-marcos.net.

Agenda-related writings or documents provided to a majority of the City Council after distribution of the agenda packet will be available for public inspection at the time of distribution in the City Clerk Department located on the second floor of City Hall, 1 Civic Center Drive, San Marcos, CA during normal business hours. The same materials are also posted online at www.san-marcos.net as time permits.

CALL TO ORDER**PLEDGE OF ALLEGIANCE****INVOCATION - PASTOR TAI KIM, SAN MARCOS UNITED METHODIST CHURCH****ROLL CALL****CONSENT CALENDAR**

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.

Recommendation: WAIVE

2. APPROVAL OF MINUTES

Recommendation: APPROVE the minutes of a Regular meeting on January 8, 2019 at 6:00 p.m. and Special meeting on January 15, 2019 at 6:00 p.m.

3. APPROVAL OF WARRANTS

Recommendation: APPROVE City Council, Successor Agency, and Fire Protection District warrants dated and 01/14/2019.

4. ORDINANCE NO. 2019-1469 - SECOND READING TO AMEND CHAPTER 5.44 AND TITLE 20 OF THE SAN MARCOS MUNICIPAL CODE RELATING TO MASSAGE BUSINESSES AND MASSAGE TECHNICIANS

Recommendation: ADOPT a second reading of ordinance amending the existing licensing, zoning and health and safety requirements for the business of massage.

5. 2019 LEGISLATIVE PLATFORM

Recommendation: NOTE and REVIEW 2019 San Marcos Legislative Platform in order to amend and/or adopt during Spring 2019 workshops.

6. LEGISLATIVE REPORT

Recommendation: NOTE AND FILE updates to legislation with an official City position.

7. FISCAL YEAR 2017-18 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Recommendation: NOTE AND FILE the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2018 along with the independent auditors' letter to the City Council regarding audit results.

8. RESOLUTION NO. SHA 2019-035 & RESOLUTION NO. 2019-8580 - REQUESTING APPROVAL OF A PROJECT LOAN INCREASE, MODIFICATIONS TO THE REGULATORY AGREEMENT AND THE REPLACEMENT HOUSING PLAN FOR THE EL DORADO II AFFORDABLE HOUSING PROJECT

Recommendation: ADOPT a resolution that the City Council in its capacity as the Successor Housing Agency (SHA) approving (a) a direct project loan of \$15,126,837, (b) an additional roll-over of the existing Redevelopment Agency (RDA) loan with the legacy El Dorado project with a current balance of \$860,537 including accruing interest, and (c) the Replacement Housing Plan. Also, that the City Council in its own capacity approves a resolution confirming the previously authorized project loan of \$1,970,000.

9. RESOLUTION NO. 2019-8573 - EXPENDITURE OF FUNDS PURSUANT TO COMPENSATION AND REIMBURSEMENT POLICY EVENT TICKET APPROVAL

Recommendation: ADOPT a resolution approving expenditure of funds for attendance at a public purpose event.

10. RESOLUTION NO. 2019-8574 - AWARD CONSTRUCTION CONTRACT FOR THE ANNUAL SURFACE SEAL - 2018 CAPITAL IMPROVEMENT PROGRAM PROJECT (CIP# ST001)

Recommendation: ADOPT a resolution awarding a construction contract for the Annual Surface Seal - 2018 Capital Improvement Project (CIP #ST001) to American Asphalt South, Inc.

11. RESOLUTION NO. 2019-8575 - AUTHORIZATION TO FORECLOSE ON DELINQUENT PROPERTY OWNERS

Recommendation: ADOPT a resolution authorizing foreclosure on property owners that are delinquent in the payment of Community Facilities District (CFD) special taxes.

12. RESOLUTION NO. 2019-8576 - AWARDING A FIVE YEAR LANDSCAPE MAINTENANCE CONTRACT FOR MIXED AREAS B

Recommendation: ADOPT a resolution awarding a five (5) year landscape maintenance contract to PWLC 1, Inc. in the amount of \$786,186.00 for the landscape maintenance of Mixed Areas B

13. RESOLUTION NO. FD 2019-343 - ANNEXATION NO. 73 TO COMMUNITY FACILITIES DISTRICT NO. 2001-01 OF THE SAN MARCOS FIRE PROTECTION DISTRICT

Recommendation: ADOPT a resolution certifying the results of the elections and annexing the properties listed below to Community Facilities District No. 2001-01.

14. RESOLUTION NO. 2019-8577 - ANNEXATION NO. 69 TO THE CITY OF SAN MARCOS COMMUNITY FACILITIES DISTRICT NO. 98-01 IMPROVEMENT AREA NO. 1 (POLICE ONLY)

Recommendation: ADOPT resolution certifying the results of the elections and annexing the properties listed below to Community Facilities District No. 98-01 IA No. 1 (Police Only).

15. RESOLUTION NO. 2019-8578 - ANNEXATION NO. 15 TO COMMUNITY FACILITIES DISTRICT NO. 2011-01 (CONGESTION MANAGEMENT) OF THE CITY OF SAN MARCOS

Recommendation: ADOPT a resolution certifying the results of the elections and annexing the properties listed below to Community Facilities District No. 2011-01 (Congestion Management) of the City of San Marcos.

16. RESOLUTION NO. 2019-8579 - ANNEXATION NO. 133 TO COMMUNITY FACILITIES DISTRICT NO. 98-02 (LIGHTING, LANDSCAPING, OPEN SPACE AND PRESERVE MAINTENANCE)

Recommendation: ADOPT a resolution certifying the results of the elections and annexing the properties listed below to Community Facilities District No. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance).

ORAL COMMUNICATIONS

Speakers are limited to five minutes. Please complete a "Request to Speak" form and place in basket provided.

NEW BUSINESS

17. APPOINTMENTS TO CITY BOARDS, COMMITTEES AND COMMISSIONS

Recommendation: APPOINT individuals to positions on City Boards, Committees and Commissions.

ORDINANCES

18. ORDINANCE NO. 2019-1471 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, AMENDING CHAPTERS 5.55, 8.80, 9.04, 10.10, 10.11 AND 10.46 OF THE SAN MARCOS MUNICIPAL CODE RELATING TO TOBACCO AND SMOKING; CANNABIS USE BY PERSONS UNDER 21 YEARS OF AGE AND SOCIAL HOST OBLIGATIONS; AND RESPONSIBLE ALCOHOL SALES, SERVICE AND DELIVERY TRAINING

Recommendation: APPROVE the first reading of an ordinance amending the existing regulations governing tobacco and smoking; cannabis use by persons under 21 years of age and social host obligations; and responsible alcohol sales, service and delivery training.

PUBLIC HEARINGS

19. ORDINANCE NO. 2019-1470 (SPECIFIC PLAN 18-0006) - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS AMENDING THE EL DORADO SPECIFIC PLAN; ADDENDUM TO MITIGATED NEGATIVE DECLARATION (ND13-009); RESOLUTION NO. 2019-8581 (SITE DEVELOPMENT PLAN 18-0002); AND RESOLUTION NO. 2019-8582 (TENTATIVE PARCEL MAP 18-0002) - EL DORADO II, LP REQUEST FOR APPROVAL TO DEVELOP A 3.68-ACRE MIXED-USE PROJECT LOCATED ON THE WEST SIDE OF PLEASANT WAY, BETWEEN MISSION ROAD AND RICHMAR AVENUE

Recommendation: ADOPT or APPROVE the following, in the order set forth below:

1. APPROVE addendum to Mitigated Negative Declaration (ND 13-009) in compliance with Section 15164(b) of the California Environmental Quality Act (CEQA);
2. APPROVE first reading of Ordinance No. 2019-XXX (Specific Plan 18-0006) amending the El Dorado Specific Plan (SP) to modify the development criteria for a mixed-use project by reducing the number of affordable apartment units from 120 to 84; reducing the commercial square footage from 7,000 to 1,970; and allowing for 0.56 acres of community open space;
3. ADOPT a resolution No. 2019-8581 (Site Development Plan 18-0002) approving a Site Development Plan (SDP) for the El Dorado II project to address the design of the proposed mixed-use project including site plan, floor plans, and architectural elevations; and
4. ADOPT Resolution No. 2019-8582 (Tentative Parcel Map 18-0002) approving a Tentative Parcel Map (TPM) for the El Dorado II project to consolidate the existing thirteen (13) parcels into two (2) parcels.

ORAL COMMUNICATIONS - CONTINUED

Speakers are limited to five minutes. Please complete a "Request to Speak" form and place in basket provided.

REPORTS (INCLUDING AB 1234 REPORTING REQUIREMENTS)

20. SAN DIEGO ASSOCIATION OF GOVERNMENTS REPORT (MAYOR JONES)

Recommendation: Note and File

21. NORTH COUNTY TRANSIT DISTRICT REPORT (VICE MAYOR JENKINS)

Recommendation: Note and File.

22. LEAGUE OF CALIFORNIA CITIES REPORT (COUNCILMEMBER NUÑEZ)

Recommendation: Note and File

23. NORTH COUNTY DISPATCH JOINT POWERS AUTHORITY REPORT (COUNCILMEMBER WALTON)

Recommendation: Note and File

24. SAN MARCOS UNIFIED SCHOOL DISTRICT JOINT WORKING GROUP

Recommendation: Note and File

COUNCIL COMMENTARY**CLOSED SESSION**

25. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION [GC 54956.9(d)(1)].
Citizens Development Corporation, Inc. vs. County of San Diego, City of San Marcos, et. al., United States District Court Case No. 12CV0334 IEG RBB.
26. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION [GC 54956.9(d)(4)].
Confer with City Manager and City Attorney regarding potential litigation, one potential action against Pacific Indemnity and/or Great American Insurance, arising from the pending litigation matter described in the preceding item.
27. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION [GC 54956.9(d)(1)].
San Diego County Office of Education, et al., v. County of San Diego, et al., Sacramento Superior Court Case Number 34-2017-80002701.

ADJOURNMENT

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS.
CITY OF SAN MARCOS)

I, PHILLIP SCOLICK, CITY CLERK OF THE CITY OF SAN MARCOS, HEREBY CERTIFY THAT I CAUSED THE POSTING OF THIS AGENDA IN THE GLASS DISPLAY CASE AT THE NORTH ENTRANCE OF CITY HALL AND ON THE CITY'S WEBSITE ON JANUARY 18, 2018, 5:30 P.M.

DATE: JANUARY 18, 2018



PHILLIP SCOLICK, CITY CLERK