



# MINUTES

## Regular Meeting of the San Marcos City Council

**TUESDAY, FEBRUARY 28, 2023**

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 6:00 PM

**PLEDGE OF ALLEGIANCE:** Led by Maria Nuñez

**INVOCATION:** Led by Steven Black, Woodland Park Bible Church

**ROLL CALL:**

PRESENT: COUNCILMEMBERS: JONES, JENKINS, MUSGROVE, NUÑEZ, SANNELLA  
ABSENT: COUNCILMEMBERS: NONE

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

**PROCLAMATIONS AND PRESENTATIONS:**

A) Certificate of Recognition – Faye Rote, San Diego Sheriff Senior Volunteer Patrol

**CONSENT CALENDAR:**

**MOVED TO APPROVE CONSENT CALENDAR BY DEPUTY MAYOR JENKINS, SECONDED BY COUNCILMEMBER SANNELLA.**

AYES: COUNCILMEMBERS: JONES, JENKINS, MUSGROVE, NUÑEZ, 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 revised minutes of a regular City Council meeting on January 24, 2023, and the minutes of a regular City Council meeting on February 14, 2023.
- 3) **APPROVAL OF WARRANTS.** Approved City Council, Successor Agency, and Fire Protection District warrants dated February 2023.
- 4) **ORDINANCE NO. 2023-1529 – SECOND READING OF ORDINANCE ADDING CHAPTER 17.10 AND AMENDING CHAPTERS 20.340, 20.340.060, 20.500 AND 20.600 OF THE SAN MARCOS MUNICIPAL CODE IMPLEMENTING THE REQUIREMENTS OF AB 1236 TO STREAMLINE PROCESSING OF PERMIT APPLICATIONS FOR ELECTRICAL VEHICLE CHARGING STATIONS, AND ASSOCIATED NOTICE OF EXEMPTION FROM CEQA REQUIREMENTS.** Adopted second reading of Ordinance approving updates to the San Marcos Municipal Code to implement AB 1236 requirements codified as Government Code Section 65850.7.
- 5) **RESOLUTION NO. 2023-9113 – AUTHORIZING AN INTERFUND LOAD IN AN AMOUNT NOT TO EXCEED \$6,300,000 FOR REVENUE-PRODUCING CAPITAL OBLIGATIONS APPROVING THE INTERFUND LOAN FINANCING STRUCTURE.** Adopted a resolution authorizing an interfund loan in an amount not to exceed \$6,300,00 for revenue-producing capital obligations, approving the interfund loan financing structure and authorizing the City Manager to execute all related agreements, amendments, and documents.
- 6) **RESOLUTION NO. 2023-9114 – INITIATING PROCEEDINGS FOR THE ANNEXATION OF PROPERTY TO LANDSCAPING AND LIGHTING DISTRICT NO. 1 ZONE C; AND DIRECTING THE PREPARATION AND FILING OF AN ENGINEER’S REPORT RELATED THERETO, PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAY CODE.** Adopted resolution initiating proceedings for the annexation of property to Landscaping and Lighting District No. 1 Zone C; and directing the preparation and filing of an engineer’s report related thereto, pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.

#### **ORAL COMMUNICATIONS**

No public comment.

#### **PUBLIC HEARINGS**

- 7) **ORDINANCE 2023-1530 & RESOLUTION 2023-9115 – WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE UPDATE OF CHAPTER 20.465, CITY COUNCIL POLICY ON SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY, AND ASSOCIATED NOTICE OF EXEMPTION FROM CEQA REQUIREMENTS AS RECOMMENDED BY THE PLANNING COMMISSION BY A 7 – 0 VOTE (CASE NUMBER: TEXT AMENDMENT (TA) 19-0002).** Approved Notice of Exemption EX22-043; and introduced for first reading Ordinance No. 2023-1530 approving a text amendment to San Marcos Municipal Code (SMMC) Chapter 20.465 implementing requirements of the Federal



Communications Commission “Small Cell Order” (FCC 18-133); and approved resolution to implement a City Council Policy on Small Wireless Facilities within the Public Rights-of-Way.

**SENIOR PLANNER DEL SOLAR** presented the staff report.

**CITY COUNCIL COMMENTS INCLUDED:** potential issues with conflict of interest for having Verizon as a cell service.

**MOVED TO CLOSE PUBLIC HEARING BY MAYOR JONES, SECONDED BY COUNCILMEMBER MUSGROVE.**

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

**MOVED TO APPROVE BY MAYOR JONES, SECONDED BY COUNCILMEMBER MUSGROVE.**

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

- 8) **MITIGATED NEGATIVE DECLARATION (ND22-008), RESOLUTION NO. 2023-9116 (GENERAL PLAN AMENDMENT GPA21-0008), ORDINANCE NO. 2023-1531 (REZONE 21-0004), AND RESOLUTION NO. 2023-9117 (MULTI-FAMILY SITE DEVELOPMENT PLAN MFSDP21-0002) SANTA FE FLORES LP REQUEST FOR APPROVAL OF ENTITLEMENTS TO DEVELOP A 50-UNIT APARTMENT BUILDING ON THE NORTHWEST CORNER OF SANTA FE AVENUE AND LAS FLORES DRIVE.** Adopted the following in the order set forth below:

- a. Adopted Mitigated Negative Declaration (ND22-0080);
- b. Approved resolution No. 2023-9116 (General Plan Amendment GPA21-008) for a land use change of 1.47 acres of “Light industrial” and 0.80 acres of “Commercial” to “Medium Density Residential 2”;
- c. Approved Ordinance No. 2023-1531 (Rezone R21-0004) for a zone reclassification of 1.47 acres of Light Industrial (L-I) Zone and 0.80 acres of Commercial (C) Zone to Multi-Family Residential (R-3-10) Zone;
- d. Approved Resolution No. 2023-9117 (Multi-Family Site Development Plan MFSDP21-0002) to allow for the construction of a 50-unit apartment development, utilizing the State of California’s Density Bonus provisions, in the Multi-Family Residential (R-3-10) Zone.

**PLANNING DIRECTOR FARACE, SENIOR PLANNER PEDERSEN AND ENGINEER CHEN** presented the staff report. The applicant representatives Rick Gittings and John Boarman also provided a presentation.

**CITY COUNCIL COMMENTS INCLUDED:** tenant storage options, egress and ingress to the site and rental restrictions for the five dedicated low-income units.



Chanel Aboddi, resident, provided public comment on Item 8.

**MOVED TO CLOSE PUBLIC HEARING BY COUNCILMEMBER SANNELLA, SECONDED BY MAYOR JONES.**

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

**MOVED TO APPROVE BY MAYOR JONES, SECONDED BY COUNCILMEMBER MUSGROVE**

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

**ORAL COMMUNICATIONS**

Young J Park, business owner, provided public comment regarding her property in the city.

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

- 9) **SAN DIEGO ASSOCIATION OF GOVERNMENTS REPORT** – MAYOR JONES. Report given with no action taken.
- 10) **LEAGUE OF CALIFORNIA CITIES REPORT** – COUNCILMEMBER MUSGROVE. No report given.
- 11) **NORTH COUNTY TRANSIT DISTRICT REPORT** – DEPUTY MAYOR JENKINS. Report given with no action taken.
- 12) **NORTH COUNTY DISPATCH JOINT POWERS AUTHORITY REPORT** – COUNCILMEMBER NUÑEZ. Report given with no action taken.
- 13) **CLEAN ENERGY ALLIANCE REPORT** – COUNCILMEMBER MUSGROVE. Report given with no action taken.
- 14) **CITY COUNCIL BUSINESS VISITS** – Mayor Jones and Deputy Mayor Jenkins gave report on their visit to Lavande Spa.
- 15) **SAN MARCOS CREEK PROJECT UPDATE** – CITY MANAGER GRIFFIN. Report given.

**COUNCIL COMMENTARY**

Mayor Jones commented on water monitoring efforts at the creek during the recent inclement weather.



Councilmember Musgrove praised the Public Works Department repairing potholes in a quick and efficient manner.

Mayor Jones announced the report-a-concern application and encouraged residents to utilize the application to report their concerns direct to City staff.

### **CLOSED SESSION**

RECESSED TO CLOSED SESSION AT 7:50 P.M.

- 16) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS, CITY MANAGER, CITY ATTORNEY, AND SPECIAL COUNSEL [GC 54956.8]**. Conferred with real property negotiators regarding price and terms for real property owned by J. Elizabeth Santos, a single woman and Gloria P. Santos, Trustee or the Successor Trustee(s) under the GHS Living Trust dated February 22, 2000, as joint tenants, represented in negotiations by Bradford Kuhn of Nossaman LLP, said real property being identified as Assessor's Parcel Number 221-110-18-00, addressed as 140 E. Barham Drive, San Marcos, CA.
- 17) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS, CITY MANAGER, CITY ATTORNEY, AND SPECIAL COUNSEL [GC 54956.8]**. Conferred with real property negotiators regarding price and terms for real property owned by Jesus E. Santos and Juana E. Santos, represented in negotiations by Bradford Kuhn of Nossaman LLP, said real property being identified as Assessor's Parcel Number 221-110-17-00, addressed as 134 Myrtle Avenue, San Marcos, CA.

RECOVERED FROM CLOSED SESSION AT 8:34 P.M.

Council engaged in discussion with City Manager, City Attorney, and Special Counsel with no reportable action was taken.

### **ADJOURNMENT**

**MAYOR JONES** adjourned the meeting at 8:35pm.

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REBECCA D. JONES, MAYOR  
CITY OF SAN MARCOS

ATTEST:

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PHILLIP SCOLLICK, CITY CLERK  
CITY OF SAN MARCOS