

CITY OF ESCONDIDO

**January 13, 2016
3:30 P.M. Meeting Minutes**

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, January 13, 2016 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE:

The following members were present: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Deputy Mayor Michael Morasco, and Mayor Sam Abed. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

Attorney Jeffrey Epp requested the addition of two items to the agenda.

Moved by Councilmember Masson and seconded by Councilmember Gallo to add the following items to the Closed Session pursuant to Government Code Section 54954.2(b)(2); since the need to take action on both items arose as a result of developments in the litigation (a new settlement offer in Dennis and a need to handle subpoenas in Southwest Keys) arose subsequent to the posting of the agenda. The two items are litigated matters are entitled Shannon Dennis v. City of Escondido, Case No. 37-2014-00013400-CU-WT-NC and Southwest Key Programs, Inc. V. City of Escondido, Case No. '15-CV-1115-H (BLM) and are added as permitted by Government Code Section 54956.9(a). Motion carried unanimously.

I. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- a. **Property:** 115 West Woodward Avenue
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Boys and Girls Club
Under Negotiation: Price and Terms of Agreement
- b. **Property:** North of East Valley Parkway (between Bevin Drive and Lake Wohlford Road)
[Portions of APNs: 225-141-40, 225-141-27, and 225-141-34]
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: El Caballo Park Conservancy
Under Negotiation: Price and Terms of Agreement
- c. **Property:** Lake Wohlford Road (6 Acre Portion of APN: 190-110-17)
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: John & Ann O'Flynn DBA Lake Wohlford Resort
Under Negotiation: Price and Terms of Agreement

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:30 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
January 13, 2016
4:30 P.M. Meeting Minutes

Escondido City Council
and as Successor Agency to the CDC

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:31 p.m. on Wednesday, January 13, 2016 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION:

Chris Montgomery led the Moment of Reflection.

FLAG SALUTE

Mayor Abed led the Flag Salute.

PRESENTATIONS:

Hidden Valley Kiwanis Club Car Seats Gifted to Police Department
Police Captain Promotions

ATTENDANCE:

The following members were present: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Deputy Mayor Michael Morasco, and Mayor Sam Abed. Quorum present.

Also present were: Graham Mitchell, City Manager; Jeffrey Epp, City Attorney; Jay Petrek, Community Development Director; Ed Domingue, Director of Public Works; Diane Halverson, City Clerk; and Michael Thorne, Minutes Clerk.

ORAL COMMUNICATIONS

Efrain Garcia, Escondido, noted parking issues in his neighborhood and requested the Council's help to find a solution.

Norma Olqui, Escondido, noted homeless activity in front of her apartment complex and complaints she has filed.

CONSENT CALENDAR

Councilmember Masson removed items 10 and 11, and Councilmember Diaz removed item 13 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve the following Consent Calendar items. Motion carried unanimously.

- 1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
- 2. APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**

3. **APPROVAL OF MINUTES: A) Regular Meeting of December 2, 2015 B) Regular Meeting of December 9, 2015**

4. **OVERSIGHT BOARD VACANCY -**

Request Council approve the Mayoral appointment to the Oversight Board. (File No. 0120-20)

Staff Recommendation: **Approval (City Attorney's Office: Jeffrey Epp)**

5. **ADOPTION OF RESOLUTION NO. 2016-12 APPROVING RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 16-17) FOR JULY 2016 THRU JUNE 2017 -**

Request Council approve the adoption of the Recognized Obligation Payment Schedule (ROPS 16-17) so that the Successor Agency may continue to make payments due for enforceable obligations. (File No. 0440-35)

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

RESOLUTION NO. 2016-12

6. **9-1-1 EMERGENCY TELEPHONE SYSTEM REPLACEMENT AND BUDGET ADJUSTMENT -**

Request Council approve accepting \$383,452.20 from the California Office of Emergency Services (CalOES) to replace the Escondido Police and Fire 9-1-1 Emergency Phone System; authorize the Chief of Police or his designee to execute program documents on behalf of the City; and approve budget adjustments needed to spend program funds. (File No. 0430-80)

Staff Recommendation: **Approval (Police Department: Craig Carter)**

7. **FIRE/FIRE EMERGENCY MANAGEMENT DEPARTMENT REORGANIZATION, POSITION RECLASSIFICATION, AND BUDGET ADJUSTMENT -**

Request Council approve a proposed reorganization of the Fire/Fire Emergency Management Department, by utilizing the cost savings from reclassifying the Fire Marshal position and the elimination of the EMS contractual agreement with the City of San Marcos and an increase in permit revenue generated through the Fire Prevention Bureau. (File No. 0430-80)

Staff Recommendation: **Approval (Fire Department: Michael Lowry)**

8. **BUILDING DIVISION BUDGET ADJUSTMENT -**

Request Council approve a Building Division budget adjustment to increase the cost-recovery Professional Services budget to fund plan review services from EsGil Corporation and receive information about a possible restatement of a vacated fourth building inspector position. Staff will return to City Council at a future meeting for possible action regarding the building inspector position with potential funding options. (File No. 0430-80)

Staff Recommendation: **Approval (Community Development Department: Jay Petrek)**

9. **NOTICE OF COMPLETION: EMERGENCY SEWER OUTFALL REPAIR WORK -**

Request Council approve authorizing the Director of Utilities to file a Notice of Completion for the Emergency Sewer Outfall Repair Work. (File No. 0600-10 [MISC])

Staff Recommendation: **Approval (Utilities Department: Christopher McKinney)**

RESOLUTION NO. 2016-04

10. FINAL MAP, ESCONDIDO TRACT 894, LOCATED AT 1026 LEHNER AVENUE -

Request Council approve the Final Map for Tract 894, an 11 Lot Residential Subdivision located at 1026 Lehner Avenue. (File No. 0800-10)

Staff Recommendation: **Approval (Public Works Department/Engineering: Ed Domingue)**

Councilmember Masson abstained from the vote.

MOTION: Moved by Deputy Mayor Morasco and seconded by Councilmember Diaz to approve the Final Map for Tract 894, an 11 Lot Residential Subdivision located at 1026 Lehner Avenue. Ayes: Diaz, Gallo, Morasco and Abed. Noes: None. Abstained: Masson. Motion carried.

11. FINAL MAP, ESCONDIDO TRACT SUB 13-0003, LOCATED AT 836 STANLEY AVENUE –

Request Council approve the Final Map for Tract SUB 13-0003, a 16 Lot Residential Subdivision located at 836 Stanley Avenue. (File No. 0800-10)

Staff Recommendation: **Approval (Public Works Department/Engineering: Ed Domingue)**

Councilmember Masson abstained from the vote.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve the Final Map for Tract SUB 13-0003, a 16 Lot Residential Subdivision located at 836 Stanley Avenue. Ayes: Diaz, Gallo, Morasco and Abed. Noes: None. Abstained: Masson. Motion carried.

12. SANDAG TRANSNET ACTIVE TRANSPORTATION PROGRAM AND SMART GROWTH INCENTIVE PROGRAM BUDGET ADJUSTMENT -

Request Council approve a budget adjustment to expend grant funds awarded by the San Diego Association of Governments (SANDAG) for the El Norte Signalized Pedestrian Crossing and Escondido Transit Center Active Transportation Connections projects. (File No. 0480-70)

Staff Recommendation: **Approval (Public Works Department: Ed Domingue)**

13. AWARD OF CONSULTING AGREEMENT FOR DESIGN OF ESCONDIDO CREEK MISSING LINK PROJECT TO KOA CORPORATION -

Request Council approve authorizing the Mayor and City Clerk to execute a Consulting Agreement for \$176,973 with KOA Corporation for design of the Escondido Creek Missing Link Project. (File No. 0600-10 [A-3180])

Staff Recommendation: **Approval (Public Works Department: Ed Domingue)**

RESOLUTION NO. 2016-06

Councilmember Diaz questioned if construction costs are included in the funds.

Abraham Bandegan, Engineering, stated that these funds are only for the design of the project.

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Morasco to approve authorizing the Mayor and City Clerk to execute a Consulting Agreement for \$176,973 with KOA Corporation for design of the Escondido Creek Missing Link Project and adopt Resolution No. 2016-06. Motion carried unanimously.

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

PUBLIC HEARINGS

14. LOCAL REGISTER DESIGNATION OF THE PROPERTY AT 225 EAST FOURTH AVENUE (HP 15-0004) -

Request Council approve the listing of the property at 225 East Fourth Avenue on the City's Local Register of Historic Places and approve the CEQA Exemption. (File No. 0880-10)

Staff Recommendation: **Approval (Community Development Department: Jay Petrek)**

RESOLUTION NO. 2016-02

Paul Bingham, Planning, presented the staff report, utilizing a PowerPoint presentation.

Bob McQuead, Project Architect, was available to answer questions.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve the listing of the property at 225 East Fourth Avenue on the City's Local Register of Historic Places and approve the CEQA Exemption and adopt Resolution No. 2016-02. Motion carried unanimously.

15. ORDINANCE 2016-01 AMENDING CHAPTER 33 AND DELETING CHAPTER 16F OF THE ESCONDIDO MUNICIPAL CODE PERTAINING TO COMMERCIAL MEDICAL CANNABIS (MARIJUANA) LAND USES AND BUSINESSES (AZ 15-0004) -

Request Council approve amending Chapter 33 (Zoning Code), Article 57, to explicitly prohibit the cultivation and delivery of medical cannabis (marijuana), to maintain the prohibition of medical marijuana dispensaries in the City of Escondido and to delete Escondido Municipal Code Chapter 16F (Medical Marijuana Dispensaries). (File No. 0680-10)

Staff Recommendation: **Approval (Community Development Department: Jay Petrek)**

ORDINANCE NO. 2016-01 (First Reading and Introduction)

Bill Martin, Assistant Director of Planning, presented the staff report, utilizing a PowerPoint presentation.

Renee Meyst, Valley Center, stated her opposition to the Ordinance.

MOTION: Moved by Deputy Mayor Morasco and seconded by Councilmember Gallo to approve amending Chapter 33 (Zoning Code), Article 57, to explicitly prohibit the cultivation and delivery of medical cannabis (marijuana), to maintain the prohibition of medical marijuana dispensaries in the City of Escondido and to delete Escondido Municipal Code Chapter 16F (Medical Marijuana Dispensaries) and introduce Ordinance No. 2016-01. Motion carried unanimously.

CURRENT BUSINESS

16. INTERIM FIRE CHIEF APPOINTMENT; 180 DAY WAITING PERIOD EXCEPTION -

Request Council approve the appointment of Michael Lowry as Interim Fire Chief, to oversee the operations of the Fire Department until the vacancy is filled via a promotional recruitment. (File No. 0680-20)

Staff Recommendation: **Approval (City Manager's Office: Graham Mitchell)**

RESOLUTION NO. 2016-08

Graham Mitchell, City Manager, presented the staff report.

MOTION: Moved by Councilmember Masson and seconded by Deputy Mayor Morasco to approve appointment of Michael Lowry as Interim Fire Chief, to oversee the operations of the Fire Department until the vacancy is filled via a promotional recruitment and adopt Resolution No. 2016-08. Motion carried unanimously.

17. VISTA VERDE RESERVOIR REPLACEMENT PROJECT - PHASE II: BID AWARD FOR CONSTRUCTION, BUDGET ADJUSTMENT, AND AWARD OF CONSULTING AGREEMENT FOR CONSTRUCTION MANAGEMENT -

Request Council approve authorizing the Mayor and City Clerk to execute a Public Improvement Agreement with Pacific Hydrotech Corporation, the lowest responsive and responsible bidder, in the amount of \$9,396,344 for construction of the Vista Verde Reservoir Replacement Project - Phase II; authorize the Mayor and City Clerk to execute a Consulting Agreement with Butier in the amount of \$671,540 for construction management services for the Vista Verde Reservoir Replacement Project - Phase II; and approve a budget adjustment in the amount of \$2,866,700. (File No. 0600-10 [A-3167] [A-3181])

Staff Recommendation: **Approval (Utilities Department: Christopher W. McKinney)**

A) RESOLUTION NO. 2016-03 B) RESOLUTION NO. 2016-13

Councilmember Masson abstained and left the dais.

Angela Morrow, Deputy Director of Utilities/Construction and Engineering, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to approve authorizing the Mayor and City Clerk to execute a Public Improvement Agreement with Pacific Hydrotech Corporation, the lowest responsive and responsible bidder, in the amount of \$9,396,344 for construction of the Vista Verde Reservoir Replacement Project - Phase II; authorize the Mayor and City Clerk to execute a Consulting Agreement with Butier in the amount of \$671,540 for construction management services for the Vista Verde Reservoir Replacement Project - Phase II; and approve a budget adjustment in the amount of \$2,866,700 and adopt Resolution No. 2016-03 and Resolution No. 2016-13. Ayes: Diaz, Gallo, Morasco and Abed. Noes: None. Abstained: Masson. Motion carried.

18. INCREASE APPLICATION AMOUNT OF FUTURE STATE REVOLVING FUND LOANS FOR THREE RECYCLED WATER DISTRIBUTION EXPANSION PROJECTS -

Request Council approve authorizing repayment of three State Revolving Fund (SRF) Loans for Capital Improvement Projects (CIPs) that are part of the recycled water distribution system expansion. The repayment resolutions would increase the authorized application amount for each project. (File No. 1340-701)

Staff Recommendation: **Approval (Utilities Department: Christopher W. McKinney)**

A) RESOLUTION NO. 2016-09 B) RESOLUTION NO. 2016-10 C) RESOLUTION NO. 2016-11

Christopher McKinney, Director of Utilities, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve authorizing repayment of three State Revolving Fund (SRF) Loans for Capital Improvement Projects (CIPs) that are part of the recycled water distribution system expansion. The repayment resolutions would increase the authorized application amount for each project and adopt Resolution No. 2016-09, Resolution No. 2016-10 and Resolution No. 2016-11. Motion carried unanimously.

- 19. APPROVAL OF STORM WATER DESIGN MANUAL TO COMPLY WITH R9-2013-0001 -**
Request Council approve the adoption of the Model Regional Best Management Practice Design Manual ("Storm Water Design Manual") prepared for the City of Escondido. (File No. 1320-90)

Staff Recommendation: **Approval (Utilities Department: Christopher W. McKinney)**

RESOLUTION NO. 2016-01

Helen Davies, Environmental Programs Manager, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to approve the adoption of the Model Regional Best Management Practice Design Manual ("Storm Water Design Manual") prepared for the City of Escondido and adopt Resolution No. 2016-01. Ayes: Diaz, Gallo, Morasco and Abed. Noes: Masson. Absent: None. Motion carried.

FUTURE AGENDA

20. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Diane Halverson)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Gallo reported on San Diego County Water Authority's finding that potable water use has decreased 18 percent; North County Transit District's Chairman will remain as Mark Packard and Rebecca Jones will serve another term as Vice Chairman.

Deputy Mayor Morasco reported on the Regional Solid Waste Committee's meeting, they will be increasing recycling programs throughout the region.

CITY MANAGER'S UPDATE/BRIEFING

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development.

- **CITY MANAGER'S UPDATE -**

ORAL COMMUNICATIONS

ADJOURNMENT

Mayor Abed adjourned the meeting at 6:56 p.m.

MAYOR

CITY CLERK

MINUTES CLERK