

CITY OF ESCONDIDO
August 17, 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, August 17, 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)

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to recess to Closed Session. Motion carried unanimously.

I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)

- a. **Agency Negotiator:** Sheryl Bennett and Graham Mitchell
 Employee Organization: Non-Sworn Police Bargaining Unit
- b. **Agency Negotiator:** Sheryl Bennett and Graham Mitchell
 Employee Organization: Escondido City Employee Association: Supervisory (SUP)
 Bargaining Unit
- c. **Agency Negotiator:** Sheryl Bennett and Graham Mitchell
 Employee Organization: Escondido City Employee Association:
 Administrative/Clerical/Engineering (ACE) Bargaining Unit

II. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code §54956.9(d)(1))

Case Name: Southwest Key Programs, Inc. v. City of Escondido
 Case No: '15-CV-1115-H (BLM)

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

- a. **Property:** 1750 W. Citracado Parkway, Lot #74
 City Negotiator: Debra Lundy, Real Property Manager
 Negotiating Parties: Randall Farrar
 Under Negotiation: Price and Terms of Agreement

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:35 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
August 17, 2016
4:30 P.M. Meeting Minutes

Escondido City Council
Mobilehome Rent Review Board

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:35 p.m. on Wednesday, August 17, 2016 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION:

Dick Bridgman led the Moment of Reflection.

FLAG SALUTE

Mayor Abed led the Flag Salute.

ATTENDANCE:

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

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

ORAL COMMUNICATIONS

Tom Pearl, Escondido, expressed concern with the removal of trees in old Escondido.

CONSENT CALENDAR

Councilmember Diaz removed items 6 and 18 and Deputy Mayor Morasco removed items 10, 11, and 17 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson 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 July 13, 2016 B) Regular Meeting of July 20, 2016**

4. GRANT OF FIRST AMENDMENT TO EASEMENT DEED TO SAN DIEGO GAS & ELECTRIC COMPANY FOR THE EXPANSION OF AN EXISTING EASEMENT AREA IN THE LAKE WOHLFORD AREA FOR ITS FIRE RISK MITIGATION POLE REPLACEMENT PROJECT -

Request the City Council approve authorizing the Real Property Manager to execute a First Amendment to the Grant of Easement Deed for the benefit of San Diego Gas & Electric Company's Fire Risk Mitigation Pole Replacement Project. (File No. 0690-80)

Staff Recommendation: **Approval (City Manager's Office: Joyce Masterson and Debra Lundy)**

RESOLUTION NO. 2016-119

5. LEASE AGREEMENT WITH DAVE MCMAHON CONSTRUCTION, INC. AT 525 NORTH QUINCE STREET -

Request the City Council approve authorizing the Real Property Manager and City Clerk to execute a First Amendment to Lease Agreement with Dave McMahon Construction, Inc. at 525 North Quince Street. (File No. 0600-10 [A-3104])

Staff Recommendation: **Approval (City Manager's Office: Joyce Masterson and Debra Lundy)**

RESOLUTION NO. 2016-120

6. WRITE-OFF OF CITY RECEIVABLES BUDGET ADJUSTMENT - FISCAL YEAR 2015/2016 -

Request the City Council approve the write-off of various receivables and related budget adjustment. (File No. 0430-80)

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

Councilmember Diaz questioned bus stop maintenance discrepancies.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to approve the write-off of various receivables and related budget adjustment. Motion carried unanimously.

7. ESTABLISHING THE PROPERTY TAX RATE AND FIXED CHARGE ASSESSMENTS FOR GENERAL OBLIGATION BONDED INDEBTEDNESS -

Request the City Council approve establishing the property tax rate and fixed charge assessments for bonded indebtedness for the Fiscal Year 2016-17. (File No. 0480-40)

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

RESOLUTION NO. 2016-113

8. TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2016 -

Request the City Council receive and file the April through June 2016 Quarterly Investment Report. (File No. 0490-55)

Staff Recommendation: **Receive and File (City Treasurer's Office: Kenneth C. Hugins)**

9. 2016 DISADVANTAGED COMMUNITY PLANNING GRANT APPLICATION -

Request the City Council approve authorizing the Director of Utilities to apply for a 2016 Disadvantaged Community Planning Grant from the California Department of Water Resources through the San Diego Integrated Regional Water Management application. (File No. 0480-70)

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

10. OCEAN OUTFALL - EXECUTION OF LEASE NO. PRC 3228.9 WITH CALIFORNIA STATE LANDS COMMISSION -

Request the City Council approve authorizing the Mayor and City Clerk to execute Lease No. PRC 3288.9 with the California State Lands Commission for the San Elijo Ocean Outfall on behalf of the City of Escondido. (File No. 1330-45)

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

RESOLUTION NO. 2016-102

Deputy Mayor Morasco questioned portions of language in the lease and how expenses are covered.

MOTION: Moved by Deputy Mayor Morasco and seconded by Councilmember Diaz to approve authorizing the Mayor and City Clerk to execute Lease No. PRC 3288.9 with the California State Lands Commission for the San Elijo Ocean Outfall on behalf of the City of Escondido and adopt Resolution No. 2016-102. Motion carried unanimously.

11. DECLARATION OF RESPONSE LEVEL ONE - WATER SHORTAGE WATCH CONDITION -

Request the City Council approve declaring a Response Level One - Water Shortage Watch Condition in place of the current Response Level Two - Water Shortage Alert Condition. (File No. 1320-90)

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

RESOLUTION NO. 2016-118

Deputy Mayor Morasco noted the benefits of moving to Response Level One.

Patricia Borchman, Escondido, presented an article on the state report of water agencies.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Diaz to approve declaring a Response Level One - Water Shortage Watch Condition in place of the current Response Level Two - Water Shortage Alert Condition and adopt Resolution No. 2016-118. Motion carried unanimously.

12. AMENDMENT TO THE ESCONDIDO MUNICIPAL CODE PERTAINING TO THE COMMUNITY SERVICES COMMISSION - YOUTH COMMISSIONER POSITION -

Request the City Council approve amending the Escondido Municipal Code Section 18-18, to reduce the term of office for the Community Services Youth Commissioner from a four-year to a one-year term. (File No. 0680-50)

Staff Recommendation: **Approval (Community Services Department: Loretta McKinney)**

ORDINANCE NO. 2016-08 (Introduction and First Reading)

13. PURCHASE ONE BACKHOE LOADER FROM SONSRAY MACHINERY OF EL CAJON, CALIFORNIA -

Request the City Council approve authorizing Fleet Services to purchase one new Case 590SN backhoe loader in the amount of \$119,143.85 through a Cooperative Purchase Contract with the National Joint Powers Alliance. (File No. 0470-35)

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

RESOLUTION NO. 2016-114

14. PURCHASE OF ONE 10-YARD DUMP TRUCK FROM SAN DIEGO FREIGHTLINER -

Request the City Council approve authorizing Fleet Services to purchase one new 10-yard dump truck through a cooperative purchase contract with Imperial Irrigation District for \$134,745.34. (File No. 0470-35)

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

RESOLUTION NO. 2016-115

15. FIRST AMENDMENT TO THE PUBLIC SERVICES AGREEMENT FOR VEHICLE OUTFITTING SERVICES WITH AMERICAN EMERGENCY PRODUCTS -

Request the City Council approve authorizing the Mayor and the City Clerk to execute a First Amendment to the Public Services Agreement (PSA) exercising the Option Period 1 and amending paragraph two of the PSA to clarify that three optional contract periods were included in the Vehicle Outfitting Services Request for Proposal No. 14-01. (File No. 0600-10 [A-3122])

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

RESOLUTION NO. 2016-121

16. FIRST AMENDMENT TO ASSIGNMENT AND ASSUMPTION TO OBLIGATION AGREEMENT WITH SAN DIEGO GAS & ELECTRIC -

Request the City Council approve a First Amendment to the Agreement regarding payment of in lieu franchise fees for the consumption of natural gas at the Palomar Energy Plant. (File No. 0600-10 [A-2789])

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

RESOLUTION NO. 2016-116

17. APPROVAL AND AUTHORIZATION FOR RELEASE OF NOTICE OF FUNDING AVAILABILITY FOR EMERGENCY SOLUTIONS GRANT FUNDS (CASE NO. 0871-15) -

Request the City Council approve authorizing Housing Division staff to release a Notice of Funding Availability to provide assistance to persons experiencing homelessness or at-risk of homelessness. (File No. 0871-10)

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek)**

Deputy Mayor Morasco questioned the process of notification.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to approve authorizing Housing Division staff to release a Notice of Funding Availability to provide assistance to persons experiencing homelessness or at-risk of homelessness. Motion carried unanimously.

18. ADOPTION OF A RESOLUTION RELATED TO THE LONG-FORM RENT REVIEW BOARD HEARING FOR SUNDANCE MOBILEHOME PARK (CASE #0697-20-10092) -

Request the City Council approve granting an increase of \$102.22 per space per month to the 19 spaces regulated by the Escondido Mobilehome Rent Protection Ordinance, plus legal fee recovery to the 88 spaces in Sundance Mobile Home Park. (File No. 0697-20-10092)

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek)**

RRB RESOLUTION NO. 2016-12

Councilmember Diaz noted the item was brought back to the City Council after direction was provided at the previous City Council Meeting.

Bill Dahlen, Representative for Sundance Mobilehome Park, requested the resolution be adopted.

Amber Monte, noted property improvements and requested the resolution be adopted.

MOTION: Moved by Deputy Mayor Morasco and seconded by Councilmember Gallo to approve granting an increase of \$102.22 per space per month to the 19 spaces regulated by the Escondido Mobilehome Rent Protection Ordinance, plus legal fee recovery to the 88 spaces in Sundance Mobile Home Park and adopt RRB Resolution No. 2016-12. Ayes: Gallo, Morasco and Abed. Noes: Diaz and Masson. Absent: None. Motion carried.

19. APPROVAL OF CONTRACT TO COMPLETE 100 PERCENT ENGINEERING DESIGN OF SPRUCE STREET DRAINAGE IMPROVEMENT PROJECT -

Request the City Council approve authorizing the Mayor and City Clerk to execute a Consulting Agreement for \$225,925 with Michael Baker International for design of the Spruce Street Drainage Improvement Project. (File No. 0600-10 [A-3200])

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

RESOLUTION NO. 2016-117

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

20. MODIFICATION TO A REGIONAL MARKET SIGN PERMIT FOR THE ESCONDIDO AUTO PARK, AND ZONING CODE AMENDMENT (PHG 16-0009, AZ 16-0004) -

Request the City Council approve a Modification to a Regional Market Sign Permit for the replacement of an existing Escondido Auto Park freeway sign with a new, larger sign incorporating LED technology; and approve amending Escondido Zoning Code Section 33-1395.10 to allow for larger Regional Market Signs than currently permitted. (File No. 0810-20)

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

A) RESOLUTION NO. 2016-109 B) ORDINANCE NO. 2016-07 (Introduction and First Reading)

Bill Martin, Director of Community Development, presented the staff report, utilizing a PowerPoint presentation.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Joel Milkovitz, ATDI Media, and Jason Shipman, Kerry Signs, clarified questions regarding the display.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve a Modification to a Regional Market Sign Permit for the replacement of an existing Escondido Auto Park freeway sign with a new, larger sign incorporating LED technology; and approve amending Escondido Zoning Code Section 33-1395.10 to allow for larger Regional Market Signs than currently permitted and adopt Resolution No. 2016-109 and introduce Ordinance No. 2016-07. Motion carried unanimously.

CURRENT BUSINESS

21. APPROVAL OF CHANGE ORDERS, AN AMENDMENT, AND BUDGET ADJUSTMENT FOR THE CEMETERY AREA WATER PIPELINE REPLACEMENT PROJECT -

Request the City Council approve authorizing change orders to the Public Improvement Agreement with MNR Construction, Inc. not to exceed \$600,000, resulting in a new contract amount of \$8,069,275; authorize a first amendment to the Consulting Agreement with Michael Baker International not to exceed \$111,258, resulting in a new contract amount of \$440,706; and approve a budget adjustment in the amount of \$629,000 to Capital Improvement Project No. 704911 to cover the costs of change orders and an amendment required to complete construction of the Cemetery Area Water Pipeline Replacement Project. (File No. 0600-10 [A-3149])

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

A) RESOLUTION NO. 2016-111(R) B) RESOLUTION NO. 2016-112

Randy Manns, Utilities Construction Project Manager, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve authorizing change orders to the Public Improvement Agreement with MNR Construction, Inc. not to exceed \$600,000, resulting in a new contract amount of \$8,069,275; authorize a first amendment to the Consulting Agreement with Michael Baker International not to exceed \$111,258, resulting in a new contract amount of \$440,706; and approve a budget adjustment in the amount of \$629,000 to Capital Improvement Project No. 704911 to cover the costs of change orders and an amendment required to complete construction of the Cemetery Area Water Pipeline Replacement Project and adopt Resolution No. 2016-111(R) and adopt Resolution No. 2016-112. Motion carried unanimously.

FUTURE AGENDA

22. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City 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 Masson reported on the most recent meeting of the League of California Cities.

Councilmember Gallo reported on the Downtown Parking AdHoc Committee and noted results of a parking survey done with downtown merchants; shared North County Transit District's information that the Los Angeles/San Diego corridor will receive funding for railway improvements.

Deputy Mayor Morasco reported on the Palomar Health Leadership Advisory Committee meeting and provided updates on hospital district plans; reported on the Tulip Street Neighborhood Group meeting.

Mayor Abed reported that SANDAG approved the Regional Transportation Improvement Program.

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 5:51 p.m.

MAYOR

CITY CLERK

MINUTES CLERK