

CITY OF ESCONDIDO
December 11, 2013
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, December 11, 2013 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

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

ORAL COMMUNICATIONS

None

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

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

I. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOVERNMENT CODE §54956.9(D)(1))

- a. **Case Name: Stuck in the Rough, LLC v. City of Escondido**
Case No.: 37-2013-00074375-CU-WM-NC
- b. **Case Name: California Regional Water Quality Control Board, San Diego Region**
NOV No. R9-2013-0081
- c. **Case Name: Gonzalez v. Juan Alva, et al.**
Case No: 11-CV-2846-W (WVG)

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:12 p.m.

Sam Abed
MAYOR

Heather Helmer
CITY CLERK

Lorne Uhl
MINUTES CLERK

CITY OF ESCONDIDO
December 11, 2013
4:30 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, December 11, 2013 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

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

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Barbara Redlitz, Community Development Director; Ed Domingue, Public Works Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

ORAL COMMUNICATIONS

Grant Taylor, Escondido, asked Council not to approve building a BMX track in Kit Carson Park.

CONSENT CALENDAR

Mayor Abed removed items 7, 15, 19 and 20 and Councilmember Diaz removed item 8 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco that the following Consent Calendar items be approved with the exception of items 7, 8, 15, 19 and 20. 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:** Regular Meeting of November 20, 2013

4. **TREASURER'S INVESTMENT REPORT FOR QUARTER ENDED SEPTEMBER 30, 2013 -** Request Council receive and file the Quarterly Investment Report. (File No. 0490-55)

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

5. **ANNUAL FINANCIAL REPORT ON CAPITAL FUNDS FUNDED BY DEVELOPER FEES PER GOVERNMENT CODE SECTION 66006 -** Request Council accept and file the report. (File No. 0480-45)

Staff Recommendation: **Receive and File (Finance Department: Gilbert Rojas)**

6. **APPROVE A MEMBERSHIP AGREEMENT WITH THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY AND ADOPT A RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE AUTHORITY FOR THE BENEFIT OF SOUTHEASTERN CALIFORNIA CONFERENCE OF SEVENTH-DAY ADVENTISTS -** Request Council approve, authorize and direct execution of a Joint Exercise of Powers Agreement relating to the California Municipal Finance Authority (the "CMFA") and approve the issuance of revenue bonds by the CMFA for the purpose of refinancing the acquisition, construction and improvement of certain facilities for the benefit of the Southeastern California Conference of Seventh-Day Adventists. The bonds will not exceed \$32,330,000 of which \$17,000,000 will be attributable to refinance the bonds issued to fund the Escondido Adventist Academy (the "Project"). (File No. 0440-45)

Staff Recommendation: **Approval (Finance Department: Gilbert Rojas)**

RESOLUTION NO. 2013-170

7. **INITIATION OF ANNEXATION AND DEVELOPMENT AGREEMENT FOR 4.17 ACRES LOCATED IN THE NORTH BROADWAY DEFICIENCY AREA -** Request Council initiate the proposed Annexation and Development Agreement for further study; and authorize the Planning Division to accept an application from the applicant. (File No. 0850-20)

Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

Patricia Borchmann, Escondido, expressed concern that the fees had been reduced.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to initiate the proposed Annexation and Development Agreement for further study; and authorize the Planning Division to accept an application from the applicant. Motion carried unanimously.

8. **CITY COUNCIL MEMBER AND MAYOR COMPENSATION –** Request Council approve amending Section 2-28 of the Escondido Municipal Code to increase the salary for the City Council Members from \$1,569.06 per month to 1,725.97 per month, effective on the date the City Council Members elected in 2014 are sworn into office. (File No. 0680-10)

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

ORDINANCE NO. 2013-16 (Introduction and First Reading)

Councilmember Diaz expressed concern in giving the Council a raise and suggested forming a committee to review and give advice to the Council on this matter.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve amending Section 2-28 of the Escondido Municipal Code to increase the salary for the City Council Members from \$1,569.06 per month to 1,725.97 per month, effective on the date the City Council Members elected in 2014 are sworn into office; to conduct a survey of current Council and Mayor salaries; to explore the formation of a committee and introduce Ordinance No. 2013-16. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

9. **APPOINTMENT OF AD HOC SUBCOMMITTEE ON WATER SERVICE ISSUES** - Request Council approve appointment of Councilmembers John Masson and Michael Morasco to serve as an ad hoc subcommittee on water service, recycled water service and water service for fire protection in the Escondido, Rincon del Diablo and overlapping jurisdictional areas. (File No. 0610-55)

Staff Recommendation: **Approval (City Attorney's Office: Jeffrey Epp and Utilities Department: Christopher McKinney)**

10. **AUTHORIZE FLEET SERVICES TO PURCHASE ONE (1) GLOBAL M4 STREET SWEEPER BY UTILIZING A COOPERATIVE PURCHASE CONTRACT WITH THE COUNTY OF LOS ANGELES** - Request Council authorize the Fleet Services Department to purchase directly from Plumbers Depot Inc. one (1) Global Environmental Products, Global M4 Street Sweeper, by utilizing the Cooperative Purchase Contract with the County of Los Angeles, Internal Services Department, Central Purchasing. (File No. 0470-35)

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

RESOLUTION NO. 2013-166

11. **CITY OF ESCONDIDO LANDSCAPE MAINTENANCE DISTRICT - PRELIMINARY ENGINEER'S REPORT FOR ZONE 38 FOR FISCAL YEAR 2014-2015** - Request Council approve initiating proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) for Zone 38 for the 2014/2015 fiscal year; approve the preliminary Engineer's Report for LMD Zone 38; and set a Public Hearing date for February 12, 2014 for LMD Zone 38. (File No. 0685-10)

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

a. RESOLUTION 2013-135

b. RESOLUTION 2013-136

12. **STATE OF CALIFORNIA 9-1-1 FOR KIDS FUNDING AND BUDGET ADJUSTMENT** - Request Council accept \$3,050 in funds from the State of California 9-1-1 Emergency Communications Office; authorize the Chief of Police and Police Department staff to execute contract documents on behalf of the City; and approve budget adjustments needed to spend funds. (File No. 0430-80)

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

13. **COUNTY OF SAN DIEGO SENIOR NUTRITION SERVICES GRANT APPLICATION AUTHORIZATION** - Request Council authorize the Director of Library and Community Services or her designee to complete a grant application for the County of San Diego Health and Human Services Agency, Aging and Independence Services for the Senior Nutrition Program, which includes transportation and meal services. (File No. 0480-70)

Staff Recommendation: **Approval (Library and Community Services: Loretta McKinney)**

14. **AMENDMENT TO THE 2012 REGIONAL ASSISTANCE FIREFIGHTERS' GRANT (AFG)** - Request Council approve the grant amendment for the Federal 2012 Regional Assistance to Firefighters Grant (AFG) Program to purchase additional EKG Monitors/Defibrillators. (File No. 0480-70)

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

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.)

15. **ADOPT VOTING DISTRICTS AS RECOMMENDED BY THE INDEPENDENT DISTRICTING COMMISSION** - This item was approved on December 4, 2013 with a vote of 5/0. (File No. 0680-10)

ORDINANCE NO. 2013-17 (Adoption and Second Reading)

Robroy Fawcett, Escondido, stated he disagreed with the formula used to draw the districts.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to adopt the voting districts as recommended by the Independent Districting Commission and adopt Ordinance No. 2013-17. Motion carried unanimously.

16. **ADOPTION OF THE 2013 CALIFORNIA FIRE CODE, MOST CURRENT VERSION OF COUNTY OF SAN DIEGO CONSOLIDATED FIRE CODE AND LOCAL AMENDMENTS** - This item was approved on December 4, 2013 with a vote of 5/0. (File No. 0680-50)

ORDINANCE NO. 2013-13 (Adoption and Second Reading)

17. **ADOPTION OF THE 2013 CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL AND GREEN BUILDING STANDARDS CODES AND LOCAL AMENDMENTS** - This item was approved on December 4, 2013 with a vote of 5/0. (File No. 0680-50)

ORDINANCE NO. 2013-11 (Adoption and Second Reading)

18. **ZONING CODE AMENDMENT (ENVIRONMENTAL QUALITY REGULATIONS) AND CLIMATE ACTION PLAN (CASE NOS. AZ 13-0003 AND PHG 09-0020)** - This item was approved on December 4, 2013 with a vote of 5/0. (File No. 0810-20)

ORDINANCE NO. 2013-12 (Adoption and Second Reading)

19. **DEVELOPMENT AGREEMENTS FOR TRACT 894 (PHG 13-0027)** - This item was approved on December 4, 2013 with a vote of 4/1, Diaz voting no. (File No. 0800-10 Tract 894)

ORDINANCE NO. 2013-14R (Adoption and Second Reading)

MOTION: Moved by Councilmember Masson and seconded by Councilmember Gallo to approve a Development Agreement for Tract 894 and adopt Ordinance No. 2013-14R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

20. **DEVELOPMENT AGREEMENT AND FINDING OF SUBSTANTIAL CONFORMANCE FOR TRACT 889 (PHG 13-0028)** - This item was approved on December 4, 2013 with a vote of 4/1, Diaz voting no. (File No. 0800-10 Tract 889)

ORDINANCE NO. 2013-15R (Adoption and Second Reading)

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to approve a Development Agreement for Tract 889 and adopt Ordinance No. 2013-15R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

PUBLIC HEARINGS

21. **REPORT ON DRINKING WATER PUBLIC HEALTH GOALS** - Request Council receive and file the Drinking Water Public Health Goals Report; and accept Public Comment on the report. (File No. 0110-20)

Staff Recommendation: **Receive and File (Utilities Department: Christopher McKinney)**

Christopher McKinney, Utilities Director, gave the staff report and presented a series of slides.

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

Art Divine, Escondido, stated he did not like fluoride in the City's water system.

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.

NO ACTION, INFORMATION ONLY

CURRENT BUSINESS

22. **"MISSION POOLS" AREA DRAINAGE RESTORATION PROJECT** - Request Council authorize the Mayor and City Clerk to execute a Consulting Agreement with AECOM in the amount of \$159,309 for engineering services to provide initial (30%) design plans for the "Mission Pools" Area Drainage Restoration Project. (File No. 0600-10 [A-3106])

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

RESOLUTION NO. 2013-164

Helen Davies, Utilities Environmental Programs Manager, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize the Mayor and City Clerk to execute a Consulting Agreement with AECOM in the amount of \$159,309 for engineering services to provide initial (30%) design plans for the "Mission Pools" Area Drainage Restoration Project and adopt Resolution No. 2013-164. Motion carried unanimously.

- 23. REAL PROPERTY INVENTORY UPDATE TO COUNCIL** - Request Council receive the Real Property Inventory Update. (File No. 0110-20)

Staff Recommendation: **Receive and File (Public Works/Engineering: Ed Domingue)**

Debra Lundy, Real Property Manager, gave the staff report and presented a series of slides.

NO ACTION, INFORMATION ONLY

FUTURE AGENDA

- 24. 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 played a Christmas Carol on his tie and wished everyone a Merry Christmas and Happy New Year.

Councilmember Diaz stated she had a River Park meeting on Friday.

Mayor Abed presented a series of slides and indicated that SANDAG would be making decisions on various public health projects and was working on the Regional Plan update.

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

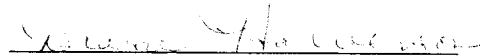
None

ADJOURNMENT

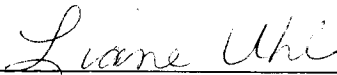
Mayor Abed adjourned the meeting at 6:23 p.m.



MAYOR



CITY CLERK



MINUTES CLERK