CITY OF ESCONDIDO

AUGUST 13, 2008
4:00 p.m. Meeting Minutes

Escondido City Council
Community Development Commission
Mobilehome Rent Review Board

CALL TO ORDER

The Regular Meeting of the Escondido City Council, Community Development Commission, and Mobilehome Rent Review Board was called to order at 4:00 p.m. on Wednesday, August 13, 2008 in the Council Chambers at City Hall with Mayor Pfeiler presiding.

FLAG SALUTE

Mayor Pfeiler led the flag salute.

ATTENDANCE

The following members were present: Abed, Daniels, Gallo, and Waldron. Pfeiler absent. Quorum Present. Mayor Pfeiler arrived at 4:38 p.m. Mayor Pfeiler left at 6:50 p.m.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Jonathan Brindle, Community Development Director; Ed Domingue, Engineering Services Director; Marsha Whalen, City Clerk; and Liane Uhl, Minutes Clerk.

PRESENTATIONS

Mayor Pro Tem Abed introduced Karen Williams, Program Administrator at the Joslyn Senior Center, who accepted a Certificate for Recognition of Heroism.

ORAL COMMUNICATIONS

Dewey Paulino, Escondido, indicated he had received a code violation for parking in his paved side yard and asked when this had become illegal.

Sunshine Horton, El Cajon, indicated she supported the police traffic stops for unlicensed motorists.

CONSENT CALENDAR

Mayor Pro Tem Abed removed items 7 and 16; Councilmember Gallo removed item 8 and Councilmember Waldron removed item 15 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Daniels and seconded by Councilmember Waldron that the following Consent Calendar items be approved with the exception of items 7, 8, 15 and 16. Ayes: Abed, Daniels, Gallo and Waldron. Noes: None. Absent: Pfeiler. Motion carried.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES:** **Regular Meeting of June 4, 2008**
   Regular Meeting of June 11, 2008
   Regular Meeting of June 18, 2008
   Regular Meeting of July 9, 2008
   Regular Meeting of July 16, 2008

4. **2008 TREASURER'S REPORT: SECOND QUARTER, APRIL THROUGH JUNE 2008** (File No. 0490-55)

   Staff Recommendation: Receive and file **(City Treasurer: Ken Hugins)**

5. **ESTABLISHMENT OF THE PROPERTY TAX RATE AND FIXED CHARGE ASSESSMENTS FOR BONDED INDEBTEDNESS FOR FISCAL YEAR 2008-09 –** Request Council authorize establishing the property tax rate and fixed charge assessments for bonded indebtedness for the Fiscal Year 2008-09. (File No. 0440-35)

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

   RESOLUTION NO. 2008-91

6. **INITIATION OF OUT-OF-AGENCY SEWER SERVICE AGREEMENT: 709 LEHNER AVENUE –** A request from Acenath M. Lira for an out-of-agency service agreement, including an irrevocable offer of annexation, for the provision of sewer service for one single-family residence experiencing septic tank failure at 709 Lehner Avenue, APN 224-130-20. (File No. 0850-20)

   Staff Recommendation: Approval **(Community Dev./Planning: Jon Brindle)**

7. **SEVENTH AMENDMENT TO SENIOR TRANSPORTATION CONTRACT –** Request Council authorize the Mayor and City Clerk to execute a Seventh Amendment to the Public Service Contract with Redwood Senior Homes and Services (RSHS) to provide transportation services for Fiscal Year 2008-09 to the Nutrition Program offered at the Joslyn Senior Center, the Out and About Program and the weekend Daley Ranch shuttle service, for the amount of $108,900. (File No. 0600-10 [A-2467])

   Staff Recommendation: Approval **(Community Services: Amy Shipley)**

   RESOLUTION NO. 2008-160

This item was continued to the September 10, 2008 meeting.

8. **SEVENTH AMENDMENT TO SENIOR NUTRITION CONTRACT –** Request Council authorize the Mayor and City Clerk to execute a Seventh Amendment to the Public Service Agreement with

Redwood Senior Homes and Services (RSHS) to provide meals for the Nutrition Program offered at the Joslyn Senior Center for Fiscal Year 2008-09. (File No. 0600-10 [A-2498])

Staff Recommendation: Approval **(Community Services: Amy Shipley)**

RESOLUTION NO. 2008-161

Councilmember Gallo asked if diabetic diets had been addressed with the Nutrition Program.

Amy Shipley, Older Adult Services Manager, indicated that diabetic diets were not addressed and had not been an issue.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Waldron to authorize the Mayor and City Clerk to execute a Seventh Amendment to the Public Service Agreement with Redwood Senior Homes and Services (RSHS) to provide meals for the Nutrition Program offered at the Joslyn Senior Center for Fiscal Year 2008-09 and adopt Resolution No. 2008-161. Ayes: Abed, Daniels, Gallo and Waldron. Noes: None. Absent: Pfeiler. Motion carried.

9. NOTICE OF COMPLETION FOR TRACT 912 (MOSAIC) LOCATED AT 16634 DEL DIOS HIGHWAY - Request Council authorize the Director of Engineering Services to file a Notice of Completion for Tract 912 (Mosaic) a one lot development of 42 detached residential condominiums located at 16634 Del Dios Highway. (File No. 0800-10 Tract 912)

Staff Recommendation: Approval **(Engineering Services: Ed Domingue)**

10. NOTICE OF COMPLETION FOR TRACT 949 (ORANGEWOOD – HABITAT FOR HUMANITY) LOCATED AT 402 W. 6th STREET– Request Council authorize the Director of Engineering Services to file a Notice of Completion for Tract 949, Orangewood (Habitat for Humanity), located at 402 West 6th Street. (File No. 0800-10 Tract 949)

Staff Recommendation: Approval **(Engineering Services: Ed Domingue)**

11. NOTICE OF COMPLETION FOR THE LAKE WOHLFORD PENSTOCK SLOPE REPAIR PROJECT – Request Council authorize the Utilities Manager to file a Notice of Completion for the Lake Wohlford Slope Repair Project. (File No. 0600-10 [A-2817])

Staff Recommendation: Approval **(Utilities Administration: Mary Ann Mann)**

12. JOINT PARTICIPATION AGREEMENT WITH SAN DIEGO COUNTY WATER AUTHORITY FOR LOCAL WATER SUPPLY DEVELOPMENT FUND PROGRAM – Request Council authorize the Mayor and City Clerk to execute a Joint Participation Agreement with San Diego County Water Authority that provides incentives of from $147 to $200 per acre-foot for the development and utilization of recycled water. (File No. 0600-10 [A-2921])

Staff Recommendation: Approval **(Utilities Administration: Mary Ann Mann)**

RESOLUTION NO. 2008-109

13. EXTENSION OF LEASE AGREEMENT FOR PROPERTY ADDRESSED AS 230 PARK AVENUE (AMERICAN LEGION) – Request Council authorize the Mayor and City Clerk to execute a Five Year Extension Lease Agreement with American Legion, J.B. Clark Post 149 for property at 230 Park Avenue. (File No. 0600-10 [A-2545])

Staff Recommendation: Approval **(Engineering Services: Anne Marc-Aurele)**

RESOLUTION NO. 2008-155

14. AMENDMENT TO LEASE AGREEMENT FOR 800 WEST GRAND AVENUE, SUITE B AND SUITE C (APN 232-100-17) - Request Council authorize the Mayor and City Clerk to execute an Amendment to the Lease Agreement with Emblem Companies for property located at 800 West Grand Avenue, Suite B and Suite C. (File No. 0600-10 [A-2333])

Staff Recommendation: Approval **(Engineering Services: Anne Marc-Aurele)**

RESOLUTION NO. 2008-152

15. FISCAL YEAR 2008-09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AMENDED AGREEMENTS – Request Council authorize the City Manager or Designee, and the City Clerk, to execute amended agreements for Use of Community Development Block Grant Funds for public services as authorized through the Annual Action Plan allocation process on April 23, 2008. (File No. 0600-10 [A-2923, A-2924, A-2925, A-2926, A-2927, A-2928, A-2929, A-2930])

Staff Recommendation: Approval **(Neighborhood Services: Rich Buquet)**

RESOLUTION NO. 2008-159

Councilmember Waldron asked if the project funding was in the amounts previously approved by Council.

Jamie Kasvikis, Neighborhood Services, indicated the amounts were approved by Council.

Councilmember Gallo asked if service was affected by high gas prices.

Jamie Kasvikis, Neighborhood Services, indicated that service had not been affected.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Daniels to authorize the City Manager or Designee, and the City Clerk, to execute amended agreements for Use of Community Development Block Grant Funds for public services as authorized through the Annual Action Plan allocation process on April 23, 2008 and adopt Resolution No. 2008-159. Ayes: Abed, Daniels, Gallo and Waldron. Noes: None. Absent: Pfeiler. Motion carried.

16. FISCAL YEAR 2008-09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) WORKFORCE DEVELOPMENT PROJECT ACTIVITIES AND AGREEMENTS FOR USE OF CDBG FUNDS – Request Council authorize the City Manager or Designee, and the City Clerk to execute an Agreement for use of CDBG funds for public services with Escondido Education COMPACT, for provision of a Workforce Development project, as recommended by the Escondido Workforce Roundtable. (File No. 0600-10 [A-2922])

Staff Recommendation: Approval **(City Manager's Office: Gail Sullivan; and Neighborhood Services Division: Jamie Kasvikis)**

RESOLUTION NO. 2008-162

Councilmember Abed asked staff to give a history of the program.

Jamie Kasvikis, Neighborhood Services, gave a history of the program.

MOTION: Moved by Councilmember Daniels and seconded by Councilmember Waldron to authorize the City Manager or Designee, and the City Clerk to execute an Agreement for use of CDBG funds for public

services with Escondido Education COMPACT, for provision of a Workforce Development project, as recommended by the Escondido Workforce Roundtable and adopt Resolution No. 2008-162. Ayes: Abed, Daniels, Gallo and Waldron. Noes: None. Absent: Pfeiler. Motion carried.

17. BID AWARD FOR CONSTRUCTION OF PHASE IV OF THE POLICE AND FIRE FACILITY – BID PACKAGE 7A (ROOFING) – Request Council authorize the Mayor and City Clerk to execute an agreement with J.P. Witherow Roofing, in the amount of $887,100 for Bid Package 7A (Roofing) of the Police and Fire Facility at 1163 North Centre City Parkway. (File No. 0600-10 [A-2917])

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

RESOLUTION NO. 2008-154

18. FISCAL YEAR 2009 SAN DIEGO COUNTY LAW ENFORCEMENT FOUNDATION LESS LETHAL LIFE SAVING EQUIPMENT GRANT AND BUDGET ADJUSTMENT – Request Council authorize the Escondido Police Department to accept a FY 2009 San Diego County Law Enforcement Foundation Grant in the amount of $3,510; and authorize the Chief of Police to submit grant documents on behalf of the City; and authorize staff to establish budgets to spend grant funds. (File No. 0480-70)

Staff Recommendation: Approval **(Police Department: Jim Maher)**

19. FISCAL YEAR 2008 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND BUDGET ADJUSTMENT – Request Council approve a FY 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $24,447 from the U.S. Department of Justice; authorize the Chief of Police and Police Department staff to submit grant documents on behalf of the City; and approve budget adjustments needed to set up and spend grant funds to support front-line law enforcement. (File No. 0840-70)

Staff Recommendation: Approval **(Police Department: Jim Maher)**

CONSENT - RESOLUTIONS AND ORDINANCES (COUNCIL/CDC/RRB)

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

20. TENTATIVE PARCEL MAP AND ZONE CHANGE (TPM 2004-12, 2004-56-CZ) (Approved by Council on 7/16/08; vote: 4/0/1, Waldron absent). (File No. 0800-40)

ORDINANCE NO. 2008-18 Second reading and adoption

CURRENT BUSINESS

21. CALIFORNIA CENTER FOR THE ARTS ESCONDIDO AND CITY COUNCIL AD HOC SUBCOMMITTEE (File No. 0600-10 [A-2429])

Staff Recommendation: Receive the recommendations of the City Council Ad Hoc Committee and provide direction regarding a restructured management agreement with the California Center for the Arts Escondido Foundation to emphasize Museum exhibits, education programs, community events, philanthropy and the rental of theater facilities **(Community Services Department: Jerry Van Leeuwen)**

Jerry Van Leeuwen, Community Services Director, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Daniels and seconded by Councilmember Gallo to operate the theaters as rental facilities only beginning with FY 2009-2010; modify the Management Agreement with the CCAE Board of Trustees to focus only on museum, education, community events and philanthropy programs; and allow the CCAE Board to produce shows if it chooses, at its sole risk, renting the facilities. Motion carried unanimously.

PUBLIC HEARINGS

22. MODIFICATION TO CONDITIONAL USE PERMIT AND A DEVELOPMENT AGREEMENT FOR A CONCRETE BATCH PLANT (2007-38-CUP/DA), LOCATED AT 1310 SIMPSON WAY – A request for a modification to a previously approved Conditional Use Permit for a concrete ready mix batch plant on a 2.02-acre site in the M-2 (General Industrial) zone, at 1310 Simpson Way. The modification includes the elimination of a mitigation measure which previously required a traffic signal at the intersection of Hale Avenue and Simpson Way, with the addition of alternative traffic mitigation measures to accommodate the increase in traffic generated by the new proposal. The plant would be entirely enclosed and would consist of aggregate storage areas, two 65-foot-high cement storage silos, enclosed conveyor belts to transfer raw materials, a 12,000-gallon diesel fuel tank, a 360 SF office, and a batch plant. Concrete would be produced by combining cement, water and aggregates (rock and sand) from an enclosed facility into fifteen ready mix trucks that would make an average of over six deliveries each from the property per day. The project also includes a Development Agreement to determine the appropriate way to capture revenues equivalent to the sales tax generated by the facility; require City Council consideration of the CUP modification; determine traffic related improvement requirements; and determine hours related to the supplemental production request. No other site plan or design modifications are proposed **(Continued from 7/16/08)** (File No. 0800-40)

Staff Recommendation: Approve the Conditional Use Permit modification to allow interim, traffic control measures with no expansion of capacity, and the Development Agreement **(Community Dev./Planning: Jon Brindle)**

a. RESOLUTION NO. 2008-76
b. ORDINANCE NO. 2008-19 Introduction and first reading

Barbara Redlitz, Assistant Planning Director, gave the staff report and presented a series of slides.

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

Dave Ferguson, Attorney, indicated three businesses in the area were opposed to the project and urged Council not to approve it.

Martin Christensen, Escondido, stated he was opposed to the project due to traffic issues.

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

MOTION: Moved by Councilmember Daniels and seconded by Councilmember Waldron to approve a request for a modification to a previously approved Conditional Use Permit for a concrete ready mix batch plant of a 2.02 acre site in the M-2 (General Industrial) zone, at 1310 Simpson Way and adopt Resolution No. 2008-76 and introduce Ordinance No. 2008-19. The modification involves the elimination of a mitigation measure which previously required a traffic signal at the intersection of Hale Avenue and Simpson Way, and the addition of alternative traffic measures to accommodate the traffic generated by the proposal. The project also includes a Development Agreement to capture revenues equivalent to the sales tax generated by the facility, and to apply additional traffic conditions related to the signalization of intersections. Adoption of a revised Mitigated Negative Declaration also is proposed. The previous request to increase production from 750 cy/day to 950 cy/day has been withdrawn. No other site plan or design modifications are proposed. Ayes: Daniels, Gallo, Waldron and Pfeiler. Noes: Abed. Absent: None. Motion carried.

23. TOWN AND COUNTRY CLUB PARK LONG-FORM RENT REVIEW BOARD HEARING (File No. 0697-20-9497)

Staff Recommendation: Accept Staff Report, hear public testimony and approval **(Housing and Neighborhood Services: Michelle Henderson)**

Michelle Henderson, Housing and Neighborhood Services, gave the staff report and presented a series of slides.

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

Ronald St. John, Park Owner Representative, indicated the application fee was applicable and asked Council to approve the increase.

Dan Moriarity, Resident Representative, stated he did not agree with the fee application charge and asked Council to deny the request.

Joy Roberts, Escondido, listed the problems with the park, indicated she did not agree with the proposed increase and asked Council to deny the request.

Ralph Graves, Escondido, expressed concern with the fee application charge and asked Council not to grant the increase.

Larry Steneck, Escondido, asked Council not to pass the application fee on to the residents.

David Martin, Escondido, asked Councilmember Waldron not to vote on the long form application and that Council turn down the rent increase request.

Jerry Davis, Escondido, suggested that Council research the 60% of CPI issue.

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

MOTION: Moved by Boardmember Abed and seconded by Boardmember Daniels to grant 60% of CPI rent increase without the fee application charge to the residents. Motion carried unanimously.

CURRENT BUSINESS

24. ORAL REPORT: COUNCIL COMMENTS/REGIONAL ISSUES – This item provides an opportunity for City Council representatives on regional boards, commissions, and committees, to report back to Council on matters being addressed by those respective boards, commissions, and committees. This item is for reports only, and there will be no discussion or action on the reports. Such discussion or action will be calendared for a future agenda

Staff Recommendation: None **(Mayor and City Councilmembers)**

Councilmember Gallo indicated a Compass Card credit card for riding public transit was in the process of being finalized. He also accepted an award from the American Legion naming Escondido as City of the Year.

Councilmember Abed reported the City of Escondido had received the Helen Putnam Award honorable mention from the League of Cities for the ACT program.

BRIEFING (Staff)

None

FUTURE AGENDA

25. FUTURE AGENDA ITEMS - 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: Marsha Whalen)**

Councilmember Gallo questioned why the Oral Report on Regional Issues was scheduled for the next meeting.

ORAL COMMUNICATIONS

None

COUNCIL/COMMISSION/ MEMBERS COMMENTS

None

CLOSED SESSION: (COUNCIL/CDC/RRB)

Attorney Jeffrey Epp recommended recess to Closed Session to discuss items 26, 27, and 28 and to add one item.

MOTION: Moved by Councilmember Daniels and seconded by Councilmember Waldron to add the following item to the agenda pursuant to Government Code §54954.2 and to recess to Closed Session. Ayes: Abed, Daniels, Gallo and Waldron. Noes: None. Absent: Pfeiler.

CONFERENCE WITH LEGAL CONSEL – EXISTING LITIGATION (Government Code §54954.2(b)(2)

Rincon Band of Mission Indians, et. al. v Escondido Mutual Water Company, et. al., Civil Action Nos. 69-217S and 72-271S

26. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code §54956.9(a)

a. Regional Water Quality Control Board ACL (Administrative Civil Liability)/ACL Order No. R9-2006-0095

b. City of Escondido v. Allan Kuebler, Case No. GIN052517-1

27. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9(b): <u>Two Cases</u>

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

a. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employees' Benefits Association **Supervisory Bargaining Unit**
Negotiation Parties: City of Escondido and Escondido City Employees' Benefits Association, Supervisory Bargaining Unit
Under Negotiation: Salary, Benefits and Working Conditions

b. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido **Police Officers' Association Non-sworn Bargaining Unit**
Negotiation Parties: City of Escondido and Escondido Police Officers' Association Non-sworn Bargaining Unit
Under Negotiation: Salary, Benefits and Working Conditions

c. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employees' Benefits Association **Administrative/Clerical/Engineering Bargaining Unit**
Negotiation Parties: City of Escondido and Escondido City Employees' Benefits Association, Administrative/Clerical/Engineering Bargaining Unit
Under Negotiation: Salary, Benefits and Working Conditions

d. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido Firefighters' Association: Non-Safety
Negotiation Parties: City of Escondido and Escondido **Firefighters' Association: Non-Safety**
Under Negotiation: Salary, Benefits and Working Conditions

ADJOURNMENT

Mayor Pro Tem Abed adjourned the meeting at 8:10 p.m.

_____
MAYOR

_____
CITY CLERK

_____
MINUTES CLERK

CITY OF ESCONDIDO

AUGUST 13, 2008
7:00 p.m. Meeting

NO MEETING

NO ITEMS SCHEDULED