CITY OF ESCONDIDO

DECEMBER 17, 2008
4:00 p.m. Meeting Minutes

Escondido City Council
Community Development Commission

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 4:00 p.m. on Wednesday, December 17, 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, Diaz, and Waldron. Pfeiler absent. Quorum present.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Jonathan Brindle, community Development director; Ed Domingue, Engineering Services Director; Bob Zornado, Assistant City Clerk; and Liane Uhl, Minutes Clerk.

PRESENTATION

Mayor Pro Tem Daniels and Councilmember Diaz introduced Betty Roberts and Danny Sherlock, Boys and Girls Club, and presented them with a check in the amount of $7,500 from the Bravo Foundation.

ORAL COMMUNICATIONS

Lisa Prazeau, Escondido Chamber of Citizens, indicated the hotel money should be used to balance the City's budget.

Elmer Cameron, Library Board of Trustees, stated the branch library should not be closed.

Alex Galenes, Library Board of Trustees, indicated that library use was up and asked Council to keep the Escondido libraries open.

Ed Gallo, Escondido, suggested the Council postpone the un-funded mandates from the state to help with the budget shortfall.

CONSENT CALENDAR

Councilmember Waldron removed item 15 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Abed and seconded by Councilmember Waldron that the following items be approved with the exception of item 15. Ayes: Abed, Daniels, Diaz 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 November 12, 2008**

4. **CALPERS INDUSTRIAL DISABILITY RETIREMENT OF JEFF AFONSO –** Request Council authorize the Industrial disability Retirement of Fire Captain Jeff Afonso. (File No. 0170-57)

   Staff Recommendation: Approval **(Human Resources Dept.: Sheryl Bennett)**

   RESOLUTION NO. 2008-227

5. **AMENDMENTS TO THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT –** Request Council authorize amending the City's Conflict of Interest Code, pursuant to the Political Reform Act to update the list of designated public employees and public officials who are required to file a statement of economic interest and disclosure categories. (File No. 0640-30)

   Staff Recommendation: Approval **(City Attorney's Office: Jennifer McCain)**

   RESOLUTION NO. 2008-221

6. **AMENDMENT TO THE CONTRACT WITH ESCONDIDO DISPOSAL, INCORPORATED (EDI), FOR ANNUAL CPI INCREASE TO SOLID WASTE AND RECYCLING RATES AND FEES FOR COMMERCIAL COLLECTIONS ONLY, AND REMOVAL OF FRANCHISE FEE EXCLUSION FOR RECYCLING SERVICES** (File No. 0600-10 [A-2340])

   Staff Recommendation: Approval **(Community Services/Recycling: Richard O'Donnell and Kathy Winn)**

   RESOLUTION NO. 2008-224

7. **AUTO PARK WAY 2008 PROJECT BID AWARD –** Request Council **(1)** Accept request from Sierra Pacific to withdraw their bid; **(2)** Authorize the Mayor and City Clerk to execute a Public Improvement Agreement with Southland Paving, Incorporated, in the amount of $4,792,913, for the base bid and $587,670 for the additive bid ; and **(3)** Authorize the Mayor and City Clerk to execute an Agreement with Rincon Del Diablo Municipal Water District for the construction of the water facilities in this project. (File No. 0600-10 [A-2920])

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

   RESOLUTION NO. 2008-214

8. **BUDGET ADJUSTMENT FOR THE MISSION AVENUE IMPROVEMENT PROJECT –** Request Council authorize a Budget Adjustment in the amount of $583,000, for the Mission Avenue Improvement Project. (File No. 0430-80)

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

9. **SALE OF CITY PROPERTY LOCATED AT 466 TERRACE AVENUE (APN 227-040-09) –** Request Council authorize the Real Property Manager and City Clerk to execute documents to conclude the sale of the City's surplus property to Jose Palomo in the amount of $200,000 for property addressed as 466 Terrace Avenue. (File No. 0690-20)

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

RESOLUTION NO. 2008-230

10. **BUDGET ADJUSTMENT FOR THE CONSULTING CONTRACT FOR LAKE WOHLFORD DAM SEISMIC ISSUES –** Request Council authorize a Budget Adjustment in the amount of $173,000, to cover the remaining balance of the contract with GEI Consultants and the contract for ICF Jones and Stokes for the liquefaction potential and alternatives for the Lake Wohlford Dam Seismic issues. (File No. 0430-80)

Staff Recommendation: Approval **(Water Department: Richard Walker)**

11. **ANNUAL REVIEW OF DEVELOPMENT AGREEMENTS FOR COMPLIANCE WITH TERMS –** Annual review of five previously approved Development Agreements (Rancho Vistamonte, Eureka Ranch, Brookside I, Brookside II, Washington Hills/Chaparral Ridge) to determine compliance with the terms of each agreement. (File No. 0600-15)

Staff Recommendation: Concur that the owners have substantially complied with the terms of the Development Agreement **(Community Dev./Planning: Jon Brindle)**

12. **AGREEMENT WITH SAN DIEGO/IMPERIAL COUNTIES CHAPTER OF THE AMERICAN RED CROSS AND THE CITY REGARDING USE OF FACILITIES –** Request Council authorize Manager to execute an Agreement with the San Diego/Imperial Counties Chapter of the America Red Cross concerning the storage of emergency supplies on City property. (File No. 0600-10 [A-2942)

Staff Recommendation: Approval **(Fire Department: Michael Lowry and Chuck Milks)**

RESOLUTION NO. 2008-231

13. **AGREEMENT WITH THE COUNTY OF SAN DIEGO HEALTH AND HUMAN SERVICES AGENCY REGARDING THE CITY'S READINESS INITIATIVE PROGRAM –** Request Council authorize the City Manager to execute an Agreement with the County of San Diego Health and Human Services Agency for participation in a reimbursement for the First Responder and Critical Access Employee Mass Prophylaxis Distribution and Dispensing Plan. (File No. 0600-10 [A-2943])

Staff Recommendation: Approval **(Fire Department: Michael Lowry and Chuck Milks)**

RESOLUTION NO. 2008-228

14. **POLICE AND FIRE FACILITY: SECOND AMENDMENT TO CONSULTING AGREEMENT WITH CONSTRUCTION TESTING AND ENGINEERING, INCORPORATED –** Request Council authorize amending the Agreement with Construction Testing and Engineering,

Incorporated, in the amount of $215,691, for additional structure inspections and material testing services. (File No. 0600-10 [A-2819])

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

RESOLUTION NO. 2008-208

15. REDFLEX CONTRACT RENEWAL – Request Council authorize the Mayor and City Clerk to execute an Agreement with Redflex Traffic Systems, Incorporated, for the Photo Red Light Enforcement Program. (File No. 0600-10 [A-2663])

Staff Recommendation: Approval **(Police Department: Cory Moles and Michael Loarie)**

RESOLUTION NO. 2008-229

Councilmember Waldron asked for a separate vote on this item.

Ed Gallo, Escondido, indicated the revenue went to the park fund, not into the general fund.

MOTION: Moved by Councilmember Abed and seconded by Councilmember Daniels to authorize the Mayor and City Clerk to execute an Agreement with Redflex Traffic Systems, Incorporated, for the Photo Red Light Enforcement Program and adopt Resolution No. 2008-229. Ayes: Abed, Daniels and Diaz. Noes: Waldron. Absent: Pfeiler. Motion carried.

16. INLAND RAIL TRAIL EASEMENT AGREEMENT WITH NORTH COUNTY TRANSIT DISTRICT (NCTD) – Request Council authorize the Mayor and City Clerk execute an Easement Agreement with NCTD to provide transfer of the Inland Rail Trail to the City through the granting of an easement within the Railroad right-of-way. (File No. 0600-10 [A-2944])

Staff Recommendation: Approval **(Engineering Services: Robb Zaino)**

RESOLUTION NO. 2008-166

17. ITEM INTENTIONALLY LEFT BLANK.

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

CURRENT BUSINESS

18. GENERAL PLAN UPDATE – Review of efforts to date, issues to be addressed, time frames, and costs associated with the pending Comprehensive General Plan Update. (File No. 0830-07)

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

Charles Grimm, Assistant City Manager, gave the staff report and presented a series of slides.

Mayor Pfeiler joined the meeting at 4:45 p.m.

Councilmember Waldron suggested that an Ad Hoc Committee be formed.

Mayor Pfeiler recommended discussions on the flower streets, the historic neighborhood and the oak hill area.

Councilmembers Abed and Diaz volunteered for the Ad Hoc Committee, if it was formed.

COUNCIL ACTION: Gave direction to staff to go forward with the suggested general provisions.

BRIEFING (Staff)

FUTURE AGENDA

19. 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 Diaz requested a presentation on code enforcement aggressively issuing citations for parking in the paved area next to a driveway.

ORAL COMMUNICATIONS

Ed Gallo, Escondido, wished everyone a merry Christmas and played Christmas Carols on his tie.

Lisa Prazeau, Escondido Chamber of Citizens, wished the Council Happy Holidays and distributed small gifts to them.

COUNCIL/COMMISSION/ MEMBERS COMMENTS

CLOSED SESSION: (COUNCIL/CDC/RRB)

Attorney Jeffrey Epp indicated there was no longer a need to discuss item 21a and recommended recess to Closed Session to discuss items 20, 21b, 21c and 22.

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

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

a. Agency negotiator: Gail Sullivan, Clay Phillips
Employee organization: **Escondido City Employee Association (ECEA)**

b. Agency negotiator: Gail Sullivan, Clay Phillips
Employee organization: **Escondido Firefighters' Association**

c. Agency negotiator: Gail Sullivan, Clay Phillips
Employee organization: **Non-Sworn Fire**

d. Agency negotiator: Gail Sullivan, Clay Phillips
Employee organization: **Escondido Police Officers' Association**

e. Agency negotiator: Gail Sullivan, Clay Phillips
Employee organization: **Non-Sworn Police**

f. Agency negotiator: Gail Sullivan, Clay Phillips
Employee organization: **Maintenance & Operations, Teamsters Local 911**

g. Agency negotiator: Gail Sullivan, Clay Phillips
Employee organization: **Escondido City Employees Benefit Association Supervisory Bargaining Unit**

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

a. Steve Takajo v. City of Escondido, WCAB No. SDO 08225277
b. Steve DiGiovanna v. City of Escondido, WCAB Nos. SDO 0284117 and SDO 0288646
c. Richard Salisbury v. City of Escondido, LBO 0385398

22. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:

a. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9(b): **1 Case**

ADJOURNMENT

Mayor Pfeiler adjourned the meeting at 6:42 p.m.

_____ _____
MAYOR ASSSTANT CITY CLERK

_____
MINUTES CLERK

CITY OF ESCONDIDO

DECEMBER 17, 2008
7:00 p.m. Meeting

NO ITEMS SCHEDULED

NO MEETING