

CITY OF ESCONDIDO
MARCH 4, 2009
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, March 4, 2009 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, Waldron, and Pfeiler. Quorum present.

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.

PRESENTATION

Mayor Pfeiler introduced Peter Richey, Community Services Sports Center Administrator, and Tim Jackson, Haro Bicycles, who presented Don Geiego with the bicycle he won in the raffle that was held at the AMGEN event on Sunday, February 22, 2009.

ORAL COMMUNICATIONS

Alex Galenes, Library Board of Trustees, indicated the Board of Trustees endorsed a proposal by Councilmember Abed to investigate using part of the CCAE campus for a new, modern library.

Bob Berg, Escondido, requested that Council require natural landscaping for all new buildings.

CONSENT CALENDAR

Councilmember Abed removed item 6 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 item 6. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: None Scheduled**
4. **COURT CONSTRUCTION PENALTY INCREASE** – Request Council authorize \$3.00 increase to each parking fine assessed by the City to address the increased state court construction penalty. (File No. 0480-25)

Staff Recommendation: Approval (**City Attorney: Gary McCarthy**)

RESOLUTION NO. 2009-33

5. **LANDSCAPE MAINTENANCE DISTRICT DONATION: BUDGET ADJUSTMENT** – Request Council authorize a budget adjustment in the amount of \$4,100 for FY 2008-09 from a donation of homeowners into Fund 132, Zone #10 of the Landscape Maintenance District. (File No. 0685-10)

Staff Recommendation: Approval (**Engineering Services: Frank Schmitz**)

6. **LEASE OF CITY-OWNED PROPERTY AT EAST VALLEY COMMUNITY CENTER TO THE ESCONDIDO COMMUNITY CHILD DEVELOPMENT CENTER (ECCDC)** – Request Council authorize the Real Property Manager and City Clerk to execute a twelve year lease with the Escondido Community Child Development Center (ECCDC) at a fair market rent of \$0.20 per square foot. (File No. 0600-10 [A-2948])

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

RESOLUTION NO. 2009-10

Councilmember Abed indicated he did not support a lease at this location.

MOTION: Moved by Councilmember Daniels and seconded by Councilmember Diaz to authorize the Real Property Manager and City Clerk to execute a twelve year lease with the Escondido Community Child Development Center (ECCDC) at a fair market rent of \$0.20 per square foot and adopt Resolution No. 2009-10. Ayes: Daniels, Diaz and Pfeiler. Noes: Abed and Waldron. Absent: None. Motion carried.

7. **LEASE WITH CRICKET COMMUNICATIONS FOR CELL SITE AT FRANCES RYAN PARK, 390 NORTH HIDDEN TRAILS** – Request Council authorize the Real Property Manager and the City Clerk to execute a Lease Agreement with Cricket Communications for the installation of a new cell site in Frances Ryan Park, addressed as 390 North Hidden Trails. (File No. 0600-10 [A-2947])

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

RESOLUTION NO. 2009-24

8. **SALE OF SURPLUS CITY-OWNED PROPERTY LOCATED AT 1889 SOUTH CITRUS (APN 234-240-05)**– Request Council authorize the Real Property Manager and the City Clerk to execute a Purchase Agreement to sell surplus property to Nhut Hoang Do and Dzung N. Ha, in the amount of \$207,000, for property addressed as 1889 South Citrus. (File No. 0690-20)

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

RESOLUTION NO. 2009-36

9. **SALE OF MOBILE HOME LOT NO. 171, LOCATED IN MOUNTAIN SHADOWS MOBILE HOME PARK, ADDRESSED AS 1751 WEST CITRACADO PARKWAY** – Request Council authorize the Real Property Manager and City Clerk to execute a Grant Deed to sell lot #171 in the Mountain Shadows Mobile Home Park to Aaron Dennis Martens, in the amount of \$90,000. (File No. 0690-20)

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

RESOLUTION NO. 2009-31

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.)

10. **AMEND TRAFFIC SCHEDULES FOR SPEED ZONES BY THE ADDITION OF EL NORTE PARKWAY, BETWEEN LINCOLN AND VALLEY PARKWAY** – (Approved by Council on 2/18/09; vote: 5/0) (File No. 1050-50)

ORDINANCE NO. 2009-05 Second Reading and adoption

PUBLIC HEARINGS

11. **REVIEW AND RE-AFFIRM COMMUNITY DEVELOPMENT PRIORITIES OF THE FISCAL YEAR 2005-2010 CONSOLIDATED PLAN; APPROVAL OF AN ALLOCATION PROCESS FOR FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CBDG) FUNDS; AND AMENDMENT TO THE FISCAL YEAR 2008-2009 ACTION PLAN FOR DESIGN FUNDS FOR STREET LIGHTS IN SOUTH ELM/HICKORY NEIGHBORHOOD** (File No. 0870-11)

Staff Recommendation: **(1)** Review and affirm the Community Development Priorities in the 2005-2010 Five-Year Consolidated Plan for the 5th year of the Consolidated Plan; **(2)** Adopt an allocation process for FY 2009-2010 CDBG Funds for public service projects; **(3)** Direct Recreation, Library and Senior Services staff to prepare proposals for public service projects consistent with Community Development priorities; and **(4)** Amend FY 2008-09 Action Plan to allocate design funds from Tulip Street Design project to design Street Lights in the south Elm/Hickory Neighborhood (**Neighborhood Services: Rich Buquet**)

Rich Buquet and Michelle Geller, Neighborhood Services, 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.

Al Trevisan, Palomar family Counseling, asked Council to continue supporting their program.

Marie Jones-Kirk, Fraternity House, requested Council continue their support of Fraternity House.

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 Abed and seconded by Councilmember Daniels to review and affirm the Community Development Priorities in the 2005-2010 Five-Year Consolidated Plan for the 5th year of the Consolidated Plan; adopt an allocation process for FY 2009-2010 CDBG Funds for public service projects; direct Recreation, Library and Senior Services staff to prepare proposals for public service projects consistent with Community Development priorities; and amend FY 2008-09 Action Plan to allocate design funds from Tulip Street Design project to design Street Lights in the south Elm/Hickory Neighborhood approve. Motion carried unanimously.

CURRENT BUSINESS

- 12. CENTER FOR THE ARTS (CCA): FINANCIAL TRANSITION PLAN** – Request Council authorize the elimination of the existing line of credit; amortize the debt over a five year period; and authorize the prepayment of the management fee for Fiscal Year 2009-2010. (File No. 0600-10 [A-1868])

Staff Recommendation: Approval (**Community Services: Jerry Van Leeuwen**)

RESOLUTION NO. 2009-40

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 Abed to authorize the elimination of the existing line of credit; amortize the debt over a five year period; and authorize the prepayment of the management fee for Fiscal Year 2009-2010 and adopt Resolution No. 2009-40. Ayes: Abed, Diaz, Daniels, and Pfeiler. Noes: Waldron. Absent: None. Motion carried.

- 13. MIDYEAR BUDGET REVIEW FOR FISCAL YEAR 2008-09** (File No. 0430-30)

Staff Recommendation: **(1)** Approve recommended adjustments to the FY 2008-09 General Fund Operating budget and Reserve for Economic Uncertainty as presented and **(2)** Approve a budget adjustment for \$1,759,878 from the Community Development Commission Redevelopment fund balance to establish a budget for the Education Revenue Augmentation Fund payment (**Finance Department: Joy Canfield**)

Joy Canfield, Finance Department, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Daniels and seconded by Councilmember Diaz to approve recommended adjustments to the FY 2008-09 General Fund Operating budget and Reserve for Economic Uncertainty as presented and approve a budget adjustment for \$1,759,878 from the Community Development Commission Redevelopment fund balance to establish a budget for the Education Revenue Augmentation Fund payment. Ayes: Diaz, Daniels, Waldron and Pfeiler. Noes: Abed. Absent: None. Motion carried.

WORKSHOP

14. **PRESENTATION: THE GENERAL PLAN UPDATE** – Presentation and discussion on the General Plan update process. (File No. 0830-07)

Staff Recommendation: Provide direction to staff (**Community Dev./Planning: Jon Brindle**)

Jonathan Brindle, Community Development Director, gave the staff report and presented a series of slides.

COUNCIL ACTION: Gave direction to staff to proceed with the public outreach.

BRIEFING (Staff)

None

FUTURE AGENDA

15. **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**)

ORAL COMMUNICATIONS

None

COUNCIL/COMMISSION/ MEMBERS COMMENTS

Mayor Pfeiler indicated that she attended an event at Orange Glen High School where the Commandants Band and the U.S. Marine Corp. Silent Drill Team from Washington D.C. performed.

Councilmember Abed stated that the Sprinter's first anniversary will be celebrated on March 9, 2009 between 2:00 p.m. and 5:00 p.m. at the Sprinter station in Escondido.

CLOSED SESSION: (COUNCIL/CDC/RRB)

Attorney Jeffrey Epp recommended recess to Closed Session to discuss items 16a and 16b.

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

16A. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)

- a. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Escondido Police Officers' Association**
- b. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Non-Sworn Police**

16B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code §54956.9(a))

- a. Amco Insurance Co. v. City of Escondido_Case No. 37-2008-00054751-CU-IC-NC

ADJOURNMENT

Mayor Pfeiler adjourned the meeting at 6:55 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
MARCH 4, 2009
7:00 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 7:00 p.m. on Wednesday, March 4, 2009 in the Council Chambers at City Hall with Mayor Pfeiler presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Pfeiler led the flag salute.

ATTENDANCE

The following members were present: Abed, Daniels, Diaz, Waldron, and Pfeiler. Quorum present.

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.

ORAL COMMUNICATIONS

None

CURRENT BUSINESS

- 17. PRESENTATION BY SAN DIEGO GAS & ELECTRIC COMPANY (SDG&E): SMART METER PROGRAM AND ROLL OUT** – Presentation by SDG&E representatives Juanita Hayes, Beth Rolls Mathewson and Ted Reguly. (File No. 0145-90)

Staff Recommendation: Receive and file (**Utilities Administration: Lori Vereker**)

Juanita Hayes and SDG&E representatives gave the report and presented a series of slides.

COUNCIL ACTION: NO ACTION, INFORMATION ONLY

PUBLIC HEARINGS

18. **APPEAL OF A PLANNING COMMISSION DECISION TO DENY AN AMENDMENT TO THE SOUTH ESCONDIDO BOULEVARD AREA PLAN AND CONDITIONAL USE PERMIT (2004-02-AZ, 2004-66-CUP), 400 BROTHERTON ROAD**– Appeal of a Planning Commission decision to deny an amendment to the South Escondido Boulevard Area Plan to conditionally allow carwashes in Area “B”, and denial of a Conditional Use Permit for an approximately 5,500 SF automated carwash and oil change facility with a 4,150 SF restaurant on a 1/34-acre site addressed as 400 Brotherton Road. (File No. 0800-40)

Staff Recommendation: Deny the proposed Conditional Use Permit and amendment to the South Escondido Boulevard Area Plan (**Community Dev./Planning: Jon Brindle**)

RESOLUTION NO. 2009-22

Bill Martin, Planning Department, 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.

Bill Fischbeck, Attorney, indicated the project was excellent and urged Council to support it.

Ed McArdle, Architect, voiced support for the project.

Senator Deddeh urged the Council to support the project.

Doug Eilar, Eilar Associates, voiced his support for the project.

Munther Ghazal, Applicant, asked Council to support his project.

Kimber Allison, Escondido, presented a series of slides, expressed traffic and safety concerns with the proposed project and asked Council to deny it.

Lisa Prazeau, Chamber of Citizens, indicated she was supported the neighbors and asked Council to deny the project.

Amy Madriz, Escondido, voiced concern with noise issues and asked Council to deny the project.

Rex Little, Escondido, indicated he opposed the project.

Kjerstie Bourne, Escondido, voiced concern with traffic and asked Council to deny the project.

Roger Fannin, Escondido, asked Council to deny the project.

Gayle Lebedda, Escondido, expressed concern with traffic and indicated she did not support this project.

Sam Sapia, Escondido, stated he did not support the project.

Wayne Melbo, Escondido, indicated the project did not fit the area.

Maria Bowman, Escondido, stated she had letters of support for the carwash and asked Council to approve it.

Mark Weddleton, Escondido, voiced concern with water use and stated that a new business might not be successful in the area.

Bladimir Genoves, Escondido, expressed concern with noise issues and asked Council to deny the project.

Pamela Stahl, Escondido, indicated she did not support the project.

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 Mayor Pfeiler and seconded by Councilmember Abed to direct the developer to send the project back to the Planning Commission with an alternate use for the carwash portion of the property. Motion carried unanimously.

BRIEFING (Staff)

None

ORAL COMMUNICATIONS

None

COUNCIL/COMMISSION/ MEMBERS COMMENTS

None

ADJOURNMENT

Mayor Pfeiler adjourned the meeting at 9:20 p.m.

MAYOR

CITY CLERK

MINUTES CLERK