

**CITY OF ESCONDIDO**  
**MARCH 18, 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 18, 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.

**ORAL COMMUNICATIONS**

**Estela De Los Rios, Escondido**, indicated she was offended by the flyer distributed by the Police Department.

**Reginald Owens, NAACP**, voiced concern with the City of Escondido displaying behavior reminiscent of Selma, Alabama during the mid 1960's.

**Margaret Liles, Escondido**, voiced concern with budget reductions made at the library.

**Marlene Beard, Escondido**, expressed concern with pension increases.

**Ralph Ginese, Escondido**, voiced concern by the direction in which the City appears to be going and thanked Council for hosting the AMGEN event.

**Bob Berg, Escondido**, stated the City should make a private land owner give him ingress and egress to his land.

**Isaac Blumberg, Escondido Attorney**, indicated he was outraged by the flyer distributed by the Police Department.

**Peter Verich, Escondido**, stated the youth of Escondido should not be looked at as a liability.

**Tania Bowman, Escondido**, indicated she was offended by the flyer the Police Department distributed.

**Victor Torres, Escondido**, voiced outrage at the Police Department flyer.

**Monique Davis, Grid Alternatives**, stated she represented a company that provides solar power installation to low income families.

**Daniel Perez, Escondido, and Randy Eldred, Escondido**, indicated they were initiating a program to help the youth of Escondido to resist gang recruitment. Mr. Perez stated the Police Department was peddling fear in the City with the flyer they had distributed.

## CONSENT CALENDAR

**MOTION:** Moved by Councilmember Daniels and seconded by Councilmember Abed that the following Consent Calendar items be approved. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES:** Special Meeting of February 11, 2009  
Regular Meeting of February 11, 2009  
Regular Meeting of February 18, 2009  
Regular Meeting of February 25, 2009
4. **NOTICE OF COMPLETION FOR THE HALE AVENUE RESOURCE RECOVERY FACILITY (HARRF) DIGESTER HEATING SYSTEM PROJECT** – Request Council authorize the Director of Utilities to file a Notice of Completion for the HARRF Digester Heating System project. (File No. 0600-10 [A-2884])  
  
Staff Recommendation: Approval (**Utilities Administration: Lori Vereker**)
5. **POLICE AND FIRE FACILITY CONSTRUCTION CHANGE ORDER (ROOFING)** – Request Council authorize a construction change order with J.P. Witherow Roofing, in the amount of \$117,796, for the installation of lightweight insulating concrete on the roof of the Police and Fire Facility located at 1163 North Centre City Parkway. (File No. 0600-10 [A-2917])  
  
Staff Recommendation: Approval (**City Manager's Office: Joyce Masterson**)
6. **OLDER ADULT SERVICES BUDGET ADJUSTMENT: NUTRITION PROGRAM** – Request council authorize the transfer of \$25,000 from the Joslyn Trust to the General Fund to offset increased costs to the Nutrition Program for FY 2008-09. (File No. 0430-80)  
  
Staff Recommendation: Approval (**Community Services/ Older Adult Division: Amy Shipley**)
7. **RESOLUTION TO DOCUMENT INITIATION OF OUT-OF-AGENCY SEWER SERVICE AGREEMENT (709 LEHNER AVENUE, APN 224-130-20), CASE NO. PHG 08-0039** – Request for a resolution to document the prior initiation of an out-of agency service agreement,

including an irrevocable offer of annexation, for the provision of sewer service for one single-family residence on a 17,825 SF lot, experiencing septic tank failure at 709 Lehner Avenue. (File No. 0850-20)

Staff Recommendation: Authorize making application to LAFCO for an out-of-agency service agreement for connection to the City's sewer (**Community Dev./Planning: Jon Brindle**)

**RESOLUTION NO. 2009-34**

8. **TRANSFER OF TRANSNET BICYCLE GRANT FUNDS** – Request Council authorize the transfer of \$30,000 of Transnet Bicycle Grant funds from the completed Bear Valley Parkway Bike Path Lanes Project (ESC26) to the Escondido Creek Bikeway/Ash Street Undercrossing Project (ESC20). (File No. 0430-80)

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

**RESOLUTION NO. 2009-42**

9. **BUDGET ADJUSTMENT FOR TRANSNET REVENUE DECLINE** – Request Council authorize Budget Adjustment in the amount of \$139,603 for the FY 2008/09 Pavement Maintenance Program to account for the decline in the receipt of Transnet revenue. (File No. 0430-80)

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

10. **EASEMENT EXCHANGE FOR SERVICE UPGRADE: VINEYARDS GOLF COURSE, ESCONDIDO** – Request Council authorize granting an easement request from AT&T for the subject property, and accept and record the quitclaim deed to vacate the easement rights previously granted in 1993. (File No. 0690-80)

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

**RESOLUTION NO. 2009-30**

11. **ESCONDIDO KIWANIS TROUT DERBY** – Request Council authorize the allowance of the Kiwanis Club of Hidden Valley to hold their annual trout derby at Lake Dixon on April 25-26, 2009, and that the Kiwanis receive 100% of their fees collected and the City receive 100% of the City fees collected, due to budget constraints. (File No. 0430-20)

Staff Recommendation: Approval (**Utilities Administration: Lori Vereker**)

**RESOLUTION NO. 2009-43**

12. **2008 ANNUAL HOUSING REPORT** – Request Council authorize the submittal of the 2008 Annual Housing Report to the State Offices of Planning and Research and Department of Housing and Community Development. (File No. 0875-70)

Staff Recommendation: Approval (**Community Development/Housing Division: Roni Keiser**)

13. **BID AWARD FOR CONSTRUCTION OF PHASE IV OF THE POLICE AND FIRE FACILITY BID PACKAGE 9C (PAINTING)** – Request Council authorize the Mayor and City Clerk to execute an Agreement with Pecoraro, Incorporated, in the amount of \$365,000, for Bid Package 9C (Painting) of the Police and Fire Facility located at 1163 North Centre City Parkway. (File No. 0600-10 [A-2891])

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

**RESOLUTION NO. 2009-48**

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

None

**CURRENT BUSINESS**

14. **FRIENDS OF DALEY RANCH** – Request Council authorize the Friends of Daley Ranch to seek and acquire resources to support and maintain Daley Ranch and other activities that enhance the Ranch. (File No. 0910-10)

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

**RESOLUTION NO. 2009-46**

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 Waldron to approve; giving direction to staff to come back to Council with a presentation of the master plan and updates on the progress at Daley Ranch; and to adopt Resolution No. 2009-46. Motion carried unanimously.

15. **ESCONDIDO ENTERPRISE ZONE APPLICATION** – Request Council support an Enterprise Zone Application and authorize the City Manager to execute and sign all necessary forms, including the Memorandum of Understanding for the City of Escondido's application to the State Department of Housing and Community Development. (File No. 0680-20)

Staff Recommendation: Approval (**City Manager's Office: Charles Grimm**)

**RESOLUTION NO. 2009-41**

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

**MOTION:** Moved by Councilmember Daniels and seconded by Councilmember Waldron to authorize the City Manager to execute and sign all necessary forms related to the Enterprise Zone application, including the Memorandum of Understanding for the City of Escondido's application to the State Department of Housing and Community Development and adopt Resolution No. 2009-41. Motion carried unanimously.

16. **PRELIMINARY INFORMATION FOR THE FISCAL YEAR 2009-10 GENERAL FUND OPERATING BUDGET** – Review and discussion of the current revenue projections and departmental expenditure request. Discussion of Council priorities and possible budget balancing options. (File No. 0430-30)

Staff Recommendation: Provide direction to the Council Budget Subcommittee and staff on preparation of the FY 2009-2010 General Fund Operating Budget (**Finance Department: Joy Canfield**)

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

**Sue Dusharme, Downtown Business Association**, requested the City continue funding the Crusin' Grand event.

**Wendy Wilson, Escondido Arts Partnership**, asked Council to continue their support.

**Al Pfeltz, Escondido Mounted Posse**, requested \$1.00 from Council for funding this year with the hope that in better economic times their funding might be restored.

**Will Gibson, Escondido Arts Partnership**, asked Council to continue their funding.

**Steve Kildoo, Children's Museum**, urged Council to continue funding the Children's Museum.

**Mary Waring, Escondido Arts Partnership**, thanked Council for their continued support of the arts.

**Rita Sweeting, Escondido Arts Partnership**, asked Council to continue their support.

**Mel Takahara, California International Young Artists Competition**, thanked Council for their past support.

**Carol Hill, local artist**, indicated that taxpayer money should not be used for the arts.

**Jan Bourgeois, Escondido Arts Partnership**, thanked Council for their support.

**Victoria Huckins, Escondido Arts Partnership**, indicated that the arts provided a venue for people to come into the City to spend money.

**Keely Barry-LeBlanc, Escondido Arts Partnership**, asked Council to continue their support.

**Robert Coox, Escondido JC'S**, thanked Council for the support of their events.

**Debbie Stanley, First Night Escondido**, indicated that First Night Escondido would still take place; they were negotiating with the City to find solutions to the economic issues.

**COUNCIL ACTION:** Gave direction to Council Budget Committee and staff relative to funding for outside agencies.

17. **IMPASSE HEARING OF THE ESCONDIDO POLICE OFFICERS' ASSOCIATION (SAFETY) BARGAINING UNIT.** In accordance with the City of Escondido Employer-Employee Relations Resolution, the City Council will receive presentations from the City's Management Negotiating Team and the Escondido Police Officers' Association Negotiating Team regarding the status and positions of the parties in the current negotiations. The City Council will be asked to consider action which may involve directing the implementation of either party's positions, including the adoption of Resolution 2009-44, or taking action to provide further direction to the negotiators regarding continued negotiations. (File No. 0740-25)

Staff Recommendation: Receive the presentation and provide direction to the negotiation team (**Human Resources Dept.: Sheryl Bennett**)

## RESOLUTION NO. 2009-44

Michael Guerrero, Escondido Police Officer's Association, and Dieter Dammeier, Attorney, presented their proposal related to current negotiations.

Sheryl Bennett, Human Resources Director, and Richard Kreisler, Negotiator, presented the City's last, best and final offer.

**Michael Johnson, SAFE Escondido President**, voiced support for the Police Department.

**David Zacchilli, Police Officer**, indicated that officers face many dangers.

**Florence Sale, Escondido**, asked Council not to cut Police Officers salaries and indicated more officers were needed to keep her and the community safe from gang members and home invasions.

**Scott Christensen, Police Officer**, indicated that officers were not the same as other City employees and should be treated differently in the negotiation process.

**Jason Bell, Escondido**, urged Council not to cut Police Officer positions.

**Susan McGuire, Escondido**, indicated she did not support staffing cuts to Police Officers.

**Damian Jackson, Police Officer**, indicated that Police Officers were different from other City employees and should be treated in a special way.

**James Gillie, Escondido**, voiced concern for his safety and urged the Council to keep the City safe.

**Gina Gillie, Escondido**, stated the officers were needed to keep kids from drugs.

**Beverly Holtz, Police Officer**, urged the Council to stop wasting money on the arts and give the Police Association what they ask for.

**Russ Lane, Escondido Classified Employees Association**, stated the City should not ask association groups to make any sacrifices.

**Ralph Ginese, Escondido Classified Employees Association**, indicated the Police Officers Association should get what they asked for.

**Richard Baron, Escondido**, voiced support for both the Fire Department and Police Department; indicated that no more taxpayer money should not be spent on the Arts Center, and that it should be closed and the funds used for the Police and Fire Departments.

**M.A. Mereck, Escondido**, indicated the flyer distributed by the Police Department was offensive.

**Alex Cruz, Teamsters Building Maintenance**, indicated it's the responsibility of all City employees to help keep the City solvent.

**Julius Turner, Teamsters Building Maintenance**, asked Council to treat all employees equal and stated all bargaining units need to participate in cost saving proposals.

**Chester Mordasini, Teamsters Local Union 911 President**, urged all bargaining units to work with the City and asked Council to treat all bargaining units equally.

**MOTION:** Moved by Councilmember Daniels and seconded by Councilmember Diaz to accept the City's last, best and final offer and adopt Resolution No. 2009-44. Ayes: Abed, Daniels, Diaz and Pfeiler. Noes: Waldron. Absent: None. Motion carried.

## **BRIEFING (Staff)**

None

## **FUTURE AGENDA**

- 18. 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**

None

## **CLOSED SESSION: (COUNCIL/CDC/RRB)**

Attorney Jeffrey Epp recommended recess to Closed Session to discuss items 19A and 19B.

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

### **19-A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**

- |    |                      |  |
|----|----------------------|--|
| a. | Property:            | 272 E. Via Rancho Parkway, Escondido   |
|    | Agency Negotiator:   | Clay Phillips                          |
|    | Negotiating parties: | City and Westfield Shopping Town, Inc. |
|    | Under negotiation:   | Price and terms of payment             |
| b. | Property:            | 3420 Valley Center Road                |
|    | Agency Negotiator:   | Anne Marc-Aurele & Jerry Van Leeuwen   |
|    | Negotiating parties: | City and Pacific Safety Council.       |
|    | Under negotiation:   | Price and terms of Lease               |





**CITY OF ESCONDIDO**

**MARCH 18, 2009**

**7:00 p.m. Meeting**

**NO MEETING**