

CITY OF ESCONDIDO
MAY 6, 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, May 6, 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; Rob Zaino, Deputy Director of Engineering Services, Marsha Whalen, City Clerk; and Liane Uhl, Minutes Clerk.

PROCLAMATIONS

Mayor Pfeiler conducted the Swearing in of the new AmeriCorps recruits.

Mayor Pfeiler introduced Nicole White, Recreation Supervisor, who proclaimed May 2009 as Water Safety Month.

Mayor Pfeiler introduced Public Works Representatives from various departments and proclaimed May 2009 as National Public Works Month.

ORAL COMMUNICATIONS

Steve Kildoo, Escondido Chamber of Commerce, indicated that managed, planned growth was needed for Escondido.

David Szymanski, Community Events Director of the California Center for the Arts, Escondido, gave a report and presented a series of slides on the tax sharing partners for school districts. He invited the Council and public to attend the schools performances at the CCAE.

Isaac Blumberg, Attorney, indicated El Grupo did not support driver's license checkpoints.

Michael O'Connor, Escondido, urged the community to stop bickering in the newspapers over the City's budget problems.

CONSENT CALENDAR

Mayor Pfeiler removed item 6 from the consent Calendar for discussion.

MOTION: Moved by Councilmember Abed and seconded by Councilmember Daniels 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: Regular Meeting of March 25, 2009
Regular Meeting of April 1, 2009**

4. **TREASURER'S REPORT FOR THE FIRST QUARTER OF 2009, JANUARY THROUGH MARCH** (File No. 0490-55)

Staff Recommendation: Receive and file **(City Treasurer's Office: Kenneth C. Hugins)**

5. **BID AWARD FOR CONSTRUCTION OF POLICE AND FIRE FIBER OPTIC NETWORK –** Request Council authorize the Mayor and City Clerk to execute an Agreement with Select Electric, Incorporated, in the amount of \$83,400, for the construction of a Police and Fire Fiber Optic Network between the new Police and Fire Facility, new Fire Station 1, and City Hall. (File No. 0600-10 [A-2949])

Staff Recommendation: Approval **(Information Systems: Mark Becker; and City Manager's Office: Joyce Masterson)**

RESOLUTION NO. 2009-55

6. **FISCAL YEAR 2010 TRANSPORTATION DEVELOPMENT ACT AND TRANSNET BICYCLE AND PEDESTRIAN FACILITIES FUNDING –** Request Council authorization to submit four bicycle/pedestrian facility projects to SANDAG for funding totaling \$2,004,991 from the Transportation Development Act (TDA) and TransNet non-motorized funds for FY 2010. funding is requested for the following projects: **(1)** Additional construction and soils remediation funds for the bicycle path undercrossing along the Escondido Flood Control Channel at Ash Street; **(2)** New bicycle lockers at City Hall, East Valley Community Center and the Library, and installation of new decorative bike racks around City Hall and throughout the downtown business core; **(3)** Installation of a portion of the missing section of Class I bike path along the Escondido Flood Control Channel from the Transit Station to Center City Parkway; and **(4)** Installation of lighting and restriping along various sections of the Class I Escondido Flood Control bike path from Broadway to Ash Street; and **(5)** Pass-through funding for the San Dieguito River park Joint Powers Authority for the second phase of the Lake Hodges Bikeway Access project. The resolution also would direct staff to establish a budget to receive and disburse the funds if received. (File No. 1020-50)

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

RESOLUTION NO. 2009-49R

Jay Paul, Planning Department, gave an update on the projects that have been submitted from the San Diego JPA for funding from SANDAG.

MOTION: Moved by Councilmember Abed and seconded by Councilmember Daniels to authorize submission of four bicycle/pedestrian facility projects to SANDAG for funding totaling \$2,004,991 from the Transportation Development Act (TDA) and TransNet non-motorized funds for FY 2010. funding is requested for the following projects: (1) Additional construction and soils remediation funds for the bicycle path undercrossing along the Escondido Flood Control Channel at Ash Street; (2) New bicycle lockers at City Hall, East Valley Community Center and the Library, and installation of new decorative bike racks around City Hall and throughout the downtown business core; (3) Installation of a portion of the missing section of Class I bike path along the Escondido Flood Control Channel from the Transit Station to Center City Parkway; (4) Installation of lighting and restriping along various sections of the Class I Escondido Flood Control bike path from Broadway to Ash Street; (5) Pass-through funding for the San Dieguito River park Joint Powers Authority for the second phase of the Lake Hodges Bikeway Access project and adopt Resolution No. 2009-49R. The resolution also would direct staff to establish a budget to receive and disburse the funds if received. Motion carried unanimously.

7. **ADOPTION OF UPDATED CITY OF ESCONDIDO DESIGN STANDARDS AND STANDARD DRAWINGS** – Request Council authorize the update of the City of Escondido Design Standards and Standard Drawings. (File No. 0680-50)

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

RESOLUTION NO. 2009-60

8. **ACCEPTANCE OF AN IRREVOCABLE OFFER (IOD) TO DEDICATE REAL PROPERTY FOR A PORTION OF PARCEL 228-381-69 NEEDED FOR THE AUTO PARK WAY PROJECT** – Request Council accept an Irrevocable Offer to Dedicate real property from Robert and Sally Carson for apportion of parcel 228-381-69, located at 333 Citracado. This IOD is required for the construction of the Auto Park Way improvement project. (File No. 0690-30)

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

RESOLUTION NO. 2009-59

9. **SHORT TERM RENTAL AGREEMENT FOR PROPERTY LOCATED AT 700 WEST MISSION AVENUE (TACO SHOP)** - Request Council authorize the Real Property Manager and City Clerk to execute a short-term rental agreement with the tenants of the Taco Shop, located at 700 W. Mission Avenue (APN 228-230-20). (File No. 0600-10 [A-2956])

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

RESOLUTION NO. 2009-57

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. **AMENDMENT OF SIDE YARD PARKING REQUIREMENTS (AZ 09-0002)** (Approved by Council on 4/22/09; vote: 5/0) (File No. 0680-10)

ORDINANCE NO. 2009-14 Second reading and adoption)

PUBLIC HEARINGS

11. **AMENDMENT TO FISCAL YEAR 2008-09 ONE-YEAR ACTION PLAN FOR ALLOCATION OF AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS FOR A HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP)** – Request Council adopt a substantial amendment to the FY 2008-2009 One-Year Action Plan (Year Four of the FY 2005-2010 Five-Year Consolidated Plan) to include a new allocation of \$709,782 in ARRA funds for Homeless Prevention and Rapid Re-Housing Program (HPRP) activities; and authorizing the City Manager and/or his designee to execute all necessary documents related to this grant. (File No. 0870-11)

Staff Recommendation: Approve and adopt the Substantial Amendment to the FY 2008-09 One-Year Action Plan **(Community Services/Housing Division: Roni Keiser)**

Roni Keiser, Housing Manager, and Jamie Kasvikis, Housing Division, 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.

Craig Jones, Interfaith Community Services, indicated he was available for any questions.

Richard Steiner, Legal Aid Society, indicated this proposal was how HUD wanted the funds spent.

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 Diaz to adopt a substantial amendment to the FY 2008-2009 One-Year Action Plan (Year Four of the FY 2005-2010 Five-Year Consolidated Plan) to include a new allocation of \$709,782 in ARRA funds for Homeless Prevention and Rapid Re-Housing Program (HPRP) activities; and authorizing the City Manager and/or his designee to execute all necessary documents related to this grant. Motion carried unanimously.

CURRENT BUSINESS

12. **WORKFORCE DEVELOPMENT STIMULUS PACKAGE PRESENTED BY THE WORKFORCE INVESTMENT BOARD** (File No. 0135-10)

Staff Recommendation: None **(Council Member Sam Abed)**

Reg Javier, Cindy Perry and Gary Knight, Workforce Investment Board, gave a report and presented a series of slides on the Workforce Development Stimulus Package.

NO ACTION, INFORMATION ONLY

- 13. UPDATE ON THE 2-1-1 SAN DIEGO PROJECT** - Representative of the 2-1-1 San Diego Project to give a brief update. (File No. 0135-10)

Staff Recommendation: Receive and file **(Mayor Lori Pfeiler)**

Lourdes Jiminez, 2-1-1 Representative, gave an update of the 2-1-1 San Diego Project.

NO ACTION, INFORMATION ONLY

- 14. CENSUS 2010–** Request Council authorize the Mayor and City Clerk to execute a Partnership Agreement with the U.S. Department of Commerce, Census Bureau, supporting the “Complete Count Initiative.” (File No. 0840-40)

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

Nampet Michelsen and Ricardo Sanchez, Census Bureau Representatives, gave a report on the current census taking efforts.

MOTION: Moved by Councilmember Daniels and seconded by Councilmember Olga to authorize the Mayor and City Clerk to execute a Partnership Agreement with the U.S. Department of Commerce, Census Bureau, supporting the “Complete Count Initiative.” Ayes: Abed, Daniels, Diaz and Pfeiler. Noes: Waldron. Absent: None. Motion carried.

- 15. FISCAL YEAR 2009 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND BUDGET ADJUSTMENTS–** Request Council authorization for a FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$326,794 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. 0480-70)

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

Susan Cervenka, Police Department, gave the staff report.

MOTION: Moved by Councilmember Daniels and seconded by Councilmember Waldron to authorize a FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$326,794 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. Motion carried unanimously.

- 16. UPDATE ON THE FISCAL YEAR 2009-10 GENERAL FUND OPERATING BUDGET –** Discussion of Council Subcommittee recommendations on possible budget balancing options. (File No. 0430-30)

Staff Recommendation: Provide direction to the Council Budget Subcommittee and staff on preparation of the Fiscal Year 2009-10 General Fund Operating Budget **(Finance Department: Gil Rojas and Joy Canfield)**

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

Jack Anderson, Escondido Library Endowment Foundation, indicated the Foundation was trying to find funds for a new library.

Ed Gallo, Escondido, urged Council to suspend state and federal unfunded mandated programs.

Mike Diaz, Firefighters Association, urged the City to use the hotel money to balance the budget.

Marlene Beard, Escondido, asked Council not to use the library funds to balance the budget, but to use the hotel funds instead.

COUNCIL ACTION: Council consensus to direct staff to move forward in preparing the 2009-10 General Fund operating budget utilizing designated reserve funds, implementing operational cuts and employee compensation reductions.

- 17. CITY COUNCIL POLICIES – BUDGET SUBCOMMITTEE** – Expansion of Budget Subcommittee and discussion of Council policy on communications with labor unions. (File No. 0610-90)

Staff Recommendation: None (**Council Member Sam Abed**)

Councilmember Abed gave the report.

COUNCIL ACTION: NO ACTION

- 18. 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 Diaz indicated the pedestrian bridge over Lake Hodges opening was scheduled for Friday, May 15, 2009 at 10:30 a.m. and the Escondido Street Fair was on Sunday, May 17, 2009.

WORKSHOP

- 19. PENSION EDUCATION WORKSHOP** – A Workshop to educate Council on defined retirement benefits and the role of CalPERS. (File No. 0110-20)

Staff Recommendation: Receive and file (**Finance Department: Gil Rojas; Human Resources Dept.: Sheryl Bennett**)

Sheryl Bennett, Human Resources Director, introduced John Bartell, President of Bartell Associates LLC, who gave the staff report and presented a series of slides.

NO ACTION, INFORMATION ONLY

BRIEFING (Staff)

FUTURE AGENDA

20. **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

Ed Gallo, Escondido, indicated that Keller Williams Realty would be participating in a clean-up of the California Center for the Arts and Grape Day Park area on Thursday, May 14, 2009.

COUNCIL/COMMISSION/ MEMBERS COMMENTS

None

CLOSED SESSION: (COUNCIL/CDC/RRB)

Attorney Jeffrey Epp recommended recess to discuss items 21 and 22.

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

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

- a. Halbert v. County of San Diego, et al., Case No. 07-CV-1607-I (LSP)
- b. Murphy v. City of Escondido, Case No. 37-2008-00054923-CU-PA-NC

22. **CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)**

- a. Agency Negotiator: Sheryl Bennett and Clay Phillips
Employee organization: Maintenance and Operations, Teamsters' Local 911
- b. Agency Negotiator: Sheryl Bennett and Clay Phillips
Employee organization: Escondido City Employees' Benefits Association
Supervisory Bargaining Unit

- c. Agency Negotiator: Sheryl Bennett and Clay Phillips
Employee organization: Escondido City Employees' Benefits Association
Administrative/Clerical/Engineering Bargaining Unit (ACE)
- d. Agency Negotiator: Sheryl Bennett and Clay Phillips
Employee organization: Escondido Police Officers' Association: Non-sworn Police
- e. Agency Negotiator: Sheryl Bennett and Clay Phillips
Employee organization: Escondido Firefighters' Association: Non-Safety Fire

ADJOURNMENT

Mayor Pfeiler adjourned the meeting at 9:14 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO

MAY 6, 2009

7:00 p.m. Meeting

NO MEETING

NO ITEMS SCHEDULED