CITY OF ESCONDIDO

MAY 26, 2010
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, May 26, 2010 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: Councilmember Sam Abed, Mayor Pro Tem Dick Daniels, Councilmember Olga Diaz, Councilmember Marie Waldron, and Mayor Lori Holt-Pfeiler. Quorum present.

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

PRESENTATION & PROCLAMATION

Mayor Pfeiler introduced Police Chief Jim Maher, who presented the Captain's Badge to Robert Benton.

Mayor Pfeiler introduced Communications Officer Natalie Mozingo; Police Officers Therese Ruiz, Ryan Banks, Jon Mahin, Bill Havens: Reserve Officers Lee Stewart, and Anthony Mrashiello; Cadets Bjork and Kemp; and Sergeants Shannon Murphy, Eric Distel and Donald Shumate; who accepted a proclamation for their involvement in the Police Department incident on March 19, 2010.

PRESENTATION

Mayor Pfeiler introduced Juan Arjona who presented plaques to the finalists and winner of the Safewalk Logo Contest.

Mayor Pfeiler introduced Wendy and Loren, Del Mar Fair Representatives, who invited the Council to this year's County Fair.

ORAL COMMUNICATIONS

Chris Nava, Escondido, indicated she was not in support of the Arizona immigration law and urged Council to rescind Resolution 2007-16R.

Paul McNamara, Escondido, indicated the Council should listen to the citizens' opinions on illegal immigration.

Ralph Ginese, Escondido, indicated Escondido City Employees' Association employees have been hit the hardest and suffered the most over the longest period of time.

CONSENT CALENDAR

Mayor Pfeiler removed item 8 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Daniels that the following Consent Calendar items be approved with the exception of item 8. 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 April 28, 2010**

4. **CHANGE ORDER – POLICE AND FIRE HEADQUARTERS (GOULD) –** Request Council authorize a change order with Gould Electric, Incorporated, in the amount of $89,802, for additional electrical work at the Police and Fire Headquarters, located at 1163 N. Centre City Parkway. (File No. 0600-10 [A-2881])

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

5. **NOTICE OF COMPLETION – POLICE AND FIRE HEADQUARTERS (BRADY) (Bid Package 9A) –** Request Council authorize staff to file a Notice of Completion for Brady Company (Bid Package 9A – Drywall/Metal Studs/Doors, Frames and Hardware) for the Police and Fire Headquarters, located at 1163 N. Centre City Parkway. (File No. 0600-10 [A-2889])

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

6. **FISCAL YEAR 2010 U.S. DEPARTMENT OF JUSTICE EDWARD BRYNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – LOCAL SOLICITION –** Request Council authorize a Fiscal Year 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $70,327 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; 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)**

7. **AUDIT SERVICES CONTRACT –** Request Council authorize the Mayor and City Clerk to execute a five-year contract for audit services with Lance, Soll & Lunghard. (File No. 0600-10 [A-2994])

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

RESOLUTION NO. 2010-83

ITEM 8 WAS NOT DISCUSSED

8. BID AWARD FOR MERCADO AND GRAND AVENUE LIGHTING PROJECT 2010 AND BUDGET ADJUSTMENT – Request Council authorize the Mayor and City Clerk to execute an agreement for the construction of the Mercado and Grand Avenue Lighting Project 2010; and approval of a Budget Adjustment for the project. (File No. 0600-10 [A-2992])

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

RESOLUTION NO. 2010-76

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

None

PUBLIC HEARINGS

9. RECONSIDERATION OF MASTER AND PRECISE DEVELOPMENT PLAN (PHG 10-0002), LOCATED AT 1560-1574 SOUTH ESCONDIDO BOULEVARD – Request Council rescind Resolution No. 2010-57 and adopt Resolution No. 2010-86, approving a Master and Precise Development Plan for two shopkeeper units and twenty-two row-home units on a one-acre site located within the South Escondido Boulevard Area Plan. The subject site is located on the eastern side of South Escondido Boulevard, south of Fifteenth Avenue, addressed as 1560-1574 South Escondido Boulevard (APNs 236-460-70 and -71). (File No. 0800-10 Tract 942)

Staff Recommendation: Approval **(Community Dev./Planning: Barbara Redlitz)**

RESOLUTION NO. 2010-86

Jay Paul, 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. No one asked to be heard. Therefore, she closed the public hearing.

MOTION: Moved by Councilmember Abed and seconded by Councilmember Waldron to rescind Resolution No. 2010-57 and adopt Resolution No. 2010-86, approving a Master and Precise Development Plan for two shopkeeper units and twenty-two row-home units on a one-acre site located within the South Escondido Boulevard Area Plan. The subject site is located on the eastern side of South Escondido Boulevard, south of Fifteenth Avenue, addressed as 1560-1574 South Escondido Boulevard (APNs 236-460-70 and -71). Ayes: Abed, Daniels, Waldron and Pfeiler. Noes: Diaz. Absent: None. Motion carried.

10. SHORT-FORM RENT REVIEW BOARD HEARING FOR WESTWINDS MOBILEHOME PARK Request Council consider the short-form rent increase application for Westwinds Mobilehome Park, and if approved, grant an increase in the average amount of $1.49 per space per month. (File No. 0697-20-9689)

Staff Recommendation: Approval **(Housing Division: Roni Keiser)**

RESOLUTION NO. RRB 2010-02

Michelle Henderson, Housing Division, 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.

Larry Steneck, Escondido, stated the rent increase request was frivolous and a waste of the City's time.

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 Boardmember Abed and seconded by Boardmember Daniels to grant the short-form rent increase. Motion carried unanimously.

CURRENT BUSINESS

11. INITIATE MODIFICATION TO CONDITIONS OF APPROVAL ASSOCIATED WITH ANNEXATION OF TRACT 916 (CASE FILE 2005-17-PZ/PD/DA AND 2005-03-AN) – Request Council initiate a modification to the previously approved subdivision, planned development, and development agreement for the proposed Tract 916, a 34-unit residential development on a 17.2 acre site located on the north side of North Avenue, east of Laurashawn Lane and west of Kaywood Drive. The modification would evaluate whether revised conditions of annexation as approved by LAFCO are acceptable to the City. The revised conditions pertain to the responsibility for addressing potential septic system failures on adjacent County properties which may be attributable to the project grading and a commitment by the City of Escondido to provide sewer service if deemed necessary by the County Department of Environmental Health. (File No. 0800-10 Tract 916)

Staff Recommendation: Denial that would decrease the City's role in determining developer responsibility for impacting adjacent, County septic systems; and would increase the amount of time the Developer would be held responsible for septic failures **(Community Dev./Planning: Barbara Redlitz)**

Barbara Redlitz, Community Development Director, gave the staff report and presented a series of slides.

Delores McQuiston, Escondido, indicated she opposed the project.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Daniels to deny the applicants request. Motion carried unanimously.

BRIEFING (Staff)

None

FUTURE AGENDA

12. 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 asked for cost detail when the contract for the Humane Society is presented.

Councilmember Waldron requested information on other agencies who might provide animal control services.

ORAL COMMUNICATIONS

Leo Elorsa, Escondido, indicated he spoke on behalf of the immigrant community. He stated the Constitution of the United States began "We the people" and was founded on the principle that all men were created equal and no one could stop the imminent revolution.

COUNCIL/COMMISSION/ MEMBERS COMMENTS

Councilmember Diaz indicated the Executive Director of the San Dieguito River Park had retired, and volunteered to work without pay to keep the River Park going

CLOSED SESSION: (COUNCIL/CDC/RRB)

Attorney Jeffrey Epp recommended recess to Closed Session to discuss item 13.

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

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

a. Agency Negotiator: Sheryl Bennett, Gail Sullivan
Employee organization: **Escondido City Employees' Association Supervisory Bargaining Unit**

b. Agency Negotiator: Sheryl Bennett, Gail Sullivan
Employee organization**: Escondido City Employees' Association Administrative/Clerical/Engineering (ACE) Bargaining Unit**

c. Agency Negotiator: Sheryl Bennett, Gail Sullivan

Employee organization: **Maintenance and Operations, Teamsters' Local 911**

d. Agency Negotiator: Sheryl Bennett, Gail Sullivan
Employee organization: **Escondido Police Officers' Association**
Non-sworn Bargaining Unit

ADJOURNMENT

Mayor Pfeiler adjourned the meeting at 6:25 p.m.

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MAYOR CITY CLERK

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MINUTES CLERK

CITY OF ESCONDIDO

MAY 26, 2010
7:00 p.m. Meeting

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, May 26, 2010 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: Councilmember Sam Abed, Mayor Pro Tem Dick Daniels, Councilmember Olga Diaz, Councilmember Marie Waldron, and Mayor Lori Holt-Pfeiler. Quorum present.

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

ORAL COMMUNICATIONS

None

PUBLIC HEARINGS

14. APPEAL OF PLANNING COMMISSION DECISION TO DENY AN AMENDMENT TO THE SOUTH ESCONDIDO BOULEVARD AREA PLAN AND CONDITIONAL USE PERMIT (CASE 2004-66-CUP) – 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. (File No. 0800-40 2004-66-CUP)

Staff Recommendation: Request Council approve the applicant's appeal and the proposed Conditional Use Permit and amendment to the South Escondido Boulevard Area Plan **(Community Dev./Planning: Barbara Redlitz)**

a. RESOLUTION NO. 2010-05RR
b. ORDINANCE NO. 2010-02R Introduction and first reading

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.

Linda Bailey, Escondido, presented a series of slides, listed the qualities of the project and asked Council to approve it.

Kimber Allison, Escondido, presented a series of slides, voiced concern with traffic and noise. She asked Council to deny the project.

Dr. Leslie Penzer, Engineer, presented a series of slides and disagreed with the conclusions of the City's noise studies.

Roger Fannin, Escondido, asked Council to vote no on this project.

Gayle Lebedda, Escondido, indicated this was not a good site for a carwash and requested Council reject the project.

Maria Bowman, Escondido, indicated this was a good project and encourged Council to approve it.

Chuck Persekian, Escondido, listed the upgrades to keep the noise level down at the carwash and asked Council to approve it.

Dex Little, Escondido, presented a slide and voiced concern with noise and the location of the restaurant. He asked Council to deny the project.

Robert Wells, Escondido, voiced concerns with traffic and requested Council deny the project.

Alfredo Velasco, Escondido Chamber of Commerce Chair, urged Council to approve the project.

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

Steve Kildoo, Escondido Children's Museum, indicated he supported the project and urged Council to approve it.

Mark Weddleton, Escondido, indicated he did not support the project and asked Council to deny it.

Lisa Prazeau, Escondido, asked Council to deny 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 Councilmember Abed and seconded by Councilmember Daniels to uphold an 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, giving the homeowners 60 days to approve the location of the sound wall;

adopt Resolution No. 2010-05RR and introduce Ordinance No. 2010-02R. Ayes: Abed, Daniels, Waldron and Pfeiler. Noes: Diaz. Absent: None. Motion carried.

CURRENT BUSINESS

None

BRIEFING (Staff)

None

ORAL COMMUNICATIONS

None

COUNCIL/COMMISSION/ MEMBERS COMMENTS

None

ADJOURNMENT

Mayor Pfeiler adjourned the meeting at 8:52 p.m.

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MAYOR CITY CLERK

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MINUTES CLERK