

CITY OF ESCONDIDO
September 11, 2013
3:30 P.M. Meeting Minutes
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, September 11, 2013 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

The following members were present: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to recess to Closed Session. Motion carried unanimously.

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

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

II. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code 54956.9(d)(1))

- a. **Case Name:** Harmon v. City of Escondido
 Case No: 37-2013-00039841-CU-MC-NC
- b. **Case Name:** City of Escondido v. Escondido Country Club Inc.
 Case No: 37-2013-00041988-CU-MC-NC

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- a. **Property:** 2005 Harmony Grove Road
- City Negotiator:** Debra Lundy, Real Property Manager
- Negotiating Parties:** Harmony Grove Property Company, LLC
- Under Negotiation:** Price and Terms of Agreement

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:25 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
September 11, 2013
4:30 P.M. Meeting Minutes

Escondido City Council
Mobilehome Rent Review Board

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Mobilehome Rent Review Board was called to order at 4:30 p.m. on Wednesday, September 11, 2013 in the Council Chambers at City Hall with Mayor Abed presiding.

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

The following members were present: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Jay Petrek, Principal Planner; Ed Domingue, Public Works Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

PRESENTATIONS

Mayor Abed introduced Kimberly Cardoso who gave a presentation on Palomar Health's program for Victims of Child Abuse.

PROCLAMATIONS

Mayor Abed introduced Helen Davies, Environmental Manager, who received a proclamation for Pollution Prevention Week, September 15-21, 2013.

Mayor Abed introduced Regent Nancy Christianson who received a proclamation for Constitution Week, September 17-23, 2013.

ORAL COMMUNICATIONS

Terry Miller, Escondido Pacific Belles Chorus, invited high school students to attend a youth harmony festival on Saturday, October 12, 2013 at the Redeemer by the Sea Lutheran Church in Carlsbad.

Jeffrey Flynt, Escondido, voiced concern with the Cimarron HOA sewer system billing.

Cassie Lieurance, Escondido, voiced concern with former Police Chief Maher's settlement.

Robert Simpson, Escondido, announced that a community forum on the new districting process would be held in the Escondido Public Library on Tuesday, September 24, 2013 at 6:00 p.m.

Maria Regan, Escondido, translated Robert Simpson's message in Spanish.

Nicole Downey, Escondido, expressed concern with former Police Chief Maher's settlement.

JC voiced several concerns with the city.

COUNCIL MEMBERS' REPORTS/BRIEFING

Deputy Mayor Diaz attended the Escondido Creek Watershed Alliance meeting where pollutants were discussed. She indicated she would be participating in Constitution Day at Orange Glen High School the following week and she was selected to serve as alternate on the Coastal Commission.

Councilmember Gallo stated that if one adult Sprinter/Breeze pass was purchased for the month of September, NCTD was offering the October pass for free. He indicated that Councilmember John Masson and City Manager Clay Phillips would be attending the League of California Cities meeting in Sacramento the following week.

Councilmember Masson attended the grand openings for Taco Caliente and Walmart. He indicated that the Classical Academy was hosting an open house on Thursday, September 26, 2013 from 6:30 pm – 7:30 p.m. The Caballo Park Master Plan meeting will be held on Saturday, September 21, 2013 from 12:30 p.m. – 3:30 p.m. at the East Valley Community Center. The Grand Woofstock dog event was scheduled for Saturday, September 28, 2013 from 10:00 a.m. – 4:00 p.m. at Grand and Broadway. He and Mayor Abed met with the Escondido Union High School Board and Mayor Abed had written a letter to the Postal Commission asking them not to close the Escondido Blvd. Post Office. He attended a League of California Cities meeting and would be traveling to Sacramento next week to attend a three-day conference. He met with the Escondido Charros Association who requested the city enter into a long-term lease with them.

Councilmember Morasco met with the Escondido Charros Association and suggested a long-term lease between them and the city. He stated the Grape Day Festival held in Grape Day Park on September 7, 2013 was a success. He attended the ECCHO Country Club meeting and the grand opening for Walmart. He indicated there were many new stores opening on East Valley Parkway.

Mayor Abed attended grand opening of Walmart this morning at 7:15 a.m. and indicated he was selected to be on the LAFCO Commission. He stated SANDAG was moving forward with the regional plan with discussions on the Highway 78 widening. The Citracado Parkway extension has been delayed due to environmental issues. He, Councilmember John Masson and City Manager met with the Escondido School District.

CONSENT CALENDAR

Councilmember Diaz removed item 10, Councilmember Gallo removed item 9, Councilmember Morasco removed items 6 and 8 and Mayor Abed removed item 5 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco that the following Consent Calendar items, including item 10, be approved with the exception of items 5, 6, 8, and 9. Ayes: Abed, Gallo, Masson and Morsaco. Noes: Diaz. Absent: None. Motion carried.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES:** Special Meeting of August 14, 2013
Regular Meeting of August 14, 2013
Regular Meeting of August 21, 2013
4. **APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 13-14B) FOR THE PERIOD JANUARY 2014 THROUGH JUNE 2014** - Request Council adopt the Recognized Obligation Payment Schedule (ROPS 13-14B) so that the Successor Agency may continue to make payments due for enforceable obligations. (File No. 0440-35)

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

RESOLUTION NO. 2013-108

5. **AUTHORIZATION TO PURCHASE ONE (1) 100-FOOT AERIAL PLATFORM FIRE TRUCK** - Request Council approve the purchase of one (1) 100-foot Aerial Platform Fire Truck from the Sutphen Corporation utilizing a joint purchase "tag-on" to an existing contract with the Orange County Fire Authority; and authorize entering into a seven (7) year lease purchase agreement with Leasing 2, Incorporated. (File No. 0470-35)

Staff Recommendation: **Approval (Fire Department: Michael Lowry)**

RESOLUTION NO. 2013-119

Mayor Abed asked if a financial analysis was done on the proposed lease.

Gil Rojas, Finance Director, stated the proposed lease was financially sound for the City.

MOTION: Moved by Mayor Abed and seconded by Councilmember Morasco to approve the purchase of one (1) 100-foot Aerial Platform Fire Truck from the Sutphen Corporation utilizing a joint purchase "tag-on" to an existing contract with the Orange County Fire Authority; and authorize entering into a seven (7) year lease purchase agreement with Leasing 2, Incorporated and adopt Resolution No. 3013-119. Motion carried unanimously.

6. **CONSTRUCTION COOPERATION AGREEMENT: SAN DIEGO COUNTY'S BEAR VALLEY PARKWAY NORTH ROAD WIDENING PROJECT AND BUDGET ADJUSTMENT** - Request Council authorize the Mayor and City Clerk to execute a Construction Cooperation Agreement with the County of San Diego for the Bear Valley Parkway (San Pasqual to Boyle) project; and approve a budget adjustment. (File No. 0600-10 [A-3097])

Staff Recommendation: **Approval (Public Works/Engineering: Ed Domingue)**

RESOLUTION NO. 2013-105

Councilmember Morasco asked if a specific portion of the road was being considered for widening.

Ed Domingue, Public Works Director, indicated that there was no change in the project at this time.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Diaz to authorize the Mayor and City Clerk to execute a Construction Cooperation Agreement with the County of San Diego for the Bear Valley Parkway (San Pasqual to Boyle) project; approve a budget adjustment and adopt Resolution No. 2013-105. Motion carried unanimously.

- 7. BID AWARD FOR THE VISTA VERDE RESERVOIR REPLACEMENT PROJECT - PHASE 1 -** Request Council authorize the Mayor and City Clerk to execute a Public Improvement Agreement with Spiess Construction Company, Inc. in the amount of \$805,010 for the Vista Verde Reservoir Replacement Project – Phase 1. (File No. 0600-10 [A-3094])

Staff Recommendation: **Approval (Utilities Department: Christopher McKinney)**

RESOLUTION NO. 2013-112

- 8. ADOPT RESOLUTION APPROVING SAFE HARBORS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT -** Request Council approve designating look-back measurement periods and other safe harbors per the Patient Protection and Affordable Care Act. (File No. 0720-24)

Staff Recommendation: **Approval (Human Resources Department: Sheryl Bennett)**

RESOLUTION NO. 2013-98

Councilmember Morasco asked if a complete analysis had been completed.

Matilda Hlawek, Human Resources Assistant Director, answered that the impact to the City was being investigated.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve designating look-back measurement periods and other safe harbors per the Patient Protection and Affordable Care Act and adopt Resolution No. 2013-98. Motion carried unanimously.

- 9. SONOMA COURT RESYNDICATION AND REHABILITATION – 508 E. MISSION AVENUE (FILE NO.: 0873-05) -** Request Council authorize Escondido Gardens LP, consisting of Affirmed Housing Group and San Diego County SER/jobs for Progress, Inc., to resyndicate and allow the new syndicate to assume current affordable housing loans in order to apply for financing for the rehabilitation of the buildings and grounds of Sonoma Court, located at 508 East Mission Avenue; and authorize the Mayor and City Clerk to execute a development agreement and all necessary loan and supporting agreements with Escondido Family Housing Partners, LP in a form acceptable to the City Attorney. (File No. 0600-10 [A-2137])

Staff Recommendation: **Approval (Community Development/Housing: Barbara Redlitz)**

RESOLUTION NO. 2013-115

Councilmember Gallo voiced concern with the cost of the project.

Karen Youel, Housing Department, gave a presentation on the costs of the proposed project.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to authorize Escondido Gardens LP, consisting of Affirmed Housing Group and San Diego County SER/jobs for Progress, Inc., to resyndicate and allow the new syndicate to assume current affordable housing loans in order to apply for financing for the rehabilitation of the buildings and grounds of Sonoma Court, located at 508 East Mission Avenue; and authorize the Mayor and City Clerk to execute a development agreement and all necessary loan and supporting agreements with Escondido Family Housing Partners, LP in a form acceptable to the City Attorney and adopt Resolution No. 2013-115. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Abstain: Masson. Absent: None. Motion carried.

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

- 10. LONG-FORM RENT REVIEW BOARD HEARING FOR SUNDANCE MOBILEHOME PARK (CASE #: 0697-20-9917)** - Approved on August 28, 2013 with a vote of 4/1, Diaz voting no. (File No. 0697-20-9917)

RESOLUTION NO. RRB 2013-07

PUBLIC HEARINGS

- 11. ZONING CODE AMENDMENT TO ALLOW STATE-MANDATED COTTAGE FOOD OPERATIONS IN RESIDENTIAL UNITS, HOME OCCUPATION PERMITS FOR EXISTING NONCONFORMING RESIDENTIAL UNITS AND GENERAL CLEANUP OF THE NONCONFORMING CODE (CASE AZ 13-0004)** - Request Council determine that the CEQA Notice of Exemption is complete and adequate for the project; and approve amendments to the Escondido Zoning Code Chapter 33, Article 16: Commercial Zones; Articles 26: Industrial Zones; Article 44: Home Occupations; Article 56: Miscellaneous Development Standards; Article 57: Miscellaneous Use Restrictions; and Article 61, Division 3: Nonconforming Uses and Structures. (File No. 0810-20)

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

ORDINANCE NO. 2013-07 (Introduction and First Reading)

Rozanne Cherry, Planning Department, gave the staff report and presented a series of slides.

Mayor Abed 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 he closed the public hearing.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to continue this item to the October 16, 2013 meeting.

CURRENT BUSINESS

- 12. BID AWARD FOR THE CONSTRUCTION OF OPERATIONS BUILDING AT HALE AVENUE RESOURCE RECOVERY FACILITY (HARRF) AND BUDGET ADJUSTMENT** - Request Council authorize the Mayor and City Clerk to execute a Public Improvement Agreement with Keeton Construction Co., Inc. in the amount of \$5,489,000 for the construction of the Operations Building at the Hale Avenue Resource Recovery Facility (HARRF); and approve a budget adjustment in the amount of \$1,318,143. (File No. 0600-10 [A-3092])

Staff Recommendation: **Approval (Utilities Department: Christopher McKinney)**

RESOLUTION NO. 2013-110

Christopher McKinney, Utilities Director, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to authorize the Mayor and City Clerk to execute a Public Improvement Agreement with Keeton Construction Co., Inc. in the amount of \$5,489,000 for the construction of the Operations Building at the Hale Avenue Resource Recovery Facility (HARRF); and approve a budget adjustment in the amount of \$1,318,143 and adopt Resolution No. 2013-110. Motion carried unanimously.

- 13. INITIATION OF AN ANNEXATION AND PREZONE FOR AN 11.3 ACRE PARCEL LOCATED AT THE NORTHERLY TERMINUS OF AMANDA LANE, NORTH OF GAMBLE LANE, ADDRESSED AS 2115 AMANDA LANE (AMANDA LANE ANNEXATION INITIATION)** - Request Council consider the request from New Urban West, Inc. to initiate an Annexation and Prezone to facilitate a proposal for a planned residential development on approximately 11.3 acres of land. (File No. 0850-20)

Staff Recommendation: **Provide direction to staff (Community Development/Planning: Barbara Redlitz)**

Bill Martin, Planning Department, gave the staff report and presented a series of slides.

Jason Han, New Urban West, listed the qualities of the project and urged Council to approve the annexation.

Bernie Blaney, Escondido, indicated she supported the annexation and asked Council to approve it.

Bill Ewing, Escondido, stated he supported New Urban West and their project.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to consider the request from New Urban West, Inc. to initiate an Annexation and Prezone to facilitate a proposal for a planned residential development on approximately 11.3 acres of land. Motion carried unanimously.

WORKSHOP

- 14. GRAFFITI PREVENTION AND REMOVAL WORKSHOP** - Request Council provide direction to staff on the proposed content of a Graffiti Management Plan and Policy to address graffiti. (File No. 0110-20)

Staff Recommendation: **Provide direction to staff (City Manager's Office: Charles Grimm)**

Charles Grimm, Assistant City Manager, and Bud Olivera, Public Works Operations Deputy Director, gave the staff report and presented a series of slides.

Nicole Downey, Escondido, suggested that students be involved with painting electrical boxes to remove graffiti in the City.

Linda Sheridan, Escondido, proposed that a Graffiti Education and Mural Arts Program be implemented in the City's schools.

COUNCIL ACTION: Directed staff to use Façade Improvement Program funds to buy equipment and technology and return to the Council with a priority list for spending those funds.

- 15. PRELIMINARY CITY COUNCIL ACTION PLAN – PUBLIC SAFETY** - Request Council provide direction to staff on the proposed content of the Public Safety element of the 2013-2014 City Council Action Plan. (File No. 0610-95)

Staff Recommendation: **Provide direction to staff (City Manager's Office: Joyce Masterson)**

Michelle Geller, Economic Development Department, Police Chief Craig Carter, and Fire Chief Michael Lowry, gave the staff report and presented a series of slides.

COUNCIL ACTION: No action, information only.

FUTURE AGENDA

- 16. FUTURE AGENDA** - 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: Diane Halverson)**

ORAL COMMUNICATIONS

Bob Wise, Escondido, indicated the Sundance Mobilehome Park Resident Representative was very ill and requested that Council delay their decision on the proposed rent increase.

Dave Connors, Escondido, voiced concern with the discussion on agenda item 10.

Alejandro Sanchez, Vista, stated he liked the discussion on agenda item 14.

ADJOURNMENT

Mayor Abed adjourned the meeting at 9:15 p.m.

MAYOR

CITY CLERK

MINUTES CLERK