



Council Meeting Agenda

OCTOBER 15, 2014
CITY COUNCIL CHAMBERS
3:30 P.M. Closed Session; 4:30 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Sam Abed
DEPUTY MAYOR	Olga Diaz
COUNCIL MEMBERS	Ed Gallo John Masson Michael Morasco
CITY MANAGER	Clay Phillips
CITY CLERK	Diane Halverson
CITY ATTORNEY	Jeffrey Epp
DIRECTOR OF COMMUNITY DEVELOPMENT	Barbara Redlitz
DIRECTOR OF PUBLIC WORKS	Ed Domingue

ELECTRONIC MEDIA:

Electronic media which members of the public wish to be used during any public comment period should be submitted to the City Clerk's Office at least 24 hours prior to the Council meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Council during the meeting are part of the public record and may be retained by the Clerk.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.



Council Meeting Agenda

October 15, 2014
3:30 P.M. Meeting

Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Gallo, Masson, Morasco, Abed

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) Speakers are limited to only one opportunity to address the Council under Oral Communications.

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

- I. **CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))**
 - Case Name:** Richard Waldrop v. City of Escondido, et al.
 - Case No:** 37-2014-00004738-CU-PA-NC

- II. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
 - a. **Property:** 146 E. Valley Parkway
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Mason Family Trust
Under Negotiation: Price and Terms of Agreement

 - b. **Property:** 1201 E. Washington Avenue
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Paseo Escondido, LLC
Under Negotiation: Price and Terms of Agreement

- c. **Property:** 858 Hubbard Avenue
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Pettigrew Family Trust
Under Negotiation: Price and Terms of Agreement

- d. **Property:** 1701 S. Iris
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Cricket Communications
Under Negotiation: Price and Terms of Agreement

- e. **Property:** 1751 Citracado Parkway, Space 202
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Multiple Offers - Mailhot/Revuelta
Crowder
LaHaye
Harris
Under Negotiation: Price and Terms of Agreement

III. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))

- a. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code Section 54956.9(d)(2): One Case

ADJOURNMENT



Council Meeting Agenda

**October 15, 2014
4:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

City Council agendas allow an opportunity for a moment of silence and reflection at the beginning of the evening meeting. The City does not participate in the selection of speakers for this portion of the agenda, and does not endorse or sanction any remarks made by individuals during this time. If you wish to be recognized during this portion of the agenda, please notify the City Clerk in advance.

FLAG SALUTE

ROLL CALL: Diaz, Gallo, Masson, Morasco, Abed

PROCLAMATIONS: White Cane Day

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 15 minutes. Any remaining speakers will be heard during Oral Communications at the end of the meeting.

CONSENT CALENDAR

Items on the Consent Calendar are not discussed individually and are approved in a single motion. However, Council members always have the option to have an item considered separately, either on their own request or at the request of staff or a member of the public.

- 1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
- 2. APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
- 3. [APPROVAL OF MINUTES: Regular Meeting of September 24, 2014](#)**

4. **APPROVAL OF CALPERS INDUSTRIAL DISABILITY RETIREMENT FOR NIKOS WIZNER -**
Request Council approve the California Public Employees' Retirement System (CalPERS) Industrial Disability Retirement for Fire Engineer Nikos Wizner.

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

RESOLUTION NO. 2014-161

5. **FINAL ASSESSMENT ENGINEER'S REPORT FOR ZONE 37 OF THE CITY OF ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2015/2016 -**
Request Council approve declaring the results of the assessment ballot tabulation for Zone 37 of the City of Escondido Landscape Maintenance Assessment District (LMD); confirm the assessment; approve the Assessment Engineer's Report; and approve the annual levy and collection of assessments in Zone 37 of the LMD for FY 2015/2016.

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

RESOLUTION NO. 2014-156

6. **FISCAL YEAR 2014/2015 DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL MINOR DECOY/SHOULDER TAP MINI-GRANT AND BUDGET ADJUSTMENT -**
Request Council approve authorizing the Escondido Police Department to accept a FY 2014/2015 Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Mini-Grant in the amount of \$11,600; authorize the Chief of Police and Police Department staff to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

Staff Recommendation: **Approval (Police Department: Craig Carter)**

7. **FISCAL YEAR 2014/2015 SAN DIEGO COUNTY LAW ENFORCEMENT FOUNDATION LESS LETHAL LIFESAVING EQUIPMENT GRANT AND BUDGET ADJUSTMENT -**
Request Council approve authorizing the Escondido Police Department to accept a FY 2015 San Diego County Law Enforcement Foundation Grant in the amount of \$3,622.08; authorize the Chief of Police and Police Department staff to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

Staff Recommendation: **Approval (Police Department: Craig Carter)**

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.)

PUBLIC HEARINGS

8. **APPEAL OF A PLANNING COMMISSION DECISION TO DENY A CONDITIONAL USE PERMIT AND EXTENSION OF TIME (PHG 14-0017) -**
Request Council consider an appeal of a Planning Commission decision. The Planning Commission denied a Conditional Use Permit (CUP) to operate an unaccompanied youth care facility, at a site previously used for skilled nursing facility located at 1817 Avenida Del Diablo.

Staff Recommendation: **Consider the appeal of the Planning Commission denial of the Conditional Use Permit for government services to operate an unaccompanied youth care facility including the associated extension of time for previously approved skilled nursing facility CUP and conditionally approve or deny the project. (Community Development Department: Barbara Redlitz)**

FUTURE AGENDA

9. [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)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

CITY MANAGER'S UPDATE/BRIEFING

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development.

- [CITY MANAGER'S UPDATE -](#)

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications.

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
October 22	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers
October 29	-	-	No Meeting	-
November 5	-	-	No Meeting	-
November 12	-	-	No Meeting	-

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Submission of Speaker forms prior to the discussion of an item is highly encouraged. Comments are generally limited to 3 minutes.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications." Please complete a Speaker's form as noted above.

Nomination forms for Community Awards are available at the Escondido City Clerk's Office or at <http://www.escondido.org/city-clerks-office.aspx>

Handouts for the City Council should be given to the City Clerk. To address the Council, use the podium in the center of the Chambers, STATE YOUR NAME FOR THE RECORD and speak directly into the microphone.

AGENDA, STAFF REPORTS AND BACK-UP MATERIALS ARE AVAILABLE:

- Online at <http://www.escondido.org/meeting-agendas.aspx>
- In the City Clerk's Office at City Hall
- In the Library (239 S. Kalmia) during regular business hours and
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

AVAILABILITY OF SUPPLEMENTAL MATERIALS AFTER AGENDA POSTING: Any supplemental writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and clicking the "Live Streaming –City Council Meeting now in progress" button on the home page.

Please turn off all cellular phones and pagers while the meeting is in session.

**The City Council is scheduled to meet the first four Wednesdays
of the month at 3:30 in Closed Session and 4:30 in Open Session.
(Verify schedule with City Clerk's Office)**

**Members of the Council also sit as the Successor Agency to the CDC, Escondido Joint Powers
Financing Authority and the Mobilehome Rent Review Board.**

**CITY HALL HOURS OF OPERATION
Monday-Friday 8:00 a.m. to 5:00 p.m.**



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4643. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

Listening devices are available for the hearing impaired – please see the City Clerk.

CITY OF ESCONDIDO
September 24, 2014
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 24, 2014 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 Masson and seconded by Councilmember Diaz 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 City Employee Association:
Administrative/Clerical/Engineering Bargaining Unit

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

Case Name: City of Escondido v. Sylvia Clark
Case No: 37-2013-00074379-CU-MC-NC

Case Name: Kreusser v. City of Escondido
Case No: 37-2013-00048319-CU-FR-NC

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

- a. **Property:** APN: 229-372-20 Por. (proposed hotel site, Valley Parkway/Escondido Blvd)
- City Negotiator:** Charles Grimm, Assistant City Manager
- Negotiating Parties:** CW Clark, Inc.
Pierpoint Management, LLC
- Under Negotiation:** Price and Terms of Agreement

IV. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))

- a. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code Section 54956.9(d)(2): One Case

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:33 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
September 24, 2014
4:30 P.M. Meeting Minutes

Escondido City Council
and as Successor Agency to the CDC

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:35 p.m. on Wednesday, September 24, 2014 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

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; Barbara Redlitz, Community Development Director; Ed Domingue, Public Works Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

PRESENTATIONS

Mayor Abed introduced Jeff Ritchie, Escondido Disposal, who gave a presentation on the Escondido Disposal's New Automated Greens Recycling Program.

PROCLAMATIONS

Mayor Abed introduced the Escondido Extreme Girls Softball team. Proclamations were distributed to all of the team members, who are the Southern California State Champions.

Mayor Abed introduced Jack Raymond and Lisa Ruder, Charitable Foundation Representatives, who presented a series of slides and accepted a proclamation for Escondido Charitable Foundation Week, September 22, 2014 – September 26, 2014.

Mayor Abed introduced Barbara Takahara, Cedar-Cedarbrook Neighborhood Representative, who accepted a proclamation for National Neighborhood Day, September 24, 2014.

Mayor Abed introduced Kristen Aster and Jerry Morgan who accepted a proclamation for Hunger Action Month, September 2014.

ORAL COMMUNICATIONS

Dr. Luis Ibarra, Escondido Middle School Superintendent, urged Council to endorse the Proposition E bond measure.

Zoe Sanchez Richardson, Escondido, requested Council consider her adopt-a-lot request to turn an empty lot into a community garden.

Kallee McCreery, Escondido, stated the fees for maintenance and repairs to the homes in the old historic district were too high.

Carol Rea, Escondido, indicated the fees for maintaining a home in the old historic district were too high.

CONSENT CALENDAR

Mayor Abed removed items 5 and 7, Councilmember Masson removed items 10 and 12 and Councilmember Morasco removed item 13 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Gallo that the following Consent Calendar items be approved with the exception of items 5, 7, 10, 12, and 13. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES: None Scheduled**

4. **LEASE AGREEMENT WITH VERIZON WIRELESS AT JESMOND DENE PARK -**
Request Council approve authorizing the Real Property Manager and City Clerk to execute a Lease Agreement with Verizon Wireless, LLC at Jesmond Dene Park. (File No. 0600-10 [A-3130])

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

RESOLUTION NO. 2014-151

5. **2013-2014 CITY COUNCIL ACTION PLAN UPDATE -** Request Council receive and file the 2013-2014 City Council Action Plan update. (File No. 0610-95)

Staff Recommendation: **Receive and file (City Manager's Office: Joyce Masterson)**

Mayor Abed asked for a progress report on this item.

Joyce Masterson, Economic Development and Community Relations Director, explained how the report was created and the progress that had been achieved.

MOTION: Moved by Mayor Abed and seconded by Councilmember Diaz to receive and file the 2013-2014 City Council Action Plan update. Motion carried unanimously.

6. **ADOPTION OF RESOLUTION NO. 2014-144 APPROVING RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 14-15B) FOR JANUARY 2015 THRU JUNE 2015** - Request Council approve adopting the Recognized Obligation Payment Schedule (ROPS 14-15B) so that the Successor Agency may continue to make payments due for enforceable obligations. (File No. 0440-35)

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

RESOLUTION NO. 2014-144

7. **ESCONDIDO CITY EMPLOYEE ASSOCIATION - ADMINISTRATIVE, CLERICAL & ENGINEERING BARGAINING UNIT MEMORANDUM OF UNDERSTANDING** - Request Council approve executing a successor Escondido City Employee's Association - Administrative, Clerical & Engineering Bargaining Unit Memorandum of Understanding. (File No. 0740-30)

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

RESOLUTION NO. 2014-106

Ken Brown, San Diego, asked Council to grant a July 20, 2014 implementation date for the MOU

Gina Burns, Attorney, asked Council to retroactively implement the salary increases.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Masson to approve the MOU as it is written and adopt Resolution No. 2014-106. Motion carried unanimously.

8. **FISCAL YEAR 2012-2013 SAN DIEGO CAL-ID GRANT BUDGET ADJUSTMENT** - Request Council approve third through fifth-year funding of the five-year San Diego County Cal-ID Grant from the County of San Diego Remote Access Network (RAN); 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 for salary expenses for a Forensic Technician. (File No. 0480-70)

Staff Recommendation: **Approval (Police Department: Craig Carter)**

9. **FISCAL YEAR 2015 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT GRANT AND BUDGET ADJUSTMENT** - Request Council approve authorizing the Escondido Police Department to accept a FY 2015 California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program Grant in the amount of \$305,400; authorize the Chief of Police and Police Department staff to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds. (File No. 0480-70)

Staff Recommendation: **Approval (Police Department: Craig Carter)**

10. **HARRF COLLECTIONS YARD CONSULTING AGREEMENT FOR DESIGN PROFESSIONALS** - Request Council approve authorizing the Mayor and City Clerk to execute a Consulting Agreement for Design Professionals with RBF Consulting Inc., for design of the Hale Avenue Resource Recovery Facility (HARRF) Collections Yard. (File No. 0600-10 [A-3131])

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

RESOLUTION NO. 2014-137

Councilmember Masson asked for clarification of the project.

Paul Keck, Utilities Department, explained that this project was for the design of the collections yard to house the equipment and maintenance personnel.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Diaz to approve authorizing the Mayor and City Clerk to execute a Consulting Agreement for Design Professionals with RBF Consulting Inc., for design of the Hale Avenue Resource Recovery Facility (HARRF) Collections Yard and adopt Resolution No. 2014-137. Motion carried unanimously.

11. ADOPTION OF AMENDMENTS TO THE CONFLICT OF INTEREST CODE FOR THE CITY OF ESCONDIDO - Request Council approve amending the Conflict of Interest Code for the City of Escondido pursuant to the Political Reform Act to update the list of designated public employees and public officials who are required to file a statement of economic interest and disclosure categories. (File No. 0640-30)

Staff Recommendation: **Approval (City Attorney's Office: Jeffrey Epp)**

RESOLUTION NO. 2014-143

12. DECLARATION OF AN EMERGENCY FOR SLOPE REPAIRS AT LAKE WOHLFORD ROAD - Request Council approve accepting the determination by the Public Works Director/City Engineer and foregoing normal bidding procedures. (File No. 0600-10 Misc.)

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

RESOLUTION NO. 2014-157

Councilmember Masson praised staff for their efforts on this project.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco to approve accepting the determination by the Public Works Director/City Engineer and foregoing normal bidding procedures and adopt Resolution No. 2014-157. Motion carried unanimously.

13. ALL WAY STOP CONTROL REQUEST FOR THE INTERSECTION OF CHESTNUT STREET AND 9TH AVENUE AND A CHANGE ORDER AUTHORIZATION REQUEST TO THE CITYWIDE STREET MAINTENANCE CONTRACT - Request Council approve amending the schedule of stop signs and authorize the Director of Public Works to execute change orders in the amount of \$30,000 to the Citywide Street Maintenance Contract with All American Asphalt. (File No. 1050-50)

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

A) RESOLUTION NO. 2014-153 B) RESOLUTION NO. 2014-159

Councilmember Morasco indicated that many citizens were interested in this project.

Carol Rea, Escondido, thanked staff for their work on this project.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco to approve amending the schedule of stop signs, authorize the Director of Public Works to execute change orders in the amount of \$30,000 to the Citywide Street Maintenance Contract with All American Asphalt and adopt Resolution No. 2014-153 and Resolution No. 2014-159. Motion carried unanimously.

14. **ADOPTION OF A NEGATIVE DECLARATION FOR THE JESMOND DENE LIGHTING PROJECT (ENV 14-0006)** - Request Council approve adopting a Negative Declaration prepared for the Jesmond Dene Park Lighting Project. (File No. 0800-40 ENV 14-0006)

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

RESOLUTION NO. 2014-149

The Mayor called for one speaker on item 14, who did not appear for comments.

15. **ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE LINDLEY RESERVOIR TANK REPLACEMENT PROJECT (ENV 14-0004)** - Request Council approve adopting a Mitigated Negative Declaration (MND) prepared for the Lindley Reservoir Tank Replacement Project. (File No. 0800-40 ENV 14-0004)

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

RESOLUTION NO. 2014-148

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.)

16. **TENTATIVE MAP WITH ONE GRADING EXEMPTION, DEVELOPMENT AGREEMENT AND ANNEXATION (SUB 13-0011, PHG 13-0043, PHG 13-044, ENV 13-0015)** - Approved on September 10, 2014 with a vote of 5/0. (File No. 0800-10 SUB 13-0011)

ORDINANCE 2014-17 (Second Reading and Adoption)

CURRENT BUSINESS

17. **AWARD A PUBLIC IMPROVEMENT AGREEMENT FOR A 24-INCH RECYCLED WATER PIPELINE AND BRINE LINE** - Request Council approve awarding a Public Improvement Agreement to MNR Construction, Inc. for construction of: 1) a 24-inch recycled water (RW) pipeline from the Broadway crossing of Escondido Creek, along the creek to Citrus Avenue; and 2) a Brine Line along the same path as the above described new section of RW pipeline. (File No. 0600-10 [A-3121])

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

RESOLUTION NO. 2014-145

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

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Masson to approve awarding a Public Improvement Agreement to MNR Construction, Inc. for construction of: 1) a 24-inch recycled water (RW) pipeline from the Broadway crossing of Escondido Creek, along the creek to Citrus Avenue; and 2) a Brine Line along the same path as the above described new section of RW pipeline and adopt Resolution No. 2014-145. Motion carried unanimously.

- 18. AWARD A CONSULTING AGREEMENT FOR THE DESIGN OF A MICRO-FILTRATION AND REVERSE OSMOSIS FACILITY FOR TREATMENT OF RECYCLED WATER FOR AGRICULTURAL IRRIGATION** - Request Council approve awarding a Consulting Agreement to Black and Veatch Corporation for design of a micro-filtration and reverse osmosis (MFRO) facility with a capacity of 2 million gallons per day (MGD) The proposed facility would be located between El Norte Parkway and Washington Avenue, and is part of the larger proposed expansion of Escondido's recycled water (RW) distribution to serve eastern and northern agricultural land. This treatment plant will, in 10 to 15 years, be incorporated into an advanced water treatment (AWT) plant at the same site for treatment of RW for potable reuse. (File No. 0600-10 [A-3132])

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

RESOLUTION NO. 2014-152

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

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve awarding a Consulting Agreement to Black and Veatch Corporation for design of a micro-filtration and reverse osmosis (MFRO) facility with a capacity of 2 million gallons per day (MGD) and adopt Resolution No. 2014-152. The proposed facility would be located between El Norte Parkway and Washington Avenue, and is part of the larger proposed expansion of Escondido's recycled water (RW) distribution to serve eastern and northern agricultural land. This treatment plant will, in 10 to 15 years, be incorporated into an advanced water treatment (AWT) plant at the same site for treatment of RW for potable reuse. Motion carried unanimously.

- 19. DESIGNATION OF AUTHORIZED REPRESENTATIVE FOR CLEAN WATER STATE REVOLVING FUND LOANS FOR THE RECYCLED WATER AND POTABLE REUSE PROGRAM** - Request Council approve authorizing Director of Utilities or his designee to sign on behalf of the City, Financial Assistance Applications for low-interest loans from the Clean Water State Revolving Fund (SRF) for two construction projects: 1) \$7 million for the Easterly Recycled Water Mains and Brine Line; and 2) \$19 million for the Micro Filtration / Reverse Osmosis (MFRO) Facility for Agriculture. These two projects are components of the Agricultural Recycled Water and Potable Use Program. (File No. 1320-55)

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

RESOLUTION NO. 2014-135

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

MOTION: Moved by Councilmember Masson and seconded by Councilmember Gallo to approve authorizing Director of Utilities or his designee to sign on behalf of the City, Financial Assistance Applications for low-interest loans from the Clean Water State Revolving Fund (SRF) for two construction projects: 1) \$7 million for the Easterly Recycled Water Mains and Brine Line; and 2) \$19 million for the Micro Filtration / Reverse Osmosis (MFRO) Facility for Agriculture and adopt Resolution No. 2014-135. These two projects are components of the Agricultural Recycled Water and Potable Use Program. Motion carried unanimously.

- 20. OPERATION AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF ESCONDIDO AND THE CALIFORNIA CENTER FOR THE ARTS ESCONDIDO FOUNDATION** - Request Council approve authorizing the Mayor and City Clerk to execute the new agreement with the California Center for the Arts Escondido Foundation (CCAEF) for use, operation and management of California Center for the Arts, Escondido (CCA), located at 340 North Broadway Boulevard. (File No. 0600-10 [A-2429])

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

RESOLUTION NO. 2014-139

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

Cynthia Weir, Escondido, indicated the Center was celebrating a 20th anniversary this week and thanked the City for their past support.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve authorizing the Mayor and City Clerk to execute the new agreement with the California Center for the Arts Escondido Foundation (CCAEF) for use, operation and management of California Center for the Arts, Escondido (CCA), located at 340 North Broadway Boulevard and adopt Resolution No. 2014-139. Motion carried unanimously.

21. APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION -

Request Council approve ratifying the Mayor's recommendation to fill an unscheduled vacancy on the Historic Preservation Commission; term to expire March 31, 2016. (File No. 0129-10)

Staff Recommendation: **Ratify the Mayor's Appointment (City Clerk's Office: Diane Halverson)**

THIS ITEM WAS CONTINUED TO A FUTURE AGENDA

FUTURE AGENDA

22. 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)**

Councilmember Morasco suggested moving the youth detention facility item to an earlier meeting, supported by Mayor Abed.

Councilmember Masson asked to have a discussion on the Historic Preservation fees, supported by Councilmember Diaz.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Gallo stated the Operation Life Saver California gave a presentation teaching Californians how to be safe around trains and the North County Transit District's CPA was in the top 40 listings in Mass Transit Magazine.

Councilmember Morasco indicated the California Center for Arts, Escondido Subcommittee and Utilities Subcommittee had met and the items discussed were approved at tonight's Council meeting. The Regional Solid Waste Association meeting will be held next week and the Schools Subcommittee meeting was postponed.

Mayor Abed stated that SANDAG approved spending funds on the I-5, I-15 and Highway 78 Connections. They also approved double tracking for parts of the Sprinter track and the Transportation Committee approved funding the Escondido Creek bike path missing links.

CITY MANAGER'S UPDATE/BRIEFING

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development.

- **CITY MANAGER'S UPDATE -**

ORAL COMMUNICATIONS

None

ADJOURNMENT

Mayor Abed adjourned the meeting at 6:30 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4

Date: **October 15, 2014**

TO: Honorable Mayor and Members of the City Council

FROM: Sheryl Bennett, Director of Administrative Services

SUBJECT: Approval of CalPERS Industrial Disability Retirement for Nikos Wizner

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2014-161 – approving the California Public Employees' Retirement System (CalPERS) Industrial Disability Retirement for Fire Engineer Nikos Wizner.

BACKGROUND:

Mr. Wizner is a 45-year-old male Fire Engineer. He has been employed by the City of Escondido for eleven years. The basis for Mr. Wizner's Industrial Disability Retirement application is confirmed by medical reports from Dr. Kimball, Dr. Kavy, and Panel Qualified Medical Examiner (PQME) Dr. Waldman. Mr. Wizner's condition is both orthopedic and respiratory in nature. Accordingly, Mr. Wizner is incapacitated within the meaning of CalPERS Law for the performance of his usual and customary duties in the position of Fire Engineer.

Under State Law, the City Council is required to adopt a Resolution determining that competent medical evidence supports the granting of an Industrial Disability Retirement. Based on medical evidence, staff recommends the City Council adopt Resolution No. 2014-161 approving the CalPERS Industrial Disability Retirement for Nikos Wizner to be effective November 4, 2014.

Respectfully submitted,


Sheryl Bennett
Director of Administrative Services

RESOLUTION NO. 2014-161

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING THE CALPERS INDUSTRIAL
DISABILITY RETIREMENT FOR NIKOS
WIZNER

WHEREAS, the City of Escondido (hereinafter referred to as "Agency") is a contracting agency of the California Public Employees' Retirement System ("CalPERS"); and

WHEREAS, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law; and

WHEREAS, an application for Industrial Disability Retirement of Nikos Wizner employed by the Agency in the position of Fire Engineer has been filed with CalPERS; and

WHEREAS, the City of Escondido has reviewed the medical and other evidence relevant to such alleged disability.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, as follows:

1. That the above recitations are true.
2. The City Council of the City of Escondido does find and determine that Nikos Wizner is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his usual duties in the position of Fire Engineer; and

3. The City Council of the City of Escondido does find and determine that such disability is a result of injury or disease arising out of and in the course of employment.

4. Neither Nikos Wizner nor the agency, the City of Escondido, has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 as to whether such disability is industrial.

5. There is not a possibility of third party liability.

6. Advanced disability pension payments will be made monthly in the amount of \$3,000 beginning November 5, 2014. Mr. Wizner's last day on payroll will be November 4, 2014.

7. The City Council of the City of Escondido finds that Mr. Wizner's primary disabilities are orthopedic and respiratory in nature, and arose out of and in the course of employment.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5

Date: October 15, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Public Works Director/City Engineer
Frank P. Schmitz, Parks and Open Space Administrator

SUBJECT: Final Assessment Engineer's Report for Zone 37 of the City of Escondido Landscape Maintenance Assessment District for Fiscal Year 2015/2016.

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2014-156 declaring the results of the assessment ballot tabulation for Zone 37 of the City of Escondido Landscape Maintenance Assessment District (LMD) (map attached to staff report), confirming the assessment, approving the Assessment Engineer's Report, and approving the annual levy and collection of assessments in Zone 37 of the LMD for FY 2015/2016.

FISCAL ANALYSIS:

The LMD reimburses all costs incurred by the City in Zone 37.

PREVIOUS ACTION:

On November 2, 2011, the City Council adopted Resolution 2011-31 approving the annexation of Tract 934 into the LMD as Zone 37. On July 23, 2014, the City Council adopted Resolution Nos. 2014-85 and 2014-86 initiating proceedings for the annual levy of assessments, approving the preliminary Assessment Engineer's Report, and setting a public hearing date of September 10, 2014, for Zone 37 of the LMD.

BACKGROUND:

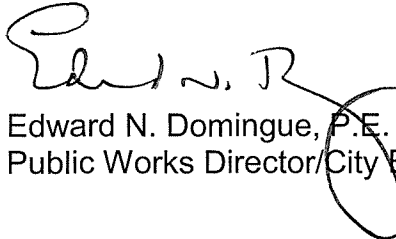
The LMD was established as a means to fund the ongoing maintenance of certain landscape improvements associated with the development of the specific properties within the City of Escondido. These landscape improvements have special benefit to those specific properties. The LMD is divided into various zones. Property owners within each zone are assessed for the benefit received within their zone for the maintenance of the landscape improvements.

The City Council has approved the preliminary Assessment Engineer's Report for Zone 37 of the LMD for FY 2015/2016 that details the budget and assessment for Zone 37.

Pursuant to Proposition 218, passed by the California voters on November 5, 1996, all new assessments and increases in assessments require a vote of the affected property owners. In FY 2015/2016 a new assessment is proposed for Zone 37. A ballot was mailed to the property owner in Zone 37 of the LMD giving the property owner the option of approving or rejecting the proposed new assessment. The completed ballot was submitted before the close of the public hearing on September 10, 2014. The ballot was tabulated on Thursday September 11, 2014.

The ballot submitted by the property owner in Zone 37 was in favor of the proposed new assessment. Therefore, the new assessment of \$1,067.07 per parcel in LMD Zone 37 for FY 2015/2016 has been approved. In addition, the property owner approved an annual adjustment for inflation of the maximum authorized assessment.

Respectfully submitted,



Edward N. Domingue, P.E.
Public Works Director/City Engineer



Frank P. Schmitz
Parks and Open Space Administrator

RESOLUTION NO. 2014-156

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, DECLARING THE RESULTS OF THE ASSESSMENT BALLOT TABULATION, CONFIRMING THE ASSESSMENT, APPROVING THE ASSESSMENT ENGINEER'S REPORT, AND APPROVING THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR ZONE 37 OF THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2015-2016

WHEREAS, the City Council of the City of Escondido has previously formed a maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act), Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act, Government Code Section 53750 and following, (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act are referred collectively as the "Assessment Law"). Such maintenance district is known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, there has been established by the City 38 separate zones within the Maintenance District; and

WHEREAS, the City Council previously received and preliminarily approved a report of the Assessment Engineer (the "Assessment Engineer's Report"), a copy of which is attached hereto as Exhibit "A" and by this reference incorporated herein, for

Zone 37 of the Maintenance District as required by the 1972 Act, and this City Council desires to continue with the proceedings for the annual levy and collection; and

WHEREAS, the City Council also previously initiated proceedings for a ballot protest procedure to establish the annual assessment for Zone 37 of the Maintenance District and to hold a public hearing in conformance with the Assessment Law for the purpose of considering the establishment of the annual assessment and authorizing the annual levy and collection of the assessment for Zone 37; and

WHEREAS, the City Council also (a) set the time and place for conducting a public hearing for the purpose of hearing protests to the establishment of the assessment proposed to be levied on land within the Zone 37; and (b) ordered that the record owners of each parcel proposed to be assessed have the right to submit an assessment ballot in favor of or in opposition to the establishment of the assessment proposed to be levied on such parcels; and

WHEREAS, notices of such hearing accompanied by assessment ballot materials were regularly mailed in the time, form, and manner required by the Assessment Law; and

WHEREAS, at the time and place fixed for such public hearing, the Assessment Engineer submitted the Assessment Engineer's Report as it pertains to Zone 37, which was prepared and contained all the matters and items called for pursuant to the provisions of the Assessment Law; and

WHEREAS, on September 10, 2014, a full hearing was given, and all assessment ballots submitted and received pursuant to the Assessment Law prior to the

close of such public hearing have been tabulated by the City Clerk of the City, acting as the tabulation official appointed by the City, all in the manner provided by the Assessment Law; and

WHEREAS, the City Clerk has prepared and submitted to this legislative body a Certificate of Tabulation Official and Statement of Assessment Ballots Submitted (the "Certificate of the Tabulation Official"), a copy of which is attached as Exhibit "B" hereto and incorporated herein by this reference, which reflects the results of the tabulation of the assessment ballots; and

WHEREAS, at this time based upon the Certificate of Tabulation Official this City Council determines that the assessment ballots received by the City in favor of the proposed assessment and weighted as required by the Assessment Law exceed the assessment ballots received in opposition to the assessment and similarly weighted and, therefore, a majority protest pursuant to the Assessment Law does not exist; and

WHEREAS, this City Council carefully examined and reviewed the Assessment Engineer's Report as presented, and is satisfied with each and all of the items and documents as set forth therein pertaining to Zone 37 of the Maintenance District and is satisfied that the assessments for Zone 37 have been spread in accordance with the special benefits received from the improvements to be maintained, as set forth in the Assessment Engineer's Report; and

WHEREAS, the City Council desires to confirm and approve such final Assessment Engineer's Report and to authorize the annual levy and collection of the assessments for Zone 37 of the Maintenance District for Fiscal Year 2015-2016; and

WHEREAS, the City Council finds the Maintenance District as exempt from the California Environmental Quality Act (Public Resources Code Section 21000 and following) ("CEQA") pursuant to section 15302(d) of the State CEQA guidelines;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Escondido, California, as follows:

1. That the above recitals are all true.
2. The assessment ballots submitted pursuant to the Assessment Law in favor of the establishment of the assessment for Zone 37 and weighted as required by the Assessment Law exceed the assessment ballots submitted in opposition to the establishment of the assessment and similarly weighted and it is therefore determined that a majority protest pursuant to Assessment Law does not exist.
3. Based upon the Assessment Engineer's Report and the testimony and other evidence received at the public hearing, it is hereby determined that:
 - A. The Assessment Engineer's Report identifies all properties within the boundaries of the Zone 37 that receive a special benefit from the Improvements.
 - B. The proportionate special benefit derived by each parcel proposed to be assessed has been determined in relationship to the entirety of the cost of maintenance of the improvements.
 - C. No assessment is proposed to be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit to be conferred on such parcel from the improvements.

D. Only special benefits have been assessed.

4. The maximum annual assessments for Zone 37 contained in the Assessment Engineer's Report are hereby confirmed. The maximum annual assessments may be increased in next Fiscal Year and each Fiscal Year thereafter without further compliance with the assessment ballot procedures required under the Assessment Law by the increase in the Consumer Price Index (CPI) as more fully set forth in the Assessment Engineer's Report.

5. The City Clerk shall forthwith deliver to the City Engineer the assessment, together with the diagram for Zone 37 attached thereto and made a part thereof, as confirmed, with his certificate of such confirmation attached and the date thereof; and that such City Engineer shall then immediately record such diagram and assessment in his Office in a suitable book to be kept for that purpose and attach thereto his certificate of the date of such recording.

6. That the Assessment Engineer's Report, is hereby approved and is ordered to be filed in the office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to said Assessment Engineer's Report for a full and detailed description of:

- (a) The existing improvements to be maintained;
- (b) The maintenance of the improvements to be performed;
- (c) The estimates of costs of the maintenance of the improvements to be performed, including the cost of incidental expenses in connection therewith, and including that portion of the costs and expenses representing the special benefits

to be conferred by such maintenance of the improvements on the parcels within Zone 37 of the Maintenance District;

(d) The diagram of the Maintenance District and the zones therein showing (i) the exterior boundaries of the Maintenance District; (ii) the boundaries and zones within the Maintenance District; and (iii) the lines and dimensions of each parcel of land within the Maintenance District; provided, however, such diagram may refer to the San Diego County Assessor's maps for detailed description of such lines and dimensions, in which case such maps shall govern for all details concerning such lines and dimensions; and

(e) The assessment of the total amount of the cost and expenses of the maintenance of the improvements upon Zone 37 in the Maintenance District in proportion to the estimated special benefits to be conferred on Zone 37, by such maintenance and the assessments upon assessable lots and parcels of land within Zone 37 of the Maintenance District.

7. That the public interest and convenience requires the Fiscal Year 2015-2016 annual levy and collection of the assessments for Zone 37 of the Maintenance District as set forth and described in the Assessment Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense of said maintenance and improvements as estimated in the Assessment Engineer's Report. All costs and expenses of the maintenance and incidental expenses have been apportioned and distributed to the benefiting parcels in Zone 37 of the Maintenance District in accordance with the special benefits received from the existing improvements.

8. The City Clerk is hereby ordered and directed to immediately file a certified copy of the diagram and assessment with the County Auditor. Said filing to be made no later than the August 10, 2015.

9. After the filing of the diagram and assessment, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the assessment.

10. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.

11. The annual assessments as above authorized and confirmed and levied for these proceedings will provide revenue to finance the maintenance of authorized improvements for Zone 37 of the Maintenance District in the fiscal year commencing July 1, 2015, and ending June 30, 2016.

12. This Resolution shall take effect immediately upon its adoption.

Assessment Engineer's Report Zone 37

Fiscal Year 2015/16

City of Escondido
201 North Broadway – Escondido California 92025
Landscape Maintenance Assessment District

FINAL REPORT

October 15, 2014

Report pursuant to the Landscaping and Lighting Act of 1972, Part 2 Division 15 of the Streets and Highways Code, Article XIII.D. of the California Constitution, and Proposition 218 Omnibus Implementation Act (Government Code Section 53750 et seq.). The Streets and Highways Code, Part 2, Division 15, Article 4, commencing with Section 22565, directs the preparation of the Assessment Engineer's Report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements described herein.

**A COMPLETE COPY OF THIS ORDINANCE
IS ON FILE IN THE OFFICE OF THE
CITY CLERK FOR YOUR REVIEW.**

SPECIAL DISTRICT FINANCING & ADMINISTRATION

437 West Grand Avenue
Escondido CA 92025
760-233-2630 Fax 233-2631

STATEMENT OF TABULATION OF ASSESSMENT BALLOTS SUBMITTED

STATE OF CALIFORNIA)
 COUNTY OF SAN DIEGO) ss.
 CITY OF ESCONDIDO)

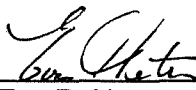
The undersigned, a duly authorized representative of the CITY OF ESCONDIDO, CALIFORNIA, DOES HEREBY CERTIFY that pursuant to the provisions of Article XIID of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following), I did tabulate the assessment ballots timely submitted in the assessment ballot proceedings pertaining to the proposed levy of annual assessments for Fiscal Year 2015-2016 within the Escondido Landscape Maintenance Assessment District.

I FURTHER CERTIFY that this Statement of Tabulation of Assessment Ballots Submitted shows the assessment ballots timely and validly submitted in favor of the assessment and the assessment ballots timely and validly submitted in opposition to the assessment within the zone of the District where it is proposed that the annual assessments be levied for the first time. The assessment ballots were weighted according to the financial obligation of the affected properties for which the assessment ballots were submitted.

Zone	Weighted Assessment Ballots in Favor of Assessment	Weighted Assessment Ballots in Opposition to Assessment
37	5,335.34	0

This certification is executed this 11th day of September, 2014 in Escondido, California.

CITY OF ESCONDIDO

By: 
 Eva R. Heter
 Assistant City Clerk

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6
Date: **October 15, 2014**

TO: Honorable Mayor and Members of the City Council
FROM: Craig Carter, Chief of Police
SUBJECT: FY 2014-15 Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Mini-Grant

RECOMMENDATION:

It is requested that Council authorize the Escondido Police Department to accept a FY 2014-15 Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Mini-Grant in the amount of \$11,600; authorize the Chief of Police and Police Department staff to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds will be used to pay overtime expenses.

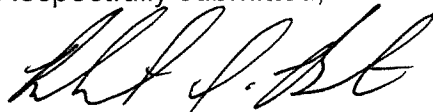
PREVIOUS ACTION:

City Council accepted a FY 2012 Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Mini-Grant in the amount of \$7,500 on January 25, 2012.

BACKGROUND:

The Escondido Police Department received a Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Mini-grant in the amount of \$11,600. This mini-grant will fund a grant-required training, overtime and overhead expenses for officers to conduct operations related to alcohol sales to minors and to enhance local efforts to reduce alcohol-related problems in the community.

Respectfully submitted,



Robert Benton
Assistant Chief of Police



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: October 6, 2014
Department: Police
Division: Administration
Project/Budget Manager: Lisa Rodelo 4905
Name Extension
Council Date (if applicable): October 15, 2014
(attach copy of staff report)

For Finance Use Only
Log #
Fiscal Year
Budget Balances
General Fund Accts
Revenue
Interfund Transfers
Fund Balance

Table with 4 columns: Project/Account Description, Account Number, Amount of Increase, Amount of Decrease. Rows include Revenue and Police Grants with handwritten entries.

Explanation of Request:
Budget adjustments are needed to receive grant funds and establish a spending account for expenses related to the
FY 2014-15 Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Mini-Grant.

APPROVALS
Department Head: [Signature] 10-6-14
Finance: [Signature] 10/7/14
City Manager:
City Clerk:

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7
Date: **October 15, 2014**

TO: Honorable Mayor and Members of the City Council
FROM: Craig Carter, Chief of Police
SUBJECT: FY 2014-15 San Diego County Law Enforcement Foundation Less Lethal Life Saving Equipment Grant

RECOMMENDATION:

It is requested that Council authorize the Escondido Police Department to accept a FY 2015 San Diego County Law Enforcement Foundation Grant in the amount of \$3,622.08; authorize the Chief of Police and Police Department staff to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds will be used to pay for equipment expenses.

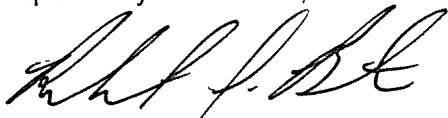
PREVIOUS ACTION:

Council authorized the acceptance of a FY 2014 San Diego County Law Enforcement Foundation Less Lethal Life Saving Equipment Grant on October 2, 2013.

BACKGROUND:

The San Diego Law Enforcement Foundation awards grants to police departments in San Diego County to support law enforcement activities. This year, the Foundation awarded the Escondido Police Department a \$3,622.08 grant to purchase tactical vests. These items will be used to support front-line law enforcement efforts.

Respectfully submitted,



Robert Benton
Assistant Chief of Police



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: October 06, 2014
 Department: Police
 Division: Administration
 Project/Budget Manager: Lisa Rodelo 4905
 Name Extension
 Council Date (if applicable): October 15, 2014
 (attach copy of staff report)

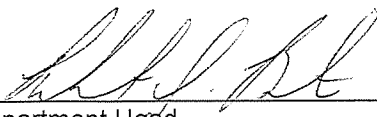
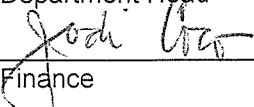
For Finance Use Only	
Log #	_____
Fiscal Year	_____
_____	Budget Balances
_____	General Fund Accts
_____	Revenue
_____	Interfund Transfers
_____	Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
<i>EM</i> Revenue	<i>4121 431 LFND15</i> 4370-001-000-New Project Number	\$3,622.08	
Police Grants	451-New Project Number	\$3,622.08	

Explanation of Request:

Budget adjustments are needed to receive and spend grant funds for the FY 2014-15 San Diego County Law Enforcement Foundation Grant.

APPROVALS

	<u>10-6-14</u>	City Manager	_____
Department Head	Date		Date
	<u>10/7/14</u>	City Clerk	_____
Finance	Date		Date

Distribution (after approval): Original: Finance

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. 2014-134 File No. _____

Ord No. _____

Agenda Item No.: 8

Date: October 15, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Barbara J. Redlitz, Director of Community Development

SUBJECT: Supplemental Staff Report - Appeal of a Planning Commission Decision to Deny a Conditional Use Permit and Extension of Time at 1817 Avenida del Diablo (PHG 14-0017)

STAFF RECOMMENDATION:

It is requested that the City Council include this supplemental staff report and the applicants additional information in conjunction with documentation provided for the September 10, 2014, City Council public hearing regarding an appeal of a Planning Commission decision to deny a Conditional Use Permit (CUP) to operate an unaccompanied youth care facility, at a site previously used for skilled nursing facility.

PLANNING COMMISSION DECISION:

On June 24, 2014, the Planning Commission voted 7-0 to deny the proposed CUP. The Planning Commission also denied the applicant's concurrent request to extend the existing CUP approval for the skilled nursing facility on-site that will expire on December 31, 2014 without further action. The Planning Commission adopted written findings in support of its decision on July 22, 2014.

BACKGROUND:

This appeal was originally scheduled for City Council consideration on September 10, 2014. The applicant requested that the appeal be continued in order to prepare additional supporting information prior to that public hearing. Based on the City Council meeting schedule, and the ability to secure attendance from all City Council members, the appeal was originally continued to October 22, 2014.

At its meeting on September 24, 2014, and because all Councilmembers could be present due to adjusted schedules, the City Council directed staff to reschedule the appeal for October 15, 2014. Public hearing notices advertising the amended appeal date were mailed to surrounding residents and interested individuals, published in the newspaper, and posted on-site in accordance with city codes and policies prior to the rescheduled October 15th public hearing. All schedules were coordinated with prompt notice to the applicant.

Due to the significant publicity surrounding this particular application, activity occurring on the property has generated numerous phone calls from concerned residents to city staff requiring follow-up site visits and inspections resulting in two "Stop Work Notice of Violations" being issued for work performed without permits. Correspondence has also been received from the applicant and concerned property owners. A timeline and summary are provided below:

Date	Summary
08/29/2014	Building Inspectors observed the construction of partition walls and electrical fixtures occurring within the subject building in response to calls received from the public. Photos were taken of the work being performed and a "Stop Work Notice of Violation" was issued for framing and electrical work done without proper permits. The on-site Project Manager was advised to cease construction until appropriate building permits were obtained. The owner was directed to submit plans and make application for appropriate permits within ten days.
09/11/2014	The property owner attempted to submit building plans for the work being performed. The plans did not provide sufficient details adequate for plan review. No building plans were taken in and no permits were issued. The property owner requested and was granted a two-week extension to submit plans.
09/25/2014	In response to calls received from the public concerning on-going activity at the site, Building Inspectors re-visited the property but found that none of the work performed at that time required a building permit.
10/02/2014	Building plans were submitted and formally received documenting construction activity that had occurred on-site, and for future work proposed by the owner. Staff commenced review of the proposed plans.
10/06/2014	A preliminary review of the proposed building plans compared to the unpermitted construction and photo-documentation at the time of the "Stop Work Notice of Violation" revealed several inconsistencies which need to be resolved by the property owner. Based on phone calls received by city staff another site inspection was conducted that revealed additional framing/electrical work being performed without permits. A second "Stop Work Notice of Violation" is issued.
10/07/2014	A letter received from David Loy, an attorney for the American Civil Liberties Union, representing the applicant appealing the case (and apparently the property owner as well) expressed concerns regarding the City's "actions toward TPD" (owner of the subject property) as "improperly targeting TPD for retaliatory code enforcement as a result of TPD's willingness to lease the property to Southwest Key Programs."

Date (Continued)	Summary
10/09/2014	Staff received a copy of the site's approved Building Plans from Palomar Health District, the building's former owner. Because the building was constructed as a Palomar Health District facility the City of Escondido was not involved in issuing permits or conducting inspections and maintains no building permit records. A preliminary review of the state-approved plans revealed discrepancies with the building's current conditions involving several patio enclosures that require building permits, which must be rectified by the current owner.
10/09/2014	A letter received from David Loy, expressed concerns regarding city staff delays in receiving information to facilitate the preparation of a traffic study for the project.
10/13/2014	A binder of 98 documents is submitted by the applicant: <u>"Southwest Key Programs v. City of Escondido,"</u> containing supplemental information including their own parking, marketing, and noise analyses, historical information and correspondence.
09/10/2014 - 10/14/2014	During this time correspondence from private citizens has been received and is included in this supplemental staff report.

DISCUSSION:

With regard to the letter from the applicant's attorney, dated October 7, 2014, expressing concern about "retaliatory code enforcement" for unpermitted work performed on-site resulting in two separate "Stop Work Notice of Violation" issuances, staff has conducted its inspection visits consistent with other properties that have received similar violation notices. The number of phone calls from the public reporting on-site construction activities has necessitated multiple visits that, on two separate instances, revealed unpermitted building activity underway. However, staff does not restrict work being performed that does not require a permit, even when a "Stop Work Notice of Violation" has been issued for other aspects of construction. This fact has been communicated to the owner.

With regard to the letter from the applicant's attorney dated October 9, 2014, expressing concern about the need for information to prepare a traffic analysis, it is noted that the applicant's traffic consultant originally proposed a vehicle trip generation rate on Friday, September 5, 2014, that staff did not deem acceptable. Staff responded back on Monday, September 8th that additional information / clarification was needed regarding the operation of the facility and that a more 'customized' approach was warranted that took into account specific traffic pattern(s) distinctive to the proposed use given its unique characteristics.

Project trip generation and distribution assumptions were submitted by the applicant's traffic consultant three and a half weeks later on Wednesday, October 1, 2014. Staff reviewed the trip generation and distribution by Monday, October 6th and additional information from the city regarding cumulative projects was provided by Tuesday, October 7th.

The applicant has taken the approach that the timing of information provided by the city does not permit completion of a traffic analysis prior to the October 15th appeal hearing and has "reserved the right" to submit the traffic information at or before the second City Council meeting when the formal resolution of action will be adopted. As the finder of fact, the City Council has the discretion to make its decision based on existing information, or to continue the hearing to a later date and request additional information on this particular (or any other) topic prior to making a final decision.

RECOMMENDATION:

Staff recommends that the City Council consider the Planning Commission findings, City Council report and supplemental information, as well as written and verbal comments from the public and elected officials pertaining to legitimate land use concerns in determining whether or not to grant the CUP. Staff will prepare a resolution containing the City Council's CUP Findings for consideration at a future City Council meeting. Planning staff recognizes that the public outreach effort and the public hearings have raised legitimate land use concerns that had not been addressed in the original analysis.

Separate from the decision on whether or not to grant this unaccompanied youth facility CUP, the applicant also seeks to reverse the Planning Commission's decision to not extend the current skilled nursing facility CUP. Granting a CUP extension for a skilled nursing facility, or other CUP for reactivation at some undetermined date in order to allow an interim use, has never before been requested. Pursuant to Zoning Code Section 33-1206, abandonment or non-use of a CUP terminates a CUP unless an extension of time is granted.

The decision to grant an extension of the skilled nursing CUP may warrant consideration from the standpoint of the neighborhood stability in which this property is located. Residential areas would normally warrant consideration of "conditionally permitted" uses only if they do not impact the stability of land uses that normally exists in the residential neighborhood. Details regarding the length of time that the unaccompanied youth facility would exist have not been readily forthcoming. While there is no assurance that any conditionally permitted use will remain for any particular time, the stability of the use may be a factor to be taken into account, especially in a residential neighborhood.

The applicant informed staff that the unaccompanied youth facility would lease the former skilled nursing facility for 15 years (with subsequent one-year options). After closure of the unaccompanied youth facility the skilled nursing facility would need to comply with all state licensing requirements in order to be re-established. However, if the extension of time is granted, because the skilled nursing facility CUP would be 'grandfathered' during the operation of the unaccompanied youth facility, local codes applicable to the nursing facility would not be imposed after it re-opened.

As an alternative to a long-term extension of the skilled nursing facility CUP, and in consideration that the facility's floor plan and the site layout were designed for that specific use, another such facility would be obviously be appropriate for the site. Adequate on-site parking is available for the skilled nursing facility, as demonstrated by the facility which operated for many years with no known code enforcement violations. Factors such as the facility's design to serve a unique clientele and the fluctuating market demand for providing such services may warrant flexibility in extending the CUP approval for a limited time. The City Council may want to consider extending the skilled nursing facility for an additional two years (to expire December 31, 2016) to allow the owner to seek alternative tenants.

Lastly, and as noted above, a binder of 98 documents was received from the applicant on Monday, October 13. There are no deadlines for the submission of material, and Council should consider all material provided up to and throughout the public hearing. But, while staff has included this material as part of your record, it should be noted that a detailed analysis of this material was not possible due to the timing of this submission.

Respectfully Submitted,



Barbara J. Redlitz
Director of Community Development



Jay Petrek
Assistant Planning Director



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October 9, 2014

Jeffrey Epp, Esq.
City Attorney
City of Escondido
201 North Broadway
Escondido, CA 92025

Re: City Council Appeal
Project Case No. PHG 14-0017
Traffic analysis

Dear Mr. Epp:

As the City is aware from the appeal submitted to the City Council with respect to the above-referenced project, Southwest Key's position is the Planning Commission's decision is completely unjustified. In particular, the Commission neither asserted nor substantiated any facts showing that Southwest Key's proposed use would result in any adverse impact resulting from traffic. Indeed, the proposed use would generate no more and quite likely less traffic than the site's previous use as a skilled nursing facility.

Nonetheless, in good faith we are working diligently to provide the City Council with supplemental materials further demonstrating that the proposed use gives rise to no valid land use concerns. Unfortunately, the City's decision to accelerate the hearing date to October 15, coupled with the City's delay in providing traffic-related information, has complicated those efforts.

We have commissioned Chen Ryan Associates, Inc. to conduct a traffic impact assessment. This analysis requires certain information from the City, specifically a list of cumulative projects and near-term network improvements in the vicinity of the site.

On August 29, 2014, Jonathan Sanchez of Chen Ryan emailed Abraham Bandegan, an Associate Engineer with the City's Public Works Department, with "list of signalized intersections that we will study and for which we will need signal timing plans to be able to

move forward in our analysis.” Mr. Bandegan replied on the same date, asking Chen Ryan to send its “preliminary trip generation calculations and distribution assumptions” and noting, “We will then finalize the study area (intersections and road segments) based on the above mentioned preliminary analysis.”

After a further email exchange between Mr. Sanchez and Mr. Bandegan, Monique Chen of Chen Ryan sent a detailed email to Mr. Bandegan on September 5. In that email, Ms. Chen specifically described the work her firm was retained to perform and notified Mr. Bandegan:

We believe that this facility will operate like a boarding school, however, as ... mentioned previously, both SANDAG and ITE do not have trip generation rate[s] for boarding schools or similar type[s] of facilities, we decided to go with a more conservative approach by using SANDAG's Convalescent Home rate of 3 daily trips per bed. We based this decision on the assumption that the proposed facility will provide similar services as a convalescent home and youth at this facility will not be driving. In addition, while convalescent residents may have visitors, it's rather unlikely that the kids in this facility would.

Ms. Chen attached a “trip generation table” based on the “Convalescent Home rate” as well as an “estimated trip distribution pattern for the facility.”

Noting “this is a very urgent request,” Ms. Chen also asked for the following specific information:

- Traffic signal timing plans at three intersections – (1) W. Valley Parkway / W. 11th Avenue, (2) W. Valley Parkway / Avenida del Diablo, and (3) W. Valley Parkway / Citracado Parkway;
- A list of cumulative projects in the vicinity of the study area that we should include for the near-term analysis; and
- Any near-term planned network improvements in the study area.

At that point, there was no plausible reason why the City could not have provided all of the requested information based on Ms. Chen’s conservative approach. However, instead of providing the information, Mr. Bandegan replied on September 8 with the request to “provide us with information about similar projects and provide us clarification about the operation of the project.” Mr. Bandegan’s response disregarded the voluminous information already possessed by the City about Southwest Key’s proposed use, as well as the City’s own Notice of Exemption dated June 5, 2014 and submitted to the County Recorder, which stated, “The proposed project would not substantially increase the number of daily vehicle trips to the site nor impact vehicular circulation on or around the site.”

Nonetheless, Chen Ryan attempted in good faith to work with the City, sending “a technical memorandum documenting the project trip generation and distribution assumptions, as

well as the existing geometrics map encompassing the proposed project study area” by email dated October 1.¹

Ms. Chen followed up with an email to Mr. Bandegan on October 3 asking for “comments regarding the trip generation and distribution.” In that email, Ms. Chen wrote:

Also, regardless of your agreement on those assumptions, we would like to request the following information:

- A list of cumulative projects in the vicinity of the study area that we should include for the near-term analysis; and
- Any near-term planned network improvements in the study area.

On October 6, Mr. Bandegan finally responded to the original request for information, stating by email:

Regarding finalizing the study area, I suggest you include the 9th [A]ve intersections with Valley Pkwy, Del Dios Hwy and Auto Pkwy in the study area Regarding cumulative projects and future improvements, I will coordinate this with our Planning Department and will provide you the needed information by tomorrow.

Ms. Chen finally received the cumulative projects list from Jay Petrek, Assistant Planning Director, on October 7, around 4:00 p.m. As of 1:00 p.m. on October 8, Ms. Chen still had not received information regarding network improvements.

There is no reason the City could not have provided that information when Chen Ryan first requested it. Instead of providing an adequate explanation for not accepting Ms. Chen’s conservative approach, Mr. Bandegan insisted on the unnecessary and time-consuming exercising of submitting additional “information” and providing “clarification.” In any event, Mr. Bandegan could easily have provided the requested information even if he simultaneously sought additional information from Ms. Chen. Instead, Chen Ryan did not receive the necessary information regarding cumulative projects until October 7.

The City’s delay in providing necessary information precludes Chen Ryan from completing a traffic impact assessment at or in advance of the recently rescheduled hearing. Southwest Key is prepared to go forward with the hearing on October 15 provided it retains the right to supplement the administrative record with a traffic impact report in the future. The City has already indicated the City Council appeal will be a two-step process, with discussion and likely a vote at the October 15 meeting and staff preparing findings and conclusions for the Council to review at a future meeting. Unless the City is prepared to make a binding stipulation that the Planning Commission’s findings regarding traffic are unsupported by any evidence and

¹ I also note that I contacted your office by email on September 30 regarding delays in obtaining information regarding the traffic analysis.

Jeffrey Epp, Esq.
October 9, 2014
Page 4

that the City Council will make no findings regarding traffic, Southwest Key must be permitted to present a traffic analysis regarding the proposed use at or before the second Council meeting regarding the appeal, and the Council must consider that analysis before making a final determination of the pending appeal.

Thank you for your time and attention to this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Loy", with a stylized flourish extending to the right.

David Loy
Legal Director



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October 7, 2014

Jeffrey Epp, Esq.
City Attorney
City of Escondido
201 North Broadway
Escondido, CA 92025

Re: 1817 Avenida del Diablo

Dear Mr. Epp:

I am writing on behalf of the owner of 1817 Avenida del Diablo (TPD) to express concerns regarding the City's actions toward TPD concerning work being performed at that address. Based on the facts of which I am aware, I have serious concerns City staff members are improperly targeting TPD for retaliatory code enforcement as a result of TPD's willingness to lease the property to Southwest Key Programs (SWK). I ask that the City immediately investigate these concerns and cease retaliating against TPD.

FACTS

TPD owns the building and property located at 1817 Avenida del Diablo, having acquired it from Palomar Health District after the district closed the Palomar Continuing Care Center. As owner, TPD began certain work on the building and received no contact from any City staff until after SWK appealed the Planning Commission's denial of a conditional use permit.

However, within 24 hours after the necessary signs were first posted at the property concerning the appeal, individuals came to the property to express opposition to the SWK project and said they "were not going to let this happen." Within another 24 hours, City inspectors appeared at the site on August 29, 2014, and without entering the building issued a stop work order signed by E. Chase. Among other things, the inspectors said, "We have a lot of eyes on us," or words to that effect.

The stop work order stated that certain “framing and electrical” work was being done “without proper permits” and had “not received the required inspection approvals.” It directed TPD to “[s]ubmit plans and make application for the appropriate permits” within 10 days. It was followed by a “notice of violation” letter dated September 9 and signed by Bill Kaw, which similarly referred to “[f]raming and electrical work ... being done without the benefit of permits and approvals” and directed TPD to submit plans and permit applications for the work within 10 days of the date of the letter. After receiving an extension of time from Mr. Kaw, TPD submitted plans and a permit application on October 2. The project is relatively simple, involving only the movement of a non-load bearing wall by approximately 10 feet. City staff have not yet approved it, though similarly simple projects can often be approved over the counter.

Subsequently, within 48 hours of the posted signs being amended to reflect a change in the hearing date to October 22, two city inspectors visited the property on September 25. At that time, TPD was engaging in cosmetic upgrades to the property, making it ready for painting and carpeting. In preparation for painting the building’s interior walls, TPD removed several layers of wallpaper that had accumulated over time. Because the wallpaper had been on so long, it took a superficial layer of drywall with it in certain places. To prepare the walls for painting, TPD installed new quarter-inch drywall over the existing drywall. TPD could have skim coated the walls to cover the blemishes in preparation for painting, but the quarter-inch drywall provided a significantly more attractive appearance at approximately the same cost. The inspectors raised no objection but commented they were getting daily calls from individuals about the property and still had “a lot of eyes” on them, or words to that effect.

On Friday, September 26, an unidentified private individual entered the building and walked throughout the hallways without consent. The following Tuesday, September 30, two City code enforcement officers, E. Chase and Art Stephens, entered the building, apparently without consent or a warrant. When TPD’s onsite supervisor approached and asked if he could help them, they asked about the work that was ongoing. The supervisor explained they were resurfacing the walls, for which no permit is required, and that two other inspectors had visited a few days earlier without raising any concerns. After one or both of the inspectors spoke to someone on the telephone, apparently their supervisor, they said TPD was in violation of the August 29 stop work order and evidence collected would be submitted to the City Attorney, but they did not issue a stop work order. They also said, “We have eyes on us,” or words to that effect, and behaved in a hostile manner.

Yesterday, October 6, two inspectors again visited the property. After a walk-through, another stop work order was issued, again signed by E. Chase, claiming that a “Building Remodel including elec [sic] framing and drywall” is being done “without proper permits.” At this point, inspectors have visited the site three times in under two weeks, which is unusual for a project like this one, in which inspectors would typically visit only when an application is approved and the permitted work is completed.

DISCUSSION

It is questionable that TPD received no contact from City staff until after it was harassed by private individuals about the SWK project. Nonetheless, it is not disputed for present purposes that a permit is required for movement of the wall and related electrical work. Escondido Municipal Code (EMC) § 6-13.1. TPD complied with the August 29 stop work order and is in the process of obtaining the necessary permit. I expect the City will issue that permit without further delay.

However, no permit is required for “[p]ainting, papering, tiling, carpeting, cabinets, countertops and similar finish work.”¹ EMC § 6-13.3.8. That exemption applies to the painting and carpeting and necessary antecedent tasks in which TPD has been engaged since August 29. The inspectors who visited on September 25 recognized this fact by raising no objections. However, the inspectors who visited October 6 acted improperly by issuing an unjustified stop work order directed at the installation of quarter-inch drywall over blemished drywall solely for purposes of painting.

TPD does not require a permit for such purely cosmetic work. It is not removing and replacing drywall, which might require a permit. Instead, it is doing work necessary to and included in the painting process. If a permit is not required to remove wallpaper, skim coat the drywall, and paint it, then no permit is required to substitute a cosmetic layer of thin drywall for skim coating in order to prepare the surface for painting.

To construe the building code otherwise would lead to “absurd consequences that could not have been intended” by the City Council when it exempted painting and similar finish work from the permit requirement. *Barragan v. Superior Court*, 148 Cal.App.4th 1478, 1484 (2007). As in other contexts, a “commonsense interpretation of the language of the ordinance is required to make it workable and avoid an absurd result.” *Sacks v. City of Oakland*, 190 Cal.App.4th 1070, 1088 (2010).

In addition, I am deeply concerned that the actions by City staff toward TPD amount to improper targeting or retaliation, as evidenced by the following circumstances:

- No inspectors visited the site until immediately after public notice of SWK’s appeal was posted at the site and individuals expressed their opposition.
- After the first stop work order, no inspectors visited the site again until the public notices were amended to change the hearing date.
- Though the inspectors who visited September 25 raised no concerns, inspectors again visited on October 6 and issued a second stop work order.

¹ The same is true under California Building Code § 105.2, which Escondido has adopted. EMC § 6-1.2(a).

- Inspectors have visited the site three times in less than two weeks, far more often than is usual.
- The inspectors repeatedly referred to having eyes on them.

I trust it is not disputed the City may not engage in improper or excessive code enforcement against TPD due to the nature of SWK's project and/or SWK's lawful exercise of its right to pursue an appeal to the City Council. The foregoing circumstances raise troubling inferences of targeting or retaliation based on hostility toward TPD or SWK, either by City staff or Escondido residents whose biases City staff are acting on, both of which are equally impermissible.

It is also troubling that on September 30 inspectors entered portions of the building not open to the public apparently without a warrant, consent, or exigent circumstances, in possible violation of the Fourth Amendment. *Marshall v. Barlow's, Inc.*, 436 U.S. 307, 315 (1978); *See v. City of Seattle*, 387 U.S. 541, 543 (1967).

For all these reasons, I ask that the City immediately cancel the October 6 stop work order and refrain from any further harassment of TPD's lawful work. I also expect the City to immediately approve the routine request for a permit to move the non-load bearing wall. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Loy', with a stylized flourish at the end.

David Loy
Legal Director

Jay Petrek

From: Iris Siefert <axlemom@att.net>
Sent: Monday, October 13, 2014 12:06 PM
To: Jay Petrek
Subject: illegal immigrant "children" steal cars and carjack old man

A couple of these "unaccompanied minors" got out of one of these places, went on a car chase, then carjacked an older man. The standard of the CUP guideline process is too high, the City can't ensure that this couldn't

happen to us in our neighborhood, or worse. Iris Siefert

-----Original Message-----

From: Iris Siefert [mailto:deadforestiris@gmail.com]
Sent: Sunday, October 12, 2014 8:01 PM
To: axlemom
Subject: illegal immigration - Ironic Surrealism

<http://www.ironicsurrealism.com/category/illegal-immigration/>

Sent from my iPad

Ironic Surrealism

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Category Archives: illegal immigration

Democrat Border Invasion: 2 “Unaccompanied [Illegal Alien] Minors” Walk Out Of At-Risk Facility, Carjack 91 Year Old Vet

October 12, 2014 at 6:26 am

Thankfully their targeted victim was not injured in the process.



Via [The Examiner](#):

On Wednesday, police arrested two Guatemalan nationals, ages 16 and 17, following a high speed chase which ended on Interstate 80, just outside Iowa City.

Around 6 a.m., the pair walked out of Maryville Academy in Des Plaines, Ill., and committed their first carjacking of the day. They then drove 165 miles to a Walmart in Moline, Iowa, where they ordered a 91-year-old man out of his car, according to police.

Moline Police Det. Scott Williams stated: “They obviously chose him to take his vehicle. He walked with a cane. They watched him go in and get his medication from the VA.”

The two suspects came to the U.S. in the recent surge of illegal aliens flooding across our border from Central America and Mexico.

.....

Maryville Academy is a residential facility for at-risk and mentally-ill youths. The U.S. Health and Human Services agency has sent a number of so-called “unaccompanied minors” to the facility in the last several months.[..]

Even though we have more than enough home grown thugs of our own, the Obama Cabal orchestrated the importation of thousands more.

Remember in November

Photo source: [Breitbart Texas](#)

Tweet (1)

Like (0)

Read more 0 Comments

Maryland: Mob Of Illegal MS-13 Gangbanger Aliens Stab 55 Yr Old Black Homeless Man To Death

August 23, 2014 at 6:39 am

Kristina Owens

To: Kristina Owens
Subject: FW: CUP appeal for Southwest Key Programs

From: Larry Demry [<mailto:2z06.hwyan@gmail.com>]
Sent: Wednesday, October 08, 2014 12:02 PM
To: Sam Abed; Ed Gallo; John Masson; Michael Morasco; Olga Diaz; Jay Petrek
Subject: Fwd: CUP appeal for Southwest Key Programs

Dear Escondido City Council members:

One of the primary purposes of the City Planning Commission is to ensure that the land use within the city will benefit the people of Escondido. *Southwest Key's Programs* does not offer anything of value to the people of Escondido.

They do not offer any SERVICES to the people of Escondido. They won't fix my car, do my dry cleaning, mow my lawn, or file my taxes. As a service facility, they are worthless to the people of Escondido.

They do not manufacture or produce a PRODUCT that can be purchased. They won't sell me a car, a piece of furniture or any food. As a product supplier, they are worthless to the people of Escondido.

Southwest Key's Programs is a not-for-profit organization, which means that they don't pay TAXES. *Southwest Key's Programs* will pay no taxes to Escondido to help operate the administration and maintain the infrastructure of the City. They are worthless to the City of Escondido. *Southwest Key's Programs* is funded by Federal tax dollar grants but pays no taxes. *Southwest Key's Programs* is a leach on this country and a detriment to it's economy and worthless to the USA.

The owner of the property, who has an interest in this issue isn't the one that filed this appeal. The people who live near this piece of property and have an interest in the issue aren't the ones who filed this appeal. David Loy and the *ACLU* and *Southwest Key's Programs*, who did file this appeal, don't live in Escondido and have no interest in the people or the City of Escondido. David Loy and the *ACLU* and *Southwest Key's Programs* and this appeal are all worthless to the people of Escondido.

Council members, please support the City of Escondido's Planning Commission and deny this frivolous, grandstanding, emotional, illogical, worthless appeal and do not allow the Conditional Use Permit for the facility on Avenida del Diablo.

Respectfully,

Larry & Kitty Demry
2219 Avenida del Diablo
Escondido, CA 92029

Kristina Owens

To: Kristina Owens
Subject: FW: Palomar Continuing Care Facility CUP appeal (sent via website to council members)

From: kitty demry [<mailto:2kittydemry@gmail.com>]
Sent: Wednesday, October 08, 2014 10:33 PM
To: Jay Petrek
Subject: Palomar Continuing Care Facility CUP appeal (sent via website to council members)

Dear Mayor and Council Members:

Regarding: Palomar Continuing Care Facility Conditional Use Permit appeal

We have been attending the Planning Commission meetings to voice concern, and the concerns of our neighbors, who do not want the Palomar Continuing Care Facility be used to house 96 or more "youth" of any ethnicity.

Escondido Planning Commission stated land use issues at both the June 2014 and the July 2014 meeting which we and our neighbors share. Insufficient parking. Increased surface street traffic, traffic congestion, and traffic noise especially at round the clock shift changes. Increased parking congestion on residential streets due to lack of on-site parking. Non existent recreational space. Inappropriate hours of operation for a residential area. Excessive noise concerns with active youth far different than noise created by non-ambulatory elderly.

ACLU's claim that Southwest Key use will generate the same conditions as were present when the facility was used as a care facility for elderly, ill and bed ridden is absurd, ridiculous, nonsense, i.e. BUNK!

Please, support your Planning Board and stand up for Escondido residents in the area who are affected by this inappropriate land use issue. We say NO Conditional Use Permit should be granted.

We personally are unable to attend the meeting as a result of the changed date. We know stuff happens; but we had scheduled our work and other obligations to attend the council meeting 10/22. The new date does not afford us the opportunity to be there in person. But we will send others to speak:-)

Thank you for standing up to the bully ACLU and your dedication to making Escondido a great city.

Kitty & Larry Demry

Jay Petrek

From: Iris Siefert <axlemom@att.net>
Sent: Saturday, October 04, 2014 7:09 AM
To: Jay Petrek
Subject: Illegal immigrant children's shelter appeal

Jay, can you please pass this on to the council?

Dear City council:

I have read the appeal of the ACLU over the Planning Commission's denial of the immigrant shelter, to be heard on October 15, and I would like to address the points made, as they are false:

1. Residential Character: The ACLU states that the shelter would "provide services similar to the previous use". This statement is false, and it is the basic premise of the entire appeal. The previous use, as a skilled nursing facility, was essentially a small hospital. Residents were local people from the community, they had homes and family here, and they were not ambulatory. The proposed use is as a homeless shelter. Homeless shelters in Escondido are not allowed in residential areas. Last year I recall several sites being excluded for a homeless shelter just because they were near a residential area. In my opinion, Southwest Key should not have been allowed to even take this shelter to the CUP stage. The only reason they were allowed to do so, is that their lawyers decided to cleverly call it "government services". If you look at the descriptions of government services in the regulations, clearly these refer to office and administrative functions. There is nothing even vaguely resembling a homeless shelter in those regulations. Homeless shelters do not go into residential areas, ever. This is abuse of our neighborhood, to even propose this use.

In addition to the inappropriateness of a homeless shelter, this particular one would serve juveniles, mostly teen age boys, who have broken federal law to enter the country illegally. These are not people from the local community. Little, if anything, is actually known about them, just whatever they have chosen to state to authorities. This population is completely unlike the former residents, who were local residents who had broken no law to get to our neighborhood. The ACLU assertions are absurd. If I call my Great Dane a cat because he has fur and a tail and walks on four legs, I cannot use that false assertion to go on to argue that he should be allowed in an apartment that doesn't allow dogs, that he should not need a license because he is a cat, that he cannot be accused of barking loudly because he is a cat, that he presents no danger of biting because he is a cat, etc. He is not, and never was, a cat. This proposed shelter is nothing like the previous use simply because the residents would be living in the building like the last set of residents were. That is not enough of a similarity.

2. Security: The ACLU states that law enforcement had no concerns. Since law enforcement made that statement, much has changed. This facility has generated much publicity, local and national. Internet posts after the last two hearings contained comments on both sides of the issue that were concerning and seemed to be written by unstable individuals. This shelter could itself become the target of someone wishing to harm the residents. Any such activity against the shelter would pose a danger to our neighborhood. In addition to potential dangerous actions, there have been people coming into our neighborhood at night, on both sides of the issue, posting unpleasant signs. While this may not be dangerous, it is bringing outsiders into our neighborhood in a manner that we do not want. People should feel that those entering their neighborhoods belong there for positive reasons, not that angry individuals are coming in at night with some sort of political agenda. Allowing the shelter would only subject our quiet neighborhood to more attention and activity that we should not fairly have to endure.
3. History of Discrimination. This is a local land use issue that has gotten out of control, but this is not the fault of those in my neighborhood. Those of us who live here did attend the hearing, and did speak to land use issues

such as security, appropriateness of the parcel, high bar standards of the CUP guidelines, etc. We cannot be punished because a large group of people showed up to voice opinions on general immigration issues. Because we only had one minute to speak, perhaps the ACLU did not hear us. To use an analogy, suppose a small group of peaceful protesters came to downtown Escondido to quietly support the shelter proposal. Imagine then, a much larger group of people showed up, started breaking windows and looting. Should the group of peaceful demonstrators be arrested, punished, for the looting? If this seems absurd, that is exactly what the ACLU is doing to us neighbors. They are trying to punish us, with our land use concerns, for the fact that hundreds of other people showed up at the hearing and were not specific to the hearing topic. We have no control over the public, we can only act in accordance with addressing this as a land use issue in the one minute we were allowed. That is exactly what we did, and the ACLU is abusing us in a public manner, causing us to be labelled racists, and causing inappropriate hatred to be directed at us. Someone should sue the ACLU on our behalf.

In closing, please uphold the original Planning Commission denial of this illegal immigrant homeless shelter use. It does not belong in a residential neighborhood, ours or anyone else's. You cannot simply call a homeless shelter by another name and then, presto, homeless shelter zoning rules no longer apply. Thank you.

Iris

Siefert, 1720 Lorry Lane, Escondido, 92029 760-745-8325

Kristina Owens

Subject: FW: [Website Feedback]: Housing of illegal alien children

From: Joyce Masterson

Sent: Friday, September 12, 2014 8:30 AM

To: km.irgens@att.net; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson

Cc: Barbara Redlitz; Diane Halverson

Subject: RE: [Website Feedback]: Housing of illegal alien children

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson

Director of Economic Development and Community Relations

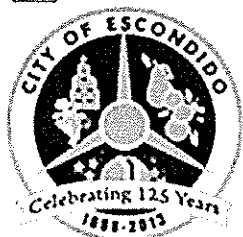
City of Escondido

201 N. Broadway

Escondido, CA 92025

Phone: 760-839-4621

Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]

Sent: Tuesday, September 09, 2014 3:07 PM

To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson

Subject: [Website Feedback]: Housing of illegal alien children

Kathleen Irgens

km.irgens@att.net

Please stand up to the ACLU and don't let them force this unwanted facility on our town. Why don't they put it in Del Mar, La Jolla, Carlsbad or Rancho Santa Fe??!!! They wouldn't dare unset their wealthy contributors in those upscale neighborhoods - just dump them in poor Escondido. The ACLU has deep pockets and any lawsuit Escondido has to defend against, means money gone from schools, streets, fire protection and police. Send all the illegals to Washington DC, they're the ones who created this mess by not enforcing the laws and the border!

Thank you,

Kathleen Irgens



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]
Sent: Tuesday, September 09, 2014 12:28 PM
To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Subject: [Website Feedback]: Please Deny the CUP for 1817 Avenida Del Diablo (P

Michael Blodgett
mlblodgell@cox.net

To the Escondido City council,

I am a homeowner and resident of the Rancho Grove Estates neighborhood which is nearby the proposed facility at 1817 Avenida Del Diablo. I am contacting you to strongly urge you to uphold the denial of the Conditional Use Permit (CUP) PHG 14-0017 for this facility. (Item 9 on the September 10th City Council Meeting Agenda.)

The proposed facility would be in fact a Government Run Detention Center. A Detention Center of any type has no place in a residential community – regardless of who is being detained. This Detention Center would be very detrimental to our neighborhood.

Please protect our community by upholding the Planning Commission denial of CUP PGH 14-0017.

Thank you.

Respectfully,

Michael Blodgett

1857 Angeles Glen

Escondido, CA 92029

Kristina Owens

Subject: FW: [Website Feedback]: Deny permit tp shelter illegal alien children

From: Joyce Masterson

Sent: Friday, September 12, 2014 8:27 AM

To: barbud2000@cox.net; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson

Cc: Barbara Redlitz; Diane Halverson

Subject: RE: [Website Feedback]: Deny permit tp shelter illegal alien children

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU.

-Joyce Masterson, on behalf of the City Council.

Joyce Masterson

Director of Economic Development and Community Relations

City of Escondido

201 N. Broadway

Escondido, CA 92025

Phone: 760-839-4621

Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]

Sent: Tuesday, September 09, 2014 12:39 PM

To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson

Subject: [Website Feedback]: Deny permit tp shelter illegal alien children

Barbara Fleeman Hazlett

barbud2000@cox.net

Dear Mayor Abed and City Council of Escondido,

this e-mail is to let you know that I am against having a detention center in Escondido. Please continue to deny the permit to shelter 96 illegal alien children at Palomar Continuing Care Center. The cost is prohibitive. The laws should be enforced. These children should be returned to their families in their home countries. Please continue to stand stron against the pressure from the ACLU. Preserve Escondido!

Best Regards

Barbara

Kristina Owens

Subject: FW: [Website Feedback]: Against the immigrant shelter

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:35 AM
To: Dessaireland@hotmail.com; Sam Abed
Cc: Barbara Redlitz; Diane Halverson
Subject: RE: [Website Feedback]: Against the immigrant shelter

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]
Sent: Wednesday, September 10, 2014 7:48 AM
To: Sam Abed
Subject: [Website Feedback]: Against the immigrant shelter

Dessa
Dessaireland@hotmail.com

To whom it may concern

The open borders crowd is at war with America while the other side thinks this is a debate. This is war being waged on America, this is not a debate.

- immigration is a National Security, (jobs and the economy), and Public Safety, (the right of all Americans to be secure in their persons and property), issue which includes public health and strict enforcement of existing Immigration Law.

- the laws as written by the United States Government mean nothing if those laws are not enforced. When the actions of the United States Government encourage violation of American Immigration Laws it is those actions the potential Illegal Alien correctly understands as fact that leads to accelerated illegal migration to the United States.

- (several years ago)...in Maricopa County over 72,000 criminal aliens were removed from Maricopa County. Violent crime decreased 60% and overall crime decreased by 14.7 percent at a time when the national average was about one third of that percentage.

- Today, Border Patrol Agents tell us that they have apprehended approximately 52,000 Central American illegal alien minors this year and that number represents only a fraction of those that actually entered the United States and were not apprehended. Of these apprehended a significant number are obviously gang members and criminal types who are being released into American society.

- From Jackie Peacock, Carlsbad RWF president: We are a nation of legal immigrants based on the rule of law and property rights. Protesters are not fearful of a changing world; they are upset with a government that does not protect its citizens by protecting its border. An act of love would be to reunite these children and adults with their families in their home countries.

- From TCTP coordinator and pastor Dr. Gary Cass:

- o Some things that governments do (or should do) include protecting the country's borders and, yes, deporting illegal aliens. These are not specifically Christian duties, but they're not anti-Christian either. They are simply functions of human governments.

- o Don't be bamboozled by pious-sounding sound bites that don't add up. Demanding that our government fulfill its duty by controlling our borders is not evil or anti-Christian. It's the best thing for our country—and in the long run, it's better for the people in Mexico and Central America.

Kristina Owens

Subject: FW: [Website Feedback]: ACLU Detention Center for Illegal Imigrants

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:34 AM
To: jed@hollandscabnets.com; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Cc: Diane Halverson; Barbara Redlitz
Subject: RE: [Website Feedback]: ACLU Detention Center for Illegal Imigrants

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

*Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003*



From: noreply@www.escondido.org [mailto:noreply@www.escondido.org]
Sent: Wednesday, September 10, 2014 6:59 AM
To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Subject: [Website Feedback]: ACLU Detention Center for Illegal Imigrants

Jed
jed@hollandscabnets.com

Why promote or condone illegal activities? The word illegal immigrant speaks for itself.

We should not allow an illegal citizen to remain in our country.

Kristina Owens

Subject: FW: [Website Feedback]: Proposed detention center in Escondido

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:36 AM
To: guytarvin@gmail.com; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Cc: Diane Halverson; Barbara Redlitz
Subject: RE: [Website Feedback]: Proposed detention center in Escondido

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]
Sent: Wednesday, September 10, 2014 9:33 AM
To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Subject: [Website Feedback]: Proposed detention center in Escondido

Guy Tarvin
guytarvin@gmail.com

Please do NOT allow a detention facility anywhere in Escondido. I feel it's wrong to move these people who are here illegally into any facility in the United States regardless of age, race, or anything else.

Guy Tarvin

Kristina Owens

Subject: FW: [Website Feedback]: Palomar Continuing Care Facility Request

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:39 AM
To: darcpa@cox.net; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Cc: Diane Halverson; Barbara Redlitz
Subject: RE: [Website Feedback]: Palomar Continuing Care Facility Request

Dear Mr. Reschly,

Please know that a public hearing was not held yesterday on the ACLU's appeal of the Planning Commission's decision which will be heard on Oct. 22. The people who addressed the City Council at yesterday's meeting did so under Oral Communications. Under the Brown Act, the public may address the Council on any item which is not on the agenda under Oral Communications. State Law prohibits the Council from discussing or taking action on such items. So those comments made by people are not considered part of the public testimony that the Council will hear and take into consideration at their meeting on Oct. 22. I suspect that there will be others on both sides of the issue who will come to the next several council meetings prior to Oct. 22 to voice their viewpoints under Oral Communications but the most effective time to do so is at the public hearing on Oct. 22.

-Joyce Masterson, on behalf of the City Council

*Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003*



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]
Sent: Thursday, September 11, 2014 1:45 PM
To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Subject: [Website Feedback]: Palomar Continuing Care Facility Request

Dirk Reschly
darcpa@cox.net

Dear Mayor and Members of the City Council

Thank you for reading this email. I was informed that the City Council would not be discussing the Palomar Continuing Care Facility last night because it was continued and instead will be considered at a future date. However, I learned there was some discussion that took place last night in favor of the facility. This concerns me and I wanted to reiterate my opposition for this request.

I live several miles away from the site but I couldn't agree more with the neighbors of the facility who came out to speak at the planning commission meeting, where I was also in attendance. I think the facility had its best use as an elder care facility. Using that facility now for transitional youth will include adding a fence, having two shift changes per day, and dramatically increase the traffic around the facility. This is unacceptable. I feel this violates the original zoning for the site. The residents surrounding this facility have made an investment in owning a home near the property and rely on the zoning rules to keep their neighborhoods safe and to maintain their home's value. Granting approval to Key West for their request would allow the installation for what will essentially be a low level prison facility near a quiet residential community. This will negatively impact those who live near this site.

I was unable to attend last night due to music practice at my church. However, I wanted to record my position as opposed to this project. I sincerely hope the council will listen to the Planning Commission and the concerns of the neighbors in the area of this project. Its requested use is simply not conducive or compatible with the current neighborhood zoning and the zoning of the site.

Sincerely,

Dirk Reschly

Kristina Owens

Subject: FW: [Website Feedback]: Proposed housing for Illegals

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:37 AM
To: Sunrae77@cox.net; Michael Morasco
Cc: Diane Halverson; Barbara Redlitz
Subject: RE: [Website Feedback]: Proposed housing for Illegals

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]
Sent: Thursday, September 11, 2014 12:17 PM
To: Michael Morasco
Subject: [Website Feedback]: Proposed housing for Illegals

Sunrae77@cox.net

I am a home owner by the proposed site for the illegals on Avenida Del Diablo. I am very much against housing these illegals. I have a teenage daughter at home and do not feel safe with them roaming around the area. This is a nice neighborhood. We moved in 2 years ago and I want to keep it nice. Also, I believe it will bring down the value of the houses. I am not racist nor am I heartless, but these illegals did not come over the right way. Instead of using that facility to house illegals, why not help the homeless and veterans. They are U.S. citizens and have served our country.

Please deny the illegals coming to the facility.

Kristina Owens

Subject: FW: [Website Feedback]: Palomar facility meeing tonight

From: Joyce Masterson

Sent: Friday, September 12, 2014 8:33 AM

To: ksdvm86@reagan.com; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson

Cc: Barbara Redlitz; Diane Halverson

Subject: RE: [Website Feedback]: Palomar facility meeing tonight

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson

Director of Economic Development and Community Relations

City of Escondido

201 N. Broadway

Escondido, CA 92025

Phone: 760-839-4621

Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]

Sent: Wednesday, September 10, 2014 6:36 AM

To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson

Subject: [Website Feedback]: Palomar facility meeing tonight

Karen Ella Seibold

ksdvm86@reagan.com

Housing Illegal Children, Land Use, US Dept of Heath and Human Services and the ACLU

This week a third public hearing will be held at the Escondido City Council to appeal the Planning Commission decision to deny the conditional use permit for a skilled nursing facility to house illegal youth in a facility operated by Southwest Key Corporation for the Applicant HHS. The zoning in the area is Residential Estates RE-20.

So what on earth does the ACLU have to do with land use decisions in a local community? Well we are about to find out. As the Appellant, the ACLU will have to present an argument why the zoning CUP should be granted. It may be difficult for the average American to make the connection here, but this is what we know. Early on proponents of housing these undocumented children that have come into the country illegally have said that the opposition was because of them being non white Americans. Read between the lines, if you oppose these children housed in a facility in this neighborhood then you are racist. <http://www.breitbart.com/Breitbart-California/2014/08/06/ACLU-Battles-Local-City-Residents-Over-New-Illegal-Immigrant-Detention-Center> The presence of the ACLU in this

local fight should now become clear. Obviously the ACLU has a bone to pick – and they see the denying of the CUP as racist and discriminatory and intend to make a case and more likely threaten the city with a lawsuit if they do not approve the CUP.

Just to review the history, **the planning commission and city council of Escondido voted unanimously to deny the change. TWICE** The staff report describes the use of the facility more as a boarding house or shelter. SWK denies that it is a detention center but in the plans proposes a 6 ft iron fence and admits that residents would not be able to come and go freely.

At no time did any member of the city council suggest that Escondido did not want these undocumented kids and even suggested that there may be other

locals that would be better suited for the facility-

Land use permits and conditional use permit changes are not new- not in Escondido not in your town- what is new is an outside entity willing to come in and influence a city council and use the threats of a lawsuit to get their way. Escondido has a history with this exact situation in the past so we have been on the ACLU radar for some time. This situation is very different it has to do with land use and city planning.

There is a series of things that could be done if this group really wants to change the

land use permit and it is called the ballot.

This has happened several times over the years, I can think of one that will actually be on the ballot this year regarding the Escondido Golf course and developer that wants to build homes on it. The citizens of the city will vote this November – this was also a battle that raged between the local residents and the city council and planning commission and the local developer. The ballot will be the

ultimate decider.

Southwest Key the organization that is contracted by HHS is in a bind- they signed a lease for the building, started renovating, then went to the city for the CUP, never considering that the city or the local residents would not willingly accept a illegal youth detention center in their quiet neighborhood. Time is money so you can imagine the thought of getting signatures and putting on a ballot would be time consuming and they are already paying lease obligations. I believe this is where the ACLU has been brought in to try and intimidate the local residents and our city council. Should the city council cave to the demands of the ACLU they will set a

precedence that will be used over and over again. The federal government wants to

dictate the building and land use in your town abide or face a lawsuit. The legal and correct to go about this issue is for SWK to get it on the ballot and allow the citizens of Escondido vote on it. Should the city council cave to the threats of the ACLU then

they each might as well resign and we install the ACLU as our city council.

I plan to submit this letter to as many news editorial places that I can.

Respectfully

Karen Seibold

Kristina Owens

Subject: FW: [Website Feedback]: Meeting tonight

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:34 AM
To: ksdvm86@reagan.com; Sam Abed
Cc: Diane Halverson; Barbara Redlitz
Subject: RE: [Website Feedback]: Meeting tonight

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]
Sent: Wednesday, September 10, 2014 6:49 AM
To: Sam Abed
Subject: [Website Feedback]: Meeting tonight

Karen Ella Seibold
ksdvm86@reagan.com

I hope that the board will remain steadfast today and stick with the issue being a land-use problem and not get sucked into this being a discrimination issue which is what the ACLU will try to do.

Another question that must be answered is now that the school year has begun how are these kids of school age going to be educated. SWK says that the average stay is 25 days- well does that mean that the local schools are going to get these kids for 25 days? Since most of them do not speak English are special class rooms going to be arranged. Who is going to pay for the extra teachers, busing, and supervision of these children?

I implore you to offer alternatives to the Palomar facility location- best being the San Pasqual academy property if available which would be much more suitable for temporary housing and could be staffed with teachers and staff to monitor these kids. The message has to be made clear that the not council nor the people of Escondido are discriminatory or racist but we are concerned citizens that believe in the rules set forth by our local government and that we expect our representatives to enforce those rules or allow the process to change them.

Respectfully

Karen Seibold

Escondido

Kristina Owens

Subject: FW: [Website Feedback]: Palomar Continuing care facility

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:33 AM
To: robin@momsangeleyes.com; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Cc: Diane Halverson; Barbara Redlitz
Subject: RE: [Website Feedback]: Palomar Continuing care facility

Thank you for taking the time to share your concerns with the City Council. Please know that the ACLU has appealed the Planning Commission's decision not to allow this facility at that location. Their appeal will be heard on October 22 at 4:30 p.m. in the City Council Chambers. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]
Sent: Wednesday, September 10, 2014 6:27 AM
To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Subject: [Website Feedback]: Palomar Continuing care facility

robin
robin@momsangeleyes.com

I just heard on the news that you are opening the Palomar Continuing Care on Valley Pkwy to house Undocumented Illegal Aliens.

I think this is crap.... You are opening up Pandora's box with this decision.

you are not keeping our kids safe REMEMBER THERE IS THE HIGH TECH HIGH RIGHT UP THE HILL, THERE ARE NEIGHBORHOODS WHERE CHILDREN LIVE ALL AROUND THAT AREA AND THERE ARE TREES ETC. WHERE THESE PEOPLE CAN RUN.

PALOMAR CONTINUING CARE IS NOT A SECURE FACILITY IN ANY WAY, SHAPE OR FORM AND WE DONT WANT THESE PEOPLE IN OUR NEIGHBORHOOD....

Kristina Owens

Subject: FW: [Website Feedback]: Illegal immigrant shelter

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:31 AM
To: Junedubois@aol.com; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Cc: Diane Halverson; Barbara Redlitz
Subject: RE: [Website Feedback]: Illegal immigrant shelter

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]
Sent: Wednesday, September 10, 2014 6:05 AM
To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Subject: [Website Feedback]: Illegal immigrant shelter

J June DuBois
Junedubois@aol.com

I implore you to stand fast against this shelter. I find the meeting to DISCUSS it with the ACLU to be bringing danger to the city of Escondido and I don't feel comfortable with even that necessities' impact from MY city, Poway. What if the surge of illegal immigrants includes a concerted planned Sept 11th attack on our local soil? Are we prepared for that? It is KNOWN that terrorist organizations are actively enlisting drug cartel from south of our borders. Imagine a huge surge of terrorism from a deliberate plant within Escondido. That's not even a fraction of the reasons to stand fast.

Kristina Owens

Subject: FW: [Website Feedback]: Appeal of Planning Commission Denial of CUP

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:31 AM
To: staser@earthlink.net; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Cc: Barbara Redlitz; Diane Halverson
Subject: RE: [Website Feedback]: Appeal of Planning Commission Denial of CUP

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003



From: noreply@www.escondido.org [mailto:noreply@www.escondido.org]
Sent: Tuesday, September 09, 2014 11:52 PM
To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Subject: [Website Feedback]: Appeal of Planning Commission Denial of CUP

David Staser
staser@earthlink.net

Dear Honorable Mayor Abed and the Escondido City Council,

As a follow-up to my email of 3 September and in the interest of being an informed homeowner and citizen of our community, I've just completed reading the extremely comprehensive issue summary for the Appeal of the Planning Commission's Decision on the Youth Detention Facility submitted by Ms. Redlitz and her staff. The background information was very illuminating. In the interest of brevity, the points I'd like to reinforce are:

1. The CUP is being applied for in the RE-20 zone under a "government services" land use exemption. Examples of which were police and fire stations, maintenance and administrative offices, etc. Does this not need to be CITY government services to qualify and not FEDERAL government services as this clearly is per SWK, the requestor.
2. County, State, and Federal elected officials have written to you asking that this request be denied for a wide variety of reasons. That alone speaks for itself.
3. The ACLU implies that SWK will be doing the City a favor by reutilizing this "vacant site". I walk and/or drive by the site four to five times a week and it is in very good repair. Hardly the eyesore, security or vandalism risk they portray.
4. This particular facility would be six times larger than anything SWK currently operates in San Diego (undisclosed locations in Lemon Grove and La Mesa, why is that?) so any reliance on data gained from the operational impact of those facilities is most likely grossly understated.
5. So how attractive or neighborhood and "gateway" friendly is the facility going to look when the tall security fence goes up? Is the City going to have a say or will it become a "federal issue".
6. The final paragraph on page seven says it best. From a legal standpoint (something the ACLU should understand) the request for the CUP should (and I'm paraphrasing) contain evidence of the need for such a facility in the community. It does not because there is NO COMMUNITY NEED for a federal youth detention center in Escondido, not at least from a City standpoint. It's not a library or a hospital or a recreation center. Every other city in San Diego seems to operate and serve their citizens quite well without one. The paragraph's last sentence says it all, "The use appears to be primarily to address certain federal level issues that are not necessarily relevant to the local community and do not justify allowing a use that is not permitted as of right in this zone." Well said Ms. Redlitz.

I understand and sympathize with the humanitarian reasons the advocates for this facility cite and I'm very willing to have my federal tax dollars spent on a federal facility on federal land to handle this federal issue until a new immigration policy becomes federal law.

Please uphold the Planning Commissions unanimous decision and deny this CUP request.

Respectfully,

David Staser

Kristina Owens

Subject: FW: [Website Feedback]: Illegal aliens

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:31 AM
To: pamchambers@cox.net; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Cc: Barbara Redlitz; Diane Halverson
Subject: RE: [Website Feedback]: Illegal aliens

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]
Sent: Tuesday, September 09, 2014 7:23 PM
To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Subject: [Website Feedback]: Illegal aliens

Pam Chambers
pamchambers@cox.net

Do not allow shelter ffor illegals. Stay firm, council

Kristina Owens

Subject: FW: [Website Feedback]: Reject sheltering Central Americans caught illegal

From: Joyce Masterson

Sent: Friday, September 12, 2014 8:30 AM

To: marymartin123654@gmail.com; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson

Cc: Diane Halverson; Barbara Redlitz

Subject: RE: [Website Feedback]: Reject sheltering Central Americans caught illegal

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson

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Escondido, CA 92025

Phone: 760-839-4621

Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]

Sent: Tuesday, September 09, 2014 4:05 PM

To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson

Subject: [Website Feedback]: Reject sheltering Central Americans caught illegal

Mary Martin

marymartin123654@gmail.com

I support your previous decisions. **Please, reject the sheltering Central Americans caught illegally crossing the U.S. southern border, here in Escondido.**

I live here in Escondido, and the influx of illegal persons into our state has crippled us to the point of bankruptcy. The hospitals, welfare and workforce can not sustain more

people who live off the system that do not contribute into it. There are legal means for persons wanting to be American citizens. We need to stop attracting illegal immigration by not offering perks of free food, housing, money and education to those who have not done what is required to receive the benefit. This is not a matter of discrimination, it is a matter of what is legal. Please support the law, even if our Federal Government has no idea what legal means. Thank you for understanding the law and being willing to take a stand and upholding it. You have my appreciation and gratitude.

Kristina Owens

From: Diane Halverson
Sent: Sunday, September 14, 2014 3:30 PM
To: Jennifer Klein
Cc: Barbara Redlitz
Subject: Fwd: Save our city from the ACLU

Sent from my iPad

Begin forwarded message:

From: pam connolly <conpam@gmail.com>
Date: September 14, 2014 at 3:27:34 PM PDT
To: <dhalverson@escondido.org>
Subject: Save our city from the ACLU

Please disperse this to the Mayor, Councils, City Councils, Planning Commissioners, School Board members and anyone else concerned or involved with this issue.

I stand against the permitting of the illegal housing facility(ies) in Escondido and want the council to stand firm with the Planning Commission's denial of it. To permit this facility for accompanied or unaccompanied illegals, is projected to cost U.S. taxpayers (alone) \$8.5 million per year plus it is a high potential for health and environmental disaster.

On June 24 the Escondido Planning Commission rejected a permit to shelter 96 illegal alien children at the Palomar Continuing Care Center. The Planning commission denied the permit 7-0 based on inappropriate and too extensive land use, traffic, noise and safety. The permit was further denied on appeal July 22nd.

This, denial of permit, was overwhelmingly endorsed and supported by the residents of the City of Escondido along with the residents of the greater San Diego area.

Now the ACLU's appeal to the Escondido City Council has reinvigorated this issue camouflaging it with inappropriate and irrelevant legalities along with maneuvering it on to future Planning Commission agendas in hopes of reversing the decision and obtaining the permit.

Stop this assault on our society WE DO NOT WANT HOLDING RESIDENCES FOR ILLEGAL ADULTS OR CHILDREN...it threatens our city and the very fabric of our society. Listen to your constituents. Keep our city safe.

Listen to what America's defenders say:

Zack Taylor , national chair of NAFBO (National Association of Former Border Patrol Officers):

- The open borders crowd is at war with America while the other side thinks this is a debate. This is war being waged on America, this is not a debate.
- Immigration is a National Security, (jobs and the economy), and Public Safety, (the right of all Americans to be secure in their persons and property), issue which includes public health and strict enforcement of existing Immigration Law.
- The laws as written by the United States Government mean nothing if those laws are not enforced. When the actions of the United States Government encourage violation of American Immigration Laws it is those actions the potential Illegal Alien correctly understands as fact that leads to accelerated illegal migration to the United States.
- (several years ago)...in Maricopa County over 72,000 criminal aliens were removed from Maricopa County. Violent crime decreased 60% and overall crime decreased by 14.7 percent at a time when the national average was about one third of that percentage.
- Today, Border Patrol Agents tell us that they have apprehended approximately 52,000 Central American illegal alien minors this year and that number represents only a fraction of those that actually entered the United States and were not apprehended. Of these apprehended a significant number are obviously gang members and criminal types who are being released into American society.

Jackie Peacock, Carlsbad RWF president:

We are a nation of legal immigrants based on the rule of law and property rights. Protesters are not fearful of a changing world; they are upset with a government that does not protect its citizens by protecting its border. An act of love would be to reunite these children and adults with their families in their home countries.

The TCTP coordinator and pastor Dr. Gary Cass:

- o Some things that governments do (or should do) include protecting the country's borders and, yes, deporting illegal aliens. These are not specifically Christian duties, but they're not anti-Christian either. They are simply functions of human governments.

- o Don't be bamboozled by pious-sounding sound bites that don't add up. Demanding that our government fulfill its duty by controlling our borders is not evil or anti-Christian. It's the best thing for our country—and in the long run, it's better for the people in Mexico and Central America.

Please save our country - start by standing strong in Escondido!

Kristina Owens

Subject: FW: [Website Feedback]: Palomar

From: Joyce Masterson
Sent: Friday, September 12, 2014 8:36 AM
To: ttroberts7@gmail.com; Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Cc: Diane Halverson; Barbara Redlitz
Subject: RE: [Website Feedback]: Palomar

Thank you for taking the time to share your concerns with the City Council. Please know this item was rescheduled to October 22 at 4:30 p.m. in the City Council Chambers at the request of the ACLU. You may be sure your concerns will be given appropriate consideration.

-Joyce Masterson, on behalf of the City Council

Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003



From: noreply@www.escondido.org [<mailto:noreply@www.escondido.org>]
Sent: Wednesday, September 10, 2014 8:36 AM
To: Sam Abed; Olga Diaz; Ed Gallo; Michael Morasco; John Masson
Subject: [Website Feedback]: Palomar

Terry Roberts DVM
ttroberts7@gmail.com

No

Kristina Owens

From: Jay Petrek
Sent: Monday, September 08, 2014 12:19 PM
To: Iris Siefert
Cc: Barbara Redlitz; Joyce Masterson; Kristina Owens
Subject: RE: Was CUP request appropriate to Illegal immigrant shelter? Or should it have gone light industrial?

Iris-

With regard to SWK's use being defined as a 'homeless shelter' versus 'government services,' staff's determination was based on the facts that the use was sponsored by the U.S. Department of Health and Human Services, and appeared to fit in the Government Services category of SDSLUC #6720: *'Protective Functions and Related Activities'* and specifically under SDSLUC #6729: *'Other protective functions and their related activities, Not Elsewhere Classified'* (SDSLUC excerpt from prior e-mail). The distinction is that the use includes more than just 'immigration offices.' As you can see from the description, there is an element of interpretation. If the City Council disagrees with staff's determination they can certainly raise that issue.

I'm sorry that you feel that your neighborhood was 'thrown under the bus.' But understand that SWK approached the city with their proposal; we did not steer them to any particular location. Had this facility been available for lease in any other area of the community I have little doubt that SWK would have pursued that location.

I can't speak for the national attention that this application has garnered, nor how members of the public have conducted themselves. However, I strongly take issue with your assessment that I have treated "you in your neighborhood like you were the enemy." Throughout this process I have made every effort to keep you and others informed about the process and application status. This includes providing written responses to inquiries to many community members and answering numerous phone calls regarding the matter. It is all part of the job, but there has been no "secrecy or deception."

We will forward your e-mails to the City Council.

Jay Petrek, AICP
Assistant Planning Director
(760) 839-4556



Planning Division
201 N. Broadway
Escondido, CA 92025
www.escondido.org
(760) 839-4313 (fax)

From: Iris Siefert [mailto:axlemom@att.net]
Sent: Monday, September 08, 2014 11:16 AM
To: Jay Petrek
Subject: RE: Was CUP request appropriate to Illegal immigrant shelter? Or should it have gone light industrial?

I see government offices but no mention of a homeless shelter use. Immigration offices are clearly a different impact upon a residential neighborhood than thousands of homeless indigents living here. Immigration protective functions, I think, refers to those coming to an office to apply for those services, not to live in those government offices. I wholeheartedly object to what the City did, and it threw our neighborhood under the bus. You guys always send anything nobody wants to live next to over to the west side, always, (sewage treatment plant, power plant, etc.). Then when you dole out amenities the north, east, and south get open space parks, we get the blazing hot black asphalt "auto park". It's appalling to live in a district that routinely gets treated so badly.

And as long as I'm venting, I believe the City is letting this issue get out of hand as far as turning into some sort of national theater of the immigrant hating bad bigoted old people vs the poor helpless Hispanic children. At no time in Escondido history have you attempted to impose a homeless shelter upon a residential neighborhood like this, and that fact is lost in all the nasty rhetoric. Your original notices of the Planning Commission hearing didn't tell what this place did, nor did it even give a time or place for the hearing. Secrecy and deception. You treated us in our neighborhood like we were the enemy, like we needed to be kept uninformed. This has nothing to do with race. You are allowing your productive citizens to be abused and harassed. But only those on the west side, so what else is new?

From: Jay Petrek [mailto:jpetrek@ci.escondido.ca.us]
Sent: Monday, September 08, 2014 8:38 AM
To: Iris Siefert
Cc: Barbara Redlitz; Kristina Owens
Subject: RE: Was CUP request appropriate to Illegal immigrant shelter? Or should it have gone light industrial?

Hi Iris-

Thanks for the e-mail. The points you raise are ones that were discussed amongst staff at length when SWK initially submitted their application. Initially SWK sought to submit their use as a 'residential care facility,' to which staff disagreed. We did, in fact, suggest to SWK officials that they consider the Emergency Shelter Overlay Zone to locate their facility.

The decision to classify the unaccompanied youth facility as conditionally permitted under 'Government Services' included a land use description of 'Immigration Protective Functions' contained within the San Diego Region Standard Land Use Code (SDSLUC). The SDSLUC is a document that categorizes thousands of land uses by number for inclusion in our residential zoning code. In particular, the SDSLUC identifies #6700 'Government Services' (except correctional institutions) as conditionally permitted in the R-E-20 zone. (Refer to Sec. 33-123 in the attached link: <http://www.qcode.us/codes/escondido/view.php?topic=33-8&frames=on>). Attached are two pages from the SDSLUC where 'Government Services' are described, which includes SDSLUC #6729 'Immigration Protective Functions.' Based on this, and our understanding of the services SWK

provides, it was staff's decision to accept their application as a 'Government Services' conditional use.

I will certainly forward your e-mail to the City Council unless, after reading my response, you decide otherwise. Please let me know. Thanks!

Jay Petrek, AICP
Assistant Planning Director
(760) 839-4556



Planning Division
201 N. Broadway
Escondido, CA 92025
www.escondido.org
(760) 839-4313 (fax)

From: Iris Siefert [<mailto:axlemom@att.net>]
Sent: Sunday, September 07, 2014 8:28 AM
To: Jay Petrek
Subject: Was CUP request appropriate to Illegal immigrant shelter? Or should it have gone light industrial?

Hello Jay. Please let me know if you have any thoughts about this and send it on to the City Council. I have one additional comment I would like to make, for the record, regarding the ACLU appeal for the illegal immigrant shelter to be heard on September 10, 2014. I don't believe this particular situation should ever have been hoisted upon our neighborhood in the form of a requested CUP.

The ACLU states that the shelter use is the same as the skilled nursing care use we have enjoyed. This is false. The Southwest Key land use would not fall under nursing home use as a category. It would fall under one of two possible categories: either "homeless shelter" or "detention facility". To the best of my researching abilities, it appears that neither a homeless shelter or a detention facility is normally allowed in a single-family residential zoned neighborhood. Therefore, Southwest Key should never have been allowed to pursue a CUP for this use in our neighborhood.

When Escondido opened a generic homeless shelter, I recall it needed a special shelter zoning overlay. The requirement for this overlay was that it be in an area zoned for light industrial. The area near Harmony Grove last considered was also light industrial. Both Southwest Key and the ACLU refer to the immigrant facility as a "shelter", therefore it should have only been directed into areas with light industrial zoning. These juveniles are shipped into Escondido without parents or home, therefore they are "homeless" and this use would most likely be a "homeless shelter".

As far as a detention center, I don't know what zoning would be allowed, but clearly it would not be residential single family. These juveniles have been "detained" by border patrol and/or ICE, so possibly a detention facility would be the correct designation if it is not a homeless shelter.

Because the City chose to inappropriately allow a CUP hearing for this shelter, we have been subjected to much abuse by the supporters of this inappropriately requested CUP. People in my neighborhood have been called "racist", "old", "ugly", "bigots", "haters", and worse. Certain forums have had posters state that they would like to "kill" all the white people objecting to the CUP request. Various signs have been posted in our neighborhood directed against us. Had the City done its job properly and informed Southwest Key that their proposed use was not compatible with residential zoning, we as neighbors would not be subjected to these abuses. In my opinion had this been a shelter for any other group, or a generic group, of homeless individuals, this would never have happened and they would have been directed to a light industrial zoned area. But because the residents would be only Hispanic (with minimal exception), somehow the CUP request was inappropriately allowed to go forward, at our expense, in our single family home neighborhood.

In my opinion, the City has a responsibility to all its citizens to do its job. If homeless shelters or detention facilities are normally directed to light industrial zones, this one should have been as well. By sending it to our West Escondido neighborhood, the City deflected its responsibility to an alternate inappropriate citizen hearing process. Thereby, we became the villains when in reality, we would have objected to homeless shelter/detention use regardless of race or ethnicity of occupants. Not only has this delayed the possible opening date of the potential shelter/detention facility, but it has thrust us as neighbors in national spotlight where we are portrayed as racists and bigots. This whole thing should never have happened, had you properly sent Southwest Key to a light industrial zoned neighborhood appropriate for homeless shelters/detention centers.

Iris Siefert, 1720 Lorry Lane, Escondido 92029, 760-745-

8325

Kristina Owens

Subject: FW: Tonight's City Council decision to use local facilities at risk to residents

From: John G [<mailto:hhps60@gmail.com>]

Sent: Tuesday, September 09, 2014 10:17 AM

To: Diane Halverson

Subject: Tonight's City Council decision to use local facilities at risk to residents

To: Distinguished Escondido City Council members,

I am writing on behalf of my family and friends in a neighboring city. We are in support of the City's Planning Department position not to allow the use of a city facility for inappropriate uses, even when requested by federal agencies.

We believe, as we hope that the City Council members believe, that the safe and appropriate use of local facilities overrides a federal agency's use of such facilities during times of peace.

Even if such use is to house immigrants fleeing their country, some immigrants could pose health and criminal dangers to residents. The risk to Escondido residents does not justify the accommodation of a federal agency that has decided to conduct questionable legal operations at taxpayer expense without their consent.

We would like to thank the City Council in advance for placing the needs and safety of their constituents before the desires of a federal agency.

Sincerely,

John & Catherine Guzman
Oceanside, CA

Kristina Owens

Subject: FW: CUP appeal for Southwest Key Programs

From: Larry Demry [mailto:2z06.hwyman@gmail.com]
Sent: Thursday, September 11, 2014 1:06 PM
To: Sam Abed; Ed Gallo; John Masson; Michael Morasco; Olga Diaz; Jay Petrek
Subject: CUP appeal for Southwest Key Programs

Dear Escondido City Council members:

One of the primary purposes of the City Planning Commission is to ensure that the land use within the city will benefit the people of Escondido. *Southwest Key's Programs* does not offer anything of value to the people of Escondido. They do not offer any SERVICES to the people of Escondido. They won't fix my car, do my dry cleaning, mow my lawn, or file my taxes. As a service facility, they are worthless to the people of Escondido.

They do not manufacture or produce a PRODUCT that can be purchased. They won't sell me a car, a piece of furniture or any food. As a product supplier, they are worthless to the people of Escondido.

Southwest Key's Programs is a not-for-profit organization, which means that they don't pay TAXES. *Southwest Key's Programs* will pay no taxes to Escondido to help operate the administration and maintain the infrastructure of the City. They are worthless to the City of Escondido. *Southwest Key's Programs* is funded by Federal tax dollar grants but pays no taxes. *Southwest Key's Programs* is a leach on this country and a detriment to it's economy and worthless to the USA.

The owner of the property, who has an interest in this issue isn't the one that filed this appeal. The people who live near this piece of property and have an interest in the issue aren't the ones who filed this appeal. David Loy and the *ACLU* and *Southwest Key's Programs*, who did file this appeal, don't live in Escondido and have no interest in the people or the City of Escondido. David Loy and the *ACLU* and *Southwest Key's Programs* and this appeal are all worthless to the people of Escondido.

Council members, please support the City of Escondido's Planning Commission and deny this frivolous, grandstanding, worthless appeal.

Respectfully,

Larry & Kitty Demry

2219 Avenida del Diablo
Escondido, CA 92029

Kristina Owens

Subject: FW: Unaccompanied Youth Shelter Correspondence

From: Larry Demry [mailto:2z06.hwyma@gmail.com]

Sent: Thursday, September 11, 2014 1:23 PM

To: Sam Abed; Ed Gallo; John Masson; Michael Morasco; Olga Diaz; Jay Petrek

Subject:

"The only thing necessary for the triumph of evil is for good men to do nothing."
— Edmund Burke Irish/English Philosopher 1729-1797

I really like that quote. I like to think of myself as a "good man" so I am choosing to do this rather than "do nothing".

I have been hearing recently that the huge influx of non USA citizens across our country's southern border isn't about immigration. It is about humanitarianism. The people making this statement seem to have a generous heart but also demonstrate a lack of comprehension of the "long term" ramifications. I get it, I really do, it is difficult for USA citizens to not "want to help" and we struggle to understand big numbers. So, let me give you a scaled down and more personal perspective of the illegal invasion of our country by foreigners.

If a poor, homeless person knocked on the back door of your house and asked you to take them in, allow them to live with you in your house, feed them, clothe them, provide them with medical care, educate them, and help them with their social needs for the rest of their lives, would you do the humanitarian thing and comply with their wishes? I think not. But if you did, what would you then do if a hundred poor, homeless people knocked on your back door every day and made the same request? Even if you were the richest person in the USA, and all these people were wonderful people, you could not provide for them. Your house isn't large enough and your resources aren't extensive enough. Your property line would lose meaning, your flower bed would become trampled, your house and furnishings would become destroyed and your once "nice" life would be reduced to match those you tried to help. You haven't helped others and you have destroyed yourself. How is that humanitarian? That is Socialism. Is any of this starting to sink in?

The USA doesn't have the resources to provide for the entire world's poor, disadvantaged, sick, discarded, and criminal people. This is why the USA, and all sovereign countries, have immigration laws. That is why this "issue" is about immigration and not about humanitarianism. This is why the Federal Government must secure our borders and why the US Attorney General must enforce all of our laws, not just the ones of which he and the President approve. We have a Department of Justice, a Department of Homeland Security and a Department of Health and Human Services, none of which are doing their jobs. We used to have Ellis Island to quarantine people before allowing them into the populous instead of releasing thousands of sick people into our highly populated cities. The USA's immigration laws need to be enforced!

AFTER our borders are secure, we can discuss reform. First things first!

Larry Demry

Kristina Owens

Subject: FW: City Council Meeting Sept. 10 on the unaccompanied youth facility

From: Joyce Masterson
Sent: Thursday, September 11, 2014 2:06 PM
To: Nancy/Ken Walery; Sam Abed; Olga Diaz; Ed Gallo; John Masson; Michael Morasco
Cc: Jay Petrek
Subject: RE: City Council Meeting Sept. 10 on the unaccompanied youth facility

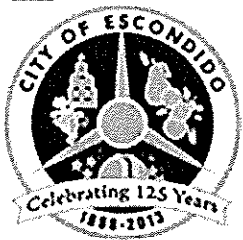
Dear Mr. and Mrs. Wallery,

Please know that the information you received was correct and that a public hearing was not held yesterday on the ACLU's appeal of the Planning Commission's decision which will be heard on Oct. 22. The people who addressed the City Council at yesterday's meeting did so under Oral Communications. Under the Brown Act, the public may address the Council on any item which is not on the agenda under Oral Communications. State Law prohibits the Council from discussing or taking action on such items. So those comments made by people are not considered part of the public testimony that the Council will hear and take into consideration at their meeting on Oct. 22. I suspect that there will be others on both sides of the issue who will come to the next several council meetings prior to Oct. 22 to voice their viewpoints under Oral Communications but the most effective time to do so is at the public hearing on Oct. 22.

I certainly understand your concern and recognize that sometimes the parliamentary procedures and state laws that we must follow can be confusing.

Best wishes,
Joyce

Joyce Masterson
Director of Economic Development and Community Relations
City of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: 760-839-4621
Fax: 760-739-7003



From: Nancy/Ken Walery [mailto:knwalery@pacbell.net]
Sent: Thursday, September 11, 2014 1:28 PM
To: Sam Abed; Olga Diaz; Ed Gallo; John Masson; Michael Morasco
Cc: Joyce Masterson; Jay Petrek
Subject: City Council Meeting Sept. 10 on the unaccompanied youth facility

We received notification on Tuesday, Sept. 9, that this agenda item, originally scheduled for Sept. 10, was officially continued to Oct. 22, so we removed it from our calendar, trusting the accuracy of Jay Petrek's email and Joyce Masterson's News Release dated Sept. 9 which stated that this issue would NOT be heard on Sept. 10. ("The appeal will not be considered by the City Council at tomorrow's meeting and will be heard instead on October 22, 2014").

We are shocked and angry to now learn that some of those in favor on this issue who still showed up last night were **WRONGLY GIVEN AN OPPORTUNITY TO SPEAK** when it had already been officially rescheduled. So many members of the public, trusting your notice, were not there to make it a balanced discussion. Was this some kind of bait and switch? You need to explain why ANYONE, whether pro or con on this matter, would have been given ANY speaking time whatsoever when this meeting had already been officially rescheduled to Oct. 22.

It now appears by this egregious error on your part that an unfair advantage in hearing this issue has been created. As such, we reiterate in this letter our position, and again on Oct. 22, as to why the Palomar Continuing Care Facility is inappropriate for these illegal immigrants:

1. This is a Federal issue that needs to be resolved by the Federal Government, in Federal facilities, where these illegal immigrants can be housed, maintained, secured, and monitored until their hearing date. To send them elsewhere is the Federal Government's attempt to force their needs and problems on our community and to lose track of them, giving them the opportunity to "blend" into society and the Feds a chance to lose track of them until they conveniently grant blanket amnesty. Approving the use of this facility to Southwest Key to house this illegal population makes each of you complicit in this illegal attempt by the Feds to ditch their responsibilities to resolve this problem, and foists many burdens upon the public that will negatively affect our use and enjoyment of many city and community services.
2. The Palomar facility may have the rooms, beds, an old (and antiquated) kitchen, and a sense of "group living," but it was never intended for young people who have vastly different--and more active--needs than an elderly, inactive and mostly bedridden population for which it was originally built.
3. The Palomar facility also does not have secure surroundings. The proposed fence is woefully inadequate from a security standpoint. Further, such a fence will give the appearance of a detention facility--which it REALLY is--which DOES NOT belong in a residential area. Parking, traffic, and the added noise generated for this concentration of a younger and more active population will have a negative effect on the peaceful ambiance we all expect from the neighborhood in which we live.

We strongly cast a NO vote on allowing this Southwest Key detention facility into our community! And we will remind you again on October 22.

Nancy and Ken Walery

Kristina Owens

From: Bill Martin
Sent: Thursday, August 28, 2014 10:57 AM
To: Jay Petrek; Kristina Owens; Barbara Redlitz
Subject: FW: Hearing set on shelter for unaccompanied (ILLEGAL) minors, Escondido City Council to discuss site proposal planning panel rejected

From: Gerald Tink Reaster [mailto:tink@tinkweb.com]
Sent: Thursday, August 28, 2014 9:24 AM
To: Sam Abed; Robin Ekblad; Olga Diaz; Michael Morasco; Marie Waldron; Jay Petrek; ed gallo; Ed Gallo; Bill Martin; Cory Moles
Subject: Hearing set on shelter for unaccompanied (ILLEGAL) minors, Escondido City Council to discuss site proposal planning panel rejected

**I WILL BE THERE ON SEPT. 10 TO SUPPORT AND
OPPOSE THE HOUSING OF "ILLEGAL IMMIGRANTS" IN
ESCONDIDO, WILL YOU?**

**I THINK WE DO NOT NEED A "DETENTION FACILITY" IN
OUR CITY!**

The number of unaccompanied minors from Central America crossing into the United States may have slowed over the past couple months, but that won't affect a push to open a center in Escondido to house immigrant children, a proponent of the plan said this week.

The Escondido City Council will hold a hearing Sept. 10 on the proposal, which was rejected by the city's Planning Commission in late June. The commission said the planned site wasn't a good fit for the center, but critics — including the San Diego chapter of the American Civil Liberties Union — said they believe the decision was based on discrimination.

The ACLU filed an appeal to the council on behalf of Southwest Key, the company that would run the shelter for the U.S. Department of Health and Human Services. David Loy, legal director of the ACLU's San Diego chapter, said his group will keep fighting for the center because there aren't many other suitable sites in the county, and also as a matter of principal.

"This is an issue that has been arising not only in Escondido but around the country where either local residents or a local government exhibit unfounded hostility and bias toward immigrant youth housing and sometimes it is necessary to take a stand and fight back against hostility, discrimination and bias," Loy said.

City officials said the commission's decision was based only on land-use issues, not on larger immigration concerns cited by some residents who opposed the project.

“We heard a lot of overwhelming testimony about other things, but they weren’t pertinent to our decision,” commission Chairman Jeff Weber said in an interview with U-T San Diego last month.

Mayor Sam Abed, who made numerous public comments before and after the Planning Commission’s vote about the federal government’s failure to deal with the immigration issue, said at a town hall meeting Wednesday that the city is handling the shelter process correctly.

“I am the mayor and I have my First Amendment (rights) to express my opinion any time.” he said. “My concern is with the ACLU interfering with that decision. The decision that comes to the council on Sept. 10 is about land use. I talked about immigration publicly. I talked about the ACLU’s involvement in our city ... but I did not say I would vote this way or that way for the appeal.”

The move to add a new shelter in San Diego County was in the works long before federal officials began scrambling to open emergency centers across the country to house thousands of unaccompanied minors who have crossed into the United States over the past year fleeing violence and poverty in Central America. From October 2013 through July, the Border Patrol has taken into custody almost 63,000 unaccompanied minors and nearly the same number of adults traveling with children — far more than in any previous year, officials said.

The surge in crossings now appears to be slowing — the number dropped by 50 percent in July from the prior month, and last week the Obama administration quietly backed away from plans to add more emergency shelters.

In an email Wednesday, Kenneth Wolfe, a spokesman for the Department of Health and Human Services, didn’t address specific questions about the center planned in San Diego County. But he said such shelters are “consistently quiet and good neighbors in the communities where many have operated for years” and that the impact of the centers on local communities is minimal.

If the Escondido council denies the appeal — a decision that, under law, must be based on whether the facility would be compatible with the site — Southwest Key will decide how to proceed, Loy said.

He said there are several options and that filing a lawsuit is one that’s being strongly considered.

“We’re prepared to see it through to whatever conclusion we need to see it through for,” Loy said. “This is about enforcing the law that requires us to treat (these children) with compassion and decency.”

Another option could be pursuing a different location in the city, perhaps one of three motels near Mission Avenue and Centre City Parkway, Loy said. Escondido’s planning staff had already rejected those locations, but that could be revisited.

Southwest Key operates about two dozen shelters throughout the nation, including two small ones in Lemon Grove and near El Cajon. In 2011 the group reported \$61 million in federal grants, records show, and that number jumped to \$95 million last year.

<http://www.utsandiego.com/news/2014/aug/27/immigration-escondido-shelter-children/>

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"We are fast approaching the stage of the ultimate inversion: the stage where the government is free to do anything it pleases, while the citizens may act only by permission; which is the stage of the darkest periods of human history, the stage of rule by brute force."
Ayn Rand

Congressmen

<http://www.contactingthecongress.org/>

Representatives

<http://www.house.gov/representatives/find/>

California Legislature Members of the Assembly

<http://www.calnra.com/legs/asm.shtml>

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Gerald "Tink" Reaster

Visit my web site at:

<http://www.escondido-open-carry.org/index.html>

tink@escondido-open-carry.org

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FUTURE CITY COUNCIL AGENDA ITEMS
October 9, 2014

AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO CHANGE. CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617

October 22, 2014
4:30 p.m.

CONSENT CALENDAR

Lease Agreement with Warfighter Academy at 700 West Grand
(D. Lundy)

Warfighter Academy has proposed to rehabilitate 700 West Grand to make it habitable for occupancy and rent the site on an interim basis from the City for its tactical training business.

Bid Award for Nineteen Police Interceptor Utility Vehicles
(S. Bennett)

On August 19, 2014, request for bids were mailed to sixteen vendors and on September 16, 2014, four bids were received and opened.

Rubberized Pavement Grant Program Application
(E. Domingue)

The Council is being asked to approve applications to CalRecycle for the Rubberized Pavement Grant Program in order to use Rubberized Chip Seal in conjunction with the citywide annual Pavement Maintenance Program.

Bid Award for Jesmond Dene Baseball Field Lighting
(E. Domingue)

The project is budgeted within the CIP Budget. Improvements will include new lighting at a baseball field in Jesmond Dene Park.

Final Map, Escondido Tract SUB 13-0009, Located at 2412-2424 S. Escondido Boulevard
(E. Domingue)

This project was recommended for approval by the Planning Commission on April 22, 2014 as Resolution 6010. The Final Map is in substantial conformance with the tentative map approved by City Council on June 11, 2014 as Resolution 2014-51 and is subject to the conditions of approval therein.

Mills Act Agreement and CEQA Exemption for a Local Register Property (HP 14-0003)
(B. Redlitz)

An Old Escondido Neighborhood 1924 Historic Property previously listed on the Local Register located at 309 E. 5th Avenue. The current owners of the property wish to enter into a Mills Act agreement with the City.

Mills Act Agreement and CEQA Exemption for a Local Register Property (HP 14-0001)
(B. Redlitz)

An Old Escondido Neighborhood 1928 Historic Property previously listed on the Local Register located at 538 E. 9th Avenue. The current owners of the property wish to enter into a Mills Act agreement with the City.

October 22, 2014
Continued

PUBLIC HEARINGS

Local Register Historic Listing, Mills Act Agreement and CEQA Exemption (HP 14-0002)

(B. Redlitz)

To add an Old Escondido Neighborhood hilltop property located at 831 S. Broadway that includes a Mid-Century Modern residence designed and built in 1978 for renowned architect Ralph Haver to the Local Register. The current owners of the property also wish to enter into a Mills Act Agreement with the City.

Recommendations for Allocation of Affordable Housing Funds

(B. Redlitz)

Council approved release of an RFP of up to \$1,000,000 for the development of affordable housing on August 6, 2014. The RFP includes both federal HOME funds, which may be used solely for affordable housing purposes and must be committed by June 30, 2015, and repayments of Low and Moderate Income Set-Aside Funds. Staff has reviewed the responses submitted, ranked each proposal, and brings recommendations for allocation of the funds to Council.

CURRENT BUSINESS

Budget Adjustment: Transfer of Funds to Pay for Additional Special Inspections and Anticipated Changes to Complete Construction of the Operations Building at the Hale Avenue Resource Recovery Facility

(C. McKinney)

This budget adjustment is necessary to cover the costs of ongoing special inspections and anticipated changes required to complete construction of the Operations Building at the Hale Avenue Resource Recovery Facility (HARRF). Significant costs have been incurred through the implementation of required special inspections, including structural steel, welding, concrete, geotechnical and electrical.

WORKSHOP

Workshop on the Plans for Daley Ranch Restrooms

(J. Masterson)

Workshop on the Status of the City's Pavement Management Program

(E. Domingue)

Future Agenda Items (D. Halverson)

October 29, 2014
No Meeting (5th Wednesday)



City Manager's WEEKLY UPDATE to City Council

October 8, 2014

ECONOMIC DEVELOPMENT

On October 11th and 12th Kit Carson Park will host the AFCSL 31st Autumn Classic Softball Tournament. This adult softball tournament draws in teams locally, with in the State, and throughout the Nation to compete in San Diego at four locations. Kit Carson Park has the bulk of the games on our four softball fields with 73 games scheduled.

SPECIAL EVENTS

Saturday, October 11 in Grape Day Park St. Mary's Catholic Church will hold a Prayer Procession around the park from 11:30am – 1:30 p.m.

GRAFFITI REPORT

Attached is the activity log for graffiti eradication which dates back numerous years. Especially noteworthy is the overall reduction in graffiti this year to date compared to last year.

COMMUNITY DEVELOPMENT

Planning:

- The State Department of Substances Control (DTSC) held a public meeting on 9/30/14 at the CCAE regarding the Chatham site. The meeting, which was requested by the City Council in response to community concerns, was well attended by area residents. Comments focused on groundwater contamination, migration of the plume, public safety and lack of warning signs, impacts caused by future construction, adequacy of monitoring efforts and potential liability to the City if affected properties are annexed.
- On 10/06/14, LAFCO unanimously approved the annexation ("reorganization") and Sphere of Influence amendment for the Citracado Parkway extension, which will facilitate the project construction by allowing the improvement plans and inspections to be prepared and conducted by the City.
- Major Projects Update:
 - Oak Creek (NUW) – The consultant is preparing draft responses to comments on the Draft EIR, which are anticipated to be submitted for staff review on 10/24/14.
 - Amanda Lane (NUW) – Staff has reviewed the revised Specific Alignment Plan for Gamble Lane and found it to be acceptable. Outstanding issues include adequacy water pressure to serve the site via Rincon MWD and the design of the proposed sewer improvements.
 - Centerpointe 78 Commercial – The applicant has requested that the preparation of the Draft EIR be put on hold pending resolution of traffic mitigation requirements for direct impacts attributable to the project. At issue is the need for additional right-of-

City Manager's WEEKLY UPDATE to City Council

way and improvements along the Broadway frontage, and associated need to relocate the existing traffic signals in the CalTrans Right-of-Way. Additional offsite signal improvements are also anticipated. The applicant feels the improvements are regional and warrant a fair share contribution rather than bearing the full cost of construction.

- North Broadway Deficiency Area Projects – The Pickering annexation application has been submitted to LAFCO. The proposed application for the Zenner annexation and the associated 40-unit subdivision at Vista Ave. and Lehner Avenue remains incomplete. Outstanding issues affecting completion of the CEQA analysis include resolution of mitigation measures for offsite traffic impacts (specifically regarding improvements for the Vista/Ash intersection), resolution of the annexation boundary, development agreement terms, as well as water quality and noise issues.
- San Diego Veterans Village - The applicant has not provided a response to address the HPC comments regarding the proposed demolition of several historic adobe structures and to address Fire Department concerns.
- Zak Planned Development – Staff is coordinating with the applicant to meet conditions that will allow the final map to be considered by the City Council in October or November.

Housing:

Staff met with the applicants who have submitted proposals for the \$1M in Housing funds and is evaluating the proposals for Council consideration on 10/22/14.

Code Enforcement:

The Quarterly statistics for Code Enforcement and Business Licensing are attached.

Building Division:

- The monthly Building Activity Report for September is attached.
- Building had the busiest week on record issuing 77 permits for the week with a total valuation of \$936,000. Most of the permits issued were photovoltaic, tenant improvements, room addition and miscellaneous type permits.
- Inspections and counter contacts have increased with average daily inspections of 31 with 24 on Friday and average daily counter contacts of 32 with 19 on Friday.
- Photovoltaic permits are again dominating the permit activity for the week with 33 permits issued and 13 more in for plan review. Building has issued 538 photovoltaic permits this year compared to 307 permits issued for the same time last year.
- Construction activity continues at the Chick-Fil-A at 1290 Auto Park Way.



City Manager's WEEKLY UPDATE to City Council

- Construction activity and inspections are continuing at the Monticello assisted living facilities at 930 Monticello Dr.

CAPITAL IMPROVEMENTS

2013/2014 Street Maintenance Project:

The contractor is preparing to start striping along Chestnut Drive for the development of bike lanes between 5th Avenue and Juniper Street.

Maple Street Pedestrian Plaza Modifications:

The project began on Monday, October 6 with removal of the first pedestrian ramp along Valley Parkway. Work is scheduled for completion on the entire project by Monday, November 17.

Private Development:

County Project - Bear Valley Parkway Widening between Boyle Avenue and San Pasqual Valley Road:

The contractor is continuing to install required erosion control measures in preparation to underground construction between Boyle Avenue and San Pasqual Valley Road. Electronic message boards have been added north and south of the project limits warning of a construction speed limit of 30 MPH.

Habitat for Humanity:

The onsite underground improvements were started on Monday, October 6. These items include new water and sewer mains which will be connected to the future Elm Street project scheduled for later this year.

Classical Academy:

Striping and signage changes were recently implemented on E. Valley Parkway, Juniper, Pennsylvania, Kalmia and Waverly associated with the new Classical Academy High School site. New crosswalks and stop signs have been installed. In addition, to improve traffic safety and to comply with the traffic study for the project, turn restrictions were placed to prevent traffic on Kalmia from crossing E. Valley Parkway. The speed limit has been reduced to 25mph in the vicinity of the school when children are present. Motorists are advised to be attentive when driving in this area. Staff will continue to monitor the traffic condition around the Academy and will coordinate enhancement of traffic safety measures in the vicinity of the school if needed.

PUBLIC SAFETY

Police

City Manager's WEEKLY UPDATE to City Council

- Since September 29, 2014 we have seen an increase in gang activity including a gang-related homicide at 15th and South Orange. On Monday we had a robbery in the area of Westside Park that was also gang-related. Due to our increased patrol presence on the west side, officers were able to find the suspect vehicle and arrest all five of the suspects in that case.

EPD has stepped up our gang enforcement and increased our Gang Enforcement Team "GET". Patrol/GET officers are teaming up with our probation partners to enact a zero tolerance enforcement strategy. The message is clear, this type of gang activity will not be tolerated.

- Hidden Valley Kiwanis donated 12 car seats and challenged other community based organizations to match the donation.
- A conditional job offer was given to Mark Laux on Monday. He will be attending the next academy and comes from the Department of Justice Police.
- Grape Day Park Task Force: This report will summarize any significant issues and update the efforts made from the last report, dated 8/25/14.

The Police Department continues its enforcement details as call volume allows, up to several times a day in the Grape Day Park and surrounding areas. Since the start of the increased focus, the Police Department has conducted 2,481 extra patrols in the park, 312 field interviews, 167 citations and 154 arrests.

The Bike Team Officers, Adan Martinez and Russ Whitaker, continue to focus their efforts in the downtown area including Grape Day Park, Maple Plaza and Signature Pavilion. They are assisted by Patrol Officers and especially our two Community Policing Officers; Lee Stewart and Lew Shaver. Out Special Investigations Unit detectives have also been used to conduct undercover operations, resulting in several citations and arrests.

Sergeant Jared Sinclair is assisting in the coordination of the COPPS efforts of these and Patrol Officers to combat behavior and issues that may be illegal/ undesirable. There were no significant arrests or calls for service noted during this period. Several drunk in public arrests, a few warrants, and possession of a controlled substance arrests were made during this time period.

There were no significant calls for service around the Grape Day Park, Maple St. Plaza, or Signature Pavilion footprint.

Upcoming Events:

Please refer to <http://www.grapedaypark.org/> for special event information in the Park. For a list of all upcoming Escondido Events, visit: <http://visitescondido.com/event-calendar/>.



City Manager's WEEKLY UPDATE to City Council

The next Task Force Meeting will be on a date to be determined.

Ongoing statistics, as of 10/5/14:

Foot Patrols	2481
Citations	167
FI's	312
Arrests	154

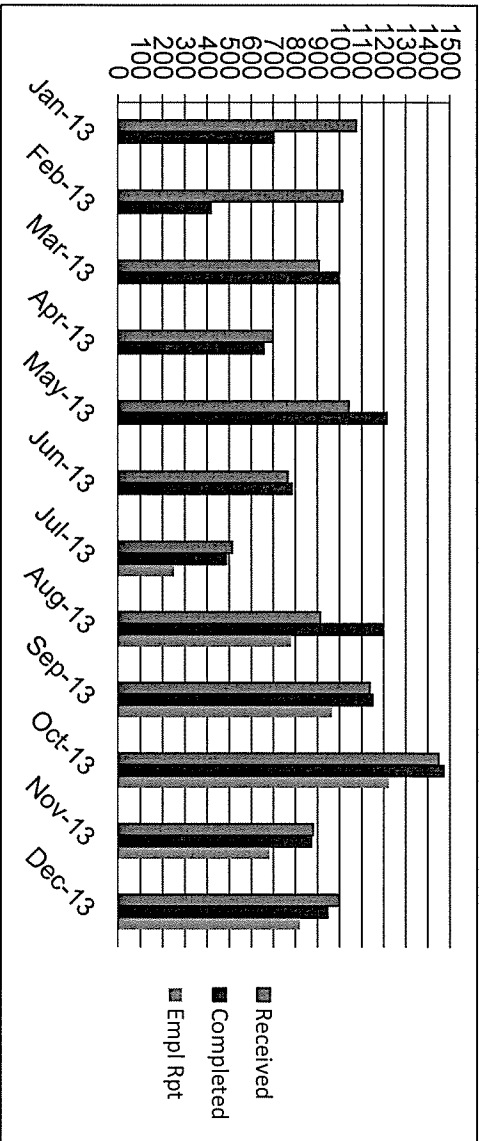
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CITY OF ESCONDIDO MONTHLY ACTIVITY REPORT - SEPT 2014

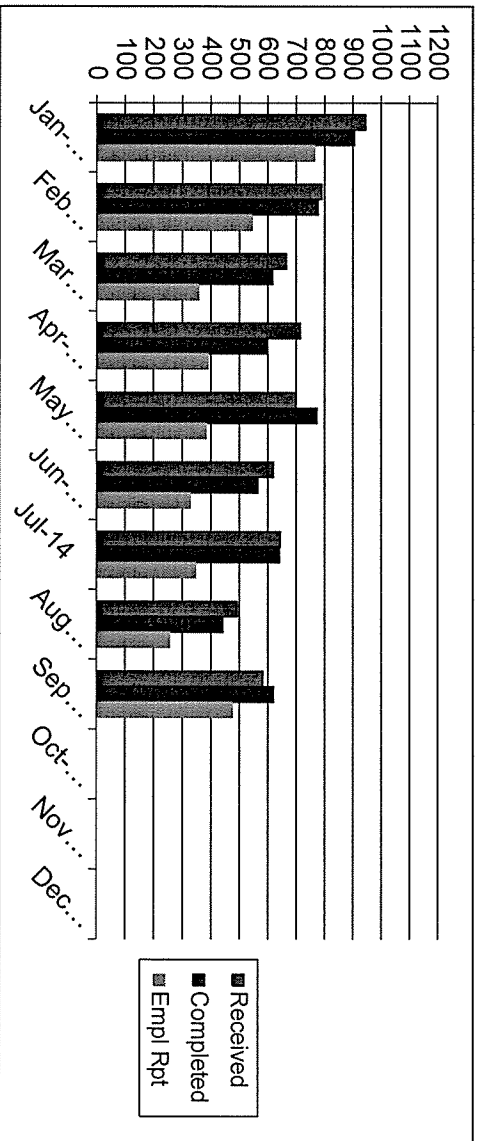
DESCRIPTION	MTD UNITS	MTD PERMITS	CURRENT YEAR MTD VALUE	PRIOR YEAR MTD VALUE	YTD UNITS	PRIOR YEAR YTD UNITS	YTD PERMITS	PRIOR YEAR YTD PERMITS	CURRENT YEAR YTD VALUE	PRIOR YEAR YTD VALUE
RESIDENTIAL										
Single Family Dwelling				456,632	14	4	14	4	2,429,941	666,865
Townhouse					25	37	4	6	2,682,072	4,169,567
Duplex					10		10		1,108,715	
Triplex										
Four Units										
Five or more Units					1		1		6,572,596	
Condominiums										
Mobilehome Parks										
TOTAL RESIDENTIAL				\$ 456,632	50	41	29	10	12,793,324	4,836,432
COMMERCIAL										
Amusement & Recreation										
Churches/Religious Buildings										
Industrial Buildings					1	1	1	1	50,000	30,625
Parking Garages (Public)						1		1		11,200
Service Stations & Repair Garages					2		2		80,734	
Hospitals & Other Institutions										
Office, Bank & Professional Buildings					1	1	1	1	10,260	12,722
Schools						1		1		33,338
Stores & Other Mercantile Buildings					3	3	3	3	810,332	4,792,123
Hotels, Motels										
TOTAL COMMERCIAL					7	7	7	7	951,326	4,880,008
MISCELLANEOUS										
Residential Alterations & Additions		25	\$ 153,926	\$ 119,161			314	266	3,895,018	2,099,305
Commercial Alterations & Additions		18	\$ 1,540,395	\$ 589,766			143	169	18,820,962	14,126,845
Mobilehome Awnings, etc		3	\$	\$ -			11	8		\$ -
Structures other than Buildings		17	\$ 164,292	\$ 114,743			129	128	1,749,998	987,336
Demolition, Residential				\$ -				3		\$ -
Demolition, Other		2		\$ -			19	2		\$ -
Detached Carports, Garages		1	\$ 24,150				6	1	48,065	20,700
Mobilehome Setups		5					30	21		\$ -
TOTAL MISCELLANEOUS		71	\$ 1,882,763	\$ 823,670			652	598	24,514,043	17,234,186
GRAND TOTALS		71	\$ 1,882,763	\$ 1,280,302	57	48	688	615	38,258,693	26,950,626

Graffiti Request Log

2013	Month	Received	Completed	Empl Rpt
	Jan-13	1,078	704	-
	Feb-13	1,015	420	-
	Mar-13	910	1,000	-
	Apr-13	700	659	-
	May-13	1,044	1,217	-
	Jun-13	768	787	-
	Jul-13	516	489	253
	Aug-13	915	1,199	782
	Sep-13	1,139	1,152	967
	Oct-13	1,452	1,474	1,225
	Nov-13	881	875	684
	Dec-13	1,001	949	822
	TOTAL	11,419	10,925	4,733



2014	Month	Received	Completed	Empl Rpt
	Jan-14	946	907	767
	Feb-14	792	779	546
	Mar-14	667	619	358
	Apr-14	716	594	392
	May-14	701	775	384
	Jun-14	621	567	330
	Jul-14	646	643	348
	Aug-14	493	443	257
	Sep-14	584	621	477
	Oct-14			
	Nov-14			
	Dec-14			
	TOTAL	6,166	5,948	3,859



2013 Monthly Average Received: 952
 2014 Monthly Average Received: 514

Adjusted method of counting completions to include all SR's completed regardless of date received.

Monthly Division Statistics	2014												Total or Avg.	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec					
Cases Received	210	227	257	224	264	352	280	197	288				2299	694	840	765	
Cases Closed	227	217	245	164	205	228	236	198	302				2022	689	597	736	
Pro-Active	48	34	47	38	58	112	58	53	78				526	129	208	189	
Active Cases (sanjhat only)	352	331	316	377	365	434	476	451	440				394	333	392	456	
Referred for Legal Action	6	4	2	1	6	2	6	1	0				28	12	9	7	
Building Code	7	15	6	8	11	6	9	12	7				81	28	25	28	
Municipal Code	117	110	124	118	111	195	151	111	202				1239	351	424	464	
Zoning Code	34	33	42	53	30	65	30	25	19				331	109	148	74	
NPDDES	0	0	0	0	0	0	0	0	0				0	0	0	0	
Housing Code	6	4	15	9	12	10	10	8	14				88	25	31	32	
Graffiti	9	20	19	18	14	18	12	14	15				139	48	50	41	
Vehicle Abatement Cases	2	1	10	10	4	6	19	2	11				65	13	20	32	
Title 25 Cases	1	1	5	5	12	3	60	1	3				91	7	20	64	
Inspections Performed	390	337	393	359	473	353	396	314	556				3571	1120	1185	1266	
Average # Days Cases Open	59	55	49	33	65	51	54	53	49				52	54	50	52	
Parking Citations	8	12	11	4	7	6	7	7	2				64	31	17	16	
Administrative Citations	6	7	6	11	16	11	5	9	10				81	19	38	24	
Admin. Fine \$ Totals	\$ 600.00	\$ 700.00	\$ 600.00	\$ 800.00	\$ 700.00	\$ 1,000.00	\$ 500.00	\$ 400.00	\$ 696.00				\$ 5,996.00	\$ 1,900.00	\$ 2,500.00	\$ 1,596.00	
Shopping Carts Retrieved	155	132	142	160	127	102	174	139	184				1315	429	389	497	
New B/L Applications	204	153	188	221	185	169	165	162	201				1648	545	575	528	
New B/L Issued	176	203	176	218	210	171	173	122	207				1656	555	599	502	
Renewals Received	668	749	693	719	670	758	701	655	993				6606	2110	2147	2349	
Total Licensed Businesses	9380	9445	9432	9478	9519	9519	9540	9546	9542				9489	9419	9519	9542	

BUSINESS LICENSE ACTIVITY
2014 Monthly Report

Type of Action	January	February	March	April	May	June	July	August	September	October	November	December	Total
Applications Received	204	153	188	221	185	169	165	162	201				1648
New Licenses Issued	176	203	176	218	210	171	173	122	207				1656
Renewals Mailed	837	1193	2052	1002	2099	997	1059	1998	993				12230
Renewals Received	668	749	693	719	670	758	701	655	748				6361
Business Licenses Closed	72	102	91	83	86	80	71	65	127				777
Change of Address	16	20	19	24	30	21	31	28	29				218
Contractor Inactive	23	28	28	23	24	22	18	15	26				207
Contractor Reinstated	22	13	17	21	20	23	23	20	9				168
Contractor Contracts	347	288	311	358	268	287	311	290	344				2804
Fees Due Letters Sent	28	34	35	20	27	30	16	27	27				238
Licenses Mailed	754	860	814	783	840	889	732	800	808				7280
Licenses OTC	13	18	31	21	25	24	20	11	15				178
Referred To Code	18	27	21	18	21	15	29	11	23				183
Refund Processed	22	20	24	23	15	25	25	13	27				194
Active Business Licenses	9380	9445	9473	9478	9519	9519	9540	9546	9542				9542

	Quarterly			
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.
Applications Received	545	575	528	0
New Licenses Issued	555	599	502	0
Renewals Mailed	4082	4098	4050	0
Renewals Received	2110	2147	2104	0