

CITY OF ESCONDIDO
September 25, 2019
5:00 P.M. Meeting Minutes
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 5:00 p.m. on Wednesday, September 25, 2019 in the City Council Chambers at City Hall with Mayor McNamara presiding.

ATTENDANCE:

The following members were present: Councilmember Olga Diaz, Deputy Mayor Consuelo Martinez, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Paul McNamara. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/RRB)

MOTION: Moved by Deputy Mayor Martinez and seconded by to recess to Closed Session. Motion carried unanimously.

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

- a. **Case Name:** Crown Castle Fiber LLC V. City of Escondido, U.S. District Court
Case No: '19-CV-1056-DMS (WVG)

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

- a. Consideration of Opposing the Wireless Infrastructure Association's Petition for Declaratory Ruling with the Federal Communications Commission, In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (WT Docket No. 17-79).

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

- a. **Property:** 1201 E. Washington Avenue, APN 230-141-01
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: KB Homes
Under Negotiation: Review Unsolicited Offer
- b. **Property:** APNs 233-022-21 & 233-022-23
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: 555 W. Grand LLC
Under Negotiation: Price and Terms of Agreement

ADJOURNMENT

Mayor McNamara adjourned the meeting at 5:20 p.m.

DocuSigned by:

Paul McNamara

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MAYOR

DocuSigned by:

Jack Beck

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CITY CLERK

CITY OF ESCONDIDO
September 25, 2019
6:00 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 6:00 p.m. on Wednesday, September 25, 2019 in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk, led the Moment of Reflection.

FLAG SALUTE

Bill Martin, Director of Community Development, led the flag salute.

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Deputy Mayor Consuelo Martinez, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Paul McNamara. Quorum present.

Also present were: Jeffrey Epp, City Manager; Michael McGuinness, City Attorney; Bill Martin, Director of Community Development; Julie Procopio, Director of Engineering Services; Zack Beck, City Clerk.

PROCLAMATIONS

Rick Shell, President of the West Hillside Neighborhood Group, accepted the proclamation for National Neighborhood Day.

Anahid Brakke and John Millspaugh accepted the proclamation for San Diego Hunger Awareness.

PRESENTATIONS

Kevin O'Beirne, Major Projects Development Manager, presented an update regarding San Diego Gas & Electric.

Jason Foster, Administrative Services Director, presented regarding the San Diego County Water Authority.

CLOSED SESSION REPORT

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

- a. Case Name: Crown Castle Fiber LLC V. City of Escondido, U.S. District Court
Case No: '19-CV-1056-DMS (WVG)
Approved unanimously.

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

- a. Consideration of Opposing the Wireless Infrastructure Association's Petition for Declaratory Ruling with the Federal Communications Commission, In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (WT Docket No. 17-79).
Approved unanimously.

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

a. **Property:** 1201 E. Washington Avenue, APN 230-141-01
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: KB Homes
Under Negotiation: Review Unsolicited Offer
Approved unanimously.

b. **Property:** APNs 233-022-21 & 233-022-23
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: 555 W. Grand LLC
Under Negotiation: Price and Terms of Agreement
Approved unanimously.

ORAL COMMUNICATIONS

Andrea Cunningham, expressed concern about pet stores in Escondido potentially violating Assembly Bill 485.

CONSENT CALENDAR

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco to approve all Consent Calendar items, with the exception of item #5. Approved unanimously.

1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/RRB)

2. APPROVAL OF WARRANT REGISTER (Council)

Request the City Council approve the City Council and Housing Successor Agency warrant numbers: (File No. 0400-40)

- 334146 – 334356 dated September 4, 2019
- 334357 – 334565 dated September 11, 2019

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

3. APPROVAL OF MINUTES: None Scheduled

4. FISCAL YEAR 2019 REGIONAL REALIGNMENT RESPONSE GRANT AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2019 Regional Realignment Response Grant funds in the amount of \$100,000; authorize the Chief of Police or his designee to execute grant 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)**

5. FISCAL YEAR 2019-20 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2019-20 California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant in the amount of \$454,000; authorize the Chief of Police or his designee to execute grant 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)**

Moved by Deputy Mayor Martinez and seconded by Council Member Masson to approve authorizing Escondido Police Department to accept a Fiscal Year 2019-20 California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant in the amount of \$454,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. Approved with four yes votes. Deputy Mayor Martinez voted no.

6. FISCAL YEAR 2019-20 STATE OF CALIFORNIA OFFICE OF TRAFFIC PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2019-20 California Office of Traffic Safety (OTS) Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000; authorize the Chief of Police or his designee to execute grant 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)**

7. RUBBERIZED PAVEMENT GRANT PROGRAM APPLICATION -

Request the City Council approve authorizing the Director of Engineering Services or her designee to submit an application(s) for the Rubberized Pavement Grant Program funds for an amount up to \$350,000 from the California Department of Resources Recycling and Recovery (CalRecycle); and if awarded, to accept the grant funds and complete the necessary documents required by CalRecycle for participation in the Rubberized Pavement Program in conjunction with the Citywide annual pavement maintenance program. (File No. 0480-70)

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2019-140

8. BID AWARD FOR THE PURCHASE OF LIVE RAINBOW TROUT -

Request the City Council approve accepting the second lowest responsive and responsible bid from Mt. Lassen Trout to purchase live Rainbow Trout by unit price for stocking at Dixon Lake and Lake Wohlford; and authorize the Deputy City Manager to execute a Purchasing Contract with Mt. Lassen Trout effective September 25, 2019 through June 30, 2020, with the option to renew the Contract on an annual fiscal year basis not to exceed a total of four consecutive years. Contract renewal options are contingent upon budget appropriations and satisfactory performance by the contractor. The unit price bid for live rainbow trout is \$4.44 per pound with an estimated purchase quantity of 55,000 pounds per year for an estimated annual amount of \$244,200. (File NO. 0470-35)

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

RESOLUTION NO. 2019-137

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/RRB at a previous City Council/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

9. APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATION FACILITY FOR PTI-T-MOBILE (PHG 18-0016)

Request the City Council deny the appeal and uphold the Planning Commission decision to approve the project and adopt Resolution No. 2019-148. Staff has suggested two alternative options: Option A) Affirm the appeal, set aside the decision of the Planning Commission with findings reached by the City Council to deny the project, and adopt Resolution No. 2019-149; or Option B) Deny the appeal, but modify the decision of the Planning Commission (with or without amended conditions). (File No. 0810-20)

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

A) RESOLUTION NO. 2019-148 B) RESOLUTION NO. 2019-149

Mike Strong, Assistant Director of Planning, presented the staff report utilizing a PowerPoint presentation.

Mayor McNamara opened the public hearing and asked if anyone wished to speak on this issue in any way.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco to issue a continuance of this item and refund the appellant. Approved unanimously.

10. DOWNTOWN SPECIFIC PLAN AMENDMENT AND MASTER AND PRECISE DEVELOPMENT PLAN FOR THE QUINCE STREET SENIOR HOUSING PROJECT (PHG 17-0028) -

Request the City Council approve an amendment to the Downtown Specific Plan and a new Planned Development for the Quince Street Senior Housing Project located at 220 N. Quince Street (APN 229-331-10-00). (File No. 0800-70)

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

ORDINANCE NO. 2019-12 (First Reading and Introduction)

Adam Finestone, Principal Planner, presented the staff report utilizing a PowerPoint presentation.

Mayor McNamara opened the public hearing and asked if anyone wished to speak on this issue in any way.

MOTION: Moved by Deputy Mayor Martinez and seconded by Councilmember Diaz to continue this item to the October 9, 2019 City Council Meeting.

11. TAX EQUITY AND FISCAL RESPONSIBILITY ACT HEARING FOR HEALTHRIGHT 360 FACILITIES -

Request the City Council approve the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$65,000,000 by the California Municipal Finance Authority, of which approximately \$6,150,000 will be allocable to projects in the City of Escondido and the remaining amount will be allocable to projects in other cities. (File No. 0440-65)

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

RESOLUTION NO. 2019-141

Karen Youel, Housing and Neighborhood Services Manager, presented the staff report utilizing a PowerPoint presentation.

Mayor McNamara opened the public hearing and asked if anyone wished to speak on this issue in any way.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$65,000,000 by the California Municipal Finance Authority, of which approximately \$6,150,000 will be allocable to projects in the City of Escondido and the remaining amount will be allocable to projects in other cities and adopt Resolution No. 2019-141. Approved unanimously.

CURRENT BUSINESS

12. HOUSING RELATED PARKS PROGRAM PROJECT UPDATE -

Request the City Council receive and file an update on recreational facilities rehabilitation and improvements built with Housing Related Parks Program (HRP) grant funds. (File No. 0480-70)

Staff Recommendation: **Receive and File (Public Works Department: Joseph Goulart and Communications & Community Services Department: Joanna Axelrod)**

Karen Youel, Housing and Neighborhood Services Manager and Joe Goulart, Director of Public Works, presented the staff report utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to receive and file an update on recreational facilities rehabilitation and improvements built with Housing Related Parks Program (HRP) grant funds. Approved unanimously.

WORKSHOP

13. COMMUNITY ADVISORY GROUP UPDATE -

The workshop will serve as an update on progress in forming five Community Advisory Groups and announce future meeting dates.

Staff Recommendation: **None (City Manager's Office: William L. Wolfe)**

William L. Wolfe, Deputy City Manager, presented an update regarding Community Advisory Groups utilizing a PowerPoint presentation.

NO COUNCIL ACTION NECESSARY.

FUTURE AGENDA

14. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City 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: Zack Beck)**

Councilmember Diaz requested an update regarding pet stores complying with Assembly Bill 485 in Escondido.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Diaz attended the ad-hoc community survey subcommittee with Councilmember Masson.

Councilmember Masson attended the ad-hoc community survey subcommittee with Councilmember Diaz.

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT**

ORAL COMMUNICATIONS

Tom Albergo, expressed concern regarding sound issues and compliance issues with the Air X business.

Brian Wilson, requested that the cell tower being proposed for his property should be considered for approval by the City Council.

Gail McMorran, President of Air X, expressed concern about the complaints being levied against her company.

Daniel Day, employee of Air X, expressed concern about the number of inspections that are taking place at the Air X company by the City of Escondido.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 8:27 p.m.

DocuSigned by:
Paul McNamara
CAACE20782954D3...
MAYOR

DocuSigned by:
Jack Beck
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CITY CLERK