

CITY OF ESCONDIDO
August 12, 2020
5:30 p.m. Meeting Minutes
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 5:30 p.m. on Wednesday, August 12, 2020 in the Mitchell Room at City Hall with Mayor McNamara presiding.

ATTENDANCE:

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

ORAL COMMUNICATIONS

None.

CLOSED SESSION: (COUNCIL/RRB)

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

- I. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))**
 - a. Case Name: Brett Byler vs. City of Escondido
WCAB No: ADJ13268422**
 - b. Case Name: Scott Barratt v. City of Escondido
WCAB No: ADJ11595675**
- II. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code 54957 (b))**
 - a. Termination of Eric Hans Olson – Personnel Matter
OAH No. 2019090225**

ADJOURNMENT

Mayor McNamara adjourned the meeting at 5:55 p.m.

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MAYOR

August 12, 2020

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CITY CLERK

**August 12, 2020
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 August 12, 2020 via Video Conference and 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

Paul McNamara, Mayor, led the Flag Salute

ATTENDANCE

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

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

CLOSED SESSION REPORT

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

**a. Case Name: Brett Byler vs. City of Escondido
WCAB No: ADJ13268422**

COUNCIL ACTION: Settlement in the amount of \$76,560. Approved unanimously.

ORAL COMMUNICATIONS

Bill Flores – Expressed concern for the treatment of the Latino community by the Escondido Police Department.

Brigitte Mathis – Expressed concern about the treatment of gophers in Kit Carson Park.

David Kaminski – Requested the City Council update the public regarding the new Country Club Development by New Urban West.

Joshua Stevens – Expressed frustration that the City Council did not place a Sales Tax Measure on the November 3, 2020 General Election Ballot.

Penn Dieh – Requested that all police officers and City of Escondido employees be required to wear face masks.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Martinez to approve all consent calendar items. 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:

- 343577 – 343771 dated July 8, 2020
- 343772 – 344027 dated July 15, 2020
- 344028 – 344201 dated July 22, 2020
- 344202 – 344430 dated July 29, 2020

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

3. APPROVAL OF MINUTES: Regular Meeting of June 24, 2020 and July 15, 2020

4. SECOND QUARTER 2020 TREASURER'S REPORT -

Request the City Council receive and file the April through June 2020 Treasurer's Report. (File No. 0490-55)

Staff Recommendation: **Receive and File (City Treasurer's Office: Douglas W. Shultz)**

5. CONSULTING AGREEMENT FOR DRY WEATHER STORM DRAIN OUTFALL MONITORING SERVICES -

Request the City Council approve authorizing a consulting agreement with NV5 for Dry Weather Storm Drain Outfall Monitoring Services for a sum not to exceed \$172,890.13 over three years. (File No. 0600-10, A-3342)

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

RESOLUTION NO. 2020-108

6. RESOLUTION ESTABLISHING THE PROPERTY TAX RATE AND FIXED CHARGE ASSESSMENTS FOR BONDED INDEBTEDNESS FOR FISCAL YEAR 2020-21 -

Request the City Council approve establishing the property tax rate and fixed charge assessments for bonded indebtedness for the Fiscal Year 2020-21. (File No. 0480-40)

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

RESOLUTION NO. 2020-87

7. NOTICE OF COMPLETION FOR THE EL NORTE PARKWAY STREET WIDENING PROJECT -

Request the City Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the El Norte Parkway Street Widening Project ("Project"). (File No. 0600-10, A-3297)

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

RESOLUTION NO. 2020-109

8. NOTICE OF COMPLETION FOR THE 2019 STREET REHABILITATION AND MAINTENANCE PROJECT -

Request the City Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the 2019 Street Rehabilitation and Maintenance Project ("Project"). (File No. 0600-10, A-3306)

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

RESOLUTION NO. 2020-110

9. AMENDMENT TO THE PROCEDURES FOR ABATEMENT OF PUBLIC NUISANCES -

Request the City Council approve introducing Ordinance No. 2020-18 to amend Escondido Municipal Code Section 6-488 for the abatement of unlawful conditions to expedite correction of public nuisances. (File No. 0680-50)

Staff Recommendation: **Approval (City Manager's Office: William Wolfe)**

ORDINANCE NO. 2020-18 (First Reading and Introduction)

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.)

10. AMENDMENT TO THE DOWNTOWN SPECIFIC PLAN (SPA 9) TO CONDITIONALLY PERMIT WEDDINGS AND RECEPTIONS IN THE SOUTHERN GATEWAY DISTRICT; AND A CONDITIONAL USE PERMIT TO CONDUCT WEDDINGS AND RECEPTIONS IN THE REAR-YARD OF AN HISTORIC PROPERTY LOCATED AT 209 E. 4TH AVENUE (PHG 19-0001 & PHG 19-0002) -

Approved on July 15, 2020 with a vote of 4/0

ORDINANCE NO. 2020-15 (Second Reading and Adoption)

11. AMENDMENTS TO THE ESCONDIDO ZONING CODE TO ALLOW MENU BOARD SIGNS AND OVERSIZED DIRECTIONAL SIGNAGE AT CAR WASH FACILITIES (AZ 20-0003) -

Approved on July 15, 2020 with a vote of 4/0

ORDINANCE NO. 2020-14 (Second Reading and Adoption)

12. ORDINANCE AMENDING CHAPTER 10, ARTICLES 1, 5 AND 6 OF THE ESCONDIDO MUNICIPAL CODE FOR THE PROCUREMENT OF GOODS, SERVICES, AND PUBLIC PROJECTS -

Approved on July 15, 2020 with a vote of 4/0

ORDINANCE NO. 2020-17 (Second Reading and Adoption)

CURRENT BUSINESS

13. DESIGNATION OF VOTING DELEGATES AND ALTERNATIVES – LEAGUE OF CALIFORNIA CITIES -

Request the City Council designate the Voting Delegate and up to two alternates for the League of California Cities Annual Virtual Conference on October 7-9, 2020. (File No. 0610-55)

Staff Recommendation: **None (City Clerk's Office: Zack Beck)**

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to appoint Councilmember Diaz as the delegate and Deputy Mayor Martinez as the alternate for the League of California Cities Annual Virtual Conference on October 7-9, 2020. Approved unanimously.

14. SECOND AMENDMENT TO THE DESIGN BUILD AGREEMENT FOR THE MEMBRANE FILTRATION REVERSE OSMOSIS FACILITY PROJECT -

Request the City Council approve the execution of a Second Amendment to the Design Build Agreement for the MFRO Facility in the amount of \$7,725,118. A budget adjustment is also requested to provide funding for this amendment. (File No. 0600-10, A-3292)

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

RESOLUTION NO. 2020-106

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve the execution of a Second Amendment to the Design Build Agreement for the MFRO Facility in the amount of \$7,725,118. A budget adjustment is also requested to provide funding for this amendment. Approved unanimously.

15. APPOINTMENT TO PLANNING COMMISSION -

Request the City Council ratify the Mayor's appointment to the Planning Commission; term to expire March 31, 2022.

Staff Recommendation: **Designate Appointee (City Clerk's Office: Zack Beck)**

ITEM MOVED TO A FUTURE DATE.

16. PUBLIC SAFETY HIRING, TRAINING, AND PRACTICES -

Request the City Council receive and file an overview of the type of police officer sought by the Escondido Police Department, as well as the initial and ongoing training which police officers are given to provide public safety protection to the residents of Escondido. Also reviewed will be data disclosure and outreach practices of the department including those occurring as a result of recent legislation. The mission of the department and future plans will be reviewed and representatives from the Department will be available for Council questions. (File No. 0700-80)

Staff Recommendation: **Receive and File (Police Department: Ed Varso)**

Kevin Stevenson – Expressed support for an Independent Citizen Oversight Committee for the Escondido Police Department.

NO COUNCIL ACTION REQUIRED.

17. CONSIDERATION OF EXTENSION OF TEMPORARY EVICTION MORATORIUM ARISING OUT OF COVID-19 EMERGENCY; ADOPTION OF RESOLUTION RATIFYING DIRECTOR OF EMERGENCY SERVICES PROCLAMATION NO. 2012-02 -

Request the City Council consider the adoption of Urgency Ordinance No. 2020-22 which would extend the expiration of Ordinance No. 2020-09R, adopted April 8, 2020, enacting a temporary moratorium on residential and commercial evictions arising out of the COVID-19 pandemic and further adopt Resolution No. 2020-114, ratifying Proclamation No. 2012-02 issued by the Emergency Services Director extending the eviction moratorium during the City Council recess. (File No. 0810-20)

Staff Recommendation: **Adopt and Consider (City Attorney's Office: Michael McGuinness)**

A) RESOLUTION NO. 2020-114 B) ORDINANCE NO. 2020-22

Dana Elmer – Requested that the City Council not extend the eviction moratorium.

Eileen Arterburn – Requested that the City Council not extend the eviction moratorium.

Zachary Schaefer – Requested that the City Council extend the eviction moratorium.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to adopt Resolution No. 2020-114, ratifying Proclamation No. 2012-02 issued by the Emergency Services Director extending the eviction moratorium during the City Council recess. Approved unanimously.

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Martinez to adopt Urgency Ordinance No. 2020-22 which would extend the expiration of Ordinance No. 2020-09R, adopted April 8, 2020, enacting a temporary moratorium on residential and commercial evictions arising out of the COVID-19 pandemic. Approved unanimously.

18. CONSIDERATION OF ORDINANCE REDUCING CAMPAIGN CONTRIBUTION LIMIT FOR MAYOR AND CITY COUNCILMEMBER CANDIDATES AND RELATED CAMPAIGN CONTROL ORDINANCE AMENDMENTS -

Request the City Council review and consider potential amendments to the Escondido Municipal Election Campaign Control Ordinance to lower the maximum personal contributions from \$4,300 for city councilmember and mayoral candidates. It is further requested that the City Council discuss, consider, take public input and give staff direction on additional campaign control amendments, if any. (File No. 0680-10)

Staff Recommendation: **Receive Direction from Council (City Attorney's Office: Michael McGuinness)**

Ana Marie Velasco – Requested that the City Council reduce the campaign contribution limits.

Chris Nava – Requested that the City Council reduce the campaign contribution limits.

Danielle Coony – Requested that the City Council reduce the campaign contribution limits.

Kevin Stevenson – Requested that the City Council reduce the campaign contribution limits.

Laura Hunter – Requested that the City Council reduce the campaign contribution limits.

Marissa Allen – Requested that the City Council reduce the campaign contribution limits.

Patricia Borchmann – Requested that the City Council reduce the campaign contribution limits.

Timothy Swift – Requested that the City Council reduce the campaign contribution limits.

NO COUNCIL ACTION REQUIRED.

FUTURE AGENDA

19. 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 item to modify the Campaign Sign Ordinance.

Deputy Mayor Martinez requested an item to discuss an Independent Citizen's Oversight Committee for the Escondido Police Department.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

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

Greg Anglea – Requested that the City of Escondido apply for the State Home Key Grant.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 9:06 p.m.

DocuSigned by:
Paul McNamara
CAACE20782954D3

MAYOR

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Zack Beck
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CITY CLERK