CITY OF ESCONDIDO

February 15, 2012
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, February 15, 2012 in the Council Chambers at City Hall with Mayor Abed attending.

ATTENDANCE

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

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/CDC/RRB)

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

I. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code §54956.9(a)

a. Lloyd J. Holt Jr. v. City of Escondido CASE NO. 37-2011-00057038-CU-BC-NC
b. Mullins v. City of Escondido CASE NO. 37-2011-00053085-CU-PO-NC

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:15 p.m.

_____
MAYOR

_____
CITY CLERK

_____
MINUTES CLERK

CITY OF ESCONDIDO

February 15, 2012
4:30 p.m. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, February 15, 2012 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: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember Michael Morasco, Deputy Mayor Marie Waldron, and Mayor Sam Abed. Quorum present.

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

ORAL COMMUNICATIONS

Roy Garrett, Escondido, asked how the new General Plan would affect Prop S.

CONSENT CALENDAR

Councilmember Gallo removed item 5, Councilmember Diaz removed item 4, Councilmember Morasco removed item 6 and Mayor Abed removed item 10 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz that the following Consent Calendar items be approved with the exception of items 4, 5, 6 and 10. Motion carried unanimously.

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

4. PUBLIC ART AGREEMENT FOR MAPLE STREET PEDESTRIAN PLAZA – Request Council authorize the Mayor and City Clerk to execute an Agreement for Public Art Services in the amount of $127,805.00 with Paul Hobson for the fabrication and installation of Public Artworks for the Maple Street Pedestrian Plaza project. (File No. 0600-10 [A-3042])

Staff Recommendation: Approval **(Engineering Services: Robert Zaino)**

RESOLUTION NO. 2012-06

Councilmember Diaz if the Public Art Commission was involved in the art selection for the Maple Street Plaza.

Jerry Van Leeuwen, Community Services Director, indicated there was a presentation to the Public Art Commission, but not a request to the Commission for funding.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to execute an Agreement for Public Art Services in the amount of $127,805.00 with Paul Hobson for the fabrication and installation of Public Artworks for the Maple Street Pedestrian Plaza project and adopt Resolution No. 2012-06. Ayes: Abed, Diaz, Gallo and Morasco. Noes: Waldron. Absent: None. Motion carried.

5. CAL FIRE URBAN FORESTRY INVENTORY GRANT – Request Council authorize the Director of Community Services to submit an application to Cal Fire for an Urban Forestry Inventory Grant. (File No. 0480-70)

Staff Recommendation: Approval **(Community Services: Jerry Van Leeuwen)**

RESOLUTION NO. 2012-18

Councilmember Gallo asked who was liable if a healthy tree fell on someone.

Attorney Jeffrey Epp answered that if it was a City tree, the City would be liable.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to authorize the Director of Community Services to submit an application to Cal Fire for an Urban Forestry Inventory Grant and adopt Resolution No. 2012-18. Ayes: Diaz, Morasco and Waldron. Noes: Abed and Gallo. Absent: None. Motion carried.

6. LAKE WOHLFORD CAFÉ CONCESSION CONTRACT – Request Council authorize a concession sales contract with the Lake Wohlford Café, represented by Bruce M. Kamps and Phyllis A. Kamps. (File No. 0600-10 Misc.)

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

RESOLUTION NO. 2012-25

Councilmember Morasco asked if the amount of the contract was correct.

Chris McKinney, Utilities Director, indicated it was correct and the proprietors were happy with the contract.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco to authorize a concession sales contract with the Lake Wohlford Café, represented by Bruce M. Kamps and Phyllis A. Kamps and adopt Resolution No. 2012-25. Motion carried unanimously.

7. **EMPLOYER PAID MEMBER CONTRIBUTIONS FOR FIRE MANAGEMENT –** Request Council approve the reduction of the Employer Paid Member Contributions paid by the City from nine percent (9%) to zero percent (0%) for Fire Management. (File No. 0740-30)

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

RESOLUTION NO. 2012-22

8. **ABANDONED VEHICLE ABATEMENT (AVA) PROGRAM RENEWAL –** Request that Council approve declaration of the City's intent to extend participation in the San Diego County AVA Program. (File No. 0660-20)

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

RESOLUTION NO. 2012-27

9. **ADOPTION OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE –** Request Council adopt a Recognized Schedule of Obligations. (File No. 0440-35)

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

RESOLUTION NO. 2012-29

10. **MODIFICATION TO SAN DIEGO COUNTY VECTOR CONTROL –** Request Council authorize the Mayor to sign a letter requesting that the County modify its Vector Control Program to include abatement measures for the eye gnat. (File No. 0230-60)

Staff Recommendation: None **(Deputy Mayor Marie Waldron and Councilmember Ed Gallo)**

Mark Lindshield, Escondido, stated that gnats have been in the City for many years and the organic farm was not responsible for the recent infestation.

Chris Wahl, Organic Farm Representative, indicated the gnats were in the area before the farm was established and stated the farmer was setting traps and taking other measures to get rid of the gnats.

Larry Michel, Escondido, encouraged the Council to send the letter to the County.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco to authorize the Mayor to sign a letter requesting that the County modify its Vector Control Program to include abatement measures for the eye gnat. Motion carried unanimously.

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

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

11. APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A MODIFICATION TO THE CONDITIONAL USE PERMIT FOR INTERFAITH COMMUNITY SERVICES (PHG 11-0039) – Request Council deny the appeal of a Planning Commission decision to modify the existing Conditional Use Permit for Interfaith Community Services (2004-71-CUP) to allow a temporary winter shelter for up to 40 homeless persons to operate on an annual basis from December through the end of March. (File No. 0800-40 PGH 11-0039)

Staff Recommendation: Deny the appeal and uphold the Planning Commission approval of the modification to the Conditional Use Permit to allow the operation of a temporary winter shelter on an annual basis. **(Community Development / Planning: Barbara Redlitz)**

RESOLUTION NO. 2012-20R

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

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Richard Batt, Interfaith Community Services Executive Director, requested the Council uphold the Planning Commission's decision.

Dave Ferguson, Attorney, urged Council to leave out the actual boundary streets in the modification.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Waldron and seconded by Mayor Abed to approve the appeal with staff's modification. Ayes: Abed and Waldron. Noes: Diaz, Gallo and Morasco. Motion failed.

MOTION: Moved by Mayor Abed and seconded by Councilmember Morasco to approve the Conditional Use Permit to allow the operation of a temporary winter shelter on an annual basis with staff's two recommended conditions and adopt Resolution No. 2012-20R. Ayes: Abed, Gallo, Morasco and Waldron. Noes: None. Abstain: Diaz. Motion carried.

CURRENT BUSINESS

12. RESOLUTION IN SUPPORT OF THE SAN DIEGO COUNTY WATER AUTHORITY'S LAWSUIT AGAINST THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA – Request Council approve supporting the SDCWA's lawsuit against the MWD. (File No. 0145-80)

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

RESOLUTION NO. 2012-26

Chris McKinney, Utilities Director, introduced Marilyn Dailey and Frank Belock, San Diego County Water Authority Representatives, who gave the report and presented a series of slides.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to approve supporting the SDCWA's lawsuit against the MWD and adopt Resolution No. 2012-26. Motion carried unanimously.

13. JOINT USE AGREEMENT WITH SDG&E: MISSION AVENUE UNDERGROUND 69KV TRANSMISSION LINE – Request Council authorize the Mayor and City Clerk to sign a Joint Use Agreement with SDG&E for the underground installation of existing and new 69kv transmission circuits from their Escondido substation to their Ash Street substation. (File No. 1300-20)

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

RESOLUTION NO. 2012-01

Owen Tunnel, Engineering Services, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize the Mayor and City Clerk to sign a Joint Use Agreement with SDG&E for the underground installation of existing and new 69kv transmission circuits from their Escondido substation to their Ash Street substation and adopt Resolution No. 2012-01. Motion carried unanimously.

14. EAST VALLEY COMMUNITY CENTER COMPUTER LAB AND TECHNOLOGY CENTER – Presentation on proposed initial construction cost and annual operating expense. (File No. 1200-40)

Staff Recommendation: Provide direction to staff **(Community Services: Jerry Van Leeuwen)**

Jerry Van Leeuwen, Community Services Director, and Jeff Wyner, Senior Librarian, gave the staff report and presented a series of slides.

Roy Garrett, Escondido, asked Council to research operating a bookmobile at the Technology Center site and to maintain short lease of the space.

COUNCIL ACTION: Council consensus to move forward while researching the use of some CDBG funds and funding a bookmobile.

WORKSHOP

15. TRAFFIC SIGNAL SYSTEM WORKSHOP – Request that Council receive and file the report on the state of the City's Traffic Signal system. (File No. 1050-50)

Staff Recommendation: Receive and File Report **(Engineering Services: Ed Domingue)**

Ali Shahzad and Beth Kassebaum, Engineering Services, gave the staff report and presented a series of slides.

Tom McKeon, Engineering Company, gave a report on their company's traffic synchronization software.

COUNCIL ACTION: No action, information only

FUTURE AGENDA

16. FUTURE AGENDA ITEMS - The purpose of this item is to identify issues presently known to staff or which members of the Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: None **(City Clerk's Office: Diane Halverson)**

ORAL COMMUNICATIONS

Robroy Fawcett, Escondido, asked for information on the status of the voter district litigation.

COUNCIL MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

Councilmember Gallo recognized the Classical Academy students and Charter High School students who attended the State of the City Address.

Councilmember Morasco indicated he had received good feedback from Escondido citizens who had attended the State of the City Address

Councilmember Diaz read a letter from an Escondido resident who had an issue with a red light traffic citation and she asked for a review of the red light cameras.

Councilmember Waldron stated the League of California Cities was monitoring the redevelopment issues.

Mayor Abed indicated he had attended a SANDAG retreat in Barona where they discussed the Regional Comprehensive Plan and the High Speed Train.

ADJOURNMENT

Mayor Abed adjourned the meeting at 9:30 p.m.

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MAYOR

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CITY CLERK

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MINUTES CLERK