

CITY OF ESCONDIDO
April 26, 2017
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, April 26, 2017 in the City Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE:

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

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

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

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

- a. **Agency Negotiator:** Sheryl Bennett and Jeffrey Epp
Employee Organization: Non-Sworn Police Bargaining Unit
- b. **Agency Negotiator:** Sheryl Bennett and Jeffrey Epp
Employee Organization: Escondido City Employee Association:
Administrative/Clerical/Engineering Bargaining Unit
- c. **Agency Negotiator:** Sheryl Bennett and Jeffrey Epp
Employee Organization: Escondido City Employee Association: Supervisory
Bargaining Unit

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

- a. **Case Name:** John Myers v. City of Escondido
Case No: WCAB Case No. ADJ15588773

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

- a. **Property:** A parcel on the north side of West Valley Parkway between
City Hall and the California Center for the Arts, Escondido;
APN 229-372-20
City Negotiator: Jeffrey Epp, Interim City Manager
Negotiating Parties: Craig Clark
Under Negotiation: Price and Terms of Agreement

- b. **Property:** Municipal Parking Lot #1, Municipal Parking Lot #2, and APNs 233-091-01 through -17
City Negotiator: Jeffrey Epp, Interim City Manager
Negotiating Parties: Touchstone Communities
Under Negotiation: Price and Terms of Agreement
- c. **Property:** APNs 238-073-06, -17, -038, -49, -50, -51, -52, -57
City Negotiator: Jeffrey Epp, Interim City Manager
Negotiating Parties: Terry Jackson
Under Negotiation: Price and Terms of Agreement
- d. **Property:** 901 West Washington Avenue (Public Works Yard)
City Negotiator: Jeffrey Epp, Interim City Manager
Negotiating Parties: Prospective Purchasers
Under Negotiation: Price and Terms of Agreement

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

- a. **One Case:** Claim No. 4838
- b. **One Case:** Diana Provost v. City of Escondido

DEPUTY MAYOR MASSON ABSTAINED FROM ITEM III. b. AND LEFT THE CLOSED SESSION ROOM

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:38 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

CITY OF ESCONDIDO
April 26, 2017
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 4:43 p.m. on Wednesday, April 26, 2017 in the City Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

The Moment of Reflection was led by Kelly Crews.

FLAG SALUTE

Deputy Mayor Masson led the Flag Salute.

ATTENDANCE:

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

Also present were: Jeffrey Epp, Interim City Manager; Michael McGuinness, Interim City Attorney; Bill Martin, Director of Community Development; Julie Procopio, Director of Engineering Services; Diane Halverson, City Clerk; and Jennifer Ekblad, Deputy City Clerk.

ORAL COMMUNICATIONS

Patti Thompson, Escondido, shared concerns regarding homelessness issues and encampments; requested that the City Council establish policies to assist the homeless.

Paige Richardson, Escondido, shared her experience as a homeless youth in the City of Escondido and asked the City Council to address homelessness issues.

Christopher Wyatt, San Marcos, commented on homeless issues and offered Wyatt & Associates Protection Services as an alternative solution for patrolling parks.

Darren Smith, San Diego, offered alternative solutions regarding homeless issues and shared information regarding Wyatt & Associates Protection Services.

Angelique Bennett, Escondido, spoke in opposition of puppy mills and asked the City Council to enact legislation to ban puppy mills in Escondido.

Laura Hunter, Escondido, spoke in opposition of the Council's decision to oppose AB 805 and SB 54 and asked the Council to revise their position to neutral.

CONSENT CALENDAR

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve all Consent Calendar items with the exception of Items 3, 9, and 11. Item 11 was not discussed. 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: Regular Meeting of April 5, 2017**

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Gallo to approve the minutes for the Regular Meeting of April 5, 2017. Motion carried unanimously.

4. **FISCAL YEAR 2013 STATE AND COMMUNITY CORRECTIONS POLICE GRANT - ADDITIONAL FUNDS AND BUDGET ADJUSTMENT -**

Request the City Council approve accepting Fiscal Year 2013 State & Community Corrections Police Grant funds in the amount of \$37,560; 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. **SUPPORTING THE SAN DIEGO COUNTY WATER AUTHORITY'S LONG TERM WATER SUPPLY PLAN AND LITIGATION AGAINST THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA -**

Request the City Council adopt Resolution No. 2017-53 supporting the San Diego County Water Authority's long term water supply plan and litigation against the Metropolitan Water District of Southern California. (File No. 0145-80)

Staff Recommendation: **None (City Council: Mayor Sam Abed)**

RESOLUTION NO. 2017-53

6. **AUTHORIZE THE MAYOR AND THE CITY CLERK TO EXECUTE MASTER AGREEMENTS FOR FEDERAL-AID AND STATE FUNDED PROJECTS -**

Request the City Council approve authorizing the Mayor and the City Clerk to execute a new Master Agreement for Federal-Aid funded projects and authorize the Director of Engineering Services to execute Program Supplements to Master Agreements for Federal-Aid and State Funded Projects. (File No. 0600-10 [A-0066-9])

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

RESOLUTION NO. 2017-54

7. **PURCHASE ONE (1) FREIGHTLINER CRANE TRUCK FROM NATIONAL AUTO FLEET GROUP -**

Request the City Council approve authorizing the Fleet Services Division to purchase one (1) new 2018 Freightliner M2 chassis, equipped with a Palfinger PK1800EH-C knuckle boom crane in the amount of \$198,069.28, through a Cooperative Purchase Contract with the National Joint Powers Alliance. (File No. 0470-25)

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

RESOLUTION NO. 2017-56

8. REAUTHORIZATION OF COX COMMUNICATIONS COLLECTION AND REMITTANCE OF PEG FEES TO THE CITY OF ESCONDIDO -

Request the City Council approve authorizing Cox Communications to continue to collect and remit Public, Education, and Government (PEG) Fees to the City of Escondido. (File No. 0600-10 [A-2341])

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek)**

RESOLUTION NO. 2017-57

9. APPROVAL TO FUND NEXT GENERATION REGIONAL COMMUNICATION SYSTEM (NEXTGEN RCS) INFRASTRUCTURE, RADIOS AND SUPPORT DEVICES, AUTHORIZATION OF A LEASE-PURCHASE AGREEMENT, AND BUDGET ADJUSTMENT -

Request the City Council approve a budget adjustment involving, a) the first installment of the NextGen RCS 'backbone' infrastructure, and b) the purchase and finance of portable and mobile radios, and support devices necessary to operate the system; and approve authorizing the Administrative Services Director to execute a lease-purchase agreement with "Leasing 2." (File No. 0470-25)

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek)**

RESOLUTION NO. 2017-58

Jay Petrek, Assistant City Manager, presented the staff report and was available to answer questions.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve a budget adjustment involving, a) the first installment of the NextGen RCS 'backbone' infrastructure, and b) the purchase and finance of portable and mobile radios, and support devices necessary to operate the system; and approve authorizing the Administrative Services Director to execute a lease-purchase agreement with "Leasing 2," and adopt Resolution No. 2017-58. Motion carried unanimously.

10. NOTICE OF COMPLETION: EMERGENCY REPAIR OF THE SEWER PIPELINE ON NORTH HALE AVENUE -

Request the City Council approve authorizing the Director of Utilities to file a Notice of Completion for the Emergency Repair of the Sewer Pipeline on North Hale Avenue. (File No. 0600-10 [A-3208])

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

RESOLUTION NO. 2017-60

11. CONTINUING EMERGENCY AND NEED TO REPAIR THE SEWER PIPELINE IN GREEN TREE MOBILE HOME ESTATES -

Request the City Council approve declaring that pursuant to the terms of Section 22050 of the California Public Contract Code, the City Council finds there is a need to continue the emergency action and pass a resolution by four-fifths vote declaring that public interest and necessity demand the expenditure to safeguard life, health, or property. (File No. 0600-10 [A-3213])

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

RESOLUTION NO. 2017-61

This Item Was Not Discussed; No Council Action Was Taken

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.)

CURRENT BUSINESS

12. AMENDMENT TO ARTICLE 70: SECOND DWELLING UNITS OF THE ESCONDIDO ZONING CODE (AZ 16-0007) -

Request the City Council receive the staff report, provide direction to staff, and then refer this item back to the Planning Commission with direction to form a subcommittee to continue working on the Accessory Dwelling Unit Ordinance for the reasons stated in the staff report. The recommendation of the subcommittee would then go back to the Planning Commission and City Council for reporting and decision-making. (File No. 0810-20)

Staff Recommendation: **Refer to Planning Commission (Community Development Department: Bill Martin)**

Bill Martin, Director of Community Development, presented the staff report utilizing a PowerPoint presentation.

Beth Lauder, Escondido, spoke in favor of amending the Zoning Code regarding detached Accessory Dwelling Units

Doug Shultz, Escondido, spoke in favor of amending the Zoning Code regarding detached Accessory Dwelling Units and commented on the tax revenue benefits for the City.

LaRee Felan, Escondido, spoke in favor of adopting state codes for detached Accessory Dwelling Units

Tyler Felan, Escondido, spoke in favor of adopting state codes for detached Accessory Dwelling Units and shared California cities that have adopted legislation regarding detached Accessory Dwelling Units.

COUNCIL DIRECTION: Council referred this item back to the Planning Commission with direction to form a subcommittee to continue working on the Accessory Dwelling Unit Ordinance.

13. AMENDMENT TO THE 2012 BICYCLE MASTER PLAN TO INCLUDE CLASS IV BIKEWAY (CYCLE TRACKS) AS PART OF THE BICYCLE MASTER PLAN MISSING LINK PROJECT -

Request the City Council approve amending the City's Bicycle Master Plan to include Class IV Bikeway (Cycle Tracks) as part of the Bicycle Master Plan Missing Link Project. (File No. 1010-35)

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

RESOLUTION NO. 2017-52

Miriam Jim, Associate Engineer, presented the staff report utilizing a PowerPoint presentation; and introduced Charlie Swinger, KOA Corporation, who was available to answer questions.

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Masson to approve amending the City's Bicycle Master Plan to include Class IV Bikeway (Cycle Tracks) as part of the Bicycle Master Plan Missing Link Project and adopt Resolution No. 2017-52. Motion carried unanimously.

14. AUTHORIZATION FOR PAYMENTS TO THE SAN ELIJO JOINT POWERS AUTHORITY FOR ESCONDIDO'S SHARE OF THE SAN ELIJO LAND OUTFALL REPLACEMENT PROJECT AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing payments to San Elijo Joint Powers Authority (SEJPA) for Escondido's cost share to replace the portion of the land outfall co-owned by the City of Escondido and SEJPA. Total payments shall be \$7,863,107. Half of this amount, or \$3,931,553.50, will be invoiced to the City in May, with the remaining half to be invoiced in September or later as the project progresses. It is also requested that the City Council approve a budget adjustment in the amount of \$2,000,000 from the Wastewater CIP Reserve Fund to CIP No. 800079 (Outfall Maintenance). This budget adjustment would increase the total funds available to CIP No. 800079 to \$7,945,133. (File No. 1330-45)

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

RESOLUTION NO. 2017-62

Christopher W. McKinney, Director of Utilities, and Angela Morrow, Deputy Director of Utilities/Construction and Engineering, presented the staff report utilizing a PowerPoint presentation.

Patricia Borchmann, Escondido, questioned staff regarding the size and capacity of the pipe and requested additional public noticing for joint projects.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve authorizing payments to San Elijo Joint Powers Authority (SEJPA) for Escondido's cost share to replace the portion of the land outfall co-owned by the City of Escondido and SEJPA; approve a budget adjustment in the amount of \$2,000,000 from the Wastewater CIP Reserve Fund to CIP No. 800079; and adopt Resolution No. 2017-62. Motion carried unanimously.

FUTURE AGENDA

15. 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: Diane Halverson)**

COUNCIL MEMBERS' SUBCOMMITTEE REPORTS

Councilmember Gallo stated there will be a North County Transit District public hearing regarding the budget on June 15; Transit District Board will receive public input regarding route changes.

Councilmember Morasco shared information regarding the Regional Solid Waste Joint Powers Authority regulations on organic waste; and commented on Escondido Disposal, Inc. new facility that is currently under construction.

Mayor Abed attended a SANDAG meeting and reported that 16 of 18 cities have agreed to oppose SB 805.

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

Duncan McEwan, Escondido, spoke in opposition of puppy mills in Escondido and asked Council to enact legislation banning puppy mills.

Patricia Borchmann, Escondido, commented regarding the Council Action Plan and spoke in favor of Escondido's Climate Action Plan.

ADJOURNMENT

Mayor Abed adjourned the meeting at 7:11 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK