

CITY OF ESCONDIDO
February 14, 2018
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 14, 2018 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 Diaz and seconded by Councilmember Gallo to recess to Closed Session. Motion carried unanimously.

- I. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))**
- a. **Case Name:** State Farm General Insurance Co. v. City of Escondido
Case No: 37-2018-00000335-CU-PO-NC
- II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
- a. **Property:** 480 North Spruce Street, APN 232-091-28-00;
455 North Quince Street, APN 232-091-27-00;
525 North Quince Street, APN 232-091-06-00
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: RAF Pacifica
Under Negotiation: Price and Terms of Agreement
- b. **Property:** 507 North Spruce Street, APNs 232-090-46 & 232-090-48
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Schoeppner Family Trust, Flat Wheel Auto Body, Inc.
Under Negotiation: Consider Acquisition of Property Offered for Sale
- III. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))**
- a. One Case: Claim No. 4887

MAYOR ABED AND DEPUTY MAYOR MASSON ABSTAINED FROM ITEM II. A. AND LEFT THE CLOSED SESSION ROOM.

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:26 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

**February 14, 2018
4:30 P.M. Meeting**

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 14, 2018 in the City Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

Mel Bittner led the Moment of Reflection.

FLAG SALUTE

Councilmember Morasco 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, City Manager; Michael McGuinness, City Attorney; Bill Martin, Director of Community Services; Julie Procopio, Director of Engineering Services; Diane Halverson, City Clerk; and Jennifer Ekblad, Deputy City Clerk.

ORAL COMMUNICATIONS

Wayne Louth, Escondido, commented regarding an invoice for alarm fees and requested a letter from City Council and City Manager explaining outsourcing.

CONSENT CALENDAR

MOTION: Moved by Councilmember Gallo and seconded by Deputy Mayor Masson to approve the Consent Calendar items with the exception of items 4, 5, 8, 10, 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: Regular Meeting of January 24, 2018**
- 4. TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED DECEMBER 31, 2017 -**
Request the City Council receive and file the Quarterly Investment Report. (File No. 0490-55)

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

Douglas W. Shultz, City Treasurer, was available to answer questions.

COUNCIL ACTION: Received and filed.

5. FINANCIAL REPORT FOR QUARTER ENDED DECEMBER 31, 2017 AND BUDGET ADJUSTMENT -

Request the City Council receive and file the second quarter financial report and approve a budget adjustment to amend the Fiscal Year 2017/2018 operating budget. (File No. 0430-30)

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

Jay Petrek, Assistant City Manager, and Sheryl Bennett, Deputy City Manager/Administrative Services, were available to answer questions.

Patricia Borchmann, Escondido, spoke in opposition to this item being placed on Consent Calendar and requested a more detailed description of the budget adjustment.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to receive and file the second quarter financial report and approve a budget adjustment to amend the Fiscal Year 2017/2018 operating budget. Ayes: Abed, Gallo, Masson, Morasco. Noes: Diaz. Motion carried.

6. FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION GRANT AWARD ACCEPTANCE AND BUDGET ADJUSTMENT -

Request the City Council approve accepting \$14,888.65 in grant funding from the Firehouse Subs Public Safety Foundation to purchase 91 wildland firefighting jackets; authorize the Fire Chief to execute, on behalf of the City, all documents required for the management of this grant; and authorize the necessary budget adjustment to establish new project numbers for tracking these grant funds. (File No. 0480-70)

Staff Recommendation: **Approval (Fire Department: Rick Vogt)**

7. FISCAL YEAR 2017-18 SAN DIEGO COUNTY LAW ENFORCEMENT FOUNDATION LESS LETHAL LIFE SAVING EQUIPMENT GRANT AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2018 San Diego County Law Enforcement Foundation Grant in the amount of \$2,797.19; 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)**

8. REQUEST FOR AUTHORIZATION TO PROCESS TWO SEPARATE AND UNRELATED AMENDMENTS TO THE DOWNTOWN SPECIFIC PLAN RELATED TO A PROPOSED AFFORDABLE SENIOR HOUSING PROJECT AT 220 NORTH QUINCE STREET (PHG 17-0028) AND A PROPOSED DRIVE-THRU COFFEE FACILITY LOCATED AT 350 WEST VALLEY PARKWAY (PHG 17-0014) -

Request the City Council approve the authorization to process two amendments to the Downtown Specific Plan to eliminate the ground floor retail or office requirement on a portion of the property located on the northeast corner of West Valley Parkway and North Quince Street (220 North Quince Street, APN 229-331-10-00) and allow drive-thru service facilities within the Center City Urban District of the Downtown Specific Plan, subject to approval of a Conditional Use Permit. (File No. 0800-70)

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

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve the authorization to process two amendments to the Downtown Specific Plan to eliminate the ground floor retail or office requirement on a portion of the property located on the northeast corner of West Valley Parkway and North Quince Street (220 North Quince Street, APN 229-331-10-00) and allow drive-thru service facilities within the Center City Urban District of the Downtown Specific Plan, subject to approval of a Conditional Use Permit. Ayes: Gallo, Masson, Morasco. Noes: Diaz. Abstain: Abed. Motion carried.

9. STREET NAME CHANGE FOR A PUBLIC STREET IN THE ESTANCIA BERNARDO SUBDIVISION (TR 877) -

Request the City Council approve changing a street name from "Short Street" to "Estancia Place" located on the western side of Bernardo Avenue, west of Interstate 15, south of Eleventh Avenue, and north of Gamble Lane. (File No. 1020-35)

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

RESOLUTION NO. 2018-15

10. EXTENSION OF LEASE TERM WITH AMERICAN HERITAGE CHARTER SCHOOLS AT 2255 AND 2269 EAST VALLEY PARKWAY -

Request the City Council approve authorizing a Second Amendment to the Lease Agreement and a First Amendment to the Ground Lease Agreement with Heritage K-8 Charter Schools to extend their current lease expiration from December 31, 2030 to June 1, 2046. (File No. 0600-10 [A-3175, A-3090])

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

RESOLUTION NO. 2018-17

Vince McCaw, Real Property Manager, was available to answer questions.

Paul McNamara, Escondido, requested that the City Council postpone the vote on this item until a time closer to the current agreement end date.

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Masson to approve authorizing a Second Amendment to the Lease Agreement and a First Amendment to the Ground Lease Agreement with Heritage K-8 Charter Schools to extend their current lease expiration from December 31, 2030 to June 1, 2046 and adopt Resolution No. 2018-17. Ayes: Abed, Gallo, Masson, Morasco. Noes: Diaz. Motion carried.

11. BID AWARD FOR ESCONDIDO CREEK BIKEWAY MISSING LINK PROJECT AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing the bid award to Eagle Paving Company, Inc. determined to be the lowest responsive and responsible bidder and approve a budget adjustment in the amount of \$190,427. (File No. 0600-10 [A-3236])

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

RESOLUTION NO. 2018-19

12. VALIANO DEVELOPMENT TRAFFIC MITIGATION FUNDING AGREEMENT, FIRST AMENDMENT -

Request the City Council approve the First Amendment to Traffic Mitigation Funding Agreement with Eden Hills Project Owner, LLC. (File No. 0600-10 [A3174])

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

RESOLUTION NO. 2018-22

13. BID AWARD FOR THE BRINE LINE PROJECT - HARMONY GROVE TO BROADWAY AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing the Mayor and the City Clerk to execute a Public Improvement Agreement with CCL Contracting, Inc., the lowest responsive and responsible bidder in the amount of \$5,587,420 for construction of the Brine Line Project - Harmony Grove to Broadway; authorize the Mayor and the City Clerk to execute a Consulting Agreement with Richard Brady & Associates, Inc. in the amount of \$419,028 for construction management services for the Brine Line Project - Harmony Grove to Broadway; and approve a budget adjustment in the amount of \$7,000,000. (File No. 0600-10 [A3235])

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

A) RESOLUTION NO. 2018-23 B) RESOLUTION NO. 2018-25

Angela Morrow, Deputy Director of Utilities/Construction & Engineering, Wastewater, was available to answer questions.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve authorizing the Mayor and the City Clerk to execute a Public Improvement Agreement with CCL Contracting, Inc., the lowest responsive and responsible bidder in the amount of \$5,587,420 for construction of the Brine Line Project - Harmony Grove to Broadway; authorize the Mayor and the City Clerk to execute a Consulting Agreement with Richard Brady & Associates, Inc. in the amount of \$419,028 for construction management services for the Brine Line Project - Harmony Grove to Broadway; and approve a budget adjustment in the amount of \$7,000,000 and adopt Resolution No. 2018-23 and Resolution No. 2018-25. Motion carried unanimously.

14. ESCONDIDO CHARITABLE FOUNDATION GRANT AUTHORIZATION -

Request the City Council approve authorizing the Housing and Neighborhood Services Manager to complete a grant application for up to \$50,000 to the Escondido Charitable Foundation for the partial restoration of the Victorian Country Home at the Escondido History Center. (File No. 0480-70)

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

RESOLUTION NO. 2018-24

15. AWARD FOR MIDWAY STORM DRAIN REPAIR PROJECT -

Request the City Council approve by a four-fifths vote to award a contract with Shaw Equipment Rentals, Inc., who was determined to be the lowest responsive and responsible bidder and authorize the Mayor and City Clerk to execute a Public Service Agreement in the amount of \$110,000. (File No. 0600-10 [A-3238])

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

RESOLUTION NO. 2018-26

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

16. AMENDMENT TO ARTICLE 57 (MISCELLANEOUS USE RESTRICTIONS) OF THE ESCONDIDO ZONING CODE AND AMENDMENT TO ARTICLE 11 OF CHAPTER 17 (OFFENSES - MISCELLANEOUS PROVISIONS) OF THE ESCONDIDO MUNICIPAL CODE (AZ 17-0005) -

Request the City Council approve amending Article 57 (Miscellaneous Use Restrictions) of the Escondido Zoning Code and Chapter 17 (Offenses - Miscellaneous Provisions) of the Municipal Code to regulate all cannabis and marijuana-based land uses and activities to the extent permitted by state law. (File No. 0810-20)

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

ORDINANCE NO. 2018-03R (Introduction and First Reading)

Mike Strong, Assistant Director of Planning, presented the staff report and was available to answer questions.

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

Ron Stark, San Diego, voiced support for this item and suggested adding federal language to the definition of marijuana.

Carolina Flores, youth advocate for Escondido Education COMPACT, voiced support for the proposed ordinance.

Arturo Velasco, youth advocate for Escondido Education COMPACT, voiced support for the proposed ordinance.

Mayor Abed asked if anyone else wished to speak regarding this item. No one asked to be heard; therefore, he closed the public hearing.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve amending Article 57 (Miscellaneous Use Restrictions) of the Escondido Zoning Code and Chapter 17 (Offenses - Miscellaneous Provisions) of the Municipal Code to regulate all cannabis and marijuana-based land uses and activities to the extent permitted by state law and adopt Ordinance No. 2018-03R. Motion carried unanimously.

CURRENT BUSINESS

17. GRAND AVENUE VISION PLAN AND SMART GROWTH INCENTIVE PROGRAM APPLICATIONS -

Request the City Council approve the Grand Avenue Vision Plan and authorize the Director of Engineering Services or her designee to complete applications to SANDAG for the Smart Growth Incentive Program, and if awarded, authorize the Director of Engineering Services to accept grant funds, complete grant documents on behalf of the City, and process necessary budget adjustments. (File No. 1020-71)

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

RESOLUTION NO. 2018-21R

Julie Procopio, Director of Engineering Services, presented the staff report utilizing a PowerPoint presentation.

Traci Bass, Escondido, spoke in opposition to a single lane in each direction and the removal of trees along Grand Avenue.

Sharon Sanders, Escondido, shared concerns regarding potential changes to Grand Avenue and spoke in opposition to a single lane in each direction and the removal of trees along Grand Avenue.

Carol Rea, Escondido, shared concerns regarding the proposed changes and requested additional time.

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Masson to approve the Grand Avenue Vision Plan and authorize the Director of Engineering Services or her designee to complete applications to SANDAG for the Smart Growth Incentive Program, authorize the Director of Engineering Services to accept grant funds, complete grant documents on behalf of the City, and process necessary budget adjustments and adopt Resolution No. 2018-21R. Motion carried unanimously.

18. SECTION 115 IRREVOCABLE PENSION TRUST AGREEMENT -

Request the City Council approve authorizing the establishment of a Section 115 Irrevocable Pension Trust with Public Agency Retirement Services (PARS); approve an initial deposit of \$1,984,000 from the General Fund "PERS Rate Smoothing Reserve" into the PARS Public Agencies Post-Employment Benefits Trust for the purpose of pre-funding pension obligations; authorize the Deputy City Manager/Administrative Services or her designee as the City's Plan Administrator of the Trust Program; approve and authorize the Mayor and the City Clerk to execute a Consulting Agreement between PARS and the City of Escondido to administer the Trust; and approve a budget adjustment to transfer General Fund proceeds to a Pension Trust Fund to establish the Section 115 Irrevocable Pension Trust. (File No. 0600-10 [A-3239])

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

RESOLUTION NO. 2018-11

Joan Ryan, Assistant Director of Finance, presented the staff report utilizing a PowerPoint presentation.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Gallo to approve authorizing the establishment of a Section 115 Irrevocable Pension Trust with Public Agency Retirement Services (PARS); approve an initial deposit of \$1,984,000 from the General Fund "PERS Rate Smoothing Reserve" into the PARS Public Agencies Post-Employment Benefits Trust for the purpose of pre-funding pension obligations; authorize the Deputy City Manager/Administrative Services or her designee as the City's Plan Administrator of the Trust Program; approve and authorize the Mayor and the City Clerk to execute a Consulting Agreement between PARS and the City of Escondido to administer the Trust; and approve a budget adjustment to transfer General Fund proceeds to a Pension Trust Fund to establish the Section 115 Irrevocable Pension Trust and adopt Resolution No. 2018-11. Motion carried unanimously.

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: Diane Halverson)**

COUNCIL MEMBERS' SUBCOMMITTEE REPORTS

Councilmember Gallo reported attending the Escondido School District State of the District address, California State University San Marcos State of the University address, and SANDAG Borders Committee meeting.

Deputy Mayor Masson reported attending a League of California Cities meeting, where he was sworn in as 2nd Vice President, and reported attending the SANDAG retreat.

Mayor Abed shared that the State of the City will be Wednesday, February 28, 8:00 a.m. at the California Center for the Arts, Escondido; reported SANDAG is moving forward with hiring of an executive director; and reported attending the SANDAG retreat.

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.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

Christian Meeker, Escondido, shared his experience working with City staff to make changes to his home and requested his house be removed from a historical survey list.

ADJOURNMENT

Mayor Abed adjourned the meeting at 7:19 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK