

CITY OF ESCONDIDO
April 4, 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, April 4, 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 Morasco and seconded by Councilmember Diaz 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: Maintenance & Operations, Teamsters Local 911
- II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
 - a. **Property:** 235 East Grand Avenue, APN 233-082-09-00
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Grand West Associates, Inc.
Under Negotiation: Price and Terms of Agreement
 - b. **Property:** 272 East Via Rancho Parkway, APN 271-030-20-00
City Negotiator: Jeffrey Epp, City Manager
Michael R. McGuinness, City Attorney
Negotiating Parties: EWH Escondido Associates, L.P., a Delaware limited partnership, and North County Fair LP, a Delaware limited partnership
Under Negotiation: Price and Terms of Agreement
 - c. **Property:** 130 Woodward Avenue, APNs 229-291-26 and -27
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Cushman & Wakefield
Under Negotiation: Consider Acquisition of Property Offered for Sale

ITEM I.a. WAS NOT DISCUSSED

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:00 p.m.

DEPUTY MAYOR

CITY CLERK

DEPUTY CITY CLERK

CITY OF ESCONDIDO
April 4, 2018
4:30 P.M. Amended 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, April 4, 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 Development; Julie Procopio, Director of Engineering Services; Diane Halverson, City Clerk; and Jennifer Ekblad, Deputy City Clerk.

PROCLAMATIONS

Brandon Butler, Senior Attorney from Legal Aid Society, accepted the proclamation for April 2018 Fair Housing Month.

PRESENTATIONS

None

ORAL COMMUNICATIONS

Arthur Schoper, Torrance, spoke regarding President Trump and his administration's policies.

CONSENT CALENDAR

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve all Consent Calendar items with the exception of items 4, 9, and 12. 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: A) Special Meeting of March 14, 2018 B) Regular Meeting of March 21, 2018**

- 4. AGREEMENT WITH RAF PACIFICA REGARDING DEVELOPMENT OF CITY PROPERTIES -**
Request the City Council approve authorizing the City Manager and City Attorney to execute an exclusive negotiating agreement between the City of RAF Pacifica to explore the sale and development of properties addressed as 480 North Spruce Street, 455 North Quince Street, and 525 North Quince Street. During the period of the agreement, the City and RAF Pacifica will evaluate the financial and economic feasibility of RAF Pacifica's purchase and development plans for the properties. If applicable, a specific purchase and sale agreement would be presented to City Council at a later date for final approval. (File No. 0600-10 [A-3241])

Staff Recommendation: **Approval (City Manager's Office: Michelle Geller)**

Michelle Geller, Economic Development Manager, was available to answer questions.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve authorizing the City Manager and City Attorney to execute an exclusive negotiating agreement between the City of RAF Pacifica to explore the sale and development of properties addressed as 480 North Spruce Street, 455 North Quince Street, and 525 North Quince Street. During the period of the agreement, the City and RAF Pacifica will evaluate the financial and economic feasibility of RAF Pacifica's purchase and development plans for the properties. If applicable, a specific purchase and sale agreement would be presented to City Council at a later date for final approval. Ayes: Abed, Gallo, Morasco. Noes: Diaz. Abstained: Masson. Motion carried.

- 5. BUILDING DIVISION BUDGET ADJUSTMENT -**
Request the City Council approve a budget adjustment of \$50,000 to increase the cost recovery Professional Services budget to fund building plan review services. (File No. 0430-80)

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

- 6. FIRST AMENDMENT TO ENVIRONMENTAL SCIENCE ASSOCIATES CONSULTING AGREEMENT IN CONNECTION WITH THE VILLAGES SPECIFIC PLAN - ESCONDIDO COUNTRY CLUB PROJECT -**

Request the City Council approve authorizing the City Manager to execute a First Amendment to the Consulting Agreement with Environmental Science Associates. (File No. 0600-10 [A-3209])

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

RESOLUTION NO. 2018-38

- 7. AUTHORIZATION FOR VOICE NETWORK UPGRADE, FIVE YEAR MAINTENANCE AGREEMENT, AND BUDGET ADJUSTMENT -**

Request the City Council approve authorizing an agreement with Atel Communications, Inc. to upgrade the City's phone system and provide five years of maintenance services. The total estimated cost of the phone system upgrade is \$416,000 and will be phased in over two fiscal years. (File No. 0600-10 [A-3244])

Staff Recommendation: **Approval (Information Systems Department: Rob Van De Hey)**

RESOLUTION NO. 2018-40

- 8. ADOPTION OF LOCAL DISCHARGE LIMITS BY RESOLUTION -**

Request the City Council approve the adoption of Local Discharge Limits, pursuant to recent changes in Chapter 22, Article 8, Section 174 of the Escondido Municipal Code. (File No. 1350-20)

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

RESOLUTION NO. 2018-43

- 9. SUPPORT OF THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018 -**
Request the City Council approve supporting the passage of the Reducing Crime and Keeping California Safe Act of 2018. (File No. 0680-20)

Staff Recommendation: **Approval (Police Department: Craig Carter)**

RESOLUTION NO. 2018-45

Craig Carter, Chief of Police, was available to answer questions.

Lilian Serrano Alamo, Escondido, spoke in opposition and asked Council to vote no on this item.

Melinda Santa Cruz, Escondido, shared comments regarding immigration issues.

One (1) person registered his/her opposition to the Reducing Crime and Keeping California Safe Act of 2018, but did not wish to speak.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve supporting the passage of the Reducing Crime and Keeping California Safe Act of 2018 and adopt Resolution No. 2018-45. Ayes: Abed, Gallo, Masson, Morasco. Noes: Diaz. Motion carried.

- 10. EMERGENCY REPAIRS OF FIVE SECTIONS OF ESCONDIDO SEWER PIPELINE: HALE AVENUE UNDERPASS OF I-15, KIA DEALERSHIP PARKING LOT, SOUTH HALE AVENUE, CASA GRANDE MOBILE ESTATES, AND 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 affirms that it was appropriate for City staff to forego normal bidding procedures and to award a contract for emergency repairs of five damaged sewer main sections. The damaged sections are between the intersection at Hale Avenue/Tulip Street and the Hale Avenue Resource Recovery Facility. The resolution, which must be passed by four-fifths vote, also declares that public interest and necessity demand the immediate expenditure to safeguard life, health, or property. (File No. 0600-10 [A-3242])

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

RESOLUTION NO. 2018-50

- 11. EMERGENCY REPAIR OF A HEATING, VENTILATION AND AIR CONDITIONING (HVAC) PIPELINE FOR THE CALIFORNIA CENTER FOR THE ARTS, ESCONDIDO -**

Request the City Council approve declaring that pursuant to the terms of Section 22050 of the California Public Contract Code, the City Council affirms that it was appropriate for City staff to forego normal bidding procedures and to award a contract for emergency repairs of a damaged hot water pipeline that is preventing the use of the California Center for the Arts, Escondido HVAC system with A.O. Reed, Inc. in an amount not to exceed \$143,000. The resolution, which must be passed by four-fifths vote, also declares that public interest and necessity demand the immediate expenditure to safeguard life, health, or property. (File No. 0600-10 [A-3243])

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

RESOLUTION NO. 2018-51

- 12. REQUEST FOR AUTHORIZATION TO SUPPORT FILING OF AMICUS CURIAE BRIEF ON BEHALF OF CITY OF ESCONDIDO IN UNITED STATES V. STATE OF CALIFORNIA LAWSUIT -**

Request the City Council approve authorizing the filing of a Motion for Leave to File Amicus Curiae Brief and Amicus Brief on behalf of the City of Escondido in support of the United States in the action United States of America v. State of California, United States District Court Case No. 2:18-cv-00490-JAM (KJN). (File No. 0680-70)

Staff Recommendation: **Approval (City Attorney's Office: Michael R. McGuinness)**

RESOLUTION NO. 2018-52

Michael R. McGuinness, City Attorney, presented the staff report utilizing a PowerPoint presentation.

Paul McNamara, Escondido, spoke in opposition to filing an amicus curiae brief and suggested this item be removed from the agenda.

Stella May, California, requested Council vote in favor of filing an amicus curiae brief.

Patrice Lynes, Temecula, shared comments regarding Senate Bill 54 and voiced support for filing an amicus curiae brief.

Louie Reyes, suggested Council join the City of Huntington Beach in a lawsuit against the State of California.

Ronald Kohl, Escondido, commented on previous decisions by the Council and noted the need for unity.

Dulce Garcia, member of the San Diego Board of Dreamers, spoke in favor of Senate Bill 54 and shared her experience as an undocumented person.

Katherine Fromm, Escondido, shared her efforts to support Escondido's schools and library and remarked on her experience living in Escondido.

Maria Martinez, Escondido, shared her experience as an undocumented person and spoke in favor of Senate Bill 54.

Thomas Miley, Escondido, commented that the purpose of filing an amicus curiae brief would be divisiveness.

Lilian Serrano Alamo, Escondido, commented that the City should not be involved in federal issues.

Juan Vargas, Escondido, shared comments regarding immigration issues and asked that this item be removed from the agenda.

Amy Sutton, representative for San Diego Patriots and San Diegans for Secure Borders, commented on the need for unity and requested the City join the lawsuit with the City of Huntington Beach.

Carolina Flores, shared comments regarding immigration issues and neighborhood crime rates.

Daphne Garcia, shared comments regarding compassion and sensitivity towards immigrants and voiced support for Senate Bill 54.

Arturo Velasco, shared comments regarding immigration issues

Milad Torabi, shared his experience immigrating to the United States and spoke in opposition to the amicus curiae brief.

Roberto Juarez, shared comments in Spanish.

Maria Fernanda Madrigal, Escondido, shared comments regarding her experience growing up in Escondido.

Beni Martinez, Escondido, shared comments regarding the values of the citizens of Escondido.

Kathleen Lamb, Escondido, shared her experience as a teacher in Escondido.

Patricia Serrano, Escondido, shared her experience as an undocumented immigrant.

Janice Schattman, Escondido, shared comments regarding immigration and Senate Bill 54.

Ed Smith, Escondido, shared comments regarding illegal immigration and law enforcement working together.

Son Dio Ali Torabi, commented on the impact of immigration legislation.

Victoria Tenbrink, Escondido, spoke in opposition to filing an amicus curiae brief and asked that this item be removed from the agenda.

Jessica Ramirez, Escondido, shared comments regarding the upcoming elections, immigration issues, and spoke in opposition to filing an amicus curiae brief.

Vanessa Valenzuela, Escondido, suggested it would be prudent to take no action.

Roberto Alcantar, representative for the ACLU of San Diego and Imperial Counties, commented that the State of California does have the authority to act regarding Senate Bill 54.

Daisy Zavala, Escondido, shared her experience as an immigrant.

Angela Sissero Swift, Escondido, voiced her support for United States immigration laws and the Police Department.

Harim Ozziel, spoke in favor of filing an amicus curiae brief.

Kimberly Mason, shared her experience as an American Indian, voiced support for legal immigration, and spoke in opposition to Senate Bill 54.

Genevieve Peters, shared comments regarding illegal immigration.

Arely Posz, spoke in opposition to Senate Bill 54 and encouraged people to get informed.

Unknown, shared comments regarding Senate Bill 54 and criminal activity.

Arthur Schoper, Torrance, shared comments regarding immigration issues and spoke in favor of filing an amicus curiae brief and joining the lawsuit with the City of Huntington Beach.

Lesa Antone, Arizona, shared comments regarding illegal immigration.

Joseph Chan, shared comments regarding immigration issues and his experience as an Asian American.

Richard Schauer, Escondido, requested the Council reject California's sanctuary state policy and shared comments regarding federal immigration laws.

Fred MacIntosh, Downey, commented that Senate Bill 54 is a safety issue and commented on local control and local law enforcement.

Jennifer Harrison, Phoenix, commented on sanctuary cities and criminal activity.

Sarah Sullivan, Escondido, shared comments regarding sanctuary cities and Senate Bill 54.

Caroline Theissard, Vista, commented on state law and crime statistics.

Dura Young, Downey, voiced her opposition to Senate Bill 54 and commented on immigration laws.

Art Devine, Escondido, expressed thanks that the library is open seven days a week and shared comments regarding immigration.

Karen Plascencia, San Diego, shared comments regarding immigration.

Benjamin Prado, San Diego, shared comments regarding immigration law and the need for unity.

Dr. Mike Schmidt, Dana Point, shared comments regarding constitutional and immigration issues.

Jennifer Becker, Imperial Beach, voiced her support for legal immigration and shared comments regarding education issues.

David Alan Puchta, Escondido, shared comments regarding legislation and President Trump.

Aisha Wallace-Palomares, Escondido, voiced opposition to filing the amicus curiae brief.

Mike Hosford, Escondido, expressed disappointment regarding current immigration policy.

Janet West, shared comments regarding Senate Bill 54.

Margaret Wilde, Escondido, shared her family members' experiences regarding immigration.

Gerald Thomas, Escondido, shared his experience as an immigrant.

Jessica Martinez, Escondido, spoke in opposition to illegal immigration.

Jessica Runfola, Escondido, spoke in favor of filing an amicus curiae brief and commented on immigration issues.

April Reyes, San Marcos, shared comments regarding immigration issues.

Consuelo Martinez, Escondido, expressed disappointment that the topic of immigration is being considered by the Council and commented on the need for unity.

Alan Girasi, San Marcos, voiced opposition to filing an amicus curiae brief.

12 people registered their position in favor of filing an amicus curiae brief, but did not wish to speak.

16 people registered their position in opposition to filing an amicus curiae brief, but did not wish to speak.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Gallo to approve authorizing the filing of a Motion for Leave to File Amicus Curiae Brief and Amicus Brief on behalf of the City of Escondido in support of the United States in the action United States of America v. State of California, United States District Court Case No. 2:18-cv-00490-JAM (KJN) and adopt Resolution No. 2018-52. Ayes: Abed, Gallo, Masson, Morasco. Noes: Diaz. Motion carried.

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.)

- 13. UPDATE OF CHAPTER 22 OF THE ESCONDIDO MUNICIPAL ORDINANCE -**
Approved on March 21, 2018 with a vote of 5/0 (File No. 0680-50)
ORDINANCE NO. 2018-01 (Second Reading and Adoption)
- 14. SERIES OF ACTIONS TO IMPLEMENT THE SOUTH CENTRE CITY SPECIFIC PLAN (PHG 15-0003/ENV 17-0005) -**
Approved on March 21, 2018 with a vote of 5/0 (File No. 0800-70)
ORDINANCE NO. 2018-04 (Second Reading and Adoption)
- 15. AMENDMENT TO ARTICLE 37 (PUBLIC ART) OF THE ESCONDIDO ZONING CODE (AZ 18-0001) -**
Approved on March 21, 2018 with a vote of 5/0 (File No. 0810-20)
ORDINANCE NO. 2018-05 (Second Reading and Adoption)

PUBLIC HEARINGS

- 16. ANNUAL CODE CLEAN UP AND AMENDMENTS TO THE MUNICIPAL AND ZONING CODES (AZ 16-0008) -**
Request the City Council approve amending Chapter 32 (Subdivisions) of the Municipal Code and Articles 1, 3, 6, 16, 25, 26, 34, 39, 40, 43, 45, 46, 47, 48, 56, 57, 58, 61, 65, 68, 69, 70, 73, and 75 of the Escondido Zoning Code to address changes in state laws, correct errors, and improve existing regulations. (File No. 0810-20, 0680-50)

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

ORDINANCE NO. 2018-07 (First Reading and Introduction)

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

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

Laree Felan, Escondido, commented that other cities have a five-foot setback for accessory dwelling units and requested Council approve this item.

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

MOTION: Moved by Councilmember Gallo and seconded by Deputy Mayor Masson to approve amending Chapter 32 (Subdivisions) of the Municipal Code and Articles 1, 3, 6, 16, 25, 26, 34, 39, 40, 43, 45, 46, 47, 48, 56, 57, 58, 61, 65, 68, 69, 70, 73, and 75 of the Escondido Zoning Code to address changes in state laws, correct errors, and improve existing regulations and introduce Ordinance No. 2018-07R. Ayes: Abed, Diaz, Gallo, Masson. Noes: Morasco. Motion carried.

CURRENT BUSINESS

17. CONSULTING AGREEMENT AND BUDGET ADJUSTMENT FOR DESIGN BUILD OWNER'S AGENT SERVICES FOR THE MEMBRANE FILTRATION REVERSE OSMOSIS FACILITY -

Request the City Council approve authorizing the Mayor and the City Clerk to execute a Consulting Agreement with Black and Veatch Corporation in the amount of \$1,236,890 for design build owner's agent services and approve a budget adjustment in the amount of \$1,000,000. (File No. 0600-10 [A-3240])

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

RESOLUTION NO. 2018-33

Angela Morrow, Deputy Director of Utilities/Construction & Engineering, Wastewater, presented the staff report utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve authorizing the Mayor and the City Clerk to execute a Consulting Agreement with Black and Veatch Corporation in the amount of \$1,236,890 for design build owner's agent services and approve a budget adjustment in the amount of \$1,000,000 and adopt Resolution No. 2018-33. Ayes: Abed, Gallo, Masson, Morasco. Noes: Diaz. Motion carried.

18. REPEAL ESCONDIDO MUNICIPAL CODE CHAPTER 19, ARTICLE 2, BOARD OF REVIEW, AND AMEND CITY PERSONNEL RULES AND REGULATIONS RULE 28, ADMINISTRATIVE REVIEW AND APPEAL TO BOARD OF REVIEW -

Request the City Council approve amending Personnel Rules and Regulations Rule 28, implementing the changes that will result upon dissolution of the Board of Review; and amend Escondido Municipal Code Chapter 19, Article 2, Board of Review, to transfer the authority for employee due process disciplinary hearings from the Board of Review to an Administrative Law Judge. (File No. 0120-10)

Staff Recommendation: **Approval (Human Resources Department: Sheryl Bennett and City Attorney's Office: Michael R. McGuinness)**

A) RESOLUTION NO. 2018-48 B) ORDINANCE NO. 2018-08 (First Reading and Introduction)

THIS ITEM WAS NOT DISCUSSED.

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 the San Diego County Water Authority Board voted regarding Proposition 68; reported SANDAG Borders Committee Tribal Summit will meet on Friday, April 13; reported North County Transit District hired Southwest Strategies to provide on-call marketing and communications consulting services and noted this year is the tenth anniversary of the Sprinter.

Councilmember Morasco reported the City Council/California Center for the Arts, Escondido subcommittee met and discussed management renewal process, new sign on Valley Parkway, several maintenance issues, 25th anniversary of CCAE, and noted a balanced budget for the fifth year in a row.

Deputy Mayor Masson will attend a California League of Cities in Pomona next week.

Mayor Abed reported SANDAG is holding interviews for an executive director; Transportation Committee approved seven million dollars for I15 & CA-78 on-ramp; the Mayor attended a meeting with public school and charter school officials regarding school safety.

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

ADJOURNMENT

Mayor Abed adjourned the meeting at 8:57 p.m.

DEPUTY MAYOR

CITY CLERK

DEPUTY CITY CLERK