

CITY OF ESCONDIDO
February 5, 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, February 5, 2020 in the City Council Chambers at City Hall with Mayor McNamara presiding.

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

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/RRB)

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to recess to Closed Session. Approved unanimously.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- a. **Property:** 2001 La Honda Drive, APN 225-010-3500
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Friends of Daley Ranch / Paul Van Elderen
Under Negotiation: Review Unsolicited Offer

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

- a. **Case Name:** City of Escondido v. General Reinsurance Corp.; Genesis Management and Ins. Services Corp
Case No: 3:19-CV-00868-MMA-BGS
- b. **Case Name:** Paula Westenberger v. City of Escondido
Case No: WCAB Nos: ADJ3448350; ADJ4436156
- c. **Case Name:** Kenneth Head v. City of Escondido; AdminSure, Inc.
Case No: WCAB Nos: ADJ11833809; ADJ11833730
- d. **Case Name:** City of Escondido v. Nilesh Patel, an individual, Jai Ambe Phoenix, LLC
Case No: 37-2018-00023279-CU-MC-NC
(This Item Was Continued to February 12, 2020)

ADJOURNMENT

Mayor McNamara adjourned the meeting at 5:45 p.m.

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Paul McNamara

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MAYOR

DocuSigned by:

Jack Beck

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CITY CLERK

CITY OF ESCONDIDO
February 5, 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 Wednesday, February 5, 2020 in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Olga Diaz, Councilmember 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 John Masson, Councilmember Michael Morasco, and Mayor Paul McNamara. 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; and Zack Beck, City Clerk.

CLOSED SESSION REPORT

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- a. **Property:** 2001 La Honda Drive, APN 225-010-3500
- City Negotiator:** Jeffrey Epp, City Manager
- Negotiating Parties:** Friends of Daley Ranch / Paul Van Elderen
- Under Negotiation:** Review Unsolicited Offer

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

- a. **Case Name:** City of Escondido v. General Reinsurance Corp.; Genesis Management and Ins. Services Corp
Case No: 3:19-CV-00868-MMA-BGS
Council Action: Approved 5/0 to settle in the amount of \$1,300,000

- b. **Case Name:** Paula Westenberger v. City of Escondido
Case No: WCAB Nos: ADJ3448350; ADJ4436156
Council Action: Approved 5/0 to settle in the amount of \$775,000

- c. **Case Name:** Kenneth Head v. City of Escondido; AdminSure, Inc.
Case No: WCAB Nos: ADJ11833809; ADJ11833730
Council Action: Approved 5/0 to settle in the amount of \$80,330

ORAL COMMUNICATIONS

Michael Taylor - Spoke in favor of Measure Q.

Douglas Paulson - Spoke in favor of Measure Q.

Nancy Buria - Requested that the City of Escondido hire more code enforcement officers. Requested that the City of Escondido provide aesthetic enhancements to East Valley Parkway.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve all Consent Calendar items, except item 6. 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 (File No. 0400-40):

338295 – 338558 dated January 15, 2020

338559 – 338823 dated January 22, 2020

Staff Recommendation: **Approval (Finance Department: Joan Ryan)**

3. APPROVAL OF MINUTES: Regular Meetings of January 15, 2020 and January 22, 2020

4. APPROVAL OF CALPERS INDUSTRIAL DISABILITY RETIREMENT FOR POLICE OFFICER LEE ANNE MCCOLLOUGH -

Request the City Council approve the California Public Employees' Retirement System (CalPERS) Industrial Disability Retirement for Police Officer Lee Anne McCollough. (File No. 0170-57)

Staff Recommendation: **Approval (Human Resources Department: Jessica Perpetua)**

RESOLUTION NO. 2020-12

5. APPLICATION FOR FY 2020 BUREAU OF RECLAMATION TITLE XVI GRANT FUNDING FOR THE PLANNED MEMBRANE FILTRATION / REVERSE OSMOSIS (MFRO) FACILITY -

Request the City Council approve verifying the City of Escondido's ("City") financial capability and commitment to meet established grant deadlines in a modified assistance agreement with the Bureau of Reclamation for the WaterSMART: Title XVI Water Reclamation and Reuse Projects program. The existing agreement will be modified if the City's pending application for additional program funding is approved. (File No. 0600-10, A-3310)

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

RESOLUTION NO. 2020-13

6. CONSULTING AGREEMENT FOR THE CITRACADO PARKWAY EXTENSION PROJECT -

Request the City Council approve authorizing the Mayor and City Clerk to execute, on behalf of the City of Escondido, a Consulting Agreement with TY Lin International for Construction Management Services in the amount of \$1,596,544 for the Citracado Parkway Extension Project. (File No. 0600-10, A-3325)

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

RESOLUTION NO. 2020-08

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to approve authorizing the Mayor and City Clerk to execute, on behalf of the City of Escondido, a Consulting Agreement with TY Lin International for Construction Management Services in the amount of \$1,596,544 for the Citracado Parkway Extension Project. Approved unanimously

7. AGREEMENT FOR THE CITRACADO PARKWAY EXTENSION PROJECT -

Request the City Council approve authorizing the Mayor and City Clerk to execute a Reimbursement Agreement in the amount of \$2,190,631 with Rincon del Diablo Municipal Water District for Recycled Water and Potable Water Construction and Relocation as part of the Citracado Parkway Extension Project. (File No. 0600-10, A-3126)

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

RESOLUTION NO. 2020-14

8. ACCEPTANCE OF A \$132,693.68 GRANT AND EXECUTION OF THE COUNTY CONTRACT NO. 561764 AGREEMENT WITH THE COUNTY OF SAN DIEGO HEALTH AND HUMAN SERVICES AGENCY FOR THE SENIOR NUTRITION PROGRAM -

Request the City Council approve authorizing the Mayor and City Clerk to accept a \$132,693.68 grant from the County of San Diego Health and Human Services Agency for the senior Nutrition Program offered at the Park Avenue Community Center, and execute County Contract No. 561764, the Agreement with the County of San Diego Health and Human Services Agency for the Senior Nutrition Program on behalf of the City of Escondido. (File No. 0600-10)

Staff Recommendation: **Approval (Communications and Community Services Department: Joanna Axelrod)**

RESOLUTION NO. 2020-15

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.)

9. SPECIFIC PLAN AMENDMENT AND CONDITIONAL USE PERMIT - DISCOUNT TIRE REDEVELOPMENT PROJECT (PHG 19-0031 AND PHG 19-0032) -

Approved on January 15, 2020 with a vote of 5/0

ORDINANCE NO. 2020-02 (Second Reading and Adoption)

10. ADOPTION OF A UTILITY BILLING COLLECTION AND DISCONTINUATION OF SERVICE POLICY -

Approved on January 15, 2020 with a vote of 5/0

ORDINANCE NO. 2020-04 (Second Reading and Adoption)

11. RESERVE POLICE OFFICER AUTHORITY -

Approved on January 15, 2020 with a vote of 5/0

ORDINANCE NO. 2020-05 (Second Reading and Adoption)

PUBLIC HEARINGS

12. AMENDMENT TO ARTICLE 34 (COMMUNICATION ANTENNAS) OF THE ESCONDIDO ZONING CODE, ADOPTION OF GUIDELINES FOR THE DEPLOYMENT OF SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY, ESTABLISHMENT OF FEES RELATED TO SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY, AND AMENDMENT TO PUBLIC SERVICES AGREEMENT FOR THE CITYWORKS IMPLEMENTATION PROJECT -

Request the City Council approve amending Article 34 (Communication Antennas) of the Escondido Zoning Code related to personal wireless service facilities; approve Guidelines for the Deployment of Small Wireless Facilities in the Public Right-of-Way and establishing fees for such facilities; approve executing a Second Amendment to the Public Services Agreement for the CityWorks implementation project with Timmons Group; and approve a budget adjustment relative to said amendment. The request also includes the adoption of the environmental determination prepared for the project. (File No. 0810-20, 0600-10, A-3261)

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

A) ORDINANCE NO. 2020-03 (First Reading and Introduction)

B) RESOLUTION NO. 2020-04 C) RESOLUTION NO. 2020-18

John Osborne - Representative of AT&T. Expressed opposition to the proposed fees. AT&T is willing to sign the master license agreement under protest to the annual fee.

Michael Farraher - Representative of Verizon Wireless. Expressed opposition to the proposed fees. Expressed concern about the setback requirement near residential properties.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve amending Article 34 (Communication Antennas) of the Escondido Zoning Code related to personal wireless service facilities; approve Guidelines for the Deployment of Small Wireless Facilities in the Public Right-of-Way and establishing fees for such facilities; approve executing a Second Amendment to the Public Services Agreement for the CityWorks implementation project with Timmons Group; and approve a budget adjustment relative to said amendment. The request also includes the adoption of the environmental determination prepared for the project. Approved unanimously.

FUTURE AGENDA

13. 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)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Masson - Attended San Diego County Water Authority Board Meeting.

Mayor McNamara - Attended a recent SANDAG meeting regarding economic development.

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

None.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 6:54 p.m.

DocuSigned by:

Paul McNamara

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MAYOR

DocuSigned by:

Jack Beck

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CITY CLERK