

CITY OF ESCONDIDO
August 7, 2019
5:00 P.M. Meeting Minutes

Escondido City Council

THIS MEETING WAS CANCELLED

CALL TO ORDER

ROLL CALL: Diaz, Martinez, Masson, Morasco, McNamara

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) Speakers are limited to only one opportunity to address the Council under Oral Communications.

CLOSED SESSION: (COUNCIL/RRB)

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

a. **Case Name:** Joseph Leffingwell v. City of Escondido
Case No: WCAB No.: ADJ 11548693

ADJOURNMENT

CITY OF ESCONDIDO
August 7, 2019
6:00 P.M. Meeting Minutes

Escondido City Council
and as Successor Housing Agency to the CDC

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 6:00 p.m. on Wednesday, August 7, 2019 in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk, led the Moment of Reflection.

FLAG SALUTE

Deputy Mayor Martinez 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; Zack Beck, City Clerk.

CLOSED SESSION REPORT

The 5:00 p.m. Closed Session Meeting was cancelled.

ORAL COMMUNICATIONS

Delores McQuiston, Escondido, shared comments regarding the designation of the Escondido Country Club golf course as open space.

Barry Baker, Escondido, complimented staff regarding the paving of Hamilton Lane and requested trees be planted in the median on Grand Avenue.

CONSENT CALENDAR

MOTION: Moved by Deputy Mayor Martinez and seconded by Councilmember Morasco to approve all Consent Calendar items with the exception of items 4 and 10. Motion carried 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)

- 332541 – 332726 dated July 10, 2019
- 332727 – 332937 dated July 17, 2019
- 332938 – 333144 dated July 24, 2019

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

3. APPROVAL OF MINUTES: Regular Meeting of July 17, 2019

4. TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2019 -

Request 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.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco receive and file the Quarterly Investment Report. Motion carried unanimously.

5. BID AWARD FOR THE KIA DEALERSHIP GRADING PROJECT -

Request the City Council approve authorizing the Mayor and City Clerk to execute a Public Improvement Agreement with Whillock Contracting, Inc., the lowest responsive and responsible bidder, in the amount of \$133,059 for construction of the Kia Dealership Grading Project. (File No. 0600-10 [A-3305])

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

RESOLUTION NO. 2019-99

6. BUREAU OF RECLAMATION TITLE XVI FINANCIAL ASSISTANCE AGREEMENT FOR THE MEMBRANE FILTRATION REVERSE OSMOSIS PROJECT -

Request the City Council approve authorizing the Director of Utilities to execute a Financial Assistance Agreement in the amount of \$11,175,000, with an initial award of \$4,884,000 with the U.S. Department of the Interior, Bureau of Reclamation (BOR). The Title XVI award will assist the City in designing and constructing the Membrane Filtration Reverse Osmosis Facility (MFRO) Project. (File No. 0600-10 [A-3310])

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

RESOLUTION NO. 2019-108

7. NOTICE OF COMPLETION FOR THE BRINE LINE PROJECT - HARMONY GROVE TO BROADWAY -

Request the City Council approve authorizing the Director of Utilities to file a Notice of Completion for the Brine Line Project - Harmony Grove to Broadway. (File No. 0600-10 [A-3235])

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

RESOLUTION NO. 2019-111

8. ESCONDIDO HISTORY CENTER LICENSE AND OPERATING AGREEMENT -

Request the City Council approve a License and Operating Agreement for the Escondido History Center. (File No. 0600-10 [A-3307])

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

RESOLUTION NO. 2019-53

9. OCCUPANCY LICENSE FOR 1118 SOUTH CITRUS AVENUE WITH ESCONDIDO HISTORY CENTER -

Request the City Council approve an Occupancy License Agreement with the Escondido History Center for use of a City-owned storage building at 1118 South Citrus Avenue. (File No. 0600-10 [A-3308])

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

RESOLUTION NO. 2019-104

10. CONTRACT CHANGE ORDER AND NOTICE OF COMPLETION FOR THE TULIP STREET IMPROVEMENTS PHASE IV -

Request the City Council approve authorizing the City Engineer to approve a Contract Change Order with Southland Paving, Inc. in the amount of \$21,027 to complete additional work and authorize staff to file a Notice of Completion for the Tulip Street Improvements Phase IV. (File No. 0600-10 [A-3280])

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

RESOLUTION NO. 2019-112

Lonnie Druliner, Associate Engineer, presented the staff report utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Masson to approve authorizing the City Engineer to approve a Contract Change Order with Southland Paving, Inc. in the amount of \$21,027 to complete additional work and authorize staff to file a Notice of Completion for the Tulip Street Improvements Phase IV and adopt Resolution No. 2019-112. Motion carried unanimously.

11. AMEND ENGINEERING AND TRAFFIC SURVEY (SPEED ZONE) ON ELEVENTH AVENUE AND SEVENTEENTH AVENUE -

Request the City Council approve amending an Engineering and Traffic Survey (Speed Zone) on Eleventh Avenue between Valley Parkway and Del Dios Road and Seventeenth Avenue between Juniper Street and the City Limits. (File No. 1050-45)

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

RESOLUTION NO. 2019-113

12. SECOND AMENDMENT TO LEASE AGREEMENT - 210 SOUTH BROADWAY -

Request the City Council approve authorizing the Mayor to execute a Second Amendment to the Lease for the property at 210 South Broadway; and assign and transfer the rights to the Lease from Stanley Schaeffer, DDS to Adil Alhashimi, A Professional Corporation. (File No. 0600-10 [A-2517])

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

RESOLUTION NO. 2019-114

13. LICENSE AGREEMENT WITH MICHAEL S. TAYLOR, D.B.A. DUGOUT SNACKS AT 3333 BEAR VALLEY PARKWAY, FOR ADULT SOFTBALL CONCESSION STAND IN KIT CARSON PARK -

Request the City Council approve authorizing the Mayor to execute a License Agreement with Michael S. Taylor, D.B.A. Dugout Snacks at 3333 Bear Valley Parkway, for an Adult Softball Concession Stand within Kit Carson Park. (File No. 0600-10 [A-3309])

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

RESOLUTION NO. 2019-115

14. CALIFORNIA FRANCHISE TAX BOARD CITY BUSINESS TAX PROGRAM -

Request the City Council approve authorizing the Community Development Director to execute an agreement with the State of California Franchise Tax Board (FTB) to renew and continue the City's participation in the FTB City Business Tax Program. (File No. 0600-10, MISC.)

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

RESOLUTION NO. 2019-116

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.)

PUBLIC HEARINGS

15. ZONING CODE AND LAND USE STUDY (AZ 18-0006) -

Request the City Council approve completing the Zoning Code and Land Use Study; and amend portions of the Municipal Code, Zoning Code, and Specific Plans to improve existing regulations. (File No. 0680-50)

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

ORDINANCE NO. 2019-09 (First Reading and Introduction)

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

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

James Lund, Escondido, requested the City Council table the language in Ordinance No. 2019-09 regarding drive through restaurants and drive through conditional use permits (CUPs).

Joe Award, Irvine, requested the City Council consider changes to the zoning code regarding drive through restaurants.

Catherine Ferguson, San Diego, requested changes to the proposed zoning code to allow more flexibility regarding drive through restaurants.

Haley Guiffrida, representative for the Vista Community Clinic Tobacco Control Program, requested the City Council not allow any new vape shops in Escondido.

Barry Baker, Escondido, shared comments regarding the drive through provision in the ordinance and requested City Council remove this item.

Alicia Espinoza, representative for Escondido Education COMPACT, shared comments regarding the impacts of vaping, e-cigarettes, and tobacco products.

Mayor McNamara asked if anyone else wished to speak on this item in any way. No asked to be heard; therefore, he closed the public hearing.

MOTION: Moved by Deputy Mayor Martinez and seconded by Councilmember Morasco to continue this item to August 21, 2019. Motion carried unanimously.

16. ANNUAL CODE CLEAN-UP AND AMENDMENTS TO THE MUNICIPAL AND ZONING CODES (AZ 19-0003) -

Request the City Council approve amending Chapter 32 (Subdivisions) of the Municipal Code and Articles 1, 6, 9, 16, 26, 39, 56, 61, 65, 67, 70, and 73 of the Escondido Zoning Code to address changes in state laws, correct errors, and improve existing regulations. (File Nos. 0810-20, 0680-50)

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

ORDINANCE NO. 2019-10 (First Reading and Introduction)

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

Mayor McNamara opened the public hearing and asked if anyone wished to speak on this issue in any way. No asked to be heard; therefore, he closed the public hearing.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve amending Chapter 32 (Subdivisions) of the Municipal Code and Articles 1, 6, 9, 16, 26, 39, 56, 61, 65, 67, 70, and 73 of the Escondido Zoning Code to address changes in state laws, correct errors, and improve existing regulations and introduce Ordinance No. 2019-10. Motion carried unanimously.

17. SALE OF WINDSOR GARDENS APARTMENTS AND TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING -

Request the City Council approve the various agreements related to the sale, transfer of ground lease, and financing of the Windsor Gardens Apartments, located at 1600 W. Ninth Avenue, to Windsor Gardens Housing Associates, L.P. (CHW); approve an affordable housing loan to CHW in support of the acquisition; conduct a public hearing pursuant to the Tax Equity and Fiscal Responsibility Act (TEFRA) to approve the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$26,000,000 by the California Municipal Finance Authority (CMFA) including but not limited to revenue bonds issued as part of a plan to finance the project; approve CMFA's issuance of revenue bonds; and authorize execution of a Subscription Agreement and the future purchase of tax-exempt bonds. (File Nos. 0440-65, 0690-20, 0875-20)

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek, Community Development Department: Bill Martin, Engineering Services Department: Julie Procopio)**

A) RESOLUTION NO. 2019-117 B) RESOLUTION NO. 2019-118

C) RESOLUTION NO. 2019-119 D) RESOLUTION NO. 2019-120

Jay Petrek, Assistant City Manager, and Karen Youel, Housing & Neighborhood Services Manager, presented the staff report utilizing a PowerPoint presentation.

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

Mary Jane Jagodzinski, Senior Vice President for Community HousingWorks, shared information regarding Community HousingWorks and was available to answer questions.

John Tavares, Escondido, shared his experience living in a Community HousingWorks development.

Hugh Pettigrew, Escondido, shared comments regarding his experience with Community HousingWorks and requested Council support this item.

Dennis Nelson, Escondido, commented regarding his experience with Interfaith Community Services and expressed support for this item.

Mayor McNamara asked if anyone else wished to speak on this item in any way. No asked to be heard; therefore, he closed the public hearing.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Masson to Council approve the various agreements related to the sale, transfer of ground lease, and financing of the Windsor Gardens Apartments, located at 1600 W. Ninth Avenue, to Windsor Gardens Housing Associates, L.P. (CHW); approve an affordable housing loan to CHW in support of the acquisition; conduct a public hearing pursuant to the Tax Equity and Fiscal Responsibility Act (TEFRA) to approve the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$26,000,000 by the California Municipal Finance Authority (CMFA) including but not limited to revenue bonds issued as part of a plan to finance the project; approve CMFA's issuance of revenue bonds; and authorize execution of a Subscription Agreement and the future purchase of tax-exempt bonds and adopt Resolution No. 2019-117, Resolution No. 2019-118, Resolution No. 2019-119, and Resolution No. 2019-120. Motion carried unanimously.

FUTURE AGENDA

18. 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)**

Councilmember Diaz requested forming an ad hoc subcommittee with Councilmember Masson to explore the possibility for councilmembers to choose between full-time status or part-time status during their elected term.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Deputy Mayor Martinez will attend a League of California Cities meeting next week.

Councilmember Masson attended a San Diego County Water Authority meeting and approved San Diego Integrated Regional Water Management Plan.

Councilmember Diaz attended a San Dieguito River Park Joint Powers Authority meeting, attended a SANDAG Borders Committee meeting, and will attend the League of California Cities meeting in October.

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

ADJOURNMENT

Mayor McNamara adjourned the meeting at 7:56 p.m.

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MAYOR

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CITY CLERK