CITY OF ESCONDIDO

December 9, 2015
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, December 9, 2015 in the Council Chambers at City Hall with Mayor Abed presiding.

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

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Deputy Mayor Morasco 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))

Case Name: Kevin Stowe v. City of Escondido, et al.
Case No: 37-2014-00040886-CU-WM-NC

Jeffrey Epp, City Attorney, announced that in the matter of Stowe v. City of Escondido, the City Council determined to appeal the trial court's ruling.

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:20 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO

December 9, 2015
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 4:30 p.m. on Wednesday, December 9, 2015 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION:
Dick Bridgman led the Moment of Reflection.

FLAG SALUTE
Mayor Abed led the Flag Salute.

PROCLAMATION
Clay Phillips Retirement after 30 Years of Service.

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

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Jay Petrek, Community Development Director; Ed Domingue, Director of Public Works; Diane Halverson, City Clerk; and Michael Thorne, Minutes Clerk.

ORAL COMMUNICATIONS

CONSENT CALENDAR

Mayor Abed removed item 4 from the Consent Calendar for discussion.

MOTION: Moved by Deputy Mayor Morasco and seconded by Councilmember Masson to approve the following Consent Calendar items with the exception of item 4. Ayes: Gallo, Masson, Morasco, and Abed. Noes: None. Absent: Diaz. Motion carried.

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 November 18, 2015**

4. **ASSISTANCE LEAGUE OF INLAND NORTH COUNTY DONATION OF AUTOMATIC ELECTRONIC DEFIBRILLATORS -**
Request Council approve authorizing the Escondido Police Department to accept 17 donated Automatic Electronic Defibrillators (AED) from the Assistance League of Inland North County. (File No. 0150-20)

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

Mike Lowry, Fire Chief, and Sergeant Scott Walters presented information on Automatic Defibrillators and thanked the Assistance League of Inland North County for their donation.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Gallo to approve authorizing the Escondido Police Department to accept 17 donated Automatic Electronic Defibrillators (AED) from the Assistance League of Inland North County. Ayes: Gallo, Masson, Morasco and Abed. Noes: None. Absent: Diaz. Motion carried.

5. **SAN DIEGO COUNTY CAL-ID GRANT AND BUDGET ADJUSTMENT -**
Request Council approve authorizing the Police Department to accept a five-year San Diego County Cal-ID Grant from the County of San Diego Remote Access Network (RAN); 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)**

6. **PROPOSED RATE INCREASE FROM ESCONDIDO DISPOSAL FOR ANNUAL CPI INCREASE TO SOLID WASTE AND RECYCLING RATES AND FEES FOR RESIDENTIAL AND COMMERCIAL COLLECTIONS -**
Request Council approve revising the rates for Residential and Commercial Solid Waste and Recycling Services. Effective February 8, 2016, a 0.789% increase would apply to all residential collection services. Effective February 1, 2016, a 0.789% increase would apply to all commercial collection services. (File No. 0600-10 [A-2340])

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

RESOLUTION NO. 2015-210

7. **ANNUAL FINANCIAL REPORT ON CAPITAL FUNDS FUNDED BY DEVELOPER FEES PER GOVERNMENT CODE SECTION 66006 -**
Request Council receive and file the annual financial report on Capital Funds funded by Developer Fees per Government Code Section 66006. (File No. 0480-45)

Staff Recommendation: **Receive and File (Finance Department: Sheryl Bennett)**

8. **ANNUAL SUBMISSION OF THE CITY OF ESCONDIDO'S INVESTMENT POLICY -**
Request Council approve the June 2015 Investment Policy. (File No.0490-60)

Staff Recommendation: **Approve (City Treasurer's Office: Kenneth C. Hugins)**

RESOLUTION NO. 2015-140

9. **TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2015 -**
Request Council receive and file the Quarterly Investment Report. (File No. 0490-55)

Staff Recommendation: **Receive and File (City Treasurer's Office: Kenneth C. Hugins)**

10. GROUND LEASE AGREEMENT WITH AMERICAN HERITAGE CHARTER SCHOOLS AT 2269 EAST VALLEY PARKWAY -

Request Council approve authorizing the Real Property Manager and City Clerk to execute a Ground Lease Agreement with American Heritage Charter Schools at 2269 East Valley Parkway and authorize a First Amendment to the Lease Agreement with Heritage Digital Academy at 2255 East Valley Parkway. (File No. 0600-10 [A-3090] [A-3175])

Staff Recommendation: **Approval (City Manager's Office: Joyce Masterson/Debra Lundy)**

A) RESOLUTION NO. 2015-214 B) RESOLUTION NO. 2015-216

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.)

11. CITY COUNCIL MEMBER AND MAYOR COMPENSATION -

Approved on December 2, 2015 with a vote of 3/1/1 (Diaz voting no, Masson abstained) (File No. 0680-10)

ORDINANCE NO. 2015-24 (Second Reading and Adoption)

PUBLIC HEARINGS

12. PLOT PLAN AND FINAL ENVIRONMENTAL IMPACT REPORT FOR A GROCERY STORE AND RESTAURANT AT CENTERPOINTE 78, A NEW 3.7-ACRE SHOPPING CENTER (ADM 13-0127 / ENV 13-0009) -

Request Council approve a Plot Plan for a new commercial establishment to include a 43,681-SF grocery store and a 3,200-SF drive-thru restaurant, and certify a Final Environmental Impact Report. (File No. 0800-30)

Staff Recommendation: **Approval (Community Development Department: Jay Petrek)**

RESOLUTION NO. 2015-203

Jay Petrek, Director of Community Development, presented the staff report, utilizing a PowerPoint presentation.

Jim Simmons, Escondido, presented information about the project.

Frank Turlo, Escondido, expressed support for the project.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve a Plot Plan for a new commercial establishment to include a 43,681-SF grocery store and a 3,200-SF drive-thru restaurant, and certify a Final Environmental Impact Report and adopt Resolution No. 2015-203. Ayes: Gallo, Masson, Morasco and Abed. Noes: None. Absent: Diaz. Motion carried.

CURRENT BUSINESS

13. 2014 ASSISTANCE TO FIREFIGHTERS GRANT -

Request Council approve accepting a grant award of $498,518 (90% Federal share) in Federal grant funding from the Federal FY2014 Assistance to Firefighters Grant Program; approve funding $49,852 (10% matching share) with General Capital Funds; authorize the Fire Chief to execute grant documents on behalf of the City; and authorize the necessary budget adjustments to track spending of these grant funds. (File No. 0480-70)

Staff Recommendation: **Approval (Fire Department: Michael Lowry)**

Mike Lowry, Fire Chief, and Russell Knowles, Deputy Fire Chief, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Gallo to approve accepting a grant award of $498,518 (90% Federal share) in Federal grant funding from the Federal FY2014 Assistance to Firefighters Grant Program; approve funding $49,852 (10% matching share) with General Capital Funds; authorize the Fire Chief to execute grant documents on behalf of the City; and authorize the necessary budget adjustments to track spending of these grant funds. Ayes: Gallo, Masson, Morasco and Abed. Noes: None. Absent: Diaz. Motion carried.

14. 2015-2016 CITY COUNCIL ACTION PLAN - FISCAL MANAGEMENT -

Request Council approve amending the City's Fund Balance policy to establish the appropriate General Fund target Reserve based on a risk-based analysis as recommended by the Government Finance Officers Association. (File No. 0610-90)

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

RESOLUTION NO. 2015-215(R)

Sheryl Bennett, Director of Administrative Services and Joan Ryan, Assistant Director of Finance, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Deputy Mayor Morasco and seconded by Councilmember Masson to approve amending the City's Fund Balance policy to establish the appropriate General Fund target Reserve based on a risk-based analysis as recommended by the Government Finance Officers Association and adopt Resolution No. 2015-215(R). Ayes: Gallo, Masson, Morasco and Abed. Noes: None. Absent: Diaz. Motion carried.

15. **BUDGET ADJUSTMENT REQUEST FOR THE ESCONDIDO-VISTA WATER TREATMENT PLANT DISINFECTION AND ELECTRICAL SYSTEM UPGRADES PROJECT -**
Request Council approve a budget adjustment in the amount of $1,144,000 to Capital Improvement Program (CIP) No. 701001 from CIP No. 704201 (80%) and CIP Reimbursement (20%) to cover the costs of potential changes required to complete construction of the Escondido-Vista Water Treatment Plant Disinfection and Electrical System Upgrades Project. This budget adjustment will transfer 9% of the permitted 10% contingency to the project budget. (File No. 0430-80)

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

Christopher McKinney, Director of Utilities, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Masson and seconded by Deputy Mayor Morasco to approve a budget adjustment in the amount of $1,144,000 to Capital Improvement Program (CIP) No. 701001 from CIP No. 704201 (80%) and CIP Reimbursement (20%) to cover the costs of potential changes required to complete construction of the Escondido-Vista Water Treatment Plant Disinfection and Electrical System Upgrades Project. This budget adjustment will transfer 9% of the permitted 10% contingency to the project budget. Ayes: Gallo, Masson, Morasco and Abed. Noes: None. Absent: Diaz. Motion carried.

16. **HALE AVENUE RESOURCE RECOVERY FACILITY PHASE III PRIMARY TREATMENT BUILDING AND ODOR CONTROL MODIFICATIONS PROJECT: BID AWARD FOR CONSTRUCTION, BUDGET ADJUSTMENT, AND AWARD OF CONSULTING AGREEMENTS FOR CONSTRUCTION MANAGEMENT, ENGINEERING SUPPORT DURING CONSTRUCTION, AND ELECTRICAL INSPECTION SERVICES -**
Request Council approve authorizing the Mayor and City Clerk to execute the Public Improvement Agreement with J.F. Shea Construction, Inc., the lowest responsive and responsible bidder, in the amount of $10,927,580 for construction; authorize the Mayor and City Clerk to execute the Consulting Agreement with Tran Consulting Engineers in the amount of $119,210 for Engineering Services during construction; authorize the Mayor and City Clerk to execute the Consulting Agreement with Arcadis in the amount of $754,796 for Construction Management Services; authorize the Mayor and City Clerk to execute a Consulting Agreement with Rockwell Construction Services in the amount of $210,000 for Specialized Electrical Inspections; and approve a budget adjustment in the amount of $8,189,266. (File No. 0600-10 [A-3162] [A-3170] [A-3171] [A-3172])

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

A) RESOLUTION NO. 2015-190 B) RESOLUTION NO. 2015-191

C) RESOLUTION NO. 2015-192 D) RESOLUTION NO. 2015-193

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

MOTION: Moved by Deputy Mayor Morasco and seconded by Councilmember Masson to approve authorizing the Mayor and City Clerk to execute the Public Improvement Agreement with J.F. Shea Construction, Inc., the lowest responsive and responsible bidder, in the amount of $10,927,580 for construction; authorize the Mayor and City Clerk to execute the Consulting Agreement with Tran Consulting Engineers in the amount of $119,210 for Engineering Services during construction; authorize the Mayor and City Clerk to execute the Consulting Agreement with Arcadis in the amount of $754,796 for Construction Management Services; authorize the Mayor and City Clerk to execute a Consulting Agreement with Rockwell Construction Services in the amount of $210,000 for Specialized Electrical Inspections; and approve a budget adjustment in the amount of $8,189,266 and adopt Resolution No. 2015-190, Resolution No. 2015-191, Resolution No. 2015-192 and Resolution No. 2015-193. Ayes: Gallo, Masson, Morasco and Abed. Noes: None. Absent: Diaz. Motion carried.

17. VALIANO SEWER FACILITIES DEVELOPMENT MEMORANDUM OF UNDERSTANDING AND TRAFFIC MITIGATION FUNDING AGREEMENT -

Request Council approve a Sewer Facilities Development Memorandum of Understanding and a Traffic Mitigation Funding Agreement with Eden Hills Project Owner, LLC. (File No. 0600-80)

Staff Recommendation: **Approval (City Manager's Office: Graham Mitchell)**

RESOLUTION NO. 2015-209

Graham Mitchell, Assistant City Manager, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Masson and seconded by Deputy Mayor Morasco to approve a Sewer Facilities Development Memorandum of Understanding and a Traffic Mitigation Funding Agreement with Eden Hills Project Owner, LLC and adopt Resolution No. 2015-209. Ayes: Gallo, Masson, Morasco and Abed. Noes: None. Absent: Diaz. Motion carried.

WORKSHOP

18. EL NIÑO PREPARATION -

Due to the strong forecast of significant rain events this winter and the numerous inquiries from our citizens, staff will give a presentation on the efforts the City has taken so far, future efforts, resources available to our citizens, and actions our citizens can take to prepare for these anticipated events. (File No. 0110-20)

Staff Recommendation: **Receive and File (Public Works Department: Ed Domingue)**

Bud Oliveira, Deputy Director of Public Works, presented the staff report, utilizing a PowerPoint presentation.

NO ACTION, INFORMATION ONLY.

FUTURE AGENDA

19. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the 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 he will attend a Dedication Ceremony at the Carlsbad Desalination Facility.

Councilmember Masson reported on the League of California Cities and his appointment to the Housing Committee and the Environmental Quality Committee.

Mayor Abed reported on the 78 corridor progress; reported SANDAG received presentations from the Public Safety Office and District Attorney's Office.

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

ADJOURNMENT

Mayor Abed adjourned the meeting at 7:01 p.m.

MAYOR

CITY CLERK

MINUTES CLERK