

CITY OF ESCONDIDO
October 7, 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 3:28 p.m. on Wednesday, October 7, 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. Quorum present. Councilmember Diaz arrived at 3:34 p.m.

ORAL COMMUNICATIONS

Bob Crowe, Escondido, commented that the judge's orders to void the Citizen's Initiative should be appealed.

Rick Elkin, Escondido, expressed concern with future development of the Escondido Country Club.

Brian Fieldman, Escondido, questioned if the Escondido Country Club community will have input regarding future development

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Gallo and Seconded by Councilmember Diaz to recess to Closed Session.
Motion carried unanimously.

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

Case Name: Stuck in the Rough, LLC v. City of Escondido, et al.
Case No: 37-2013-00074375-CU-WM-NC

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

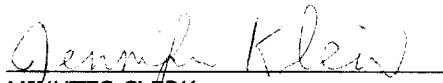
- a. **Property:** A parcel on the north side of West Valley Parkway between City Hall and the CCAE, APN 229-372-20
City Negotiator: Graham Mitchell, Assistant City Manager
Negotiating Parties: The City of Escondido and Craig Clark
Under Negotiation: Price and Terms of Agreement

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:48 p.m.


MAYOR


CITY CLERK


MINUTES CLERK

CITY OF ESCONDIDO
October 7, 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 4:49 p.m. on Wednesday, October 7, 2015 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed led the Flag Salute.

ATTENDANCE:

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

Also present were: Graham Mitchell, Assistant City Manager; Jeffrey Epp, City Attorney; Jay Petrek, Director of Community Development; Ed Domingue, Director of Public Works; Diane Halverson, City Clerk; and Jennifer Klein, Deputy City Clerk.

Jeffrey Epp, City Attorney, announced the City Council reached an agreement with Stuck in the Rough, LLC and recited the following terms:

Background Recitals in the Agreement:

Identifies the property, pre-August 13, 2013 general plan designation as Urban 1: Up to 5.5 du/acre, zoned R-1-7, and acquired by SITR on December 6, 2012. ECCHO Open Space Park Initiative adopted by Council in response to initiative petition. Litigation filed with subsequent motions and hearings. Application for 270 home project filed, determined incomplete;

Procedural Steps

City and SITR execute a "stipulation" for Judgment in the litigation.

Both parties accept the prior court ruling invalidating the Open Space-Park Initiative, and no further action repealing the ordinance is necessary.

SITR dismisses all remaining portions of the litigation, including the takings claim.

Each side bears their own costs and attorney fees.

Judgment would then be entered by the court and the case would be over.

SITR

- SITR withdraws the 2015 application for 270 homes; fees either credited or reimbursed
- SITR "intends to work with a homebuilder to act as the lead representative on any future development application for the Property..." At present "SITR is negotiating with KB Home, Zephyr, and California West Communities...." SITR "agrees that it will not be the applicant on any future development

application, but retains the right to determine the selected developer....either from one of the foregoing entities or another experienced developer of residential communities....”

- The selected developer will “act on its behalf in submitting and processing any land use applications, including interface with the City, neighborhood outreach, and community involvement.....”
- The Parties “recognize the importance of community involvement in a successful development, and shall engage in reasonable efforts to facilitate such involvement....”
- Sitr “retains discretion to control any new application for development....but shall consider proposals from the community for economically feasible development....”

The City

- The City agrees to “fairly and promptly process any application in accordance with all applicable laws...”
- Retains “its full range of police power and authority as provided by law...”
- Any application “...must be processed in accordance with CEQA, the Planning and Zoning Law, the Subdivision Map Act, and any other applicable laws.”

ORAL COMMUNICATIONS

Mike Arnette, Escondido, expressed concerned with aesthetics of the Escondido Country Club, such as the fence, while waiting for the new development.

Renee Glotzbach, Escondido, provided information on recent DUIs.

Efren Garcia, Escondido, President of Rose to Foxdale Neighborhood Group, provided information regarding the neighborhood group and expressed concern about parking issues.

Kenneth Kestner, Escondido, commented on recent experiences with the Escondido Police Department.

CONSENT CALENDAR

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve the following Consent Calendar items. 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 September 23, 2015**

4. **AMENDMENT OF ESCONDIDO MUNICIPAL CODE CHAPTER 1A ADMINISTRATIVE REMEDIES -**

Request Council approve an amendment to the Escondido Municipal Code to improve the tools available to enforcement officers and to update the City's administrative citation procedures. (File No. 0680-50)

Staff Recommendation: **Approval (City Attorney's Office: Jeffrey Epp)**

ORDINANCE NO. 2015-19 (First Reading and Introduction)

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

5. **AUTHORIZE AN ENERGY SERVICE CONTRACT FOR ENERGY DEMAND REDUCTION AT MULTIPLE CITY FACILITIES -**

Request Council approve authorizing the Mayor and City Clerk to execute a ten-year Energy Service Contract with Green Charge Networks to install and maintain a battery powered energy storage system to reduce the demand charge at multiple City facilities. Resolution No. 2015-144 also finds that the anticipated costs to the City for services provided under the Contract will be less than the anticipated marginal cost of the electricity that would have been consumed by the City in the absence of the Contract. (File No. 0600-10)

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

RESOLUTION NO. 2015-144

Richard O'Donnell, Deputy Director of Public Works/Maintenance, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve authorizing the Mayor and City Clerk to execute a ten-year Energy Service Contract with Green Charge Networks to install and maintain a battery powered energy storage system to reduce the demand charge at multiple City facilities and adopt Resolution No. 2015-144. Resolution No. 2015-144 also finds that the anticipated costs to the City for services provided under the Contract will be less than the anticipated marginal cost of the electricity that would have been consumed by the City in the absence of the Contract. Motion carried unanimously.

CURRENT BUSINESS

6. BUDGET ADJUSTMENT REQUEST AND APPROVAL OF CHANGE ORDERS FOR THE RECYCLED WATER EASTERLY MAIN EXTENSION PROJECT (BROADWAY TO CITRUS) -

Request Council approve a budget adjustment in the amount of \$980,000 to Capital Improvement Program (CIP) No. 801201 (Recycled Water Easterly Main Extension) from the Wastewater Fund Operating, Debt, and CIP Reserve and authorize an amendment to the contract with MNR Construction, Inc. not to exceed \$1,263,258.91 (20.13% over the original contract amount of \$6,276,000). (File No. 0430-80)

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

RESOLUTION NO. 2015-169

Chris McKinney, Director of Utilities, and Randy Manns, Utilities Construction Project Manager, presented staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Morasco to approve a budget adjustment in the amount of \$980,000 to Capital Improvement Program (CIP) No. 801201 (Recycled Water Easterly Main Extension) from the Wastewater Fund Operating, Debt, and CIP Reserve and authorize an amendment to the contract with MNR Construction, Inc. not to exceed \$1,263,258.91 (20.13% over the original contract amount of \$6,276,000) and adopt Resolution No. 2015-169. Motion carried unanimously.

7. MILITARY TRIBUTE AND GRAPE DAY PARK MONUMENTS -

Council discussion regarding maintenance for the Military Tribute and other Grape Day Park monuments. (File No. 1110-40)

Staff Recommendation: **None (Councilmember Gallo and Deputy Mayor Morasco)**

Jay Petrek, Director of Community Development, presented information, utilizing a PowerPoint presentation.

Matthew Foster, Escondido, stated that members of the Veterans of Foreign Wars were interested in maintaining the Military Tribute and Grape Day Park Monuments.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve including the Military Tribute and Grape Day Park Monument in the Public Art Program for necessary funding on any future maintenance and repairs. Representatives from the Veterans of Foreign Wars volunteered to perform ongoing maintenance as part of their service to the community.

FUTURE AGENDA

8. 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

Deputy Mayor Morasco reported on Regional Solid Waste Association and shared information on new laws with regards to recycling and organic waste.

Councilmember Masson attended the League of California Cities Conference and shared information on three resolutions that were approved.

Mayor Abed reported that SANDAG completed an EIR regarding public transportation; reported that LAFCO approved annexation of the Oak Creek Project; and shared information regarding the airport upgrade and expansion project.

CITY MANAGER'S UPDATE/BRIEFING

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development.

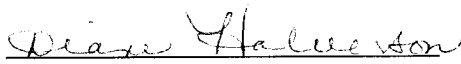
- **CITY MANAGER'S UPDATE -**

ORAL COMMUNICATIONS

ADJOURNMENT

Mayor Abed adjourned the meeting at 6:16 p.m.


MAYOR


CITY CLERK


MINUTES CLERK