

CITY OF ESCONDIDO
October 15, 2014
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, October 15, 2014 in the Council chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

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

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to recess to Closed Session. Motion carried unanimously.

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

Case Name: Richard Waldrop v. City of Escondido, et al.
Case No: 37-2014-00004738-CU-PA-NC

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

- a. **Property:** 146 E. Valley Parkway
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Mason Family Trust
Under Negotiation: Price and Terms of Agreement
- b. **Property:** 1201 E. Washington Avenue
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Paseo Escondido, LLC
Under Negotiation: Price and Terms of Agreement

- c. **Property:** 858 Hubbard Avenue
 City Negotiator: Debra Lundy, Real Property Manager
 Negotiating Parties: Pettigrew Family Trust
 Under Negotiation: Price and Terms of Agreement
- d. **Property:** 1701 S. Iris
 City Negotiator: Debra Lundy, Real Property Manager
 Negotiating Parties: Cricket Communications
 Under Negotiation: Price and Terms of Agreement
- e. **Property:** 1751 Citracado Parkway, Space 202
 City Negotiator: Debra Lundy, Real Property Manager
 Negotiating Parties: Multiple Offers - Mailhot/Revuelta
 Crowder
 LaHaye
 Harris
 Under Negotiation: Price and Terms of Agreement

III. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))

- a. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code Section 54956.9(d)(2): One Case

Added one item to Closed Session per Government Code §54954.(b)(2):

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

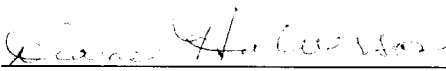
Case Name: City of Escondido v. Sylvia Clark
Case No: 37-2013-00074379-CU-MC-NC

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:25 p.m.



MAYOR



CITY CLERK



MINUTES CLERK

CITY OF ESCONDIDO
October 15, 2014
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, October 15, 2014 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: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Barbara Redlitz, Community Development Director; Ed Domingue, Public Works Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

PROCLAMATIONS

Mayor Abed introduced Ramona Longoria who accepted a prodamation for October 15, 2014, White Cane Day.

ORAL COMMUNICATIONS

Nichole Downey, Escondido, presented a series of slides and urged Council to set up free "Little Libraries" on the Creek Walk.

Maria Blom, Encinitas, sang a song for the Council.

Michael O'Connor, Valley Center, stated the City should have more paramedic fire fighters.

Stephen Siaw, Escondido, voiced concern with the legal fees incurred by the City.

Raymond Herrera, Upland, voiced concern with the amount of undocumented people in the United States.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson that the following Consent Calendar items be approved with the exception of item 4. Councilmember Morasco abstained from item 4. 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 24, 2014**
4. **APPROVAL OF CALPERS INDUSTRIAL DISABILITY RETIREMENT FOR NIKOS WIZNER -**
Request Council approve the California Public Employees' Retirement System (CalPERS) Industrial Disability Retirement for Fire Engineer Nikos Wizner. (File No. _____)

Staff Recommendation: **Approval (Human Resources Department: Sheryl Bennett)**

RESOLUTION NO. 2014-161

Councilmember Morasco abstained from item 4.

5. **FINAL ASSESSMENT ENGINEER'S REPORT FOR ZONE 37 OF THE CITY OF ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2015/2016 -**
Request Council approve declaring the results of the assessment ballot tabulation for Zone 37 of the City of Escondido Landscape Maintenance Assessment District (LMD); confirm the assessment; approve the Assessment Engineer's Report; and approve the annual levy and collection of assessments in Zone 37 of the LMD for FY 2015/2016. (File No. _____)

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

RESOLUTION NO. 2014-156

6. **FISCAL YEAR 2014/2015 DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL MINOR DECOY/SHOULDER TAP MINI-GRANT AND BUDGET ADJUSTMENT -** Request Council approve authorizing the Escondido Police Department to accept a FY 2014/2015 Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Mini-Grant in the amount of \$11,600; authorize the Chief of Police and Police Department staff to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds. (File No. _____)

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

7. **FISCAL YEAR 2014/2015 SAN DIEGO COUNTY LAW ENFORCEMENT FOUNDATION LESS LETHAL LIFESAVING EQUIPMENT GRANT AND BUDGET ADJUSTMENT -** Request Council approve authorizing the Escondido Police Department to accept a FY 2015 San Diego County Law Enforcement Foundation Grant in the amount of \$3,622.08; authorize the Chief of Police and Police Department staff to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds. (File No. _____)

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

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

8. **APPEAL OF A PLANNING COMMISSION DECISION TO DENY A CONDITIONAL USE PERMIT AND EXTENSION OF TIME (PHG 14-0017)** - Request Council consider an appeal of a Planning Commission decision. The Planning Commission denied a Conditional Use Permit (CUP) to operate an unaccompanied youth care facility, at a site previously used for skilled nursing facility located at 1817 Avenida Del Diablo. (File No. _____)

Staff Recommendation: **Consider the appeal of the Planning Commission denial of the Conditional Use Permit for government services to operate an unaccompanied youth care facility including the associated extension of time for previously approved skilled nursing facility CUP and conditionally approve or deny the project. (Community Development Department: Barbara Redlitz)**

Jay Petrek, Assistant Planning Director, gave the staff report and presented a series of slides.

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

David Loy, ACLU Representative, indicated the Southwest Key project was good for the City and urged Council to approve it.

Richard Schauer, Escondido, stated he was opposed to the proposed use of the facility.

Reverend Beth Johnson, Vista, urged Council to approve the Conditional Use Permit.

Reverend Cheri Metier, San Diego, asked Council to approve the Conditional Use Permit and allow Southwest Key to open the proposed housing facility.

Reverend Elizabeth Bucky, San Diego, urged Council to approve the land use permit.

Joanne Tenney, Escondido, asked Council to approve the application for a Conditional Use Permit and allow the proposed housing facility to open.

Valentina Castillo, San Marcos, requested Council grant the Conditional Use Permit so the facility could open.

Carlos Ronquillo, Escondido, asked Council to make the decision to open the facility.

Luis Romero, Escondido, stated the facility had been closed for a year and urged Council to approve the project.

Thomas Armstrong, Escondido, stated the City had a responsibility to open the facility.

Patt Allison, Escondido, urged Council to approve the project.

Meghan Quade, Escondido, indicated the proposed facility didn't have proper accommodations for children and urged Council to deny the request.

Bill Durney, Escondido, requested Council uphold the Planning Commission decision and deny the Conditional Use Permit.

Loree Masonis, (No City Indicated), asked Council to deny the project and focus on American children in need.

Carlos Auralde, Escondido, indicated the facility was too small and asked Council to deny the request to put it in that area.

Mike McGetrick, Orange, stated the money could be spent on our veterans and the homeless and that he was opposed to the project.

Jerry Carter, Escondido, urged Council to approve the project.

Ken Walery, Escondido, indicated the Federal Government should take responsibility for housing the children.

Nancy Walery, Escondido, stated the facility was built to house the elderly and was not a secure environment for young active children.

Orv Hale, Escondido, indicated he was opposed to the project.

Raul Rodriguez, Victorville, urged Council to deny the permit request.

Mary Newman, Redlands, stated the Federal Government was creating this crisis and should take on the responsibility.

Robert Newman, Redlands, urged Council to deny the project.

Carol Schlaepfer, Pomona, indicated the Planning Commission had made the right decision.

Cherie Wood, (No City Indicated), suggested housing veterans with PTSD at the proposed facility.

Penney Magnotto, Murietta, stated American citizens should be cared for first.

Joan Gardner, Escondido, urged council to support the Planning Commission's decision.

Patricia Del Rio, Escondido, indicated she opposed the project based on the land use.

Ronald Kohl, San Marcos, stated he supported the proposed facility.

Alejandra Almaraz, Escondido, voiced concern with City procedures.

Bradley Birkeland, Escondido, indicated the site was not suitable for children and asked Council to deny the use permit.

Jose Sanchez, San Diego, asked council to approve the Conditional Use Permit and allow the proposed facility to open.

Theresa Tugwell, Escondido, requested that Council uphold the Planning Commission's decision.

Margaret Hoyle, Escondido, urged Council to approve the shelter.

Chris Splane, Escondido, stated the proposed project was not a good fit in that area and he was opposed to it.

Robin Hvidston, (No City Indicated), indicated the veterans should be cared for instead of undocumented children.

Raymond Herrera, Upland, urged Council not to change the Planning Commission's decision.

Fred Progner, Escondido, stated that American children should be cared for first.

Sharon Carlson, Escondido, stated this was not the proper land use and that she was opposed to the shelter.

Karen Morales, Escondido, indicated the facility was designed for disabled elderly and was not set up to house children.

Ralph Ginese, Escondido, stated the area was not zoned for this type of a facility and the project should be rejected.

Steve Wells, Vista, indicated he did not support the proposed project.

Kimry Wells, Vista, urged Council to deny the Conditional Use Permit.

Janet Wilson, Vista, voiced concern with the younger children being housed with teenagers and stated she was opposed to the project.

John Valdez, Escondido, asked council to approve the project.

Belinda Aguirre, Escondido, stated she was in support of the youth facility, which would bring jobs to the City.

Lillian Serrano, Escondido, asked council to approve the project.

Stella Stephens, Escondido, indicated the land use did not allow this kind of facility and it should be denied.

Lillie Sanchez, Oceanside, stated she was in support of the Conditional Use Permit.

Cittali Aquino, Oceanside, indicated the facility would create new jobs and that the Permit should be approved.

Francesco Ramirez, Escondido, voiced concern with City policies.

Chad Hunzinger, Escondido, urged Council to work with Southwest Key to find an appropriate site for the facility.

Karen Seibold, Escondido, requested that Council uphold the Planning Commission's decision.

Chris Read, Escondido, stated he was opposed to granting the Conditional Use Permit.

Christina Gonzales, San Diego, asked Council to grant the Conditional Use Permit.

Robert Lauten, Escondido, voiced concern with the possibility of infectious disease.

Jack Bennett, Escondido, stated he supported the Planning Commission's decision.

Tisha Bennett, Escondido, stated she supported the Planning Commission's decision to deny the Conditional Use Permit.

Virginia Rodriguez, Escondido, voiced concern with evacuating so many children during a firestorm and asked Council not to support the project.

Karen Guzmyn, (No City Indicated), indicated this project would bring jobs into the City and asked Council to approve it.

Douglas Cummings, Escondido, stated the property was not the right fit for this kind of project.

Danny Perez, Escondido, voiced concern with the possibility of a lawsuit.

Dr. Enil Bliesath, Escondido, expressed health concerns and stated she was opposed to the proposed facility.

Joshua Bliesath, Escondido, voiced concern with teenage boys residing so close to his young daughter and indicated he was opposed to the facility.

Tezheen Nizam, Vista, asked Council to allow the facility to open.

Laura Hunter, Escondido, stated these kids needed help and urged Council to approve the project.

Tom Carmichael, Escondido, expressed concern that adults, not children, would be housed at the facility and asked Council to deny it.

Alejandro Maqueda, Escondido, asked Council to help people better their future and stated he was in favor of the Conditional Use Permit.

Vanessa Valle, Escondido, asked Council to approve the project.

Vanessa Garcia, Escondido, urged Council to help the children and approve the project.

Nedy Velasquez, Escondido, stated these children were looking for a safe environment and urged Council to approve the shelter.

Rachiel Stanley, Escondido, asked Council to deny the Permit.

Elias Borlingan, Escondido, stated he was opposed to locating the facility in that area.

Nicole Downey, Escondido, voiced concern that property taxes were being paid.

Cristian Mayorga, Escondido, urged Council to approve the facility.

Christina Griffin, Rancho San Diego, asked Council to allow the shelter to open.

Luis Lopez, San Diego, requested Council to allow the application for a youth shelter.

Rosa Flores, San Marcos, urged Council to approve the Conditional Use Permit.

Duncan Fane, Escondido, expressed health concerns and asked Council to deny the project.

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

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Masson to uphold the Planning Commission's decision to deny a Conditional Use Permit to operate an unaccompanied youth care facility. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve a two year extension of the current property owner's Conditional Use Permit. Ayes: Abed, Diaz, Gallo, and Morasco. Noes: Masson. Absent: None. Motion carried.

FUTURE AGENDA

9. 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 you could pay \$5 to wear jeans today as a fund raising effort for Officer Perez's daughter and that October was Breast Cancer Awareness Month.

Councilmember Masson indicated that the Stachtober event was taking place at Stone Brewery. This event was also a fund raising effort for Officer Perez's daughter.

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 -

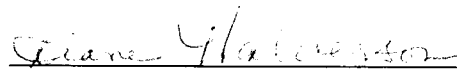
ORAL COMMUNICATIONS

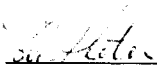
None

ADJOURNMENT

Mayor Abed adjourned the meeting at 8:05 p.m.


MAYOR


CITY CLERK


MINUTES CLERK