

CITY OF ESCONDIDO
December 4, 2013
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 4, 2013 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 Diaz 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))

- a. **Case Name:** *Palomar Community College District V. City Of Escondido, Et Al.*
Case No: 37-2013-00031457-CU-BC-NC
- b. **Case Name:** *City of Escondido, et al. v. Ana J. Matosantos, et al.* Sacramento County Superior Court Case
Case No: 34-2013-00140530
- c. **Case Name:** *Gonzalez v. Juan Alva, et al.*
Case No: 11-CV-2846-W (WVG)

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:15 p.m.

Sam Abed
MAYOR

Yvonne Harrison
CITY CLERK

Liane Uhl
MINUTES CLERK

CITY OF ESCONDIDO
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4:30 P.M. Meeting Minutes

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CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, December 4, 2013 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.

PRESENTATIONS

Mayor Abed introduced Community Services Chair of the Escondido Rotary Club, Gloria Tecca, who presented the Rotary Club of Escondido Community Grant Award to Library Staff: Loretta McKinney, Cynthia Smith and Cindi Bouvier.

PROCLAMATIONS

Mayor Abed introduced Tony Smock, Lakes & Open Space Superintendent who accepted a proclamation for his retirement after 20 years with the City of Escondido.

ORAL COMMUNICATIONS

None

CONSENT CALENDAR

Councilmember Diaz removed item 9 and Councilmember Gallo removed item 5 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz that the following Consent Calendar items be approved with the exception of items 9 and 5. 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 Minutes of November 6, 2013
4. **FIREFIGHTERS' ASSOCIATION BARGAINING UNIT CONTRACT** - Request Council approve a successor Firefighters' Association Safety and Non-Safety Bargaining Unit Contract. (File No. 0740-38)

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

RESOLUTION NO. 2013-155

5. **REVISED CITY OF ESCONDIDO PERSONNEL RULES AND REGULATIONS** - Request Council approve adopting City of Escondido Personnel Rules and Regulations. (File No. 0700-80)

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

RESOLUTION NO. 2013-149

Councilmember Gallo asked if military veterans' equal employment opportunity was included in the revised rules.

Jennifer McCain, Assistant City Attorney, indicated they were included.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve adopting City of Escondido Personnel Rules and Regulations and adopt Resolution No. 2013-19. Motion carried unanimously.

6. **LIBRARY BUDGET ADJUSTMENT: ADULT LITERACY SERVICES PROGRAM** - Request Council approve a budget adjustment in the amount of \$27,811 received from the California State Library Literacy Grant to the Library's 2013-14 Fiscal Year Operating Budget to fund the Adult Literacy Project Account. (File No. 0430-80)

Staff Recommendation: **Approval (Library and Community Services: Loretta McKinney)**

7. **APPROVAL OF MICROSOFT LICENSING ENTERPRISE AGREEMENT** - Request Council authorize the Director of Information Systems to enter into a three year agreement with CompuCom Systems Inc. to provide Microsoft Software Assurance via a Microsoft Licensing Enterprise Agreement. (File No. 0600-10 Misc.)

Staff Recommendation: **Approval (Information Systems Department: Mark Becker)**

RESOLUTION NO. 2013-163

8. **BID AWARD for the CORROSION CONTROL SYSTEM FOR THE ESCONDIDO SEWER OUTFALL** - Request Council authorize the Mayor and City Clerk to execute an agreement with American Construction & Supply, Inc. in the amount of \$230,335 for the Corrosion Control System for the Escondido Sewer Outfall. (File No. 0600-10 [A-3100])

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

RESOLUTION NO. 2013-161

9. **DESIGNATION OF ENFORCEMENT AUTHORITY FOR THE ESCONDIDO CAMPAIGN CONTROL ORDINANCE** - Request Council approve designating George Eiser III, Esq. and the law firm of Meyers Nave as the enforcement authority for the Escondido Campaign Control Ordinance for the 2014 Municipal Election, as required by the Escondido Municipal Code Section 2-115.5(c). (File No. 0680-10)

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

RESOLUTION NO. 2013-143

Councilmember Diaz asked what the hourly rate and retainer were.

Jeffrey Epp, City Attorney, indicated it was difficult to estimate cost, but the hourly rate was set out in the retainer agreement. He also indicated the City would only utilize the law firm if there were problems.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve designating George Eiser III, Esq. and the law firm of Meyers Nave as the enforcement authority for the Escondido Campaign Control Ordinance for the 2014 Municipal Election, as required by the Escondido Municipal Code Section 2-115.5(c) and adopt Resolution No. 2013-143. Motion carried unanimously.

10. **AMENDMENT TO CONTRACT WITH ESCONDIDO DISPOSAL (EDI) FOR ANNUAL CONSUMER PRICE INDEX (CPI) INCREASE TO SOLID WASTE AND RECYCLING RATES AND FEES FOR RESIDENTIAL COLLECTIONS** - Request Council approve revising the rates for Residential Solid Waste and Recycling Services effective January 1, 2014, a 0.9032 percent increase would apply to all residential collection services. (File No. 0600-10 [A-2340])

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

RESOLUTION NO. 2013-165

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. CLARIFICATION OF ZONING CODE AMENDMENT TO REGULATE COTTAGE FOOD OPERATIONS (AZ 13-0004)** - This item was approved on November 20, 2013 with a vote of 5/0. (File No. 0810-20)

ORDINANCE NO. 2013-07(RR) (Adoption and Second Reading)

PUBLIC HEARINGS

- 12. CONDUCT PUBLIC HEARING AND ADOPT VOTING DISTRICTS AS RECOMMENDED BY THE INDEPENDENT DISTRICTING COMMISSION** - Pursuant to the Consent Decree in Gomez v. City of Escondido [Case No. 37-2011-00060480], the Independent Districting Commission has completed its work and presents proposed districts for the four City Council positions. (File No. 0680-10)

Staff Recommendation: Approval (City Attorney's Office: Jeffrey Epp and City Clerk's Office: Diane Halverson)

ORDINANCE NO. 2013-17 (Introduction and First Reading)

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

Dana Nuesca, Independent Districting Commission Chair, gave an overview of the process of how the district boundary lines were drawn.

Pat Mues, Escondido, urged Council to adopt this districting map.

Robroy Fawcett, Escondido, stated he did not agree with the information from the company compiling the data for the district map.

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 Diaz and seconded by Councilmember Gallo to approve the proposed districts for the four City Council positions and introduce Ordinance No. 2013-17. Motion carried unanimously.

- 13. ADOPTION OF THE 2013 CALIFORNIA FIRE CODE, MOST CURRENT VERSION OF COUNTY OF SAN DIEGO CONSOLIDATED FIRE CODE AND LOCAL AMENDMENTS -** Request Council approve modifying the City of Escondido Municipal Code to reflect the 2013 California Fire Code (CFC), the most current version of the County of San Diego Consolidated Fire Code and proposed local amendments. (File No. 0680-50)

Staff Recommendation: **Approval (Fire Department: Herb Griffin)**

ORDINANCE NO. 2013-13 (Introduction and First Reading)

Mike Lowry, Fire Chief, and Herb Griffin, Fire Division Chief, 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. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve modifying the City of Escondido Municipal Code to reflect the 2013 California Fire Code (CFC), the most current version of the County of San Diego Consolidated Fire Code and proposed local amendments and introduce Ordinance No. 2013-13. Motion carried unanimously.

- 14. ADOPTION OF THE 2013 CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL AND GREEN BUILDING STANDARDS CODES AND LOCAL AMENDMENTS -** Request Council approve modifying the City of Escondido Municipal Code to reflect the 2013 California Building, Residential, Plumbing, Electrical, Mechanical and Green Building Standards Codes and proposed local amendments. (File No. 0680-50)

Staff Recommendation: **Approval (Director of Community Development/Planning: Barbara Redlitz)**

ORDINANCE NO. 2013-11 (Introduction and First Reading)

Tim Draper, Building Official, 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. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to approve modifying the City of Escondido Municipal Code to reflect the 2013 California Building, Residential, Plumbing, Electrical, Mechanical and Green Building Standards Codes and proposed local amendments and Introduce Ordinance No. 2013-11. Motion carried unanimously.

- 15. ZONING CODE AMENDMENT (ENVIRONMENTAL QUALITY REGULATIONS) AND CLIMATE ACTION PLAN (CASE NOS. AZ 13-0003 AND PHG 09-0020) -** Request Council approve amendments to Article 47 "Environmental Quality Regulations" (EQR) and the Environmental Determination (Notice of Exemption); and approve the Escondido Climate Action Plan (E-CAP) and proposed CEQA Screening Tables as well as the previously certified EIR and associated CEQA findings of Significant Effect, Statement of Overriding Considerations and Mitigation Monitoring Program. (File No. 0810-20)

Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

a. ORDINANCE NO. 2013-12 (Introduction and First Reading)
b. RESOLUTION NO. 2013-153

Jay Petrek, Planning Department, 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.

Dave Ferguson, Attorney, urged Council to adopt the Zoning Code Amendment and Climate Action Plan.

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 Diaz and seconded by Councilmember Morasco to approve amendments to Article 47 "Environmental Quality Regulations" (EQR) and the Environmental Determination (Notice of Exemption); and approve the Escondido Climate Action Plan (E-CAP) and proposed CEQA Screening Tables as well as the previously certified EIR and associated CEQA findings of Significant Effect, Statement of Overriding Considerations and Mitigation Monitoring Program, adopt Resolution No. 2013-153 and introduce Ordinance No. 2013-12. Motion carried unanimously.

- 16. PROPOSED DEVELOPMENT AGREEMENT FOR TRACT 894 (PHG 13-0027)** - Request Council approve a Development Agreement with a five-year term to authorize construction of the previously approved 11-lot residential subdivision within the North Broadway Deficiency Area. (File No. 0800-10 Tract 894)

Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

ORDINANCE NO. 2013-14R (Introduction and First Reading)

Bill Martin, Planning Department, and Julie Procopio, Public Works Assistant 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.

Dave Ferguson, Attorney, urged Council to reduce the applicant's deficiency fee to \$12,000 per unit.

Margaret Liles, Escondido, stated she did not agree with the proposed fee reduction.

Delphine Lloyd, Escondido, urged Council to study the neighborhood more fully.

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 Mayor Abed to approve a Development Agreement with a five-year term to authorize construction of the previously approved 11-lot residential subdivision within the North Broadway Deficiency Area, adopting a \$12,500 per unit deficiency fee and introducing Ordinance No. 2013-14R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

- 17. PROPOSED DEVELOPMENT AGREEMENT AND FINDING OF SUBSTANTIAL CONFORMANCE FOR TRACT 889 (PHG 13-0028)** - Request Council approve a Development Agreement with a five-year term to authorize construction of the previously approved 16-lot, TR 889 residential subdivision within the North Broadway Deficiency Area. (File No. 0800-10 Tract 889)

Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

ORDINANCE NO. 2013-15R (Introduction and First Reading)

Bill Martin, Planning Department, 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.

Dave Ferguson, Attorney, urged Council to approve the proposed development agreement.

Margaret Liles, Escondido, stated she did not agree with the proposed fee reduction.

John Lloyd, Escondido, asked if sewer systems would be included in 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 Gallo and seconded by Councilmember Masson to approve a Development Agreement with a five-year term to authorize construction of the previously approved 16-lot, TR 889 residential subdivision within the North Broadway Deficiency Area, adopting \$12,500 per unit deficiency fee and introducing Ordinance No. 2013-15R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

FUTURE AGENDA

- 18. 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)**

Councilmember Diaz asked that Council compensation and Park Master Plans be discussed at a future agenda.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Gallo commented on an article in the newspaper regarding the Homeless in Escondido.

Councilmember Diaz indicated the North County Transit District was purchasing property in Escondido near the Transit Center.

Councilmember Masson stated the Economic Development Subcommittee had received an update on the CEDS report and branding efforts.

Mayor Abed indicated the Economic Development Subcommittee would continue to meet and discuss priorities. The City would be recruiting volunteers for the 2014 Boards and Commissions in March. The City Manager's Report was attached and provided information on the community.

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

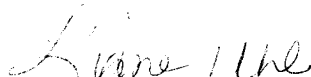
None

ADJOURNMENT

Mayor Abed adjourned the meeting at 7:35 p.m.


MAYOR


CITY CLERK


MINUTES CLERK