CITY OF ESCONDIDO

November 6, 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, November 6, 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 Masson and seconded by Councilmember Morasco to recess to Closed Session. Motion carried unanimously.

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

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

a. Property: 525 N. Quince Street
City Negotiator: Debra Lundy, Real Property Manager
Negotiating parties: David McMahon Construction, LLC.
Under negotiation: Price and Terms of Agreement

b. Property: 1925 and 2005 Harmony Grove Road
City Negotiator: Debra Lundy, Real Property Manager
Negotiating parties: Berghuis Freerk Family Trust; Harmony Grove Property Company, LLC
Under negotiation: Price and Terms of Agreement

c. Property: 3400 Valley Center Road
City Negotiator: Debra Lundy, Real Property Manager
Negotiating parties: Charros de Escondido
Under negotiation: Price and Terms of Agreement

ADJOURNMENT

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

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO

November 6, 2013
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, November 6, 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.

ORAL COMMUNICATIONS

None

CONSENT CALENDAR

Mayor Abed removed item 7 and Councilmember Gallo removed items 5 and 11 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 5, 7 and 11. 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 October 16, 2013**

4. **SALE OF 620 NORTH ASH STREET TO 620 ASH, LLC -** Request Council authorize the Real Property Manager and City Clerk to execute documents necessary to complete the sale of commercial real property 620 N. Ash Street and close escrow. (File No. 0600-10 [A-2382])

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

   RESOLUTION NO. 2013-151

5. **BID AWARD FOR THE FISCAL YEAR 2013-2014 STREET REHABILITATION PROJECT -** Request Council authorize the Mayor and City Clerk to execute an agreement with the lowest responsive and responsible bidder. (File No. 0600-10 [A-3098])

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

   RESOLUTION NO. 2013-158

Councilmember Gallo asked that a list of the streets be placed on the City's web site.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize the Mayor and City Clerk to execute an agreement with the lowest responsive and responsible bidder and adopt Resolution No. 2013-158. Motion carried unanimously.

6. **ANNEXATION OF TRACT 888 INTO LANDSCAPE MAINTENANCE DISTRICT AND BUDGET ADJUSTMENT -** Request Council approve the request of Hallmark Communities Inc., the owner of property described as Tract 888 located on Citrus Avenue between Washington Avenue and East Valley Parkway, to annex their property into the City of Escondido Landscape Maintenance District (LMD); and approve establishing a budget in the amount of $3,500 for Fiscal Year 2013/2014 for LMD Zone 38. (File No. 0800-10 Tract 888)

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

   RESOLUTION NO. 2013-134

7. **RECYCLED WATER EASTERLY MAIN EXTENSION PROJECT AND MITIGATED NEGATIVE DECLARATION (ENV 13-0007) -** Request Council approve the proposed Recycled Water Easterly Main Extension Project and approve adopting the Mitigated Declaration (MND) issued for the project along with the Mitigation Monitoring Report. (File No. 1340-70)

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

   RESOLUTION NO. 2013-131

Ali Zafar, Escondido, expressed concern with the sewer manhole cover near his home.

Edward Grangetto, Escondido, urged Council to approve the project.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve the proposed Recycled Water Easterly Main Extension Project, approve adopting the Mitigated Declaration (MND) issued for the project along with the Mitigation Monitoring Report and adopt Resolution No. 2013-131. Motion carried unanimously.

8. **FISCAL YEAR 2013 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) GRANT ACCEPTANCE -** Request Council accept $100,237 in Federal Grant funding from the Department of Homeland Security (DHS) for the Fiscal Year 2013 State Homeland Security Grant Program; and authorize the Fire Chief to execute, on behalf of the City, all documents required for the management of this grant; and approve the necessary budget adjustment to establish new projects for tracking of the grant funds. (File No. 0480-70)

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

9. **2013-2014 CITY COUNCIL ACTION PLAN -** Request Council approve adopting the 2013-14 City Council Action Plan. (File No. 0610-95)

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

10. **POLICE OFFICERS' ASSOCIATION SWORN BARGAINING UNIT CONTRACT -** Request Council approve a successor Police Officers' Association Sworn Bargaining Unit Contract. (File No. 0740-30)

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

    RESOLUTION NO. 2013-154

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. **AMENDMENT TO THE ZONING CODE TO ALLOW EMERGENCY SHELTERS AS A PERMITTED LAND USE IN A PORTION OF THE M-1 ZONE (AZ 13-0006) -** Approved on October 23, 2013 with a vote of 4/0/1, Gallo Absent. (File No. 0810-20)

    ORDINANCE NO. 2013-09R (Adoption and Second Reading)

Councilmember Gallo indicated he would abstain from this item.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve an amendment to the Zoning Code to allow Emergency Shelters as a permitted land use in a portion of the M-1 Zone (AZ-13-0006) and adopt Ordinance No. 2013-09R. Ayes: Abed, Diaz, Masson and Morasco. Noes: None. Abstain: Gallo. Motion carried.

PUBLIC HEARINGS

12. **RECOMMENDATIONS FOR ALLOCATION OF FEDERAL HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDS -** Request Council consider staff recommendations related to responses to the Request for Proposals approved by the City Council on August 21, 2013 and released August 22, 2013; and authorize the Mayor and City Clerk to execute, on behalf of the City, the necessary loan documents and affordable housing agreements. (File No. 0875-55)

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

RESOLUTION NO. 2013-138

Karen Youel, Housing 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.

Lori Holt Pfeiler, Habitat for Humanity Executive Director, urged Council to approve the project.

Chris Megison, Solutions for Change CEO, and Ginger Hitzke, Hitzke Development Company, thanked Council for their consideration of 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 Diaz and seconded by Councilmember Masson to authorize the Mayor and City Clerk to execute, on behalf of the City, the necessary loan documents and affordable housing agreements for allocation of Federal Home Investment Partnerships (HOME) Program Funds and adopt Resolution No. 2013-138. Motion carried unanimously.

13. **LOCAL REGISTER AND MILLS ACT CONTRACT REQUEST (HP 13-0002) -** Request Council approve the addition of the property located at 2858 Oak Hill Drive to the Local Register of Historic Places and enter into a Mills Act Contract. (File No. 0880-10)

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

RESOLUTION NO. 2013-148

Barbara Redlitz, Community Development 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. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve the addition of the property located at 2858 Oak Hill Drive to the Local Register of Historic Places and enter into a Mills Act Contract and adopt Resolution No. 2013-148. Motion carried unanimously.

14. **MODIFICATION OF THE MASTER DEVELPOMENT PLAN FOR LEXUS ESCONDIDO (CASE NO.: PHG 12-0001 / ENV 12-0006) -** Request Council approve a Business Enhancement Zone request to modify the Master Development Plan and previous conditions of approval to add rooftop events and concerts as permitted uses; establish a cabaret permit for amplified music and dancing; establish a higher daytime noise level standard at property lines, allow on-site self-parking and/or valet parking for events; and allow a second monument sign and up to ten feather flag signs along Auto Park Way. (File No. 0800-40 PHG 12-0001/ENV 12-0006)

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

ORDINANCE NO. 2013-05R (Introduction and First Reading)

Barbara Redlitz, Community Development 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.

Dick Daniels, Applicant's Representative, introduced Judy Jones Cone, Lexus Escondido Owner, Deborah Scott, Cohn Restaurant Group Partner, and Drew Davis, Lexus Center General Manager, who gave a presentation on the proposed modification.

Judy Jones Cone, Lexus Escondido Owner, indicated her vision was that the Lexus Center would be a destination for entertainment in Escondido.

Deborah Scott, Cohn Restaurant Group Partner, stated the entertainment factor at the Lexus Center was bringing people to Escondido.

Drew Davis, Lexus Center General Manager, indicated the noise level would not exceed the standards set in the General Plan.

Paul Majchrzak, Escondido, stated he supported live music at the Lexus Center and urged Council to support the modification.

Nanci Reeder, Escondido, voiced concern with the noise issue if the modification is approved.

John Miller, Escondido, expressed concern with traffic issues and indicated he did not support a higher noise level from live music.

Cassie Lieurance, Escondido, stated the dealership should not have feather flags.

Diane MacPherson, Escondido, indicated she could hear the noise from all of the events that were held and requested that Council not raise the noise levels.

Pamela Stahl, Escondido, stated the noise levels should remain where they are and not be raised.

Margaret Liles, Escondido, indicated she did not agree with raising the noise levels.

Earl Otte, Escondido, urged Council not to allow music events at the Lexus Dealership.

Samantha Otte, Escondido, asked Council not to allow the cabaret permit.

Everett Delano, Attorney, identified restrictions for the Lexus Dealership if the modification is approved.

Sara Slade, Escondido, stated she did not agree with raising the noise levels.

Robert Morris, Escondido, suggested there should be fewer events than was proposed.

Deveraux Jackson, Business Owner, indicated he supported the Lexus Dealership's request for additional events.

Fred Baranowski, Escondido Chamber of Commerce Board Member, stated the Chamber of Commerce supported the Lexus Dealership's request.

Richard Powers, Escondido, indicated he was in support of the modification request for the Lexus Dealership.

Jonathan Brothers, Acoustical Study Consultant, indicated his business had recorded the noise levels at the Lexus Center and they were within the range of acceptable standards.

Kevin Clark, Escondido, stated he supported having more events at the Lexus Dealership.

Richard Gattis, Attorney, urged Council to support the proposed modification.

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 Mayor Abed and seconded by Councilmember Morasco to approve the Master Development Plan modification excluding the feather flags and limiting the events with higher decibel levels to five nights a week and introduce Ordinance No. 2013-05R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

FUTURE AGENDA

15. **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 indicated the North County Transit District was looking at continuing to allow alcohol on the Coaster and that the San Diego County Water Authority reported that the reserved water supply was increasing.

Councilmember Diaz stated the San Dieguito Joint Powers Authority had met to discuss the wetlands that had been turned into a parking lot. She indicated the Escondido Creek Watershed Alliance would be meeting next week and she requested that a School Subcommittee meeting be scheduled.

Councilmember Morasco stated the Utilities Subcommittee had met and had received information on the water processing limitations and restrictions for breweries and wineries in the City.

Mayor Abed indicated that the SANDAG had a Regional Planning meeting; had added a Parking Management Plan and the Regional Energy Strategy was working on a solar plan.

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

JC, presented a video on his laptop.

ADJOURNMENT

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

Sam Abed

MAYOR

CITY CLERK

Liane Uhl

MINUTES CLERK