CITY OF ESCONDIDO

April 3, 2013
3:30 P.M. Special Meeting Minutes

Escondido City Council

CALL TO ORDER

The Special Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, April 3, 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

None

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

Attorney Jeffrey Epp recommended recess to Closed Session and requested the addition of two items to the agenda.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Diaz to add the following items to Closed Session pursuant to Government Code Section 54954.2(b)(2); that the need to take immediate action arose subsequent to the posting of the agenda; and to recess to Closed Session. Motion carried unanimously.

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

Case Name: <u>City of Escondido v. Ana J. Matosantos</u>
Case No: 34-2013-00140530-CU-MC-GDS

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

a. Property: 2120 Harmony Grove Road
City Negotiator: Charles Grimm, Assistant City Manager
Negotiating parties: SR Commercial
Under negotiation: Price and terms of payment

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:30 p.m.

Sam Abed

MAYOR

CITY CLERK

Diane Uhl

MINUTES CLERK

CITY OF ESCONDIDO

April 3, 2013
4:30 P.M. Meeting Minutes

Escondido City Council
and as Successor Agency to the CDC

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:33 p.m. on Wednesday, April 3, 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.

PROCLAMATIONS

Mayor Abed introduced Paul Savo who accepted a proclamation for the Fellowship Center's 50th Anniversary, April 6, 2013. A walk will take place from 8:00 a.m. – 9:00 a.m. on April 6, 2013.

ORAL COMMUNICATIONS

Frank Woolridge, Escondido, distributed information and stated the homeless needed a year-round shelter.

Les Abshire, Escondido Chamber of Commerce, distributed information and indicated the Chamber had sent a letter to the California Regional Water quality Control Board asking them to postpone approval of the Municipal Storm Water Permit until the California State Water Resources Control Board provides direction on the Receiving Waters Limitation wording.

Scott Davis, Escondido, voiced concern with big rigs coming down his street.

Nicole Downey, Escondido, distributed a flyer and invited the public to "Paint the Town Purple", a cancer research fundraiser, on Friday, April 5, 2013 at 10:00 a.m. on Grand Avenue and at the Target Center at 10:00 a.m. on Saturday, April 6, 2013.

Gary Vest, Escondido, voiced concern at the loss of green space with the closing of the Escondido County Club.

COUNCIL MEMBERS' REPORTS/BRIEFING

Councilmember Diaz indicated she received the Latino Leadership Award from the Union Tribune; she was a speaker at the fourteenth anniversary of CLA and that the Escondido walking trails and Maple Street Plaza were mentioned in Footnotes Magazine.

Councilmember Gallo congratulated Neighborhood Healthcare for remodeling their building and that McDonalds and Spires restaurants on East Valley Parkway were rebuilding.

Councilmember Morasco indicated that the annual Crystal Apple Award honoring teachers was scheduled for April 18, 2013 and the Helping Hands Helping Hunger community drive was scheduled for April 27, 2013. He also stated that the LDS Church was hosting a clean-up at Grape Day Park and Kit Carson Park on April 27, 2013. He also noted the Heritage Garden being built at Grand and Juniper Streets was listed in Escondido Magazine.

Mayor Abed recognized Lori Pike, Executive Assistant in the Attorney's Office, who received an award from the Assistance League for her efforts coordinating the Holiday Drive Committee. He also stated that Footnotes Magazine had listed Escondido's walkable community and the Maple Street Plaza; and noted that the AMGEN Tour was in the latest Escondido Magazine.

Jeff Epp, City Attorney, indicated the Matosantos litigation had a negative effect on the City's General Fund Reserve Fund; and the City would have to pay the state $7 million from the General Fund.

CONSENT CALENDAR

Mayor Abed removed items 7 and 8 and Councilmember Gallo removed items 9, 11 and 12 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco that the following Consent Calendar items be approved with the exception of items 7, 8 9, 11 and 12. 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: None Scheduled**

4. **BID AWARD FOR THE DIGESTER CLEANING 2013 PROJECT** -Request Council authorize the Mayor and City Clerk to execute an agreement with SYNAGRO – WWT incorporated in the amount of $699,500 for the Digester Cleaning 2013 Project. (File No. 0600-10 [A-3081])

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

RESOLUTION NO. 2013-39

5. **REJECT ALL BIDS FOR THE RESERVOIR REPAINTING 2013 PROJECT** - Request Council approve rejecting all bids for the Reservoir Repainting 2013 Project; and authorize staff to re-advertise for bids on the project. (File No. 0600-10 [3082])

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

RESOLUTION NO. 2013-38

6. **BUDGET ADJUSTMENT FOR SUCCESSOR AGENCY - HOUSING BUDGET** - Request Council approve a budget adjustment that increases the Professional Services/Contracts line item of the Housing Division budget by $22,800 in order to hire consultants to analyze aspects of Mobilehome Rent Control Long-Form Applications; and provide direction regarding a possible reevaluation of the fee charged in conjunction with long-form rent increase applications. (File No. 0430-80)

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

7. **SALE AND LEASE BACK AGREEMENT WITH ESCONDIDO CHAMBER OF COMMERCE FOR PROPERTY LOCATED AT 720 N. BROADWAY** - Request Council authorize the Real Property Manager and City Clerk to execute a Sale and Lease Back Agreement with the Escondido Chamber of Commerce for property located at 720 N. Broadway; and approve a decrease in the General Fund Reserve in the amount of $555,000 and an increase to the Engineering Operating Budget in the same amount to cover the purchase price and related fees and costs. (File No. 0690-10)

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

RESOLUTION NO. 2013-35
RESOLUTION NO. 2013-46

ITEM 7 WAS CONTINUED TO A FUTURE AGENDA

8. **CHANGE ORDER AGREEMENT WITH J.P. WITHEROW ROOFING CONTRACTOR** - Request Council authorize the City Manager to approve a change order agreement with J.P. Witherow Roofing Contractor in the amount of $45,337 to replace the single-ply flat roof areas at the Escondido Public Library and Technology Center. (File No. 0600-10 [A-3067])

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

RESOLUTION NO. 2013-40

Mayor Abed asked for clarification of the request.

Ed Domingue, Public Works Director, indicated the damage was more extensive than anticipated and was beyond the scope of the work advertised in the original bid.

MOTION: Moved by Mayor Abed and seconded by Councilmember Gallo to authorize the City Manager to approve a change order agreement with J.P. Witherow Roofing Contractor in the amount of $45,337 to replace the single-ply flat roof areas at the Escondido Public Library and Technology Center and adopt Resolution No. 2013-40. Motion carried unanimously.

9. **REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (RTCIP) FEE ADJUSTMENT -** Request Council authorize a 2% increase in the RTCIP Traffic Impact Fee from $2,165 to $2,209 beginning July 1, 2013; and authorize the Public Works Director/City Engineer to implement future annual increases approved by the SANDAG Board of Directors. (File No. 0145-60)

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

RESOLUTION NO. 2013-42

Councilmember Gallo indicated he was voting no on this item.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to authorize a 2% increase in the RTCIP Traffic Impact Fee from $2,165 to $2,209 beginning July 1, 2013; and authorize the Public Works Director/City Engineer to implement future annual increases approved by the SANDAG Board of Directors and adopt Resolution No. 2013-42. Ayes: Abed, Diaz, Masson and Morasco. Noes: Gallo. Absent: None. Motion carried.

10. **HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) GRANT AWARD AND BUDGET ADJUSTMENT -** Request Council authorize the Public Works Department to accept federal Highway Safety Improvement Program (HSIP) Grant funds in the amount of $675,000 from Caltrans; authorize the Director of Public Works/City Engineer or his designee to complete all necessary documents required by Caltrans on behalf of the City; and approve necessary budget adjustments. (File No. 0480-70)

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

11. **AUTHORITY TO SUBMIT CONCEPT PROPOSALS FOR URBAN GREENING FOR SUSTAINABLE COMMUNITIES PROGRAM PROJECT FUNDS -** Request Council authorize the Public Works Director/City Engineer or his designee to submit concept proposals to the California Natural Resources Agency's Urban Greening for Sustainable Community Program to fund two projects: "Mission Pools" Area Drainage Restoration and Grand Avenue Median Tree Improvement Project. (File No. 0230-66)

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

Councilmember Gallo asked if an area by Mission Pools could be cleaned.

Jeff Warner, Senior Environmental Program Specialist, indicated the area could be cleaned by hand.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize the Public Works Director/City Engineer or his designee to submit concept proposals to the California Natural Resources Agency's Urban Greening for Sustainable Community Program to fund two projects: "Mission Pools" Area Drainage Restoration and Grand Avenue Median Tree Improvement Project. Motion carried unanimously.

12. **ORDINANCE AMENDING CHAPTER 16 OF THE MUNICIPAL CODE REGARDING MOBILE FOOD FACILITIES (Case No. AZ 12-0007)** - Request Council amend Chapter 16 of the Municipal Code regarding Mobile Food Facilities to: 1) Allow mobile food trucks throughout the City for special events subject to the issuance of a Special Event Permit by the City Manager's Office; 2) Allow mobile food trucks at Breweries and Wineries in industrial and residential-agricultural zones subject to the issuance of an appropriate use permit by the Director of Community Development and 3) Allow fixed-route mobile food trucks to operate in the City without the need to obtain a special event or other use permit. (File No. 0680-10)

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

ORDINANCE NO. 2013-02R (Introduction and First Reading)

Councilmember Gallo asked for longer than 10 minutes for route trucks to stop.

Juan Rojas, Escondido, asked for more than 10 minutes for traditional route trucks to serve at special events on private property; he suggested 25 minutes.

MOTION: Moved by Mayor Abed and seconded by Councilmember Gallo to amend Chapter 16 of the Municipal Code regarding Mobile Food Facilities to: 1) Allow mobile food trucks throughout the City for special events subject to the issuance of a Special Event Permit by the City Manager's Office; 2) Allow mobile food trucks at Breweries and Wineries in industrial and residential-agricultural zones subject to the issuance of an appropriate use permit by the Director of Community Development; 3) Allow fixed-route mobile food trucks to operate in the City without the need to obtain a special event or other use permit, changing 10 minutes to 20 minutes; and introduce Ordinance No. 2013-02R. Motion carried unanimously.

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.)

CURRENT BUSINESS

13. **CAMPAIGN CONTROL ORDINANCE** – Request Council consider amendments to Chapter 2, Article 7, Sections 2-103 and 2-110 of the Escondido Municipal Code regarding campaign contributions for local elections. (File No. 0680-10)

Staff Recommendation: **None (Councilmember Michael Morasco and Deputy Mayor Olga Diaz)**

Councilmember Morasco led the discussion. Councilmember Diaz requested that cash donations be accepted.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Masson to amend the Campaign Control Ordinance to allow a $25 reportable cash donation and raise the limit to $4,100. Motion carried unanimously.

14. **APPOINTMENT TO THE SAN DIEGO COUNTY WATER AUTHORITY BOARD** – Discussion regarding the appointment of the City of Escondido's representative to the San Diego County Water Authority Board to fill the vacancy created by the retirement of Marilyn Dailey. (File No. 0145-80)

Staff Recommendation: **None (Mayor Sam Abed)**

MOTION: Moved by Mayor Abed and seconded by Councilmember Morasco to appoint Councilmember Gallo as the representative to the San Diego County Water Authority Board. Motion carried unanimously.

PUBLIC HEARING

15. **REAFFIRM COMMUNITY DEVELOPMENT PRIORITIES OF THE FISCAL YEAR 2010-2015 CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); APPROVE ALLOCATION PROCESS FOR FISCAL YEAR 2013-2014 CDBG FUNDED ACTIVITIES; APPROVE AMENDMENT TO FY 2012-2013 ONE-YEAR ACTION PLAN FOR CDBG TO TRANSFER $80,000 IN ALLOCATED FUNDS FROM THE TULIP STREET IMPROVEMENT PROJECT TO THE OAK HILL - STREET AND MODULAR SITE IMPROVEMENT PROJECT; AND BUDGET ADJUSTMENT** - Request Council approve conducting a public hearing to review and reaffirm the community development priorities adopted in the 2010-2015 Five-Year Consolidation Plan for CDBG and to amend the FY 2012-2013 One-Year Action Plan, in the amount of $80,000, transferred from the Tulip Street Improvement Project to the Oak Hill – Street and Modular Building Site Improvement Project; 2) Approve an allocation process for FY 2013-2014 CDBG Funds to utilize the maximum 15 percent allowable for public service activities to address the priorities of the Consolidated Plan, and the maximum 20 percent allowable for administration of the CDBG Program and 3) Approve an $80,000 budget increase for the Oak-Hill – Street and Modular Site Improvement Project and a second change order to purchase order #33832 with Southland Paving Inc. in the amount of $80,000 to allow for additional street improvements on the Oak Hill – Street and Modular Site Improvement Project. (File No. 0870-11)

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

Rich Buquet, Neighborhood Services Manager, and Danielle Lopez, Neighborhood Services, 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.

Susan Hall, Angels Depot, asked Council to fund Angels Depot.

Keiara Auzenne, Center for Employment Opportunities, asked Council to fund their organization.

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 Masson and seconded by Councilmember Diaz to approve conducting a public hearing to review and reaffirm the community development priorities adopted in the 2010-2015 Five-Year Consolidation Plan for CDBG and to amend the FY 2012-2013 One-Year Action Plan, in the amount of $80,000, transferred from the Tulip Street Improvement Project to the Oak Hill – Street and Modular Building Site Improvement Project; 2) Approve an allocation process for FY 2013-2014 CDBG Funds to utilize the maximum 15 percent allowable for public service activities to address the priorities of the Consolidated Plan, and the maximum 20 percent allowable for administration of the CDBG Program and 3) Approve an $80,000 budget increase for the Oak-Hill – Street and Modular Site Improvement Project and a second change order to purchase order #33832 with Southland Paving Inc. in the amount of $80,000 to allow for additional street improvements on the Oak Hill – Street and Modular Site Improvement Project. Motion carried unanimously.

WORKSHOP

16. **2013 AMGEN TOUR OF CALIFORNIA UPDATE -** Request Council receive and file an update on plans for the 2013 AMGEN Tour of California bicycle race on May 12, 2013. (File No. 0110-20)

Staff Recommendation: **Receive and file (City Manager's Office: Joyce Masterson)**

Joyce Masterson, Economic Development & Community Relations Director, gave the staff report and presented a series of slides.

COUNCIL ACTION: NO ACTION, INFORMATION ONLY

FUTURE AGENDA

17. **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)**

ORAL COMMUNICATIONS

None

ADJOURNMENT

Mayor Abed adjourned the meeting at 6:40 p.m.

Sam Abed
MAYOR

Diane Halverson
CITY CLERK

Diane Uhl
MINUTES CLERK