

CITY OF ESCONDIDO
December 12, 2012
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 12, 2012 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 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 Morasco to recess to Closed Session. Motion carried unanimously.

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

- a. Property: 720 N. Broadway
Agency Negotiators: Clay Phillips, City Manager
Negotiating parties: Escondido Chamber of Commerce
Under negotiation: Price and terms of payment

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

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

III. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

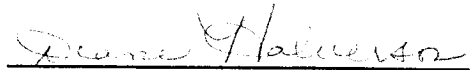
- a. Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9(b): **One Case**

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:05 p.m.



MAYOR



CITY CLERK



MINUTES CLERK

CITY OF ESCONDIDO
December 12, 2012
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, December 12, 2012 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 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, Engineering Services Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

PRESENTATIONS

Mayor Abed introduced Mark Olson, Government Relations and Public Affairs Specialist, who gave a presentation on the Asian Citrus Psyllid Outreach effort.

Mayor Abed introduced Pam Slater-Price who received a Certificate of Recognition for her past accomplishments. She presented the Downtown Business Association with a check for \$10,000.

ORAL COMMUNICATIONS

Scott Davis, Escondido, indicated he asked for more police presence at the corner near his home.

Connie Swanson, Escondido, stated Don Greene should be appointed to the vacant Council seat.

COUNCIL MEMBERS' REPORTS/BRIEFING

Councilmember Diaz indicated that the San Dieguito Water Authority would be meeting this week and she would be attending the farewell party for Pam Slater-Price.

Councilmember Gallo stated the Santa Train sponsored by the NCTD had a sizable attendance this year.

Councilmember Morasco indicated the Jaycees Christmas Parade was a success as well as the Bethlehem walk sponsored by a local church. He met with representatives of the El Caballo Park Conservancy; discussed plans for a moveable park on Juniper and Grand Avenues and met with several Council appointment applicants. There will be a tribute to Fire Chief Mike Lowry tomorrow at the California Center for the Arts, Escondido at 11:30 am and on Saturday, December 13, 2012 Fire Station 4 will have an open house at 10:00 a.m.

Mayor Abed stated he had attended a North County Mayor's meeting; he gave a We Care Program overview, and indicated the City's General Plan documents had won honors

CONSENT CALENDAR

Mayor Abed removed item 4, Councilmember Gallo removed item 7 and Councilmember Morasco removed item 9 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz that the following Consent Calendar items be approved with the exception of items 4, 7 and 9. 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 November 14, 2012**
4. **TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2012**
– Request Council receive and file the Quarterly Investment Report. (File No. 0490-55)

Staff Recommendation: Receive and File (**City Treasurer's Office: Kenneth C. Hugins**)

Mayor Abed gave an overview of the investment report.

COUNCIL ACTION: No action, information only.

5. **ANNUAL FINANCIAL REPORT ON CAPITAL FUNDS FUNDED BY DEVELOPER FEES PER GOVERNMENT CODE SECTION 66006** – Request Council receive and file the report. (File No. 0480-45)

Staff Recommendation: Receive and File (**Finance Department: Gilbert Rojas**)

6. **ADOPTION OF POLICY REGARDING UNCOLLECTIBLE RECEIVABLES** – Request Council approve establishing policies for uncollectible receivables. (File No. 0480-10)

Staff Recommendation: Approval (**Finance Department: Gilbert Rojas**)

RESOLUTION NO. 2012-172

7. **INITIATION OF AN OUT-OF-AGENCY SEWER SERVICE AGREEMENT, (CASE NO.: PHG 12-0021)** – Request Council approve an Out-of-Agency Service Agreement, for the provision of sewer service for one single family residence on a 0.22 acre lot experiencing septic failure at 714 North Avenue; and authorize staff to process an Irrevocable Offer of Annexation. (File No. 0850-20)

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

RESOLUTION NO. 2012-184

Councilmember Gallo asked if the adjacent homes to the property would also be annexed into the city.

Rozanne Cherry, Planning Department, answered that this request was an emergency request and only this property could be annexed.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve an Out-of-Agency Service Agreement, for the provision of sewer service for one single family residence on a 0.22 acre lot experiencing septic failure at 714 North Avenue; authorize staff to process an Irrevocable Offer of Annexation. Motion carried unanimously.

8. **NOTICE OF COMPLETION FOR TRACT 833 RANCHO VISTAMONTE** – Request Council approve and accept the public improvements; and authorize staff to file a Notice of Completion for Tract 833 Rancho Vistamonte. (File No. 0800-10 Tract 833)

Staff Recommendation: Approval (**Engineering Services: Ed Domingue**)

9. **NOTICE OF COMPLETION FOR MAPLE STREET PEDESTRIAN PLAZA PROJECT** – Request Council approve and accept the public improvements; and authorize staff to file a Notice of Completion for the Maple Street Pedestrian Plaza Project. (File No. 0600-10 [A-3030])

Staff Recommendation: Approval (**Engineering Services: Ed Domingue**)

Councilmember Morasco asked if there any were issues yet to be resolved.

Rob Zaino, Engineering Services Deputy Director, indicated that all problems had been resolved.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve and accept the public improvements; and authorize staff to file a Notice of Completion for the Maple Street Pedestrian Plaza Project. 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.)

10. **REVISE MUNICIPAL CODE CHAPTER 25 ARTICLE 4 RELATING TO TRANSIENT OCCUPANCY TAX** – Approved with a vote of 4/0/1, Waldron Absent, on November 14, 2012. (File No. 0680-50)

ORDINANCE NO. 2012-19 (Adoption and Second Reading)

PUBLIC HEARINGS

- 11. GENERAL PLAN HOUSING ELEMENT (CASE NO.: PHG 11-0028)** – Request Council adopt the General Plan Housing Element, CEQA Findings of Significant Effect, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program. (File No. 0875-70)

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

RESOLUTION NO. 2012-173

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. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to adopt the General Plan Housing Element, CEQA Findings of Significant Effect, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program and adopt Resolution No. 2012-173. Motion carried unanimously.

CURRENT BUSINESS

- 12. REVISIONS TO SECTION 23 (STREETS AND SIDEWALKS), ARTICLE 5 (PUBLIC IMPROVEMENT CONSTRUCTION, PUBLIC DEDICATION AND MAPPED STREETS) OF THE ESCONDIDO MUNICIPAL CODE** – Request Council approve an ordinance revising Section 23 (Streets and Sidewalks), Article 5 (Public Improvement Construction, Public Dedication and Mapped Streets) of the Escondido Municipal Code regarding public improvement construction and public dedications required when constructing new buildings or expanding buildings as a condition of obtaining a building permit. (File No. 0680-50)

Staff Recommendation: Approval (**Engineering Services: Ed Domingue**)

ORDINANCE NO. 2012-21 (Introduction and First Reading)

Homi Namdari, Engineering Department, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve an ordinance revising Section 23 (Streets and Sidewalks), Article 5 (Public Improvement Construction, Public Dedication and Mapped Streets) of the Escondido Municipal Code regarding public improvement construction and public dedications required when constructing new buildings or expanding buildings as a condition of obtaining a building permit and introduce Ordinance No. 2012-21. Motion carried unanimously.

- 13. DISCUSSION AND POSSIBLE ACTION OR APPOINTMENT TO FILL COUNCIL VACANCY**
(File No. 0610-70)

Staff Recommendation: None (**Mayor and Councilmembers**)

Mayor Abed called the following applicants to give a 3-minute presentation:

Joseph Frank Bologna
John F. Callahan
Barry W. Click
Florence Irene Clingman
Michael D. Collins
Michael Paul Cusick
William Charles Durney

William Jeffrey Erwin
Paul L. Faucher (Absent)
Deborah Goodrich
Miroslaw (Mirek) Gorny
Donald Greene
Zesty Harper
Gail Jones (withdrew)

John D. Masson
Carmen Miranda (Miranda Griffith
read her mother's presentation)
Dana L. Nuesca
Richard Paul
Scott D. Sher
Michelle Cornejo Sullivan
Charles A. Voelker

John Woodbury, Escondido, stated that someone who ran for Council should be appointed to the vacant seat.

Delores McQuiston, Escondido, read part of an editorial that was in the local paper.

Pat Mues, Escondido, indicated one of the applicants for the vacant seat had not run for office.

Les Abshire, Escondido, urged Council to appoint a new member tonight and recommended John Masson.

Chris Miller, Escondido, voiced support of John Masson for the vacant seat.

John Boyce, Escondido, expressed his support of John Masson as the new Council member.

Ray Boettger, Escondido, indicated he would like to see Councilmember Waldron's philosophy continued in the City.

Patricia Borchmann, Escondido, stated the community should vote to fill the vacant seat.

Brian Murphy, Escondido, expressed support for John Masson to fill the vacant Council seat.

Steven Bliss, Escondido, indicated John Masson should be appointed to the Council.

Brian Walsh, Escondido, voiced support for John Masson to fill the vacant seat.

Erin Walsh, Escondido, expressed support for John Masson to be appointed to the Council.

Cassie Lieurance, Escondido, urged Council to appoint a candidate who ran for Council.

Mark Skok, Escondido, requested Council appoint the person who received the third highest votes during the election.

Consuelo Martinez, Escondido, urged Council to have a special election.

Rosa Romero, Escondido, asked that the community give input on the new Council member.

Nicole Downey, Escondido, urged Council to appoint Don Greene.

Doris Cruz, Escondido, asked to have a special election.

Alex Galenes, Escondido, urged Council to appoint John Masson to the vacant seat.

Chris Nava, Escondido, stated she did not approve of the appointment process.

Kimber Allison, Escondido, expressed concern with a carwash being built in her neighborhood.

Mario Jimenez, Escondido, voiced support for Deborah Goodrich to fill the vacant seat.

Luz Olivarez, Escondido, voiced concern with the appointment process.

Fred Baranowski, Escondido, expressed support of John Masson for the vacant Council seat.

Carol Rea, Escondido, requested Council appoint Don Greene to the Council.

MOTION: Moved by Councilmember Gallo and seconded by Mayor Abed to appoint John Masson to the vacant Council seat. Ayes: Abed, Gallo and Morasco. Noes: Diaz. Absent: None. Motion carried.

The City Clerk administered the Oath of Office to John Masson and he took his seat at the dais.

FUTURE AGENDA

- 14. FUTURE AGENDA ITEMS** - 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

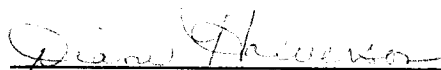
None

ADJOURNMENT

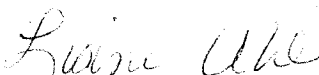
Mayor Abed adjourned the meeting at 8:05 p.m.



MAYOR



CITY CLERK



MINUTES CLERK