CITY OF ESCONDIDO

November 14, 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, November 14, 2012 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

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

ORAL COMMUNICATIONS

Roy Garrett, Escondido, distributed information and suggested the Council research proportional voting instead of voting districts.

Robroy Fawcett, Escondido, distributed information and urged Council to not use voting districts.

Joan Gardner, Escondido, requested the Council avoid voting districts.

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to recess to Closed Session. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

I. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Government Code §54956.9(a)

a. Case Name: Agustin v. Jerry Douglas Conway; City of Escondido
   Case No: 37-2012-00052770-CU-PA-NC

II. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Government Code §54956.9(a)

a. Case Name: Demetrio Gomez, et al. v. City of Escondido, et al.
   Case No: 37-2011-00060480-CU-CR-NC

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:42 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO

November, 14 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 4:46 p.m. on Wednesday, November 14, 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: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember Michael Morasco and Mayor Sam Abed. Deputy Mayor Marie Waldron absent. 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.

ORAL COMMUNICATIONS

Greg Dean, Escondido, indicated the branch library should be opened again.

Carolina Ruiz and Maribel Reyes, Escondido, gave a report on the Escondido Creek clean-up scheduled for December 1, 2012 and requested trash bags and gloves from the City.

Pam Stahl, Escondido, asked that Council appoint the candidate who received the third most votes to fill Councilmember Waldron's vacant seat.

Mike O'Connor, Escondido, urged the community to raise funds to help the victims of super storm Sandy.

Patricia Borchmann, Escondido, requested Council appoint the candidate that received the third highest number of votes to fill Councilmember Waldron's vacant seat.

Mark Skok, Escondido, voiced concern with the cost of a political mailer from the city.

COUNCIL MEMBERS' REPORTS/BRIEFING

Councilmember Diaz attended a meeting at the San Dieguito River Park where the Sikes Adobe received a grant for repairs; an event for retiring County Supervisor Pam Slater Price was scheduled for December 14, 2012. She attended an E-grip meeting sponsored by Compact on prevention of gangs and drug use, and attended the Memorial Day Service in Grape Day Park on November 11, 2012

Councilmember Gallo attended the Memorial Day service as Master of Ceremonies on November 11, 2012 and recognized Boy Scout Troop 655 who was in the audience.

Councilmember Morasco listed many of the events he attended that had taken place in the City; i.e. The Day of the Dead, the street fair and other private events including the Boy Scouts honoring Bob Schuster for all of his work with the Boy Scouts. He also attended a city event honoring city employees for their services and thanked the citizens who voted.

Mayor Abed indicated the Council would follow the same process as in 2010 to appoint a new Councilmember to replace Councilmember Waldron. The deadline to turn in an application is December 3, 2012. He attended a SANDAG Transportation Committee meeting where they discussed Regional Transportation Plan to prepare a regional complete street policy that includes a Bike Master Plan, which Escondido has already prepared. He also stated that Prop N had received national recognition, that the City was involved in a gang prevention program, and recognized officer Martinez who received the Blue Knight award.

CONSENT CALENDAR

Councilmember Diaz removed items 11, 13 and 14 and Councilmember Gallo removed item 9 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco that the following Consent Calendar items be approved with the exception of items 9, 11, 13 and 14. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of October 3, 2012**
   Regular Meeting of October 17, 2012

4. **EAST VALLEY COMMUNITY CENTER: COMPUTER LAB AND TECHNOLOGY CENTER AND BUDGET ADJUSTMENT** – Request Council accept a Cox Communications donation in the amount of $25,000 for construction costs at the Escondido Technology Center; and authorize a budget adjustment in the amount of $25,000. (File No. 0430-80)

   Staff Recommendation: Approval **(Community Services: Jerry Van Leeuwen)**

5. **PARK IMPROVEMENT PROJECTS AND BUDGET ADJUSTMENT** – Request Council approve a budget adjustment in the amount of $415,275 to receive and expend Housing-Related Park Program grant funds and to expend Park Development Funds. (File No. 0430-80)

   Staff Recommendation: Approval **(Community Services/Housing: Jerry Van Leeuwen)**

6. **THE ELMS HOUSING DEVELOPMENT** – Request Council authorize the Housing Division to amend previous developer agreements; authorize the Mayor and City Clerk to execute, on behalf of the City, the document amendments in a form acceptable to the City Attorney; approve the existing loan documents and escrow instructions, signed by past authorized representatives of the City/CDC, in order to grant two vacant properties located at 537 N. Elm and the adjacent vacant lot to San Diego Habitat for Humanity, to record loan documents for the use of HOME/CHDO funds; and authorize Karen Youel, Management Analyst/Housing to sign new escrow documents. (File No. 0875-55)

Staff Recommendation: Approval **(Community Services/Housing: Jerry Van Leeuwen)**

a. RESOLUTION NO. 2012-181
b. RESOLUTION NO. 2012-182

7. **AUTHORIZATION TO RE-CHASSIS ONE (1) EXISTING AMBULANCE** – Recommend Council authorize Emergency Vehicle Group (EVG) out of Anaheim, California to re-chassis one (1) existing ambulance in the current fleet instead of purchasing one (1) new ambulance. (File No. 0470-35)

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

8. **REJECT ALL BIDS FOR TWO LINE TRUCKS AND AUTHORIZE RE-ADVERTISEMENT** – Request Council approve rejecting all bids for two line trucks and authorize staff to re-advertise. (File No. 0470-45)

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

RESOLUTION NO. 2012-177

9. **ALL-WAY STOP REQUEST FOR JUNIPER STREET AT NINTH AVENUE** – Request Council amend the Traffic Schedules for stop intersections. (File No. 1050-50)

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

RESOLUTION NO. 2012-180

Councilmember Gallo commented that community effort on this item solved the problem

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to amend the Traffic Schedules for an All-way Stop for Juniper Street at Ninth Avenue and adopt Resolution No. 2012-180. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

10. **FISCAL YEAR 2011-12 UNITED STATES DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP PROGRAM AND BUDGET ADJUSTMENT** – Request Council authorize the Escondido Police Department to accept FY 2012 Bulletproof Vest Partnership Program funds in the amount of $1,863 from the United States Department of Justice; authorize the Chief of Police to execute grant documents; and authorize staff to establish budgets to spend funds to purchase body armor for front-line law enforcement. (File No. 0480-70)

Staff Recommendation: Approval **(Police Department: Cory Moles)**

11. **FISCAL YEAR 2008 CALIFORNIA OFFICE OF TRAFFIC SAFETY "AVOID DRIVING UNDER THE INFLUENCE (DUI) CAMPAIGN" GRANT MODIFICATION AND BUDGET ADJUSTMENT** – Request Council authorize the Police Department to accept additional grant funds in the amount of $10,000 from the San Diego Sheriff's Department for overtime expenses related to the California Office of Traffic Safety "Avoid DUI Campaign" Grant Program; and approve a budget adjustment needed to spend grant funds. (File No. 0480-70)

Staff Recommendation: Approval **(Police Department: Cory Moles)**

Councilmember Diaz asked for clarification of this grant

Police Lieutenant Tom Albergo answered that this grant had been available for four years and explained how it worked.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to authorize the Police Department to accept additional grant funds in the amount of $10,000 from the San Diego Sheriff's Department for overtime expenses related to the California Office of Traffic Safety "Avoid DUI Campaign" Grant Program; and approve a budget adjustment needed to spend grant funds. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

12. **SOLE SOURCE AUTHORIZATION FOR RADIO PURCHASES** – Request Council authorize the Police Department to purchase Project 25 ("P25") compliant portable radios and upgraded accessories from Motorola, Inc. by utilizing San Diego County's Regional Communication System ("RCS") cooperative purchasing contract. (File No. 0470-35)

Staff Recommendation: Approval **(Police Department: Cory Moles)**

RESOLUTION NO. 2012-185

13. **ADDITIONAL STANDARDS FOR TAXICAB OPERATORS** – Request Council consider amending sections of the Escondido Municipal Code to update standards required of taxicab operators and drivers in the City. (File No. 0680-50

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

ORDINANCE NO. 2012-22 (Introduction and First Reading)

Councilmember Diaz asked that future agenda items be placed on a two-meeting notice basis and requested that the requirement of the driver owning 10 taxis be deleted from the ordinance.

Councilmember Gallo gave examples of his experiences in taxis.

Daniel Perez, Escondido, voiced concern with over regulation of small business owners and urged Council to not pass the ordinance.

MOTION: Moved by Councilmember Gallo and seconded by Mayor Abed to consider amending sections of the Escondido Municipal Code to update standards required of taxicab operators and drivers in the City. Ayes: Abed and Gallo. Noes: Diaz and Morasco. Absent: Waldron. Motion failed.

14. **AMENDMENT TO ESCONDIDO MUNICIPAL CODE SECTION 2-24 (SELECTION OF DEPUTY MAYOR)** – Request Council consider the Escondido Municipal Code (EMC) section 2-24 to allow the selection of the deputy mayor to be conducted pursuant to City Council Rules of Procedure. (File No. 0680-50

Staff Recommendation: Approval **(City Attorney's Office: Jennifer McCain)**

ORDINANCE NO. 2012-23 (Introduction and First Reading)

Councilmember Diaz asked that agenda items brought forth by Councilmembers list the two initiating Councilmembers names on them.

Mayor Abed recessed the meeting at 5:41 p.m.

Mayor Abed reconvened the meeting at 6:00 p.m.

Constance Swanson, Escondido, voiced concern with the ordinance and requested that Council appoint Councilmember Diaz as Deputy Mayor.

Pat Mues, Escondido, urged Council to not pass the ordinance and continue the way the Deputy Mayor is currently appointed.

Pamela Stahl, Escondido, voiced concern with the proposed change on the appointment of Deputy Mayor.

Roy Garrett, Escondido, indicated the current law stated the Councilmember with the longest tenure would be appointed Deputy Mayor.

Benjamin Cueva, Escondido, stated that Councilmember Diaz should be Deputy Mayor.

Chris Nava, Escondido, expressed concern with the proposed ordinance.

Mark Skok, Escondido, indicated Councilmember Diaz should be appointed Deputy Mayor and urged Council to retain the current rotation method.

Laura Kohl, Escondido, urged Council to maintain current policy.

Daniel Perez, Escondido, stated this ordinance would divide the community.

COUNCIL ACTION: NO ACTION WAS TAKEN ON THIS ITEM

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

15. **LOCAL REGISTER DESIGNATION AND MILLS ACT CONTRACT FOR A RESIDENCE ON A HILLTOP AT 2985 SU SIEMPRE PLACE (CASE HP-12-0001)** – Request Council approve listing the structure at 2985 Su Siempre Place on the City's Local Register and approve the Historic Property Preservation Agreement (commonly referred to as the "Mills Act Contract") for the subject property. (File No. 0880-10)

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

RESOLUTION NO. 2012-183

Rozanne Cherry, 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.

Carol Rea, Escondido, urged Council to approve the Mills Act contract request.

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 Diaz to approve listing the structure at 2985 Su Siempre Place on the City's Local Register, approve the Historic Property Preservation Agreement (commonly referred to as the "Mills Act Contract") for the subject property and adopt Resolution No. 2012-183. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

CURRENT BUSINESS

16. **CALPERS CONTRACT AMENDMENT-MISCELLANEOUS EMPLOYEES** – Request Council approve the second reading of the CalPERS Contract Amendment for Miscellaneous Employees: Section 20475, Different Levels of Benefits – 2% @ 60; and Section 20037 – Three Year Final Compensation. **Approved on October 17, 2012, with a vote of 4/1/0, Morasco voting no.** (File No. 0720-40)

ORDINANCE NO. 2012-20 (Adoption and Second Reading)

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve the second reading of the CalPERS Contract Amendment for Miscellaneous Employees: Section 20475, Different Levels of Benefits – 2% @ 60; and Section 20037 – Three Year Final Compensation and adopt Ordinance No. 2012-20. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

17. **REVISE MUNICIPAL CODE CHAPTER 25 ARTICLE 4 RELATING TO TRANSIENT OCCUPANCY TAX** – Request Council approve amending the Escondido Municipal Code Chapter 25, Taxation, Article 4, Transient Occupancy Tax. (File No. 0680-50

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

ORDINANCE NO. 2012-19 (Introduction and First Reading)

Gil Rojas, Finance Director, introduced Christina Holmes, Finance Department, who gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to approve amending the Escondido Municipal Code Chapter 25, Taxation, Article 4, Transient Occupancy Tax and introduce Ordinance No. 2012-19. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

18. **UPDATE AND REQUEST FOR COUNCIL GUIDANCE CONCERNING THE WATER PURCHASE AGREEMENT FOR THE CARLSBAD DESALINATION PROJECT** – Request Council accept the report from staff concerning the proposed Water Purchase Agreement between the San Diego County Water Authority (SDCWA) and Poseidon Resources for a future Carlsbad Desalination Project; and provide guidance to the City's SDCWA Board representative concerning the SDCWA Board of Directors' vote on the Purchase Agreement, which may occur as early as November 29, 2012. (File No. 1320-55)

Staff Recommendation: Provide guidance to the City's representative on the SDCWA Board **(Utilities Department: Christopher McKinney)**

Christopher McKinney, Utilities Director, gave the staff report and presented a series of slides and introduced Marilyn Daley, San Diego County Water Authority Representative, who was available to answer questions.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to accept the report from staff concerning the proposed Water Purchase Agreement between the San Diego County Water Authority (SDCWA) and Poseidon Resources for a future Carlsbad Desalination Project; and provide guidance to the City's SDCWA Board representative concerning the SDCWA Board of Directors' vote on the Purchase Agreement, which may occur as early as November 29, 2012. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

19. **APPROVE STAFFING THE SEVENTH ENGINE COMPANY, THE PURCHASE AND STAFFING OF ONE ADDITIONAL AMBULANCE AND THE COST TO HIRE NON-SAFETY PERSONNEL** – Request Council approve an increase in the Fire Department Operating Budget for FY 2012-13 in the amount of $847,355 to hire three (3) additional safety personnel to staff the Seventh Engine Company, twenty-four (24) non-safety personnel to staff additional ambulances and the associated start-up and operational costs; and an increase to the Fire Department Operating Budget for FY 2013-14 in the amount of $1,204,330 to maintain personnel and on-going operational costs. (File No. 0430-30)

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

RESOLUTION NO. 2012-179

Fire Chief Michael Lowry and Division Chief Russ Knowles gave the staff report and presented a series of slides.

Chip Paulson, Firefighters Association Vice President, urged Council to approve Option 1.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve Option 2 at a cost of $1,082,786 and adopt Resolution No. 2012-179. Ayes: Abed, Gallo and Morasco. Noes: Diaz. Absent: Waldron. Motion carried.

20. **ESCONDIDO SUCCESS CENTER PROJECT** – Request Council receive the status report and provide direction to staff. (File No. 0110-20)

Staff Recommendation: Approval **(Community Services: Jerry Van Leeuwen)**

Jerry Van Leeuwen, Community Services Director, gave the staff report and presented a series of slides. He introduced Mark Nanzer, Workforce Partnership, and Patty Huerta, Escondido Education Compact, who were available to answer questions.

COUNCIL ACTION: Provided direction to staff.

21. MAPLE STREET PLAZA: OPERATIONS AND MAINTENANCE – Request Council provide direction to staff regarding the on-going operation of the Maple Street Plaza and possible closure of the northern section to through traffic. (File No. 1050-15)

Staff Recommendation: Provide direction **(City Manager's Office: Charles Grimm)**

Charles Grimm, Assistant City Manager, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to approve Option 2 showing the drive-through parallel to Maple Street. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

FUTURE AGENDA

22. 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

ADJOURNMENT

Mayor Abed adjourned the meeting at 9:10 p.m.

Sam Abed
MAYOR

Diane Halverson
CITY CLERK

Diane Uhl
MINUTES CLERK