CITY OF ESCONDIDO

October 17, 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, October 17, 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, Deputy Mayor Marie Waldron, and Mayor Sam Abed. Quorum present.

ORAL COMMUNICATIONS

Roy Garrett, Escondido, stated that funds for Item I on the Closed Session agenda was originally set aside for the library and asked Council to reserve those funds from the lease payments.

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to recess to Closed Session. Motion carried unanimously.

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

Property:	240 S. Broadway
Agency Negotiators:	Debra Lundy, Real Property Manager
Negotiating parties:	La Paz Funeral Homes
Under negotiation:	Price and terms of payment

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

Property:	2120 Harmony Grove
Agency Negotiators:	Debra Lundy, Real Property Manager
Negotiating parties:	Networking Cabling, Inc.
Under negotiation:	Price and terms of payment

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

Property:	E. Felicita Road (APN 238-102-41 and 45)
Agency Negotiators:	Debra Lundy, Real Property Manager
Negotiating parties:	Thomas F. Seymour, et al.
Under negotiation:	Price and Terms of acquisition

Added two items:

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9(b): 1 case

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code §54956.9(a)
CITY OF NATIONAL CITY, ET AL. V. ANA MATOSANTOS, ET AL
CASE NO. 34-2012-80001198

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:28 p.m.

Sam Abed
MAYOR

Diane Halverson
CITY CLERK

Diane Uhl
MINUTES CLERK

CITY OF ESCONDIDO

October 17, 2012
4:30 p.m. Meeting Minutes

Escondido City Council
Mobilehome Rent Review Board

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Mobilehome Rent Review Board was called to order at 4:30 p.m. on Wednesday, October 17, 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, Deputy Mayor Marie Waldron, and Mayor Sam Abed. Quorum present.

Also present were: Clay Phillips, City Manager; Jennifer McCain, Assistant City Attorney; Barbara Redlitz, Community Development Director; Ed Domingue, Engineering Services Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

ORAL COMMUNICATIONS

Sandra Jaffe, Escondido, voiced concern that apartment residents were smoking in a non-smoking building.

COUNCIL MEMBERS' REPORTS/BRIEFING

City Manager Clay Phillips indicated he would provide information to Council regarding the process of administrative leave.

Councilmember Diaz Olga stated she would be attending a San Dieguito River Park meeting and the Explorer Post had been recognized for their achievements.

Councilmember Waldron indicated she attended a Regional Solid Waste Association meeting where public informational handouts from the City of Encinitas on general recycling information were given out.

Councilmember Gallo stated the NCTD was providing free transportation for all active and retired military from November 9-12, 2012. Families of military personnel receive a 50% discount on those dates. He also attended transportation Ride Fact meeting at the Park Place Community Center. They will assist with anyone trying to locate NCTD transportation. They can be reached at 888-924-3228, Monday – Friday, 8:00 a.m. – 5:00 p.m.

Councilmember Morasco stated the new Target had opened at the Westfield Mall and had escalators for the shopping carts; he met with citizen to discuss utilization of the space vacated by Escondido Education Compact for use as a browsing library. He also indicated the Escondido Foundation had met, the ECCDC sponsored a trucks for tots program, Tip a Cop fund raiser for Special Olympics was held at the Red Robin Restaurant and the Dia de los Muertos function was scheduled for November 1, 2012 at the CCAE.

Mayor Abed stated he attended a SANDAG meeting where there was a discussion regarding regional housing, zoning, and economic development. He also read a letter from a visitor to Escondido.

CONSENT CALENDAR

Mayor Abed removed item 11, Councilmember Diaz removed item 7 and Councilmember Gallo removed item 4 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo that the following Consent Calendar items be approved with the exception of items 4, 7, and 11. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: None Scheduled**

4. **ASSET FORFEITURE FUND BUDGET ADJUSTMENT** – Request Council authorize staff to establish a budget adjustment in the amount of $78,470 with Asset Forfeiture Funds to purchase equipment and services for law enforcement purposes. (File No. 0430-80)

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

Councilmember Gallo indicated the motorcycle officers didn't have Opticon on their cycles and could not enter a gated community.

Officer Chris Winn answered this was being researched to allow the cycles to enter gated communities and for stop light control.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Waldron to authorize staff to establish a budget adjustment in the amount of $78,470 with Asset Forfeiture Funds to purchase equipment and services for law enforcement purposes. Motion carried unanimously.

5. **READOPTION OF CONFLICT OF INTEREST CODE FOR THE CITY OF ESCONDIDO** – Recommend Council readopt the Conflict of Interest Code for the City of Escondido and update the disclosure categories for designated positions pursuant to the Political Reform Act. (File No. 0640-30)

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

RESOLUTION NO. 2012-174

6. **ADOPTION OF FAIR POLITICAL PRACTICES COMMISSION (FPPC) FORM 806/AGENCY REPORT OF PUBLIC OFFICIAL APPOINTMENTS –** Recommend Council adopt FPPC Form 806/Agency Report of Public Official Appointments and authorize the City Manager (or his designee) to verify and post FPPC Form 806 on the City's website and amend as needed. (File No. 0640-30)

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

RESOLUTION NO. 2012-155

7. **ADOPTION OF TICKET DISTRIBUTION POLICY –** Request Council adopt a ticket distribution policy pursuant to the Political Reform Act. (File No. 0640-30)

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

RESOLUTION NO. 2012-176

Councilmember Diaz asked for clarification of the request.

Jennifer McCain, Assistant City Attorney, answered that if any tickets were distributed through the City, the City would claim the amount, not the individual agency official.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to adopt a ticket distribution policy pursuant to the Political Reform Act and adopt Resolution No. 2012-176. Motion carried unanimously.

8. **LAKE WOHLFORD DAM REPLACEMENT CONSTRUCTION MANAGEMENT CONSULTING AGREEMENT AND BUDGET ADJUSTMENT –** Request Council authorize the Mayor and City Clerk to execute a Consulting Agreement with RBF Consulting, Inc. for the Lake Wohlford Dam Replacement Construction Management in the amount of $2,458,516; and approve a budget adjustment in the amount of $1,250,000. (File No. 0600-10 [A-3069])

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

RESOLUTION NO. 2012-167

9. **BID AWARD FOR THE INFLUENT PUMP STATION PROJECT –** Request Council authorize the Mayor and City Clerk to execute an agreement with TC Construction Company, Inc. in the amount of $8,169,500 for the Influent Pump Station (IPS) Project. (File No. 0600-10 [A-3063)

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

RESOLUTION NO. 2012-171

10. **ADOPTION OF MITIGATED NEGATIVE DECLARATION FOR THE CEMETERY AREA WATER PIPELINE REPLACEMENT PROJECT (ENV 10-0004) –** Request Council adopt a Mitigated Negative Declaration for the Cemetery Area Water Pipeline Replacement Project. The proposed project will replace aging water transmission and distribution infrastructure, increase water delivery capacity and pressure to the project area, maintain a reliable water supply and distribution system; as well as install infrastructure to accommodate future delivery of recycled water. (File No. 0800-40 ENV-10-0004)

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

RESOLUTION NO. 2012-158

11. **LEASE AGREEMENT WITH LA PAZ FUNERAL HOME, INC. AT 240 SOUTH BROADWAY AND BUDGET ADJUSTMENT** – Request Council authorize the Real Property Manager and City Clerk to execute a Lease Agreement with La Paz Funeral Home Inc. at 240 South Broadway; and request Council approve an increase to the General Fund Revenue for the Fiscal Year 2012/2013 in the amount of $7,000 and an increase to the Engineering Professional Services Budget to pay for broker's fees in the amount of $1,320. (File No. 0600-10 [A-3070])

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

RESOLUTION NO. 2012-166

Roy Garrett, Escondido, asked Council to redirect income from this lease and hold it for possible use for an East Valley branch library.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Waldron to authorize the Real Property Manager and City Clerk to execute a Lease Agreement with La Paz Funeral Home Inc. at 240 South Broadway; request Council approve an increase to the General Fund Revenue for the Fiscal Year 2012/2013 in the amount of $7,000, increase the Engineering Professional Services Budget to pay for broker's fees in the amount of $1,320 and adopt Resolution No. 2012-166. Motion carried unanimously.

12. **CONSULTING AGREEMENT WITH BUREAU VERITAS NORTH AMERICA INC. AND BUDGET ADJUSTMENT FOR FINAL DESIGN OF THE EAST VALLEY PARKWAY/VALLEY CENTER ROAD WIDENING PROJECT** – Request Council authorize the Mayor and City Clerk to execute a Consulting Agreement between the City of Escondido and Bureau Veritas North America Inc. in the amount of $675,713 to complete the final design to widen the remaining segment of East Valley Parkway/Valley Center Road from Beven Drive to County of San Diego improvements north of Lake Wohlford Road; and approve a budget adjustment to fully fund the project design and anticipated staff time. (File No. 0600-10 [A-3072])

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

RESOLUTION NO. 2012-163

13. **LEASE AGREEMENT WITH NETWORK CABLING, INC. AT 2120 HARMONY GROVE ROAD** – Request Council authorize the Real Property Manager and City Clerk to execute a Lease Agreement with Network Cabling at 2120 Harmony Grove Road. (File No. 0600-10 [A-3071])

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

RESOLUTION NO. 2012-165

14. **FIRST AMENDMENT TO LEASE AGREEMENT WITH KOOCHEN VAGNER'S BREWING COMPANY DBA: STONE BREWING COMPANY at 2120 HARMONY GROVE ROAD** – Request Council authorize the Real Property Manager and City Clerk to execute a First Amendment to Lease Agreement with Stone Brewery at 2120 Harmony Grove Road. (File No. 0600-10 [A-3018])

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

RESOLUTION NO. 2012-164

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.)

15. ORDINANCE AMENDING CHAPTER 12 OF THE ESCONDIDO MUNICIPAL CODE REGARDING MOBILE FOOD FACILITIES (CASE NO. AZ 12-0005) – Approved on October 3, 2012 with a vote of 5/0. (File No. 0680-10)

ORDINANCE NO. 2012-18 (Adoption and Second Reading)

CURRENT BUSINESS

16. CALPERS CONTRACT AMENDMENT-MISCELLANEOUS EMPLOYEES – Request Council adopt the resolution of intent and first reading of the CalPERS Contract Amendment for Miscellaneous Employees: Section 20475, Different Levels of Benefits – 2% @ 60; and Section 20037 – Three Year Final Compensation. (File No. 0720-40)

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

a. **RESOLUTION NO. 2012-175**
b. **ORDINANCE NO. 2012-20 (Introduction and First Reading)**

Sheryl Bennett, Human Resources Director, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Waldron to adopt the resolution of intent and first reading of the CalPERS Contract Amendment for Miscellaneous Employees: Section 20475, Different Levels of Benefits – 2% @ 60; and Section 20037 – Three Year Final Compensation, adopt Resolution No. 2012-175 and introduce Ordinance 2012-20. Ayes: Abed, Diaz, Gallo and Waldron. Noes: Morasco. Absent: None. Motion carried.

16A. EDUCATIONAL AND INFORMATIONAL PUBLICATIONS ON UPCOMING CITY BALLOT MEASURES - Request Council give direction to staff to prepare and distribute informational materials about Proposition P (general plan) and Proposition N (charter city) ballot measures prior to the November 6, 2012 General Municipal Election and authorize expenditure of up to $20,000. (File No. 0650-10)

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

RESOLUTION NO. 2012-178

Clay Phillips, City Manager, gave the staff report.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Waldron to prepare and distribute informational materials about Proposition P (general plan) and Proposition N (charter city) ballot measures prior to the November 6, 2012 General Municipal Election, authorize expenditure of up to $20,000 and adopt Resolution No. 2012-178. Motion carried unanimously.

PUBLIC HEARINGS

17. **AMENDMENT TO THE INTERIM DOWNTOWN SPECIFIC PLAN (PHG 12-0016)** – Request Council approve amending the Interim Downtown Specific Plan text involving a number of actions in various districts: 1) permitting restaurants to have outdoor food cooking, 2) modifying the matrix of permitted and conditional uses regarding primary and secondary educational facilities, general retail home furnishings, hardware/home improvement, food and liquor sales, wine and beer tasting and miscellaneous government operations, 3) refining standards for special events, outdoor dining and the outdoor display and sale of merchandise, 4) simplifying and clarifying development and application standards with regard to design review procedures, and 5) performing other minor text and graphic edits as appropriate. (File No. 0800-70)

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

RESOLUTION NO. 2012-161R

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 Waldron to approve amending the Interim Downtown Specific Plan text involving a number of actions in various districts: 1) permitting restaurants to have outdoor food cooking, 2) modifying the matrix of permitted and conditional uses regarding secondary educational facilities, general retail home furnishings, hardware/home improvement, food and liquor sales, wine and beer tasting and miscellaneous government operations, 3) refining standards for special events, outdoor dining and the outdoor display and sale of merchandise, 4) simplifying and clarifying development and application standards with regard to design review procedures, and 5) performing other minor text and graphic edits as appropriate and adopt Resolution No. 2012-161R. Motion carried unanimously.

18. **BICYCLE FACILITIES MASTER PLAN (PHG 12-0018)** – Request Council approve the Bicycle Facilities Master Plan. (File No. 0800-40 PHG 12-0018

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

RESOLUTION NO. 2012-162

Jay Paul, 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 Diaz and seconded by Councilmember Morasco to approve the Bicycle Facilities Master Plan and adopt Resolution No. 2012-162. Motion carried unanimously.

19. **GREENCREST MOBILEHOME PARK SHORT-FORM RENT INCREASE APPLICATION -** Request Council consider the short-form rent increase application submitted by Greencrest Mobilehome Park, and if approved, grant an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 1.244% (an average increase of $5.16), for the period of June 30, 2011 to June 30, 2012. The application meets the eligibility criteria for submittal of a short-form rent increase application. (File No. 0697-20-9887)

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

RESOLUTION RRB NO. 2012-11

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.

Jim Younce, Owners Representative, indicated he was available to answer questions.

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 Waldron to approve the short-form rent increase application and adopt Resolution RRB No. 2012-11. Motion carried unanimously.

FUTURE AGENDA

20. **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

Don Shelter, Escondido, requested information on acquiring permits to perform live music on the streets.

ADJOURNMENT

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

MAYOR

CITY CLERK

MINUTES CLERK