CITY OF ESCONDIDO

October 3, 2012
3:30 p.m. Meeting Minutes

THIS MEETING WAS CANCELLED

Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Gallo, Morasco, Waldron, and Abed

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)

a. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Administrative/Clerical/ Engineering (ACE) Bargaining Unit

b. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Supervisory (SUP) Bargaining Unit

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

a. 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

ADJOURNMENT

CITY OF ESCONDIDO

October 3, 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 3, 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; 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 Sarah Kaminske, Assistant Emergency Manager, Orange County Sheriff's Department Homeland Security, who gave a presentation on the San Onofre Nuclear Generating Station Emergency Planning Strategy.

Mayor Abed introduced Ed Nelson, Escondido High School Superintendent, and Keith Nuthall, Del Lago Academy Principal, who gave a presentation the Del Lago Academy.

PROCLAMATIONS

Mayor Abed introduced Gene Meese and Kevin Constable, Building Maintenance, who received Employee Recognition Proclamations.

ORAL COMMUNICATIONS

Orv Hale, Escondido, indicated he did not agree with the Police Chief being placed on administrative leave.

Tisha Bennett, Escondido, requested that Police Chief Maher be reinstated.

Jack Bennett, Escondido, stated he did not agree with Police Chief Maher being placed on administrative leave.

Barbara Takahara, Escondido, voiced concern with fluoridating the city's drinking water.

Patricia Borchmann, Escondido, expressed apprehension that the San Onofre Power Plant emergency plans were inadequate.

Ace Hoffman, Solana Beach, stated he was concerned with the San Onofre Power Plant restarting.

Torgan Johnson, Solana Beach, indicated the San Onofre Nuclear plant safety plans were inadequate.

Kevin Higgins, Temecula, stated there was no evacuation plan for Temecula in case of nuclear fallout.

Dennis Galt, Escondido, indicated he did not agree with placing the Police Chief on administrative leave.

COUNCIL MEMBERS' REPORTS/BRIEFING

Councilmember Waldron attended the Special Districts Annual Award Luncheon where the water rate structure was discussed.

Councilmember Gallo stated he learned at the Borders Committee that the day after Thanksgiving was known as Native American You're Welcome Day; the Tijuana Technology Hub was being held on October 11-21, 2012 and that SANDAG was conducting a public project participation workshop on October 19, 2012.

Mayor abed indicated he attended a SANDAG meeting to ensure that North County gets their share of transportation funds.

Councilmember Morasco stated that Councilmember Gallo recently celebrated his birthday; he attended the 40-year Charros celebration; work continued on a volunteer garden on Juniper and Grand Avenue; and he attended a Thai Buddhist Temple event.

CONSENT CALENDAR

Mayor Abed removed item 4, Councilmember Gallo removed item 7, Councilmember Morasco removed item 6, Councilmember Waldron removed item 9 from the Consent Calendar for discussion and Councilmember Diaz abstained from item 5.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Waldron that the following Consent Calendar items be approved with the exception of items 4, 6, 7 and 9.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of September 12, 2012**

4. **COUNTY OF SAN DIEGO VECTOR HABITAT REMEDIATION PROGRAM FUNDING GRANT – MISSION POOLS & SAND LAKE PROJECTS AND BUDGET ADJUSTMENT –** Request Council authorize the acceptance of Vector Remediation Program Grant funds ($226,000 for Mission Pools and $224,500 for Sand Lake in Kit Carson Park) from the County of San Diego Department of Environmental Health; and approve budget adjustments needed for these projects. (File No. 0480-70)

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

Mayor Abed commented that he did not agree with this project.

MOTION: Moved by Mayor Abed and seconded by Councilmember Diaz to authorize the acceptance of Vector Remediation Program Grant funds ($226,000 for Mission Pools and $224,500 for Sand Lake in Kit Carson Park) from the County of San Diego Department of Environmental Health; and approve budget adjustments needed for these projects. Motion carried unanimously.

5. **SECOND AMENDMENT TO LEASE AGREEMENT WITH INTERFAITH COMMUNITY SERVICES AT 401 N. SPRUCE STREET –** Request Council authorize the Real Property Manager and City Clerk to execute a Second Amendment to Lease Agreement with Interfaith Community Services at 401 N. Spruce Street. (File No. 0600-10 [A-2494])

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

RESOLUTION NO. 2012-159

Councilmember Diaz abstained from item 5.

6. **FIRST AMENDMENT TO LEASE AGREEMENT WITH KATHLEEN CARR: 1045 W. MISSION AVENUE (CITY RECORDS CENTER) –** Request Council authorize the Real Property Manager and City Clerk to execute a First Amendment to Lease Agreement with Kathleen Carr at 1045 W. Mission Avenue. (File No. 0600-10 [A-2390])

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

RESOLUTION NO. 2012-160

Councilmember Morasco asked for clarification of the terms of the lease.

Debra Lundy, Real Property Manager, gave the square footage of the lot and structure, and indicated the price per square foot was within the market rate.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco to authorize the Real Property Manager and City Clerk to execute a First Amendment to Lease Agreement with Kathleen Carr at 1045 W. Mission Avenue and adopt Resolution No. 2012-160. Motion carried unanimously.

7. **THIRD AMENDMENT TO CONSULTING AGREEMENT WITH SCS ENGINEERS – ORANGE GLEN MARKET REMEDIATION PROJECT –** Request Council authorize the Mayor and City Clerk to execute a third amendment to the consulting agreement with SCS Engineers in the amount of $15,655. (File No. 0600-10 [A-2737])

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

RESOLUTION NO. 2012-156

Councilmember Gallo asked why this project was ongoing.

Ed Domingue, Engineering Services Director, indicated there was still a plume under the pavement and the mobile home park. This posed a potential health risk.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Gallo to authorize the Mayor and City Clerk to execute a third amendment to the consulting agreement with SCS Engineers in the amount of $15,655 and adopt Resolution No. 2012-156. Motion carried unanimously.

8. **CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) LITERACY AWARD** – Request Council approve a $34,901 literacy grant award from the California State Library. (File No. 0480-70)

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

9. **BUDGET ADJUSTMENT REQUEST AND CONTRACT CHANGE ORDER FOR RGP 87 – SEWER OUTFALL MITIGATION WORK** – Request Council authorize the Deputy Director of Utilities to execute a change order with Southland Paving for additional work related to RGP87 – Sewer Outfall Mitigation Project on a time and materials basis in an amount not to exceed $500,000; and approve a budget adjustment in the amount $500,000. (File No. 0600-10 [A-3057])

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

RESOLUTION NO. 2012-170

Councilmember Waldron asked if the city had been dumping in this area.

Christopher McKinney, Utilities Director, answered the city was aware of silt but not construction debris.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Waldron to authorize the Deputy Director of Utilities to execute a change order with Southland Paving for additional work related to RGP87 – Sewer Outfall Mitigation Project on a time and materials basis in an amount not to exceed $500,000; and approve a budget adjustment in the amount $500,000 and adopt Resolution No 2012-170. Motion carried unanimously.

10. **FISCAL YEAR 2012-13 SAN DIEGO COUNTY LAW ENFORCEMENT FOUNDATION LIFE SAVING EQUIPMENT GRANT AND BUDGET ADJUSTMENT** – Request Council authorize the Escondido Police Department to accept a FY 2012-13 San Diego County Law Enforcement Foundation Grant in the amount of $2,144; authorize the Chief of Police to submit grant documents on behalf of the City; and authorize staff to establish a budget adjustment to spend grant funds. (File No. 0480-70)

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

11. **ESCONDIDO CITY EMPLOYEES' ASSOCIATION – ADMINISTRATIVE, CLERICAL AND ENGINEERING UNIT MEMORANDUM OF UNDERSTANDING** – Request Council amend the Escondido Employee's Association – Administrative, Clerical and Engineering Bargaining Unit Memorandum of Understanding. (File No. 0740-30)

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

RESOLUTION NO. 2012-168

12. **ESCONDIDO CITY EMPLOYEES' ASSOCIATION – SUPERVISORY UNIT MEMORANDUM OF UNDERSTANDING** – Request Council amend the Escondido Employee's Association – Supervisory Bargaining Unit Memorandum of Understanding. (File No. 0740-30)

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

RESOLUTION NO. 2012-169

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.)

13. **PARKING CODE AMENDMENT, CASE NO. AZ 12-0004 – APPROVED WITH A VOTE OF 5/0 ON SEPTEMBER 12, 2012.** (File No. 0810-20)

ORDINANCE NO. 2012-17 (Second Reading and Adoption)

PUBLIC HEARINGS

14. **SHORT-FORM RENT INCREASE APPLICATION FOR LAKE BERNARDO MOBILE ESTATES** - Request Council consider the short-form rent increase application submitted by Lake Bernardo Estates, and if approved, grant an increase of seventy-five percent (75%) of the change in the Consumer Price Index or 2.802%, (an average of $14.92), for the period of June 30, 2009 to December 31, 2011. (File No. 0697-20-9857)

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

RESOLUTION RRB NO. 2012-10

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.

Priscilla Cervantes, Owner's Representative, listed the maintenance improvements to the park and asked Council to approve the short-form rent increase.

Debbie Jauregui, Escondido, stated she opposed the rent increase due to a water rate increase.

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 application, directed staff to resolve the water rate overbilling issues before a rent increase could be implemented, and adopt Resolution RRB No. 2012-10. Motion carried unanimously.

15. **ORDINANCE AMENDING CHAPTER 12 OF THE ESCONDIDO MUNICIPAL CODE REGARDING MOBILE FOOD FACILITIES (CASE NO. AZ 12-0005)** - Request Council introduce and subsequently approve amending Chapter 12 of the Escondido Municipal Code to allow grading of Mobile Food Facilities that prepare food. (File No. 0680-10)

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

ORDINANCE NO. 2012-18 (Introduction and First Reading)

Barbara Redlitz, Community Development Director, gave the staff report.

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 amend Chapter 12 of the Escondido Municipal Code to allow grading of Mobile Food Facilities that prepare food and introduce Ordinance No. 2012-18. Motion carried unanimously.

CURRENT BUSINESS

16. **PARK IMPROVEMENT PROJECTS** - Request Council consider and select park improvement projects funded by Park Development Funds and a grant from the State of California Department of Housing in the amount of $251,275. (File No. 0910-10)

Staff Recommendation: Provide direction to staff **(Community Services: Jerry Van Leeuwen)**

Jerry Van Leeuwen, Community Services Director, gave the staff report and presented a series of slides.

Doug Clark, Escondido, indicated he supported a skate plaza in the city.

Merrillyn Carpenter, Escondido, urged Council to fund a master plan for El Caballo Park.

Rick Paul, Escondido, asked Council to designate funds for El Caballo Park.

Wendy Barker, Escondido History Center Director, requested Council fund playground equipment for Grape Day Park.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve $131,000 for the Jim Stone Pool, $80,000 for Grape Day Park playground equipment and $10,000 for Washington Park tennis court renovation from the Housing and Community Development Grant. Motion carried unanimously.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to approve $50,000 for the El Caballo Park Master Plan and $114,000 for Jesmond Dene ball field lights from the Park Development Fund. Motion carried unanimously.

17. **FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2012** - Request Council receive and file the financial status report for Fiscal Year 2011-12. (File No. 0430-30)

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

Gil Rojas, Finance Director, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco to receive and file the financial status report for Fiscal Year 2011-12. Motion carried unanimously.

FUTURE AGENDA

18. **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)**

Councilmember Waldron asked for a discussion on utilizing the Harmony Grove property.

ORAL COMMUNICATIONS

Robroy Fawcett, Escondido, voiced concern with the City's sign restrictions and district voting.

ADJOURNMENT

Mayor Abed adjourned the meeting at 7:53 p.m.

Sam Abed

MAYOR

Diane Halverson

CITY CLERK

Diane Uhl

MINUTES CLERK