



ITEM NO.: 3

AGENDA: 2/16/11

APPROVAL

OF

MINUTES

CITY OF ESCONDIDO
JANUARY 5, 2011
4:00 p.m. Meeting Minutes

Escondido City Council
Community Development Commission

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 4:00 p.m. on Wednesday, January 5, 2011 in the Council Chambers with Mayor Abed presiding.

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

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

Also present were: Clay Phillips, City Manager; Jeffery Epp, City Attorney; Barbara Redlitz, Community Development Director; Ed Domingue, Engineering Services Director; Marsha Whalen, City Clerk; and Liane Uhl, Minutes Clerk.

ORAL COMMUNICATIONS

Don Greene, Escondido, indicated there had been recent court changes to rent control policies.

Erica Johnson, Sullivan Solar Power, distributed information, gave a report on the company and stated Sullivan Solar Power was available to Escondido homeowners.

Wayne Louth, Escondido, indicated the painter, Scott LaBaido, would be in Escondido in March or April to paint a flag on a rooftop in Escondido, and distributed information on the Patriot Flag tour.

Brian Murphy, Escondido, invited the Council to attend the Escondido Arts Partnership's showing of furniture made from wood that is 50,000 years old. The event is scheduled for January 8, 2011 from 5:30 p.m. to 8:00 p.m.

Wendy Wilson, Escondido Arts Partnership, gave information on the Gallery's upcoming shows and invited the Council to the annual Volunteer Brunch scheduled for January 29, 2011 at 10:00 a.m.

CONSENT CALENDAR

Councilmember Gallo removed items 5, 6 and 8 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 5, 6 and 8. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of November 10, 2010
Regular Meeting of November 17, 2010**
4. **BUDGET ADJUSTMENT FOR THE WATER DISTRIBUTION STAFF MOVE FROM THE PUBLIC WORKS YARD** – Request Council authorize a budget adjustment in the amount of \$150,000 (\$75,000 from the Water Treatment Plant Major Maintenance Account; and \$75,000 from the Miscellaneous Main Replacement project), to provide funding for Water Distribution staff to move from the Public Works Yard, used for site design and permitting. (File No. 0430-80)

Staff Recommendation: Approval (**Water Department: Lori Vereker**)

5. **SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF NECESSITY AUTHORIZING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS** – Request Council authorize setting a public hearing date of January 26, 2011 to consider adoption of a Resolution of Necessity authorizing the City Attorney to initiate condemnation proceedings to acquire the property rights required across portions of San Diego County Assessor Parcel Numbers 226-112-27 (KGD Enterprises, Inc.), 226-112-31 (Pompo & Sokol) & 226-112-49 (Helix Reit), 228-360-14, 228-360-38 (Robert & Pamela Bills) & 228-360-39 (Wells-CECO, LLP) for construction of the Nordahl Bridge Replacement Project. (File No. 0690-50)

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

RESOLUTION NO. 2011-08R

Councilmember Gallo asked if the property was located in San Marcos.

Ed Domingue, Engineering Services Director, indicated new information that listed the City of Escondido had been placed on the dais for the Council's review.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize setting a public hearing date of January 26, 2011 to consider adoption of a Resolution of Necessity authorizing the City Attorney to initiate condemnation proceedings to acquire the property rights required across portions of San Diego County Assessor Parcel Numbers 226-112-27 (KGD Enterprises, Inc.), 226-112-31 (Pompo & Sokol) & 226-112-49 (Helix Reit), 228-360-14, 228-360-38 (Robert & Pamela Bills) & 228-360-39 (Wells-CECO, LLP) for construction of the Nordahl Bridge Replacement Project and adopt Resolution No. 2011-08R. Motion carried unanimously.

6. **PARKING FINE INCREASE** – Request Council authorization to increase each parking fine by \$3.00 to address a state surcharge passed as part of Senate Bill 857. (File No. 0480-45)

Staff Recommendation: Approval (**City Attorney's Office: Gary McCarthy; and Police Department: Corey Moles**)

RESOLUTION NO. 2011-02

Councilmember Gallo asked for clarification of several fines.

Gary McCarthy, Attorney, explained the reason for the fines.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize increasing each parking fine by \$3.00 to address a state surcharge passed as part of Senate Bill 857 and adopt Resolution No. 2011-02. Motion carried unanimously.

- 7. NOTICE OF COMPLETION FOR 2010 UTILITIES PAVING PROJECT** – Request Council authorize the Director of Utilities to file a Notice of Completion for the 2010 Utilities Paving Project. (File No. 0600-10 [A-2997])

Staff Recommendation: Approval (**Utilities Department: Lori Vereker**)

- 8. SECOND AMENDMENT TO THE BANKING SERVICES AGREEMENT WITH BANK OF AMERICA** –Request Council authorization to approve a Second Amendment to the Bank of America Banking Services Agreement to reduce activity fee schedule and extend the term of the Agreement through July 31, 2013. (File No0600-10 [A-2249])

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

RESOLUTION NO. 2011-01

Councilmember Gallo asked if this agreement would go out to bid.

Gil Rojas, Finance Director, indicated that last year's Investment Committee agreed to negotiate a contract with a lower price.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize a Second Amendment to the Bank of America Banking Services Agreement to reduce activity fee schedule and extend the term of the Agreement through July 31, 2013 and adopt Resolution No. 2011-01. Motion carried unanimously.

CONSENT - RESOLUTIONS AND ORDINANCES (COUNCIL/CDC/RRB)

None

CURRENT BUSINESS

- 9. PROPOSAL TO OPERATE AN ESCONDIDO CONVENTION AND VISITORS BUREAU** – Request Council consider a proposal by the Escondido Chamber of Commerce to operate an Escondido Convention and Visitors Bureau to provide visitors and potential residents with leisure, lifestyle, housing and economic information about Escondido. (File No. 0135-10)

Staff Recommendation: None (**City Manager's Office: Joyce Masterson**)

Joyce Masterson, Assistant to the City Manager, introduced Alfredo Velasco, Chamber of Commerce Chairman, who gave the report and presented a series of slides.

Jerry Lenhard, Escondido, stated the Chamber of Commerce should not provide this service to the City, but should promote tourism.

Alex Galenes, Escondido, indicated the Chamber of Commerce was ready and able to assume the Convention and Visitors Bureau functions and urged Council to adopt the Chamber's proposal.

Fred Baranowski, Escondido, stated the Chamber was well suited to this function and it was crucial to business in Escondido. He encouraged Council to support this effort.

Thora Guthrie, Downtown Business Association President, indicated the Downtown Business Association supported the Chamber in taking on these duties.

Gary Knight, Escondido, indicated the San Diego North Economic Development Council supported the Chamber and urged Council to support their proposal.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve a proposal by the Escondido Chamber of Commerce to operate an Escondido Convention and Visitors Bureau to provide visitors and potential residents with leisure, lifestyle, housing and economic information about Escondido. Ayes: Abed, Gallo, Morasco and Waldron. Noes: Diaz. Absent: None. Motion carried.

- 10. CITY COUNCIL MEETINGS AND PROCEDURES** – Request Council authorize amending Sections 2-21 and 2-24 of the Escondido Municipal Code pertaining to the time of regular meetings and the selection of a Deputy Mayor, and amending the Council Rules and Procedures. (File No. 0610-90)

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

- a. **RESOLUTION NO. 2011-07R (Council Rules & Procedures)**
- b. **ORDINANCE NO. 2011-05R Introduction and first reading**

Mayor Abed led the discussion.

Jerry Lenhard, Escondido, indicated the public did not have enough time to speak.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to amend the meeting times to 3:30 p.m. for Closed Session and 4:30 p.m. for the Regular Meeting; approved the title change of Mayor Pro Tem to Deputy Mayor with a two-year appointment and to require two Councilmembers to support placing an item on the agenda, introduce Ordinance no. 2011-05R and adopt Resolution No. 2011-07R. Motion carried unanimously.

- 11. ORAL REPORT: COUNCIL COMMENTS/REGIONAL ISSUES** – This item provides an opportunity for City Council representatives on regional boards, commissions, and committees, to report back to Council on matters being addressed by those respective boards, commissions, and committees. This item is for reports only, and there will be no discussion or action on the reports. Such discussion or action will be calendared for a future agenda

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

Councilmember Diaz attended the Escondido Creek Watershed Alliance Planning Day held at the Escondido Creek Conservancy Office and noted she would be attending a San Dieguito River Park meeting next month.

Councilmember Waldron indicated the Regional Solid Waste Association would be meeting the following day.

Councilmember Gallo displayed photos of flood damage to the Sprinter and Coaster lines.

Councilmember Morasco indicated his appreciation for staff in helping him learn processes and procedures.

Mayor Abed stated he was serving on the SANDAG Regional Planning Committee and Councilmember Gallo would serve on the SANDAG Border's Committee.

BRIEFING (Staff)

None

FUTURE AGENDA

- 12. 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: Marsha Whalen)**

Councilmember Gallo asked that the draft streamlined mobilehome short form be placed on a future agenda.

Councilmember Diaz requested a Prop K refresher course.

ORAL COMMUNICATIONS

Joe Bologna, Escondido, indicated he would be bringing information for Council consideration.

COUNCIL/COMMISSION/ MEMBERS COMMENTS

Mayor Abed indicated the State of the City address would be held at the Escondido Center for the Arts for a breakfast meeting open to the public. Applications were available for awards nomination.

CLOSED SESSION: (COUNCIL/CDC/RRB)

Attorney Jeffrey Epp indicated there was no longer a need to discuss item 13, recommended recess to Closed Session and requested the addition of one item to the agenda.

Moved by Councilmember Waldron and seconded by Councilmember Diaz to add the following item to the 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.

ADDED ONE ITEM:

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

- a. Mardis v. City of Escondido, Case No. 00057541

ITEM 13 WAS NOT DISCUSSED

- 13. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Government Code §54956.9(b)):** Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9(b): One Case

ADJOURNMENT

Mayor Abed adjourned the meeting at 6:20 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO

JANUARY 5, 2011

7:00 p.m. Meeting

NO ITEMS SCHEDULED

NO MEETING

CITY OF ESCONDIDO
JANUARY 12, 2011
7:00 p.m. Meeting Minutes

Escondido City Council
Community Development Commission

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 7:00 p.m. on Wednesday, January 12, 2011 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; Marsha Whalen, City Clerk; and Liane Uhl, Minutes Clerk.

ORAL COMMUNICATIONS

Ann McDonald, Escondido, submitted information and requested Council to keep the Senior Center craft shop open.

Ruth Pickard, Escondido, asked Council not to close the Senior Center craft shop.

Armando, Telles, Volunteers for You Project Director, indicated he would like to propose a program to stimulate business in Escondido.

Thomas Armstrong, Escondido, distributed information and stated the homeless should have better services in Escondido.

Manuel Ponce de Leon, Escondido, asked Council to let the Charros keep their lease.

Filemon Jara, Chula Vista, indicated the rodeo promoted community unity and asked Council not to terminate the Charros lease.

Carmen Miranda, Escondido, asked Council not to terminate the Charros lease of City land.

Miguel Bautista, San Marcos, urged Council to reconsider and let them keep the land for the Charros.

Father Andres Rivero, Oceanside, stated the rodeo was a way to teach children Mexican culture and asked Council to reconsider terminating the lease.

Gabriel Arce, Bonita, asked Council to let them keep the lease.

Jose Cano, Ramona, requested Council not to end the Charros lease.

Jose Osterhout, Vista, asked Council not to terminate the lease.

Miguel Sanchez, Vista, urged Council not to evict the Charros.

Manuel Gutierrez, Vista, asked Council to reconsider and let the Charros keep their lease.

Sergio Contreras, Vista, stated the rodeo kept kids off the street and requested that Council not terminate the Charros lease.

Aaron Gutierrez, Vista, indicated the rodeo was his sport and asked Council to let the Charros keep the lease.

Benjamin Cueva, Escondido, urged Council to support the Charros and not terminate their lease.

Sindia Ornelas, San Marcos, stated belonging to the rodeo reduced stress and asked Council to let the Charros keep their lease.

Valeria Reyes, San Marcos, indicated the rodeo was like a second home and did not want to lose it.

Lucilo Chavez, Escondido, stated he would like the Charros to stay in their current location.

Daniel Gutierrez, Vista, indicated he would like to keep the Charros lease.

Marrilyn Carpenter, Escondido, indicated the area leased by the Charros included the Dog Park, Hidden Valley Obedience Club, Escondido Humane Society and asked Council to reconsider terminating the lease.

Gouzalo Soti, San Marcos, stated support for the Charros in Escondido and urged Council not to take away the lease.

Julian Nava, Valley Center, suggested to Council that the Charros area be used for other equestrian events and requested they keep the Charros lease intact.

Tirso Haro, Wildomar, asked Council to reconsider the Charros lease.

Ernosto De los Santos, Escondido, urged Council not to terminate the lease.

Mario Tellez, Ramona, indicated the rodeo has kept him out of trouble and asked to keep the lease for their activities.

Luis Villalobos, Bonsall, asked Council to keep the Charros lease.

Salvador Villalobos, Bonsall, requested Council reconsider and keep the lease for the young people to continue the event.

Jesus Banuelos, San Marcos, stated the rodeo was good for families and asked Council to keep the lease.

Miranda Griffith, Escondido, urged Council to keep the Mexican tradition and not terminate the lease.

Marcos, Escondido, indicated the rodeo was a sport and asked Council to keep the Charros lease.

CONSENT CALENDAR

Councilmember Diaz removed item 4 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco that the following Consent Calendar items be approved with the exception of item 4. 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. EXTENSION OF AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT FOR DOWNTOWN HOTEL AND CONFERENCE CENTER** – Request Council and CDC authorize the extension of the Amended and Restated Disposition and Development Agreement for the Downtown Hotel and Conference Center Project. (File No. 0800-40 Hotel)

Staff Recommendation: Approval (**City Attorney: Jeffrey Epp; and Assistant City Manager: Charles Grimm**)

- a. RESOLUTION NO. 2011-05R**
- b. RESOLUTION NO. CDC 2011-01R**

Councilmember Diaz asked for clarification of the fee for extension.

Attorney Jeffrey Epp answered the fee for extension was around \$1,000 and the amount of \$27,000 was for past due fees.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Waldron to approve a 90-day exclusive extension to Mr. Clark with any extension beyond 6 months to be brought before the Council for consideration and adopt Resolution No. 2011-05R and Resolution No. CDC 2011-01R. Motion carried unanimously.

CONSENT - RESOLUTIONS AND ORDINANCES (COUNCIL/CDC/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/CDC/RRB at a previous City Council/Community Development Commission/Mobilehome Rent Review meeting. (The title

of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

5. **CITY COUNCIL MEETINGS AND PROCEDURES** –Approve amending Sections 2-21 and 2-24 of the Escondido Municipal Code pertaining to the time of regular meetings and the selection of a Deputy Mayor, and amending the Council Rules and Procedures (Approved by Council on 1/5/11; vote: 5/0). (File No. 0610-90)

ORDINANCE NO. 2011-05R Second reading and adoption

CURRENT BUSINESS

6. **REVISIONS TO THE STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO COMPLY WITH THE REQUIREMENTS SPECIFIED BY THE MUNICIPAL STORMWATER PERMIT, ORDER NO. R9-2007-0001** – Request Council authorize the update to the City's Standard Urban Stormwater Mitigation Plan (SUSMP) to comply with the requirements specified by the Municipal Storm Water Permit, Order No. R9-2007-0001. (File No. 0600-10 [A-2856])

Staff Recommendation: Approval (**Engineering Division: Homi Namdari and Cheryl Filar**)

RESOLUTION NO. 2011-04

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

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Waldron to authorize the update to the City's Standard Urban Stormwater Mitigation Plan (SUSMP) to comply with the requirements specified by the Municipal Storm Water Permit, Order No. R9-2007-0001 and adopt Resolution No. 2011-04. Motion carried unanimously.

PUBLIC HEARINGS

7. **RATE STUDY RESULTS AND WATER AND WASTEWATER RATE ADJUSTMENTS FOR 2011-2015** – Request Council conduct a public hearing to hear the results of the water and wastewater rate study and to consider the proposed water and wastewater rates and fees. (File No. 1320-65)

Staff Recommendation: Approval (**Utilities Division: Lori Vereker**)

RESOLUTION NO. 2011-03

Lori Vereker, Utilities Director, and Sudhir Pardiwala, Raftelis Financial Consultants, 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.

Sally Roney, Escondido, stated it was illegal to charge tiered water rates for fire break landscaping.

Tom Clark, Escondido, protested the water rate increase.

Sandra Cline, Escondido, indicated she did not support a rate increase.

Pamela Scott, Escondido, stated she did not support a water rate increase and asked Council not to grant it.

Manuel Ponce de Leon, Escondido, urged Council to not raise water rates.

Tom Bellamore, California Avocado Commission President, stated the avocado growers would not protest the water rate increase.

Ed Grangetto, Escondido, thanked staff for their efforts in helping preserve agriculture in Escondido.

Alex Gonzalez, Escondido, indicated the amount of the water rate increase was too high.

Eric Larson, Farm Bureau, stated that agriculture had special water needs.

Rick Carey, Escondido, indicated reclaimed water was not good for agriculture.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve the proposed one-year plan. Ayes: Diaz and Morasco. Noes: Gallo, Waldron and Abed. Absent: None. Motion failed.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to continue this item to January 26, 2011 at 4:30 p.m. Motion carried unanimously.

BRIEFING (Staff)

None

FUTURE AGENDA

- 8. 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: Marsha Whalen)**

Councilmember Diaz requested to place the Charros lease, the Senior Center craft shop lease and a discussion on HEAL Cities on a future agenda. Councilmember Morasco agreed to co-sponsor discussion on HEAL Cities and the Charros lease. There was no co-sponsor for the Senior Center craft shop lease.

ORAL COMMUNICATIONS

Ann McDonald, Escondido, voiced concern with recent development discussions at Council meetings.

Delores McQuiston, Escondido, expressed concern with the Chamber of Commerce taking over the Visitor's Bureau functions.

Armando Telles, Escondido, indicated the Visitor's Bureau should not be located at the Chamber of Commerce.

COUNCIL/COMMISSION/ MEMBERS COMMENTS

None

CLOSED SESSION: (COUNCIL/CDC/RRB)

None

ADJOURNMENT

Mayor Abed adjourned the meeting at 11:13 p.m.

MAYOR

CITY CLERK

MINUTES CLERK