



SEPTEMBER 16, 2020

VIDEO CONFERENCE

**5:00 P.M. Special Meeting; 5:30 P.M. Closed Session; 6:00 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025**

MAYOR	Paul McNamara
DEPUTY MAYOR	Consuelo Martinez
COUNCIL MEMBERS	Olga Diaz Michael Morasco
CITY MANAGER	Jeffrey Epp
CITY CLERK	Zack Beck
CITY ATTORNEY	Michael McGuinness
DIRECTOR OF COMMUNITY DEVELOPMENT	Mike Strong
DIRECTOR OF ENGINEERING SERVICES	Julie Procopio

COVID-19 PUBLIC SERVICE ANNOUNCEMENT

Pursuant to Governor Newsom's Executive Orders, including N-25-20 and N-29-20: Certain Brown Act requirements for the holding of a public meeting have been temporarily suspended and members of the Escondido City Council and staff will participate in this meeting via teleconference. In the interest of reducing the spread of COVID-19, members of the public are encouraged to submit their agenda and non-agenda comments online at the following link: <https://www.escondido.org/agenda-position.aspx>. Council Chambers will be closed.

Public Comment: To submit comments in writing, please do so at the following link: <https://www.escondido.org/agenda-position.aspx>. If you would like to have the comment read out loud at the meeting (not to exceed three minutes), please write "Read Out Loud" in the subject line.

Depending on the volume and/or similarity of public comments, and pursuant to the City Council Rules of Procedure, the Mayor or Presiding Councilmember may limit the number of comments to be read and/or limit the amount of time each comment may be read. It is in the interests of members of the public who desire that their statement be read out loud to be mindful of this potential limitation when drafting their comment. The entirety of all comments received from the public will be made a part of the record of the meeting.

The meeting will be available for viewing via public television on Cox Communications Channel 19 (Escondido only). The meeting will also be live streamed online at the following link: <https://www.escondido.org/meeting-broadcasts.aspx>

ELECTRONIC MEDIA:

Electronic media which members of the public wish to be used during any public comment period should be submitted to the City Clerk's Office at least 24 hours prior to the Council meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Council during the meeting are part of the public record and may be retained by the Clerk.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.



Council Meeting Agenda

September 16, 2020
5:00 p.m. Special Meeting
5:30 p.m. Closed Session
Mitchell Room
Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Martinez, Morasco, McNamara

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) Speakers are limited to only one opportunity to address the Council under Oral Communications.

SPECIAL MEETING

PLANNING COMMISSION INTERVIEWS

Oral Communications

Discussion among Council and applicants regarding expectations, responsibilities and duties associated with membership on the Planning Commission, and the role of the Planning Commission in City Government.

Adjournment

CLOSED SESSION: (COUNCIL/RRB)

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

- a. **Property:** 235 E Grand Ave, APN 233-082-09
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Javad Fardaei & Burger Bench
Under Negotiation: Price and Terms of Agreement

ADJOURNMENT



Council Meeting Agenda

**September 16, 2020
6:00 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

City Council agendas allow an opportunity for a moment of silence and reflection at the beginning of the evening meeting. The City does not participate in the selection of speakers for this portion of the agenda, and does not endorse or sanction any remarks made by individuals during this time. If you wish to be recognized during this portion of the agenda, please notify the City Clerk in advance.

FLAG SALUTE

ROLL CALL: Diaz, Martinez, Morasco, McNamara

PROCLAMATIONS: Proclamation for Cynthia Weir

CLOSED SESSION REPORT

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 15 minutes. Any remaining speakers will be heard during Oral Communications at the end of the meeting.

CONSENT CALENDAR

Items on the Consent Calendar are not discussed individually and are approved in a single motion. However, Council members always have the option to have an item considered separately, either on their own request or at the request of staff or a member of the public.

1. [**AFFIDAVITS OF PUBLICATION, MAILING AND POSTING \(COUNCIL/RRB\)**](#)
2. [**APPROVAL OF WARRANT REGISTER \(Council\)**](#)

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

- 344807 345054 dated August 19, 2020
- 345055 345278 dated August 26, 2020
- 345279 345522 dated September 2, 2020

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

3. **APPROVAL OF MINUTES: Regular Meetings of August 12, 2020, August 19, 2020, and August 26, 2020**

4. **BUDGET ADJUSTMENT FOR FULL TIME LEAD RANGER SPECIALIST POSITION -**

Request the City Council approve a budget adjustment for the Water Enterprise Fund, authorizing a new Lead Ranger Specialist position for the Utilities Departments Lakes and Open Space section. The position is currently being funded through September 30, 2020 by Coronavirus Aid, Relief, and Economic Security (CARES) Act funding received from the County of San Diego. The position will be funded by the Water Enterprise Fund and the elimination of a part time Ranger position. The annual cost of the new position is \$68,192.

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

5. **FIRST AMENDMENT TO THE CONSULTING AGREEMENT FOR DESIGN BUILD OWNER'S AGENT SERVICES FOR THE MEMBRANE FILTRATION REVERSE OSMOSIS FACILITY PROJECT -**

Request the City Council authorize the execution of a First Amendment to the Design Build Owners Agent Agreement with Black & Veatch Corporation for the MFRO Facility Project. The amendment will add the Construction Management responsibilities to the Consultant. The cost of the Amendment is \$1,291,935.

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

RESOLUTION NO. 2020-133

6. **CONSULTING AGREEMENT FOR ENVIRONMENTAL COMPLIANCE SERVICES FOR THE MEMBRANE FILTRATION REVERSE OSMOSIS FACILITY PROJECT -**

Request the City Council approve authorizing the execution of a Consulting Agreement with Helix Environmental Planning, Inc. for Environmental Compliance Services for the Membrane Filtration Reverse Osmosis Facility Project. The cost of the agreement is an amount not to exceed \$249,350.

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

RESOLUTION NO. 2020-134

7. **FY 2020-21 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT -**

Request the City Council approve authorizing the Escondido Police Department to accept a FY 2020-21 California Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. The Police Department will use grant funds to pay for educational programs related to bicycle and pedestrian safety, and to provide bicycle helmets, education materials and safety supplies to community members.

Staff Recommendation: **Approval (Police Department: Edward Varso)**

8. **FY 2020-21 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT -**

Request the City Council approve authorizing the Escondido Police Department to accept a FY 2020-21 California Office of Traffic Safety Selective Traffic Enforcement Program Grant in the amount of \$515,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. The Police Department will use grant funds to pay for salary and benefits for one full-time traffic enforcement officer, traffic safety supplies, DUI checkpoints, saturation patrols, and traffic safety enforcement details.

Staff Recommendation: **Approval (Police Department: Edward Varso)**

9. FY 2020-21 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY TRAFFIC RECORDS IMPROVEMENT PROJECT GRANT -

Request the City Council approve authorizing the Escondido Police Department to accept a FY 2020-21 California Office of Traffic Safety Traffic Records Improvement Project Grant in the amount of \$24,800; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. The Police Department will use grant funds to pay for software, licenses, accessories, and training for a Traffic Crash Database System update.

Staff Recommendation: **Approval (Police Department: Edward Varso)**

10. ANNEXING PROPERTY TO CITYWIDE SERVICES COMMUNITY FACILITIES DISTRICT 2020-1 -

Request the City Council approve annexing five projects containing 66-units into the Citywide Services CFD 2020-1. Each property owner has provided a signed form consenting to the annexation.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-115

11. BID AWARD FOR THE STORM DRAIN LINING AND REHABILITATION PROJECT PHASE II -

Request the City Council approve authorizing the Mayor and City Clerk to execute a Public Improvement Agreement with the lowest responsive and responsible bidder for the Storm Drain Pipe Lining and Rehabilitation Project Phase II.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-117

12. NOTICE OF COMPLETION FOR CANYON GROVE ESTATES, TRACT 932 -

Request the City Council approve and accept the public improvements and authorize City staff to file a Notice of Completion for Canyon Grove Estates, Tract 932.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-126

13. DISPOSITION OF CITY OWNED PROPERTY, LOCATED AT 1750 WEST CITRACADO PARKWAY, LOT NO. 177 IN THE MOUNTAIN SHADOWS MOBILE HOME PARK -

Request the City Council approve authorizing the Real Property Manager to execute documents necessary for the sale of City owned lot, space number 177, located in the Mountain Shadows Mobile Home Park.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-112

14. FINAL MAP, ESCONDIDO TRACT SUB16-0009C, VILLAGES - PHASE III -

Request the City Council approve the Final Map for Escondido Tract SUB16-0009C, a 54 lot Residential Subdivision with 35 single-family lots and 114 residential condominium units within 19 residential lots, all located at 1800 Country Club Lane.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

15. LANDSCAPE MAINTENANCE DISTRICT BUDGET ADJUSTMENT FOR ZONE 9, LAUREL VALLEY -

Request the City Council approve a budget adjustment in the amount of \$31,000 from the LMD Zone 9 (Laurel Valley) Reserve Fund Balance to the LMD Zone 9 Professional Services Account to pay for removal of the leaning wall along Rincon Avenue and its replacement with a vinyl fence.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

PUBLIC HEARINGS

16. ORDINANCE FOR THE CORONAVIRUS (COVID-19) EMERGENCY BUSINESS RECOVERY STRATEGY -

Request the City Council approve an ordinance to assist business economic recovery efforts while continuing to protect the health and safety of the general public, arising out of the declared Local Emergency related to the COVID-19 pandemic.

Staff Recommendation: **Approval (Community Development Department: Mike Strong)**

ORDINANCE NO. 2020-23 (First Reading and Introduction)

CURRENT BUSINESS

17. APPOINTMENT TO PLANNING COMMISSION -

Request the City Council ratify the Mayor's appointment to serve on the Planning Commission. Term to expire March 31, 2022.

Staff Recommendation: **Designate Appointee (City Clerk's Office: Zack Beck)**

18. UPDATE ON THE WOHLFORD DAM REPLACEMENT PROJECT -

Request the City Council 1) receive and file an update concerning the results of the analysis of rehabilitation alternatives in lieu of replacement of Wohlford Dam; and 2) adopt resolution 2020-137, committing to provide matching funds if the dam replacement project is selected for a FEMA Building Resilient Infrastructure and Communities grant.

Staff Recommendation: **Receive and File; Approval (Utilities Department: Christopher W. McKinney)**

RESOLUTION NO. 2020-137

FUTURE AGENDA

19. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City 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: Zack Beck)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- WEEKLY ACTIVITY REPORT -

ORAL COMMUNICATIONS

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ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
September 23	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers
September 30	-	-	No Meeting	-
October 7	-	-	No Meeting	-
October 14	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Submission of Speaker forms prior to the discussion of an item is highly encouraged. Comments are generally limited to 3 minutes.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications." Please complete a Speaker's form as noted above.

Nomination forms for Community Awards are available at the Escondido City Clerk's Office or at <http://www.escondido.org/city-clerks-office.aspx>

Handouts for the City Council should be given to the City Clerk. To address the Council, use the podium in the center of the Chambers, STATE YOUR NAME FOR THE RECORD and speak directly into the microphone.

AGENDA, STAFF REPORTS AND BACK-UP MATERIALS ARE AVAILABLE:

- Online at <http://www.escondido.org/meeting-agendas.aspx>
- In the City Clerk's Office at City Hall
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

AVAILABILITY OF SUPPLEMENTAL MATERIALS AFTER AGENDA POSTING: Any supplemental writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and clicking the "Live Streaming –City Council Meeting now in progress" button on the home page.

Please turn off all cellular phones and pagers while the meeting is in session.

The City Council is scheduled to meet the first four Wednesdays of the month at 5:00 in Closed Session and 6:00 in Open Session.

(Verify schedule with City Clerk's Office)

Members of the Council also sit as the Successor Agency to the Community Development Commission, Escondido Joint Powers Financing Authority, and the Mobilehome Rent Review Board.

**CITY HALL HOURS OF OPERATION
Monday-Friday 8:00 a.m. to 5:00 p.m.**



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4643. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

Listening devices are available for the hearing impaired – please see the City Clerk.



Consent Item No. 1

September 16, 2020

A F F I D A V I T S

O F

I T E M

P O S T I N G

CITY COUNCIL STAFF REPORT

Consent Item No. 2

September 16, 2020

File No. 0400-40

SUBJECT: Approval of Warrants

DEPARTMENT: Finance Department

RECOMMENDATION:

Request approval for City Council and Housing Successor Agency warrant numbers:

344807 – 345054 dated August 19, 2020

345055 – 345278 dated August 26, 2020

345279 – 345522 dated September 2, 2020

FISCAL ANALYSIS:

The total amount of the warrants for the following periods are as follows:

August 13 – August 19, 2020, is \$ 2,445,905.91

August 20 – August 26, 2020, is \$ 810,582.88

August 27 – September 2, 2020, is \$ 2,122,253.64

BACKGROUND:

The Escondido Municipal Code Section 10-49 states that warrants or checks may be issued and paid prior to audit by the City Council, provided the warrants or checks are certified and approved by the Director of Finance as conforming to the current budget. These warrants or checks must then be ratified and approved by the City Council at the next regular Council meeting.

CITY OF ESCONDIDO
August 12, 2020
5:30 p.m. Meeting Minutes
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 5:30 p.m. on Wednesday, August 12, 2020 in the Mitchell Room at City Hall with Mayor McNamara presiding.

ATTENDANCE:

The following members were present: Councilmember Olga Diaz, Deputy Mayor Consuelo Martinez, Councilmember Michael Morasco, and Mayor Paul McNamara. Quorum present.

ORAL COMMUNICATIONS

None.

CLOSED SESSION: (COUNCIL/RRB)

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Martinez to recess to Closed Session. Motion carried unanimously.

- I. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))**
- a. Case Name: Brett Byler vs. City of Escondido
WCAB No: ADJ13268422**
- b. Case Name: Scott Barratt v. City of Escondido
WCAB No: ADJ11595675**
- II. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code 54957 (b))**
- a. Termination of Eric Hans Olson – Personnel Matter
OAH No. 2019090225**

ADJOURNMENT

Mayor McNamara adjourned the meeting at 5:55 p.m.

MAYOR

CITY CLERK



Council Meeting Agenda

**August 12, 2020
6:00 P.M. Meeting Minutes**

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 6:00 p.m. on August 12, 2020 via Video Conference and in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk led the Moment of Reflection

FLAG SALUTE

Paul McNamara, Mayor, led the Flag Salute

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Deputy Mayor Consuelo Martinez, Councilmember Michael Morasco, and Mayor Paul McNamara. Quorum present.

Also present were: Jeffrey Epp, City Manager; Michael McGuinness, City Attorney; Mike Strong, Director of Community Development; Julie Procopio, Director of Engineering Services; and Zack Beck, City Clerk.

CLOSED SESSION REPORT

I. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))

**a. Case Name: Brett Byler vs. City of Escondido
WCAB No: ADJ13268422**

COUNCIL ACTION: Settlement in the amount of \$76,560. Approved unanimously.

ORAL COMMUNICATIONS

Bill Flores – Expressed concern for the treatment of the Latino community by the Escondido Police Department.

Brigitte Mathis – Expressed concern about the treatment of gophers in Kit Carson Park.

David Kaminski – Requested the City Council update the public regarding the new Country Club Development by New Urban West.

Joshua Stevens – Expressed frustration that the City Council did not place a Sales Tax Measure on the November 3, 2020 General Election Ballot.

Penn Dieh – Requested that all police officers and City of Escondido employees be required to wear face masks.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Martinez to approve all consent calendar items. Approved unanimously.

1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/RRB)

2. APPROVAL OF WARRANT REGISTER (Council) -

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

- 343577 – 343771 dated July 8, 2020
- 343772 – 344027 dated July 15, 2020
- 344028 – 344201 dated July 22, 2020
- 344202 – 344430 dated July 29, 2020

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

3. APPROVAL OF MINUTES: Regular Meeting of June 24, 2020 and July 15, 2020

4. SECOND QUARTER 2020 TREASURER'S REPORT -

Request the City Council receive and file the April through June 2020 Treasurer's Report. (File No. 0490-55)

Staff Recommendation: **Receive and File (City Treasurer's Office: Douglas W. Shultz)**

5. CONSULTING AGREEMENT FOR DRY WEATHER STORM DRAIN OUTFALL MONITORING SERVICES -

Request the City Council approve authorizing a consulting agreement with NV5 for Dry Weather Storm Drain Outfall Monitoring Services for a sum not to exceed \$172,890.13 over three years. (File No. 0600-10, A-3342)

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

RESOLUTION NO. 2020-108

6. RESOLUTION ESTABLISHING THE PROPERTY TAX RATE AND FIXED CHARGE ASSESSMENTS FOR BONDED INDEBTEDNESS FOR FISCAL YEAR 2020-21 -

Request the City Council approve establishing the property tax rate and fixed charge assessments for bonded indebtedness for the Fiscal Year 2020-21. (File No. 0480-40)

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

RESOLUTION NO. 2020-87

7. NOTICE OF COMPLETION FOR THE EL NORTE PARKWAY STREET WIDENING PROJECT -

Request the City Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the El Norte Parkway Street Widening Project ("Project"). (File No. 0600-10, A-3297)

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-109

8. NOTICE OF COMPLETION FOR THE 2019 STREET REHABILITATION AND MAINTENANCE PROJECT -

Request the City Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the 2019 Street Rehabilitation and Maintenance Project ("Project"). (File No. 0600-10, A-3306)

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-110

9. AMENDMENT TO THE PROCEDURES FOR ABATEMENT OF PUBLIC NUISANCES -

Request the City Council approve introducing Ordinance No. 2020-18 to amend Escondido Municipal Code Section 6-488 for the abatement of unlawful conditions to expedite correction of public nuisances. (File No. 0680-50)

Staff Recommendation: **Approval (City Manager's Office: William Wolfe)**

ORDINANCE NO. 2020-18 (First Reading and Introduction)

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/RRB at a previous City Council/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

10. AMENDMENT TO THE DOWNTOWN SPECIFIC PLAN (SPA 9) TO CONDITIONALLY PERMIT WEDDINGS AND RECEPTIONS IN THE SOUTHERN GATEWAY DISTRICT; AND A CONDITIONAL USE PERMIT TO CONDUCT WEDDINGS AND RECEPTIONS IN THE REAR-YARD OF AN HISTORIC PROPERTY LOCATED AT 209 E. 4TH AVENUE (PHG 19-0001 & PHG 19-0002) -

Approved on July 15, 2020 with a vote of 4/0

ORDINANCE NO. 2020-15 (Second Reading and Adoption)

11. AMENDMENTS TO THE ESCONDIDO ZONING CODE TO ALLOW MENU BOARD SIGNS AND OVERSIZED DIRECTIONAL SIGNAGE AT CAR WASH FACILITIES (AZ 20-0003) -

Approved on July 15, 2020 with a vote of 4/0

ORDINANCE NO. 2020-14 (Second Reading and Adoption)

12. ORDINANCE AMENDING CHAPTER 10, ARTICLES 1, 5 AND 6 OF THE ESCONDIDO MUNICIPAL CODE FOR THE PROCUREMENT OF GOODS, SERVICES, AND PUBLIC PROJECTS -

Approved on July 15, 2020 with a vote of 4/0

ORDINANCE NO. 2020-17 (Second Reading and Adoption)

CURRENT BUSINESS

13. DESIGNATION OF VOTING DELEGATES AND ALTERNATIVES – LEAGUE OF CALIFORNIA CITIES -

Request the City Council designate the Voting Delegate and up to two alternates for the League of California Cities Annual Virtual Conference on October 7-9, 2020. (File No. 0610-55)

Staff Recommendation: **None (City Clerk's Office: Zack Beck)**

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to appoint Councilmember Diaz as the delegate and Deputy Mayor Martinez as the alternate for the League of California Cities Annual Virtual Conference on October 7-9, 2020. Approved unanimously.

14. SECOND AMENDMENT TO THE DESIGN BUILD AGREEMENT FOR THE MEMBRANE FILTRATION REVERSE OSMOSIS FACILITY PROJECT -

Request the City Council approve the execution of a Second Amendment to the Design Build Agreement for the MFRO Facility in the amount of \$7,725,118. A budget adjustment is also requested to provide funding for this amendment. (File No. 0600-10, A-3292)

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

RESOLUTION NO. 2020-106

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve the execution of a Second Amendment to the Design Build Agreement for the MFRO Facility in the amount of \$7,725,118. A budget adjustment is also requested to provide funding for this amendment. Approved unanimously.

15. APPOINTMENT TO PLANNING COMMISSION -

Request the City Council ratify the Mayor's appointment to the Planning Commission; term to expire March 31, 2022.

Staff Recommendation: **Designate Appointee (City Clerk's Office: Zack Beck)**

ITEM MOVED TO A FUTURE DATE.

16. PUBLIC SAFETY HIRING, TRAINING, AND PRACTICES -

Request the City Council receive and file an overview of the type of police officer sought by the Escondido Police Department, as well as the initial and ongoing training which police officers are given to provide public safety protection to the residents of Escondido. Also reviewed will be data disclosure and outreach practices of the department including those occurring as a result of recent legislation. The mission of the department and future plans will be reviewed and representatives from the Department will be available for Council questions. (File No. 0700-80)

Staff Recommendation: **Receive and File (Police Department: Ed Varso)**

Kevin Stevenson – Expressed support for an Independent Citizen Oversight Committee for the Escondido Police Department.

NO COUNCIL ACTION REQUIRED.

17. CONSIDERATION OF EXTENSION OF TEMPORARY EVICTION MORATORIUM ARISING OUT OF COVID-19 EMERGENCY; ADOPTION OF RESOLUTION RATIFYING DIRECTOR OF EMERGENCY SERVICES PROCLAMATION NO. 2012-02 -

Request the City Council consider the adoption of Urgency Ordinance No. 2020-22 which would extend the expiration of Ordinance No. 2020-09R, adopted April 8, 2020, enacting a temporary moratorium on residential and commercial evictions arising out of the COVID-19 pandemic and further adopt Resolution No. 2020-114, ratifying Proclamation No. 2012-02 issued by the Emergency Services Director extending the eviction moratorium during the City Council recess. (File No. 0810-20)

Staff Recommendation: **Adopt and Consider (City Attorney's Office: Michael McGuinness)**

A) RESOLUTION NO. 2020-114 B) ORDINANCE NO. 2020-22

Dana Elmer – Requested that the City Council not extend the eviction moratorium.

Eileen Arterburn – Requested that the City Council not extend the eviction moratorium.

Zachary Schaefer – Requested that the City Council extend the eviction moratorium.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to adopt Resolution No. 2020-114, ratifying Proclamation No. 2012-02 issued by the Emergency Services Director extending the eviction moratorium during the City Council recess. Approved unanimously.

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Martinez to adopt Urgency Ordinance No. 2020-22 which would extend the expiration of Ordinance No. 2020-09R, adopted April 8, 2020, enacting a temporary moratorium on residential and commercial evictions arising out of the COVID-19 pandemic. Approved unanimously.

18. CONSIDERATION OF ORDINANCE REDUCING CAMPAIGN CONTRIBUTION LIMIT FOR MAYOR AND CITY COUNCILMEMBER CANDIDATES AND RELATED CAMPAIGN CONTROL ORDINANCE AMENDMENTS -

Request the City Council review and consider potential amendments to the Escondido Municipal Election Campaign Control Ordinance to lower the maximum personal contributions from \$4,300 for city councilmember and mayoral candidates. It is further requested that the City Council discuss, consider, take public input and give staff direction on additional campaign control amendments, if any. (File No. 0680-10)

Staff Recommendation: **Receive Direction from Council (City Attorney's Office: Michael McGuinness)**

Ana Marie Velasco – Requested that the City Council reduce the campaign contribution limits.

Chris Nava – Requested that the City Council reduce the campaign contribution limits.

Danielle Coony – Requested that the City Council reduce the campaign contribution limits.

Kevin Stevenson – Requested that the City Council reduce the campaign contribution limits.

Laura Hunter – Requested that the City Council reduce the campaign contribution limits.

Marissa Allen – Requested that the City Council reduce the campaign contribution limits.

Patricia Borchmann – Requested that the City Council reduce the campaign contribution limits.

Timothy Swift – Requested that the City Council reduce the campaign contribution limits.

NO COUNCIL ACTION REQUIRED.

FUTURE AGENDA

19. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City 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: Zack Beck)**

Councilmember Diaz requested an item to modify the Campaign Sign Ordinance.

Deputy Mayor Martinez requested an item to discuss an Independent Citizen's Oversight Committee for the Escondido Police Department.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

Greg Anglea – Requested that the City of Escondido apply for the State Home Key Grant.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 9:06 p.m.

MAYOR

CITY CLERK

CITY OF ESCONDIDO
August 19, 2020
6:00 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 6:00 p.m. on August 19, 2020 via Video Conference and in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk led the Moment of Reflection

FLAG SALUTE

Michael McGuinness, City Attorney, led the Flag Salute

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Deputy Mayor Consuelo Martinez, Councilmember Michael Morasco, and Mayor Paul McNamara. Quorum present.

Also present were: Jeffrey Epp, City Manager; Michael McGuinness, City Attorney; Mike Strong, Director of Community Development; Julie Procopio, Director of Engineering Services; and Zack Beck, City Clerk.

CLOSED SESSION REPORT

None.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Martinez to approve all consent calendar items, except item 4. Approved unanimously.

1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/RRB)

2. APPROVAL OF WARRANT REGISTER (Council)

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

- 344431 – 344628 dated August 5, 2020

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

3. APPROVAL OF MINUTES: None Scheduled

4. ACTIVE TRANSPORTATION PROGRAM GRANT APPLICATION AND BUDGET ADJUSTMENT FOR SIDEWALKS ON CITRUS AVENUE -

Request the City Council approve authorizing the Director of Engineering Services or her designee to complete applications to the California Transportation Commission for an Active Transportation Program grant. (File No. 1020-72)

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-119

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to authorize the Director of Engineering Services or her designee to complete applications to the California Transportation Commission for an Active Transportation Program grant. Approved unanimously.

5. EXECUTIVE RECRUITMENT FOR CITY MANAGER -

Request the City Council approve authorizing the Mayor and City Clerk to execute a Consulting Agreement for services to conduct an Executive Recruitment for City Manager with Teri Black and Company for a not-to-exceed amount of \$27,000. (File No. 0750-75)

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

RESOLUTION NO. 2020-118

6. APPROVAL OF CALPERS INDUSTRIAL DISABILITY FOR FIRE CAPTAIN SCOTT BARRATT –

Request the City Council approve the Industrial Disability Retirement of Fire Captain Scott Barratt. (File No. 0170-57)

Staff Recommendation: **Approval (Human Resources Department: Jessica Perpetua)**

RESOLUTION NO. 2020-116R

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/RRB at a previous City Council/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

CURRENT BUSINESS

7. APPOINTMENT OF COUNCIL SUBCOMMITTEE TO REVIEW AND ADDRESS BOARDS, COMMISSIONS, ADVISORY COMMITTEES AND OTHER AVENUES OF CITIZEN PARTICIPATION IN LOCAL GOVERNMENT -

Request the City Council approve appointing a subcommittee to review and address Boards, Commissions, Advisory Committees and other avenues of citizen participation in local government.

Staff Recommendation: **Approval (Deputy Mayor: Consuelo Martinez)**

Penn Diehl – Expressed support for the creation of a Citizen Police Oversight Board as well as a Climate Action Plan Commission.

Danielle Polson - Requested an oversight committee for the police department.

MOTION: Moved by Mayor McNamara and seconded by Deputy Mayor Martinez to appoint Mayor McNamara and Deputy Mayor Martinez to the subcommittee to review and address boards, commissions, advisory committees and other avenues of citizen participation in local government. Approved unanimously.

8. URGENCY ORDINANCE EXTENSION FOR THE COVID-19 EMERGENCY BUSINESS RECOVERY STRATEGY -

Request the City Council approve adopting an extension to the Urgency Ordinance to assist business economic recovery efforts while continuing to protect the health and safety of the general public, arising out of the declared Local Emergency related to the COVID-19 pandemic. (File No. 0865-15)

Staff Recommendation: **Approval (Community Development Department: Mike Strong)**

ORDINANCE NO. 2020-21

Suzanne Nicolaisen – Expressed support for the urgency ordinance.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to adopt an extension to the Urgency Ordinance to assist business economic recovery efforts while continuing to protect the health and safety of the general public, arising out of the declared Local Emergency related to the COVID-19 pandemic. Approved unanimously.

9. CONSIDER THE CANCELLATION OF THE NOVEMBER 3, 2020, GENERAL MUNICIPAL ELECTION FOR THE POSITION OF CITY TREASURER AND THE APPOINTMENT OF THE INCUMBENT CANDIDATE TO CITY OFFICE -

Request the City Council consider the City Clerk's certification that there is only one candidate for the office of City Treasurer to be filled at the City's General Municipal Election on November 3, 2020, discuss the matter and determine whether to cancel the City Election and appoint the respective incumbent as the only verified candidate for the open office, or hold the City Election as scheduled. (File No. 0650-10)

Staff Recommendation: **Provide Direction (City Clerk's Office: Zack Beck)**

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to cancel the November 3, 2020 Election for Escondido City Treasurer and appoint the respective incumbent, Douglas Shultz as the only verified candidate for the open office. Approved unanimously.

FUTURE AGENDA

10. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City 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: Zack Beck)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

None.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 6:48 p.m.

MAYOR

CITY CLERK

CITY OF ESCONDIDO
August 26, 2020
6:00 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 6:00 p.m. on August 26, 2020 via Video Conference and in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk led the Moment of Reflection

FLAG SALUTE

Michael McGuinness, City Attorney, led the Flag Salute

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Deputy Mayor Consuelo Martinez, Councilmember Michael Morasco, and Mayor Paul McNamara. Quorum present.

Also present were: Jay Petrek, Assistant City Manager; Michael McGuinness, City Attorney; Mike Strong, Director of Community Development; Julie Procopio, Director of Engineering Services; and Zack Beck, City Clerk.

PROCLAMATION

National Preparedness Month

CLOSED SESSION REPORT

None.

ORAL COMMUNICATIONS

Frank Giordano – Expressed opposition to the new Service Community Facilities District.

Melissa Walker – Expressed opposition to the new Service Community Facilities District.

Paul Mayer – Expressed opposition to the new Service Community Facilities District.

Diane Hansen – Expressed opposition to the new Service Community Facilities District.

Mike McSweeney – Expressed opposition to the new Service Community Facilities District.

Maria Bowman – Expressed opposition to the new Service Community Facilities District.

Lance Waite – Expressed opposition to the new Service Community Facilities District.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve all consent calendar items. Approved unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/RRB)**

2. **APPROVAL OF WARRANT REGISTER (Council)**

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

- 344629 – 344806 dated August 12, 2020

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

3. **APPROVAL OF MINUTES: Regular Meeting of August 12, 2020**

4. **CITY HOLIDAY CLOSURE SCHEDULE FOR YEAR 2021 -**

Request the City Council approve designating the dates that City of Escondido offices will be closed for the calendar year 2021 for holiday observances. (File No. 0700-80)

Staff Recommendation: **Approval (Human Resources Department: Jessica Perpetua)**

RESOLUTION NO. 2020-113

5. **APPROVAL OF CALPERS INDUSTRIAL DISABILITY FOR POLICE OFFICER NICOLE ROBBINS-**

Request the City Council approve the Industrial Disability Retirement of Police Officer Nicole Robbins. (File No. 0170-57)

Staff Recommendation: **Approval (Human Resources Department: Jessica Perpetua)**

RESOLUTION NO. 2020-120

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/RRB at a previous City Council/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

6. **AMENDMENT TO ESCONDIDO MUNICIPAL CODE SECTION 6-488, PROCEDURES FOR ABATEMENT OF UNLAWFUL CONDITIONS -**

Approved on August 12, 2020 with a vote of 4/0

ORDINANCE NO. 2020-18 (Second Reading and Adoption)

CURRENT BUSINESS

7. **MOUNTAIN VIEW PARK DEVELOPMENT UPDATE -**

Request the City Council provide direction on the future development of Mountain View Park. (File No. 0800-90)

Staff Recommendation: **Provide Direction (Communications and Community Services: Joanna Axelrod)**

Ben Stone – Requested that a bike park be constructed in Mountain View Park.

Edward Grangetto – Expressed support for a walking path and winery.

Michael Effenberger – Expressed support for a walking path and winery.

Scott Hansen - Requested that a bike park be constructed in Mountain View Park.

Susie Murphy - Requested that a bike park be constructed in Mountain View Park.

NO COUNCIL ACTION REQUIRED

WORKSHOP

8. COMMERCIAL CANNABIS UPDATE -

The Workshop will serve as an update on our research and evaluation in determining the feasibility and viability of commercial cannabis in Escondido. (File No. 0810-20)

Staff Recommendation: **None (City Manager's Office: William Wolfe)**

Danielle Polson – Expressed support for commercial cannabis in Escondido.

NO COUNCIL ACTION REQUIRED

FUTURE AGENDA

9. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City 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: Zack Beck)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT –**

ORAL COMMUNICATIONS

None.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 6:57 p.m.

MAYOR

CITY CLERK

CITY COUNCIL STAFF REPORT

Consent Item No. 4

September 16, 2020

File No. 0430-80

SUBJECT: Budget Adjustment for Full Time Lead Ranger Specialist Position

DEPARTMENT: Utilities Department, Water Division, Lakes and Open Space

RECOMMENDATION:

It is requested that the City Council approve a budget adjustment in the Water Enterprise Fund, authorizing funding for a full-time Lead Ranger Specialist position for the Utilities Department's Lakes and Open Space section.

FISCAL ANALYSIS:

The position is funded through September 30, 2020, by money received from the County of San Diego via the Coronavirus Aid, Relief, and Economic Security ("CARES") Act. After September 30, and with City Council approval of this budget adjustment, the cost of the position will be included in the Water Enterprise Fund's Lakes and Open Space budget. The projected annual cost of the full-time Ranger Specialist position is approximately \$68,192, which will be offset by the elimination of one part-time Ranger Specialist position. The budget adjustment represents the prorated, new full-time position cost for FY 2020-21 (beginning October 1), and includes the money saved by eliminating a part-time Ranger Specialist position.

PREVIOUS ACTION:

None.

BACKGROUND:

The City of Escondido ("City") uses seven temporary, part-time Ranger Specialists to patrol and enforce City ordinances within and around the Escondido's lakes, parks, trails, and library. Currently, five of these Ranger Specialist positions are funded through the Water Enterprise Fund's Lakes and Open Space budget. The remaining two Ranger Specialist positions are funded by Library Systems & Services, which is the contract operator of the City library. These library positions have the specific task of patrolling the downtown library building and immediate grounds.

Recent County of San Diego Health Orders require local agencies to adhere to and enforce sanitation and social distancing protocols. Within Escondido's parks, this task has fallen primarily on temporary, part-time Ranger Specialists and a recently hired, full-time Lead Ranger Specialist funded by the CARES Act.

The part-time Ranger Specialists duties require them to patrol all of Escondido's parks, trails, and the library. The full-time position has offered much needed additional support to provide the level of

Budget Adjustment for Full Time Lead Ranger Specialist Position
September 16, 2020
Page 2

service the City needs. The full-time position also functions in a lead capacity for the remaining Ranger Specialists, assisting with administrative tasks and resolving customer service issues.

CARES Act funds are specifically allocated to projects and services that are directly related to COVID-19 expenses. The new Lead Ranger Specialist position fit well within that category of expenses, but funding through the CARES Act expires after September 30, 2020. With City Council approval of this budget adjustment, the position will continue with funding from the Lakes and Open Space budget.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Christopher W. McKinney, Director of Utilities

09/10/20 8:16 a.m.

ATTACHMENTS:

1. Attachment 1 - Budget Adjustment



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: 09/16/2020

Department: Utilities

Division: Water (Lakes and Open Space)

Project/Budget Manager: Chris Krstevski 4240
Name Extension

Council Date (if applicable): 09/16/2020
(attach copy of staff report)

For Finance Use Only

Log # _____

Fiscal Year _____

_____ Budget Balances
_____ General Fund Accts
_____ Revenue
_____ Interfund Transfers
_____ Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Regular Full-Time	5001-555-414	32,340	
Other Employee Overhead	5025-555-414	620	
PERS-Normal Cost	5026-555-414	980	
Medical	5027-555-414	11,775	
Worker's Compensation	5028-555-414	490	
Fund Balance	3050-555		22,410
Part-Time position eliminated	5004-555-414		23,795

Explanation of Request:

This will add a Full-Time Lead Ranger Specialist in the Utilities Department/Water Division/Lakes and Open Space. This position will replace a Part-Time Ranger Specialist position in the department. This position will be paid by the County CARES Act Funding through September 30, 2020.

APPROVALS

Christopher W. McKing 09.02.2020
Department Head Date
Jodi Goo 9/2/20
Finance Date

City Manager _____ Date _____

City Clerk _____ Date _____

Distribution (after approval):

Original: Finance

CITY COUNCIL STAFF REPORT

Consent Item No. 5

September 16, 2020

File No. 0600-10, A-3132

SUBJECT: First Amendment to the Consulting Agreement for Design Build Owner's Agent Services for the Membrane Filtration Reverse Osmosis Facility Project

DEPARTMENT: Utilities Department, Construction and Engineering Division

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-133, authorizing the Mayor and the City Clerk to execute, on behalf of the City of Escondido ("City"), a First Amendment to the Consulting Agreement for Design Build Owner's Agent Services for the Membrane Filtration Reverse Osmosis ("MFRO") Facility ("Project"), in an amount not to exceed \$1,291,935, with Black and Veatch Corporation.

FISCAL ANALYSIS:

Funding for this First Amendment is available in CIP Fund #801508 RW Easterly Ag MFRO.

PREVIOUS ACTION:

On April 4, 2018, the City Council adopted Resolution No. 2018-33, authorizing the award of a Consulting Agreement for Design Build Owner's Agent Services for the MFRO Facility Project, in an amount of \$1,236,890, to Black and Veatch Corporation. The City Council also approved a budget adjustment in the amount of \$1,000,000.

BACKGROUND:

The MFRO Facility will treat a portion of the City's existing recycled water supply using membrane filtration ("MF") and reverse osmosis ("RO") technologies. The blended water from the MFRO process will have a salt concentration appropriate for agricultural irrigation. In addition to producing additional water supply for irrigation, the MFRO will also allow the City to direct water away from the Hale Avenue Resource Recovery Facility ("HARRF") ocean outfall during storm events. The outfall has limited capacity to convey all water during a severe storm. By constructing the MFRO, the City avoids the cost of upsizing the outfall pipeline, saving the City's wastewater ratepayers several hundred million dollars in CIP costs.

The MFRO Facility will be constructed at 901 W. Washington Avenue, west of N. Spruce Street. The Project includes three major components: an MFRO facility and associated equipment; a one-mile product water pipeline to be installed in Washington Avenue from the proposed MFRO location to Waverly Place; and the Intermediate Booster Pump Station ("IBPS") to be located at Mountain View Park.

The existing Owner's Agent Agreement includes assistance for City staff in administering the entire design-build process from the development of the initial evaluation criteria, through design, and to construction completion. It currently includes part-time services for several construction management and administration tasks. This amendment would add full-time construction management service to the contract.

Black and Veatch staff have been instrumental in assisting City staff through the design-build process to successfully move the project forward to where it is today. They helped to navigate changes to the Project since the design-build process was initiated, including the product water pipeline along Washington Avenue and the Intermediate Booster Pump Station (IBPS) at Mountain View Park..

Due to the size and complex technical nature of the MFRO Facility Project, full-time construction management services are needed for coordination and oversight of the design-build process. The proposed amendment includes full-time construction management and administrative services for all three major components of the Project. The anticipated construction duration is 27 months. Given Black and Veatch Corporation's knowledge, experience, and work on the Project to date, the firm is uniquely qualified to provide these services.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Christopher W. McKinney, Director of Utilities
9/10/20 8:16 a.m.

ATTACHMENTS:

1. Resolution No. 2020-133
2. Resolution No. 2020-133 - Exhibit "1" – First Amendment to the Consulting Agreement for Design Build Owner's Agent Services for the Membrane Filtration Reverse Osmosis Facility for Agriculture

RESOLUTION NO. 2020-133

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE, ON BEHALF OF THE
CITY, THE FIRST AMENDMENT TO THE
CONSULTING AGREEMENT WITH BLACK
AND VEATCH CORPORATION FOR
OWNER'S AGENT SERVICES FOR THE
MEMBRANE FILTRATION REVERSE
OSMOSIS FACILITY

WHEREAS, the Escondido City Council authorized a Consulting Agreement with Black and Veatch Corporation ("Consultant") for owner's agent services for the Membrane Filtration Reverse Osmosis Facility ("Project"); and

WHEREAS, the City of Escondido ("City") desires to have full time construction management and administration services for the Project; and

WHEREAS, the Consultant has the expertise and knowledge to provide the best value for the additional services; and

WHEREAS, City staff have completed negotiations with the Consultant for additional work on the Project and the Director of Utilities recommends that the First Amendment to the Consulting Agreement ("First Amendment") be approved; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said First Amendment, in the total amount not to exceed \$1,291,935.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the Mayor and City Council accepts the recommendation of the Director of Utilities regarding the First Amendment.
3. That the Mayor and City Clerk are authorized to execute, on behalf of the City, the First Amendment with the Consultant in substantially similar form as set forth in Exhibit "1," which is attached to this Resolution and incorporated by this reference, subject to approval as to form by the City Attorney.



CITY OF ESCONDIDO
FIRST AMENDMENT TO CONSULTING AGREEMENT

This "Amendment" is made this [REDACTED] day of [REDACTED], 20[REDACTED].

Between: CITY OF ESCONDIDO
 a municipal corporation
 201 N. Broadway
 Escondido, California 92025
 Attn: Angela Morrow, P.E.
 760.839.6290 ext. 7030
 ("CITY")

And: Black & Veatch Corporation
 300 Rancheros Drives, Suite 250
 San Marcos, CA 92069
 Attn: John Bekmanis, P.E.
 760.621.8421
 ("CONSULTANT")

Witness that whereas:

- A. CITY and CONSULTANT entered into an agreement on April 23, 2018 ("Agreement"), wherein CITY retained CONSULTANT to provide design-build owner's agent services for the MFRO Project; and
- B. CITY and CONSULTANT desire to amend the Agreement to include additional work, which is defined in "Attachment A" to this Amendment, which is incorporated by reference;

NOW THEREFORE, it is mutually agreed by and between CITY and CONSULTANT as follows:

- 1. The CONSULTANT will furnish the services described in "Attachment A" to this Amendment.
- 2. CITY will compensate the CONSULTANT in an additional amount not to exceed \$1,291,935.00, pursuant to the conditions contained in "Attachment A" to this Amendment.

3. All additional terms under the Agreement between CITY and CONSULTANT still apply to the additional work to be performed by CONSULTANT under this Amendment. If any of the terms of this Amendment conflict with the Agreement, this Amendment must prevail.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first above written.

CITY OF ESCONDIDO

Date: _____

Paul McNamara
Mayor

Date: _____

Zack Beck
City Clerk

Date: _____

BLACK & VEATCH CORPORATION

Kevin N. Davis, Assoc. Vice President

(The above signature should be notarized)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

THE CITY OF ESCONDIDO DOES NOT DISCRIMINATE AGAINST QUALIFIED PERSONS WITH DISABILITIES.



MFRO FACILITY FOR AGRICULTURE DESIGN BUILD OWNER'S AGENT – AMENDMENT NO. 1

CITY OF ESCONDIDO

BACKGROUND

The City of Escondido is moving forward with the design and construction of the MFRO Facility for Agriculture as a Progressive Design Build delivery method. This Progressive Design Build alternative was chosen as it provides the City with a highly collaborative process to select the most qualified Contractor to perform the work. This process also allows for an open book process so the City can see all the project costs, while allowing the Contractor to come up with cost effective solutions. During execution of the Phase 1 work the original schedule duration has been exceeded mainly due to the relocation of the site to the new location along Washington Avenue. Because of this delay additional project management and meetings will be required to finish the Phase 1 work. Also during execution of the Phase 1 work, the City asked the Black & Veatch (BV) team provide 3rd Party Construction Management (CM) Services. This document reflects the changes in the original Phase 1 – Design Validation and Design-Build Selection/Support and Phase 2 – Construction Support Services to reflect the addition of these services. These changes will be reflected as Amendment No.1 to the BV contract.

A more detailed description of the services to be provided by Black & Veatch is provided below. Changes to the scope are reflected in *green italic text*.

SCOPE OF WORK

▼ Phase 1 – Design Validation and Design-Build Selection/Support

- Task 1000 – Project Management and Meetings
- Task 2000 – 30% Design Development
- Task 3000 – Request for Qualifications/Proposals
- Task 4000 – Design-Build Support
- Task 5000 – State Revolving Funds Assistance

▼ Phase 2 – Construction Support

- Task 6000 – Project Management and Meetings
- Task 7000 – Design Build Support
- *Task 7500 – Construction Management*
- Task 8000 – Commissioning and Acceptance Testing Support
- Task 9000 – Post-Construction Services

Detailed scope of work is presenting in the following pages. A detailed fee breakdown is provided at the end of this scope of work.

PHASE 1 – DESIGN VALIDATION AND DESIGN BUILD SELECTION/SUPPORT

TASK 1000 – PROJECT MANAGEMENT AND MEETINGS

Tasks 1101 through 1103 – Monthly Meetings, Progress Reports and Schedule Updates

Perform additional project management and administrative tasks as required to facilitate completion of tasks defined within this Scope of Work. Under this Amendment No.1, this phase duration has been increased from 18 months to 34 months.



MFRO FACILITY FOR AGRICULTURE DESIGN BUILD OWNER'S AGENT – AMENDMENT NO. 1

CITY OF ESCONDIDO

Tasks 1201 through 1204 - Meetings

Under this Amendment No.1, Black & Veatch shall prepare for and attend additional meetings as noted below:

- ▼ *Monthly Meetings – Increased from 12 meeting to 30 meetings, 1-hour duration*
- ▼ *By-Weekly Conference Calls – Increased from 24 meeting to 36 meetings, ½-hour duration*

The rest of the Phase 1 scope remains unchanged.

PHASE 2 – CONSTRUCTION SUPPORT

TASK 6000 – PROJECT MANAGEMENT AND MEETINGS

Task 6100 – Monthly Meetings, Progress Reports and Schedule Updates

Perform project management and administrative tasks as required to facilitate completion of tasks defined within this Scope of Work. It's assumed that the phase duration will be 27 months.

The project administrative tasks to be performed include:

- ▼ Provide monthly invoices with status report defining progress to date of all tasks, cost and expenditures.
- ▼ Maintain a project schedule identifying major project tasks with duration and milestones. This schedule will be updated monthly and highlight critical path tasks and key milestones.
- ▼ Coordinate with team members including work planning and communications.
- ▼ Develop and maintain a trend register (change management).

Deliverables for Task 6100:

1. Monthly invoices shall include progress report, decision log, and schedule update – One (1) electronic copy (pdf) submitted via email.
2. Monthly Trend Register – One (1) electronic copy (pdf) submitted via email.

Task 6200 - Meetings

Black & Veatch shall schedule for in-person monthly meetings and weekly teleconference calls with the City Project Manager and other City staff throughout the project's duration. Meetings will be used to keep the City informed of Black & Veatch's performance, budget status, scope changes, and to resolve issues relating to the Project budget, work quality, and performance.

As necessary or as directed by the City, Black & Veatch shall attend meetings with other stakeholders, including but not limited to the City Hall (Legal or City Manager) or City Council meetings when the project is on the agenda. Black & Veatch shall work with City staff to prepare presentation materials when necessary, including but not limited to: PowerPoint slides, printed materials and/or mounted graphics.

Black & Veatch's Project Manager will attend the Monthly Meetings in person. Additional team members may attend the meetings in person or on the phone. All By-Weekly Conference Calls will be via teleconference. Meeting assumptions are as follow:

- ▼ Monthly Meetings – 20 meetings, 1-hour duration
- ▼ By-Weekly Conference Calls – 30 meetings, ½-hour duration
- ▼ Shareholder Meetings – 2 meetings, 2-hour duration



MFRO FACILITY FOR AGRICULTURE DESIGN BUILD OWNER'S AGENT – AMENDMENT NO. 1

CITY OF ESCONDIDO

Electronic copies of all deliverables, including drawings, graphics, schedules, reports and technical memoranda, shall be provided using the City's standards and formats in their original software version (e.g., Word, Excel, PowerPoint, AutoCAD) in addition to a PDF version. Black & Veatch shall also provide printed copies of draft and final versions of key deliverables. Black & Veatch shall utilize City processes for reporting, contract management, cost tracking, and schedule and cost estimates. Black & Veatch shall also utilize City procedures and systems for document management, project submittals, and other communications.

Deliverables for Task 6200:

1. Meeting Agenda and Presentation Materials – One (1) electronic copy in MS Word or PowerPoint and electronic copy (pdf).
2. Meeting Minutes – One (1) electronic copy submitted electronically with 10 days of a meeting.

TASK 7000 – DESIGN-BUILD SUPPORT

Task 7100 – Review Monthly Payment Request and Construction Schedules

Under this task Black & Veatch shall review monthly payment schedules, including the schedule of values prepared by the Design-Build Entity in accordance with the Agreement. Black & Veatch will provide comments to support the preparation of a final list of major monthly progress payments to the Design-Build Entity. In addition, Black & Veatch shall review construction schedules submitted by the Design-Build Entity. These reviews will include examining work sequence, durations, interim milestones and other features, including critical path, in accordance with the Agreement. Black & Veatch shall meet with the City and Design-Build Entity to resolve any discrepancies and to agree upon estimates of completion.

For budgeting purposes it's assumed 27 pay request and schedules will be reviewed.

Deliverables for Task 7100:

1. Email – One (1) electronic copy.

Task 7200 – Attend Construction Progress Meetings

Under this task Black & Veatch shall attend monthly construction progress meeting and report back to the City with any issue or discrepancies as it relates to the Agreement. For budgeting purposes it's assumed 25 meetings, each lasting 2 hours.

Deliverables for Task 7200:

1. Meeting Notes – One (1) electronic copy (pdf).

Task 7300 – Review and Respond to Change Order Requests

Under this task Black & Veatch shall review change requests and questions regarding the Design-Build Agreement by the Design-Build Entity. The responses may require the issuance of clarifications and interpretations to the Design-Build Agreement. For budgeting purposes it's assumed up to 8 change requests will be reviewed by Black & Veatch.

Deliverables for Task 7300:

1. Memorandum of Clarification/Interpretations – One (1) electronic copy (pdf).



MFRO FACILITY FOR AGRICULTURE DESIGN BUILD OWNER'S AGENT – AMENDMENT NO. 1

CITY OF ESCONDIDO

Task 7400 – Periodic Site Visits to Confirm Accordance with Agreement

Under this task Black & Veatch *engineering support team* shall provide periodic site visits to become acquainted with specific issues, to provide technical support and to confirm general compliance with the contract documents and Design-Build Agreement. Visits by a technical specialist will be provided when warranted. For budgeting purposes it's assumed up to 20 site visits by two staff members at 2 hours per visit.

Deliverables for Task 7400:

1. Field Notes – One (1) electronic copy (pdf).

TASK 7500 – CONSTRUCTION MANAGEMENT

Under this task BV shall provide construction management services for a duration of 27 months. This includes full time oversight of the pipeline, MFRO Facility, and the Intermediate Booster Pump Station.

Task 7510 – Construction Administration

Under this task BV shall provide overall construction administration. Specific tasks to be performed include:

1. *Mobilization*
 - a. *Mobilization and project set up at the site.*
 - b. *Provide and setup a CM trailer for use by the CM and City Staff. The trailer shall be approximately 40'Lx12'W and shall include one enclosed office, a bathroom and one conference room. A 5% markup will be allowed by BV against the trailer rental monthly fee. A budget allowance of \$19,000 has been established for this cost and includes an approximate 22 month onsite trailer duration. Utility (water, sewer, internet) cost are not covered under this budget allowance.*
2. *Document/Tracking Control*
 - a. *Prepare correspondence, reports, and other forms of communication as required.*
 - b. *Manage the receipt, logging, control, tracking, and timely processing of project documents. Documents and correspondence related to the Project will be archived.*
3. *Records*
 - a. *Maintain records of inspections, reports, and test results received from the Design Build Team, manufacturers, and others.*
4. *Subcontract Management*
 - a. *Manage the electrical and I&C subcontractor (Rockwell Construction Services, LLC).*
5. *Coordination with Independent Consultants*
 - a. *Coordinate with other Independent Consultants including:*
 - i. *Prevailing wage consultant*
 - ii. *Environmental monitoring consultant*
6. *Funding Compliance*
 - a. *Assist City with compliance for all funding requirements including SRF.*
7. *Construction Management Manual*



MFRO FACILITY FOR AGRICULTURE DESIGN BUILD OWNER'S AGENT – AMENDMENT NO. 1

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- a. *Prepare a construction management manual and submit for City review. Manual will be based on BV standard. The DB Contractor file management tool (Procore) will be utilized for all official project Correspondence and record keeping.*

Deliverables for Task 7510:

1. *Memorandum or other documents as noted above – One (1) electronic copy (pdf).*

Task 7520 - Submittal Review

BV will review select major equipment submittals from the DB Contractor for conformance with the Contract Documents. BV's review will be for general conformity to the construction Contract Documents and will not relieve the DB Contractor of any of his contractual responsibilities. Such reviews will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs. For budgeting purposes up to twenty 1st submittals, ten 2nd re-submittals, and five 3rd re-submittals will be performed.

BV will also review the submittal log to confirm conformance with the expected equipment/material submittals.

Deliverables for Task 7520:

1. *Submittal reviews – One (1) electronic copy (pdf).*

Task 7530 – Plan and Specification Interpretation and Control

BV will coordinate the RFI log and respond to the DB Contractor RFIs within five (5) calendar days. Changes will be recorded in the record specifications and drawings. It's assumed up to 30 RFIs will be addressed by the BV Team.

BV will review and respond to requests for design revisions by the DB Contractor.

BV will review and track field orders when a change in work is needed to maintain the design intent. The field order will be issued to the BD Contractor and the work monitored for compliance.

BV engineering support team will review the evaluation of "or-equal" or product substitution requests with the DB Team and City.

Deliverables for Task 7530:

1. *RFI responses, request for design revisions, field orders, or equal substitutions – One (1) electronic copy (pdf).*

Task 7540 - Construction Management

BV will oversee and coordinate construction management services as required by the progress of the work. BV will help resolve day-to-day issues raised by the DB Contractor. BV will coordinate with the City, and DB Team on technical issues of concern as well as interpretation of the design documents. BV will provide professional opinions related to field construction issues.



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Prepare written daily reports of the construction activities including: weather conditions, manpower, equipment, materials, visitors, delays, and deficiencies and submit to City. Review DB Contractor daily reports to compare against BV daily reports. Record all major deliverables to the site and confirm in accordance with contract requirements.

BV will maintain a digital photographic library of significant construction activities, differing site conditions, change order and claim items, and any special or unique conditions.

Help coordinate between the DB Contractor and City staff as required for all tie-ins and shutdowns of existing facilities/infrastructure.

Coordinate and conduct any special meetings as necessary.

Track any preliminary notices and file appropriate releases from DB Contractor.

Deliverables for Task 7540:

- 1. Project documentation – One (1) electronic (pdf).*

Task 7550 – Inspections

BV will provide inspections as necessary to help assure work has been completed in compliance with the Contract. BV will coordinate with electrical and I&C sub to schedule all applicable inspections.

BV shall confirm compliance with permit conditions including Caltrans Encroachment and City of Escondido Traffic Control and Grading permits.

BV will review for conformance with the Contract Documents the DB Contractor's program for all testing and special inspections. Review will be compared against the DB Contractor's Quality Control and Quality Assurance Program. Review special inspection reports as provided by the DB Contractor.

BV will monitor construction site SWPPP, BMPs and erosion protection devices in accordance with the contract documents and permit requirements.

BV will assist in confirming the contractor's compliance towards meeting AIS approved material requirements prior to that material or component(s) being constructed or installed on the project.

BV construction manager will help coordinate, review and observe equipment testing and startup in parallel to task 8100 and 8200 further defined below.

Deliverables for Task 7550:

- 1. Daily Reports/Field Notes – One (1) electronic copy (pdf).*

TASK 8000 – COMMISSIONING AND ACCEPTANCE TESTING

Tasks 8100 and 8200 – Commissioning and Acceptance Testing

Under this task, Black & Veatch *engineering support team* shall review and confirm Design-Build Agreement requirements related to commissioning and acceptance testing activities have been satisfied by the Design-Build Entity. These items may include: pre- and post-start-up training programs, onsite operation consultation, standard operating procedure documentation and scheduled maintenance programs. Black & Veatch shall advise the City with respect to any request to waive the Design-Build



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Entity's obligations prior to initiating the commissioning and acceptance testing activities related to substantial completion, final completion and acceptance. Black & Veatch shall also assist in preparing documents formalizing that the Design Build Entity's obligations have been met. These requirements include the following:

- ▼ Conducting a final construction process inspection
- ▼ Review the Design-Build Entity's monitoring plan for witnessing and reporting on commissioning and preliminary testing
- ▼ Review the Design-Build Entity's monitoring plan for witnessing and reporting on acceptance testing
- ▼ Overseeing and report on the commissioning and acceptance testing
- ▼ Reviewing and commenting on the Design-Build Entity's commissioning and acceptance test findings and reports

Deliverables for Tasks 8100 and 8200:

1. Memorandum to Design-Build Entity's Commissioning and Testing Plan- One (1) electronic copy (pdf).
2. Memorandum to Design-Build Entity's Final Commissioning and Testing Reports- One (1) electronic copy (pdf).

TASK 9000 – POST-CONSTRUCTION

Task 9100 – Conduct Final Walkthrough

Under this task Black & Veatch shall conduct a final walkthrough to identify final punch list items. Following completion of the Design-Build Entity to address the punch list items, Black & Veatch shall perform a final walk through to confirm that all punch list items have been addressed.

Deliverables for Task 9100:

1. Punch List – One (1) electronic copy in excel format.

Task 9200 – Confirm all Warranties, Guarantees, Bonds and Insurance

Under this task Black & Veatch confirm that the Design-Build Entity has provided all warranties, guarantees, bonds, insurance certificates and other items as required by the Agreement.

Deliverables for Task 9200:

1. Checklist– One (1) electronic copy in excel format.

Task 9300 – Review Manuals

Under this task Black & Veatch shall review operation and maintenance manuals, training manuals, standard operating procedures and schedule maintenance programs that the Design-Build Entity is required to submit. For budgeting purposes, a budget of \$50,000 has been established for this effort.

Deliverables for Task 9300:

1. Comments to Manuals – One (1) electronic copy in excel format.



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Task 9400 – Review Record Drawings

Under this task Black & Veatch shall review the record drawings to ensure they reflect field changes noted by the City or Design-Build Entity. For budgeting purposes, a budget of \$31,200 has been established for this effort.

Deliverables for Task 9400:

1. Comments to Record Drawings – One (1) electronic copy in excel format.

Task 9500 – As-Needed Services During First Year of Operation

Under this task Black & Veatch shall provide as-needed engineering services during the first year of operation. Services may include phone consultations, in-person meetings, and/or site visits related to warranty rights or operational issues. For budgeting purposes, a budget of \$50,000 has been established for this effort.

Deliverables for Task 9500:

1. Memorandum as Required - One (1) electronic copy (pdf).

Assumptions:

- *Prevailing wage record keeping and reporting to be provided by an Independent Consultant and City of Escondido.*
- *Environmental monitoring and reporting to be provided by an Independent Consultant.*
- *Quality control and assurance including special inspections shall be led and performed by the Design Build Entity. BV will provide oversight to ensure these services are being done in accordance with the contract documents.*
- *Black & Veatch will assume no responsibility for the DB Contractor safety plan and enforcement during construction, including provisions for COVID-19 monitoring and safety guidelines.*
- All permits will be paid for by the City or Design-Build Entity.
- *Public outreach will be led by the City. BV shall attend meetings as requested. Services related to public relations, including community meetings, regarding the Project, its community impact, schedule, or other publicity shall be done as an additional service. This includes presentation preparation, display materials, mailings, surveys, or other forms of communication or notice.*
- Black & Veatch may request an adjustment of up to 3% in the labor billing rates a minimum of twelve months after the effective date of the agreement. If the request is made after the twelve-month period, any subsequent request will not be considered prior to the end of the twelve-month adjustment period previously granted. Retroactive rate adjustments will not be considered.

City of Escondido
MFRO Facility for Agriculture Design Build Owner's Agent
Fee Estimate
Amendment No. 1

Task	Description	Project Director	Project Manager	DB Manager	Senior Engineer 2	Technical Advisor / QA/QC	Senior Engineer / Senior Cost Estimator	Construction Manager	Project Engineer	Staff Engineer	CAD / Designer	Document Control	Admin Staff	B&V Total Hours	Total Fee	B&V Direct Expenses	West Coast Geotechnical Consultants, Inc (Geotechnical)	Rockwell (Electrical & I&C Inspection)	Subconsultant Markup (5%)	Revised Total	Clarifications / Assumptions
PHASE 1 - DESIGN VALIDATION AND DESIGN BUILD SELECTION/SUPPORT		\$275	\$245	\$290	\$200	\$250	\$175	\$190	\$150	\$135	\$130	\$100	\$90								
1000	PROJECT MANAGEMENT AND MEETINGS																				
1100	Project Management and Administration																				
1101	Monthly Invoices	0	34	0	0	0	32	0	0	16	0	0	50	132	\$20,590	\$0	\$0	\$0	\$0	\$20,590	Revised 34 month duration.
1102	Progress Reports	0	20	0	0	0	12	0	0	0	0	0	0	32	\$7,000	\$0	\$0	\$0	\$0	\$7,000	
1103	Schedule Updates	0	12	0	0	0	12	0	0	0	0	0	0	24	\$5,040	\$0	\$0	\$0	\$0	\$5,040	
	Subtotal:	0	66	0	0	0	56	0	0	16	0	0	50	188	\$32,630	\$0	\$0	\$0	\$0	\$32,630	
1200	Meetings																				
1201	Kickoff Meeting	2	4	2	2	0	8	0	0	8	4	0	2	32	\$5,690	\$750	\$0	\$0	\$0	\$6,440	
1202	Monthly Meetings (30 total)	8	30	30	0	0	30	0	0	8	0	0	12	118	\$25,660	\$1,500	\$0	\$0	\$0	\$27,160	
1203	Bi-Weekly Conference Calls (36 total)	0	36	34	0	0	24	0	0	0	0	0	0	94	\$22,880	\$0	\$0	\$0	\$0	\$22,880	
1204	Stakeholder Meetings (2 total)	4	6	2	8	0	8	0	0	4	4	0	4	40	\$7,570	\$750	\$0	\$0	\$0	\$8,320	
	Subtotal:	14	76	68	10	0	70	0	0	20	8	0	18	284	\$61,800	\$3,000	\$0	\$0	\$0	\$64,800	
	Task 1000 Total	14	142	68	10	0	126	0	0	36	8	0	68	472	\$94,430	\$3,000	\$0	\$0	\$0	\$97,430	
2000	30% DESIGN DEVELOPMENT																				
	Task 2000 Total	6	36	34	76	6	186	0	36	0	90	0	58	528	\$91,900	\$750	\$4,000	\$0	\$200	\$96,850	
3000	REQUEST FOR QUALIFICATIONS/PROPOSALS																				
	Task 3000 Total:	26	74	130	12	18	196	0	56	0	16	0	50	578	\$119,160	\$6,000	\$0	\$0	\$0	\$125,160	
4000	DESIGN-BUILD SUPPORT																				
	Task 4000 Total:	34	238	214	642	86	988	0	250	48	0	0	66	2,566	\$504,640	\$12,700	\$6,000	\$300	\$6,000	\$523,640	
5000	STATE REVOLVING FUND ASSISTANCE																				
	Task 5000 Total:	8	30	8	4	0	50	0	0	14	8	0	4	126	\$24,710	\$290	\$0	\$0	\$0	\$25,000	
	TOTAL REVISED PHASE 1:	88	520	454	744	110	1546	0	342	98	122	0	246	4,270	\$834,840	\$22,740	\$10,000	\$300	\$6,200	\$868,080	
	TOTAL ORIGINAL PHASE 1:	88	452	414	744	110	1546	0	342	98	122	0	228	4,144	\$804,960	\$22,740	\$10,000	\$0	\$500	\$838,200	
	TOTAL PHASE 1 AMENDMENT NO.1:	0	68	40	0	0	0	0	0	0	0	0	18	126	\$29,880	\$0	\$0	\$0	\$0	\$29,880	
PHASE 2 - CONSTRUCTION SUPPORT/MANAGEMENT																					
6000	PROJECT MANAGEMENT AND MEETINGS																				
6100	Project Management and Administration																				
6101	Monthly Invoices	0	27	0	0	0	0	0	0	0	0	0	40	67	\$10,215	\$0	\$0	\$0	\$0	\$10,215	27 month duration.
6102	Progress Reports	0	14	0	0	0	0	28	0	0	0	0	0	42	\$8,750	\$0	\$0	\$0	\$0	\$8,750	
6103	Schedule Updates	0	14	0	0	0	14	0	0	0	0	0	0	28	\$5,880	\$0	\$0	\$0	\$0	\$5,880	
	Subtotal:	0	55	0	0	0	14	28	0	0	0	0	40	137	\$24,845	\$0	\$0	\$0	\$0	\$24,845	
6200	Meetings																				
6201	Monthly Meetings (20 total)	8	20	20	12	0	10	10	0	0	0	0	20	100	\$20,750	\$3,000	\$0	\$0	\$0	\$23,750	Assumes 1 hour duration.
6202	Bi-Weekly Conference Calls (30 total)	0	22	22	0	0	0	22	0	0	0	0	0	66	\$15,950	\$0	\$0	\$0	\$0	\$15,950	Assumes 0.5 hour duration.
6203	Stakeholder Meetings (2 total)	4	6	2	0	0	8	0	0	4	4	0	4	32	\$5,970	\$750	\$0	\$0	\$0	\$6,720	1 City Hall Meetings / 1 Council Meeting
	Subtotal:	12	48	44	12	0	18	32	0	4	4	0	24	198	\$42,670	\$3,750	\$0	\$0	\$0	\$46,420	
	Task 6000 Total	12	103	44	12	0	32	60	0	4	4	0	64	335	\$67,515	\$3,750	\$0	\$0	\$0	\$71,265	
7000	DESIGN-BUILD SUPPORT																				
7100	Review Milestone Payment Request and Construction Schedules	0	30	30	0	0	0	108	0	0	0	0	28	196	\$39,090	\$0	\$0	\$0	\$0	\$39,090	Assumes review of 27 payment request and schedules.
7200	Attending Construction Progress Meetings (25 total)	8	40	20	0	0	0	50	0	0	0	0	0	118	\$27,300	\$10,000	\$6,000	\$6,000	\$300	\$43,600	Assumes 25 2 hour duration.
7300	Review and Respond to Charge Order Requests	0	20	20	16	16	20	60	0	0	0	0	10	162	\$33,700	\$0	\$5,000	\$5,000	\$250	\$38,950	Assumes 8 change order requests.
7400	Periodic Site Visits (20 total)	0	30	30	24	24	16	0	0	0	0	0	0	124	\$29,650	\$10,000	\$0	\$0	\$0	\$39,650	Site visits by 2 team members, 2 hour duration. Includes time to compile notes.
	Task 7000 Total	8	120	100	40	40	36	218	0	0	0	0	38	600	\$129,740	\$20,000	\$11,000	\$11,000	\$550	\$161,290	
7500	CONSTRUCTION MANAGEMENT																				
7510	Construction Administration	0	0	0	0	0	0	260	0	0	0	1300	0	1,560	\$179,400	\$45,000	\$0	\$0	\$0	\$224,400	Full time CM/Inspection Services. 26 month duration.
7520	Submittal Reviews	0	30	0	80	16	84	80	80	90	0	0	0	460	\$81,400	\$0	\$7,500	\$7,500	\$375	\$89,275	Includes providing CM trailer for 22 months.
7530	Plan and Specification Interpretation and Control	0	20	0	20	10	40	240	0	0	0	0	0	330	\$64,000	\$0	\$6,000	\$6,000	\$300	\$70,300	Assumes 20 1st submittals, 10 2nd re-submittals, 5 3rd re-submittals.
7540	Construction Management	0	0	0	0	0	0	1833	0	0	0	0	0	1,833	\$348,270	\$0	\$0	\$0	\$0	\$348,270	Assumes 30 RFIs
7550	Inspections	0	0	0	0	0	0	1629	0	0	0	0	0	1,629	\$309,510	\$0	\$131,300	\$131,300	\$6,565	\$447,375	
	Task 7500 Total	0	50	0	100	26	124	4042	80	90	0	1300	0	5,812	\$982,580	\$45,000	\$144,800	\$144,800	\$7,240	\$1,179,620	
8000	COMMISSIONING AND ACCEPTANCE TESTING																				
8100	Review and Confirm Commissioning and Acceptance Testing Activities	0	8	0	20	8	10	100	0	0	0	0	8	154	\$29,430	\$0	\$12,800	\$12,800	\$640	\$42,870	
8200	Review and Confirm Commissioning and Acceptance Testing Reports	0	4	0	20	8	8	40	0	0	0	0	4	84	\$16,340	\$0	\$3,200	\$3,200	\$160	\$19,700	
	Task 8000 Total	0	12	0	40	16	18	140	0	0	0	0	12	238	\$45,770	\$0	\$16,000	\$16,000	\$800	\$62,570	

Task	Description	Project Director	Project Manager	DB Manager	Senior Engineer 2	Technical Advisor / QA/QC	Senior Engineer 1 / Senior Cost Estimator	Construction Manager	Project Engineer	Staff Engineer	CAD / Designer	Document Control	Admin Staff	B&V Total Hours	Total Fee	B&V Direct Expenses	West Coast Geotechnical Consultants, Inc (Geotechnical)	Rockwell (Electrical & I&C Inspection)	Subconsultant Markup (5%)	Revised Total	Clarifications / Assumptions
		\$275	\$245	\$290	\$200	\$250	\$175	\$190	\$150	\$135	\$130	\$100	\$90								
9000	POST-CONSTRUCTION SERVICES																				
9100	Conduct Final Walkthrough - Punch List	0	16	0	30	0	30	100	0	0	0	0	8	184	\$34,890	\$2,000	\$5,000	\$5,000	\$250	\$42,140	
9200	Confirm all Warranties, Guarantees, Bonds and Insurance	0	4	8	0	0	8	40	0	0	0	0	4	64	\$12,660	\$0	\$0	\$0	\$0	\$12,660	
9300	Review Manuals	0	16	0	60	0	140	0	50	0	0	0	16	282	\$49,360	\$640	\$0	\$0	\$0	\$50,000	
9400	Review Record Drawings	0	4	0	8	0	24	80	0	36	0	0	8	160	\$27,560	\$280	\$3,200	\$3,200	\$160	\$31,200	
9500	As-Needed Services During First Year of Operation	16	40	40	40	24	34	0	0	16	0	0	8	218	\$48,630	\$1,370	\$0	\$0	\$0	\$50,000	As-needed support.
	Task 9000 Total	16	80	48	138	24	236	220	50	52	0	0	44	908	\$173,100	\$4,290	\$8,200	\$8,200	\$410	\$186,000	
	TOTAL PHASE 2 REVISED:	36	365	192	330	106	446	4680	130	146	4	1300	158	7,893	\$1,398,705	\$73,040	\$180,000	\$180,000	\$9,000	\$1,660,745	
	TOTAL PHASE 2 ORIGINAL:	42	276	226	216	80	758	0	100	20	4	0	130	1,852	\$370,480	\$28,210	\$0	\$0	\$0	\$398,690	
	TOTAL PHASE 2 AMENDMENT NO. 1:	-6	89	-34	114	26	-312	4680	30	126	0	1300	28	6,041	\$1,028,225	\$44,830	\$180,000	\$180,000	\$9,000	\$1,262,055	
	GRAND TOTAL AMENDMENT NO. 1:	-6	157	6	114	26	-312	4680	30	126	0	1300	46	6,167	\$1,058,105	\$44,830	\$180,000	\$180,000	\$9,000	\$1,291,935	

CITY COUNCIL STAFF REPORT

Consent Item No. 6

September 16, 2020

File No. 0600-10, A-3344

SUBJECT: Consulting Agreement for Environmental Compliance Services for the Membrane Filtration Reverse Osmosis Facility Project

DEPARTMENT: Utilities Department, Construction and Engineering Division

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-134, authorizing the Mayor and the City Clerk to execute, on behalf of the City of Escondido ("City"), a Consulting Agreement for Environmental Compliance Services for the Membrane Filtration Reverse Osmosis ("MFRO") Facility, in an amount not to exceed \$249,350, with Helix Environmental Planning, Inc.

FISCAL ANALYSIS:

Funding for this Agreement is available in CIP Fund #801508 RW Easterly Ag MFRO.

PREVIOUS ACTION:

None

BACKGROUND:

The MFRO Facility will treat a portion of the City's existing recycled water supply using membrane filtration ("MF") and reverse osmosis ("RO") technologies. The blended water from the MFRO process will have a salt concentration appropriate for agricultural irrigation. In addition to producing additional water supply for irrigation, the MFRO will also allow the City to direct water away from the Hale Avenue Resource Recovery Facility ("HARRF") ocean outfall during storm events. The outfall has limited capacity to convey all water during a severe storm. By constructing the MFRO, the City avoids the cost of upsizing the outfall pipeline, saving the City's wastewater ratepayers several hundred million dollars in CIP costs.

Pursuant to the California Environmental Quality Act ("CEQA"), an Initial Study/Mitigated Negative Declaration ("IS/MND") was prepared for the Membrane Filtration Reverse Osmosis Facility ("Project"). In addition to the IS/MND, a Mitigation Monitoring and Reporting Program ("MMRP") was prepared for the Project to ensure compliance with the required mitigation measures during implementation. The IS/MND and MMRP were made available for a 30-day public comment period. All public comment letters received during the public review period, responses to the comments, and corrections/additions to the IS/MND were incorporated into the Final IS/MND. On April 30, 2020, the Zoning Administrator of the City held a public meeting and adopted the Final IS/MND and associated MMRP.

The MMRP outlines specific activities to be done before and during construction in order to reduce impacts to biological resources, cultural and tribal cultural resources, geology, hazards and hazardous

materials, and noise to a less-than-significant level. These activities include: biological surveys; cultural resources monitoring by a qualified archaeologist and Native American monitors; and preparation of management plans in case contaminated soil, groundwater, or lead are encountered during construction.

This agreement includes services for:

- pre-construction nesting bird surveys;
- archaeological monitor to observe ground-disturbing activities;
- Native American monitors to observe ground-disturbing activities;
- preparation of a soil and groundwater construction management plan; and
- preparation of a lead compliance plan.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Christopher W. McKinney, Director of Utilities
9/10/20 8:16 a.m.

ATTACHMENTS:

1. Resolution No. 2020-134
2. Resolution No. 2020-134 - Exhibit "1" – Consulting Agreement for Environmental Compliance Services for the Membrane Filtration Reverse Osmosis Facility for Agriculture

RESOLUTION NO. 2020-134

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE, ON BEHALF OF THE
CITY, A CONSULTING AGREEMENT WITH
HELIX ENVIRONMENTAL PLANNING, INC.
FOR ENVIRONMENTAL COMPLIANCE
SERVICES FOR THE MEMBRANE
FILTRATION REVERSE OSMOSIS FACILITY

WHEREAS, on April 30, 2020, the Zoning Administrator of the City of Escondido ("City") held a public meeting and adopted the Final Initial Study/Mitigated Negative Declaration for the Membrane Filtration Reverse Osmosis Facility ("Project"); and

WHEREAS, the City desires to have environmental compliance services during construction of the Project; and

WHEREAS, Helix Environmental Planning, Inc., ("Consultant") has the expertise and knowledge to provide the best value for the services; and

WHEREAS, City staff have completed negotiations with the Consultant for environmental compliance work on the Project and the Director of Utilities recommends that the Consulting Agreement ("Agreement") be approved; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said Agreement, in the total amount not to exceed \$249,350.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.

2. That the Mayor and City Council accepts the recommendation of the Director of Utilities regarding the Agreement.

3. That the Mayor and City Clerk are authorized to execute, on behalf of the City, the Agreement with the Consultant in substantially similar form as set forth in Exhibit "1," which is attached to this Resolution and incorporated by this reference, subject to approval as to form by the City Attorney.



CITY OF ESCONDIDO
CONSULTING AGREEMENT

This Consulting Agreement ("Agreement") is made this ____ day of _____, 20__.

Between: CITY OF ESCONDIDO
 a California municipal corporation
 201 N. Broadway
 Escondido, California 92025
 Attn: Nelson Nuezca
 760-839-6290 x7034
 ("CITY")

And: Helix Environmental Planning, Inc.
 a California corporation
 7578 El Cajon Boulevard
 La Mesa, California 91942
 Attn: Joanne Dramko
 619-462-1515
 ("CONSULTANT")

Witness that whereas:

- A. It has been determined to be in the CITY's best interest to retain the professional services of a consultant to provide environmental compliance services for the construction phase of the Membrane Filtration Reverse Osmosis Facility Project, Product Water Pipeline, and the product water pump station component of the Recycled Water Easterly Main Project; and
- B. The CONSULTANT is considered competent to perform the necessary professional services for CITY.

NOW, THEREFORE, it is mutually agreed by and between CITY and CONSULTANT as follows:

- 1. Services. The CONSULTANT will furnish all of the services as described in "Attachment A" which is attached and incorporated by this reference.
- 2. Compensation. The CITY will pay the CONSULTANT in accordance with the conditions specified in "Attachment A," not to exceed the sum of \$249,350.00. Any breach of this Agreement will relieve CITY from the obligation to pay CONSULTANT, if CONSULTANT has not corrected the breach after CITY provides notice and a reasonable time to correct it. If this Agreement is amended at any time, additional compensation of CONSULTANT contained in subsequent amendment(s) shall not exceed a cumulative

total of twenty-five percent (25%) of the maximum payment provided for in this Section 2.

3. Scope of Compensation. The CONSULTANT will be compensated for performance of tasks specified in "Attachment A" only. No compensation will be provided for any other tasks without specific prior written consent from the CITY.
4. Duties. CONSULTANT will be responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports and other services furnished by the CONSULTANT under this Agreement, except that the CONSULTANT will not be responsible for the accuracy of information supplied by the CITY.
5. Personnel. The performance of services under this Agreement by certain professionals is significant to the CITY. CONSULTANT will assign the persons listed on "Attachment B," which is attached and incorporated by this reference, to perform the Services described in Paragraph 1, and will not add or remove persons from the list without the prior written consent of the CITY. If no designation is made, then CONSULTANT may not assign services without obtaining the advance written consent of the CITY. CONSULTANT will not subcontract any tasks under this Agreement without obtaining the advance written consent of the CITY.
6. Termination. Either CONSULTANT or the CITY may terminate this Agreement with thirty (30) days advance written notice.
7. City Property. All original documents, drawings, electronic media, and other material prepared by CONSULTANT under this Agreement immediately becomes the exclusive property of the CITY, and may not be used by CONSULTANT for any other purpose without prior written consent of the CITY.
8. Insurance.
 - a. The CONSULTANT shall secure and maintain at its own cost, for all operations, the following insurance coverage, unless reduced by the City Attorney:
 - (1) General liability insurance. Occurrence basis with minimum limits of \$1,000,000 each occurrence, \$2,000,000 General Aggregate, and \$1,000,000 Products/Completed Operations Aggregate; and
 - (2) Automobile liability insurance of \$1,000,000 combined single-limit per accident for bodily injury and property damage, unless waived as provided in 8(b) below; and
 - (3) Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship; and
 - (4) Errors and Omissions professional liability insurance with minimum coverage of \$1,000,000.
 - b. It is the parties' understanding that the use of a motor vehicle is not a primary subject of this Agreement. CONSULTANT acknowledges that operating a motor vehicle is outside the scope of this Agreement and occurs only at the convenience of the CONSULTANT. A waiver of automobile liability insurance is only effective if both sets of initials appear below, otherwise such insurance is required.

Acknowledged by CONSULTANT _____

Waiver appropriate by CITY _____

- c. Each insurance policy required above must be acceptable to the City Attorney.
 - (1) Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A- rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.
 - (2) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
 - (3) Both the General Liability and the Automobile Liability policies must name the CITY specifically as an additional insured under the policy on a separate endorsement page. The CITY includes its officials, employees, and volunteers. The endorsement must be ISO Form CG 20 10 11 85 edition or its equivalent for General Liability endorsements and CA 20 01 for Automobile Liability endorsements.
 - (4) The General Liability policy must include coverage for bodily injury and property damage arising from CONSULTANT's work, including its on-going operations and products-completed operations hazard.
 - (5) The General Liability policy must be primary and noncontributory and any insurance maintained by CITY is excess.
 - d. In executing this Agreement, CONSULTANT agrees to have completed insurance documents on file with the CITY within fourteen (14) days after the date of execution. Failure to comply with insurance requirements under this Agreement will be a material breach of this Agreement, resulting in immediate termination at CITY's option.
9. Indemnification. CONSULTANT (which in this paragraph 9 includes its agents, employees and subcontractors, if any) agrees to indemnify, defend, and hold harmless the CITY from all claims, lawsuits, damages, judgments, loss, liability, or expenses, including attorneys' fees, for any of the following:
- a. Any claim of liability arising out of the negligence or any acts or omissions of CONSULTANT in the performance of this Agreement;
 - b. Any personal injuries, property damage or death that CONSULTANT may sustain while using CITY-controlled property or equipment, while participating in any activity sponsored by the CITY, or from any dangerous condition of property; or
 - c. Any injury or death which results or increases by any action taken to medically treat CONSULTANT.
10. Anti-Assignment Clause. The CONSULTANT may not assign, delegate or transfer any interest or duty under this Agreement without advance written approval of the CITY, and any attempt to do so will immediately render this entire Agreement null and void. Unless CONSULTANT assigns this entire Agreement, including all rights and duties herein, to a third party with the CITY'S written consent, CONSULTANT shall be the sole payee under this Agreement. Any and all payments made pursuant to the terms of this Agreement are otherwise not assignable.

11. Costs and Attorney's Fees. In the event that legal action is required to enforce the terms and conditions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and costs.
12. Independent Contractor. CONSULTANT is an independent contractor and no agency or employment relationship, either express or implied, is created by the execution of this Agreement.
13. Amendment. This Agreement may not be amended except in a writing signed by the CITY and CONSULTANT.
14. Merger Clause. This Agreement and its Attachments, if any, are the entire understanding of the parties, and there are no other terms or conditions, written or oral, controlling this matter. In the event of any conflict between the provisions of this Agreement and any of its Attachments, the provisions of this Agreement must prevail.
15. Anti-Waiver Clause. None of the provisions in this Agreement will be waived by CITY because of previous failure to insist upon strict performance, nor will any provision be waived by CITY because any other provision has been waived, in whole or in part.
16. Severability. The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.
17. Choice of Law. This Agreement is governed by the laws of the State of California. Venue for all actions arising from this Agreement must be exclusively in the state or federal courts located in San Diego County, California.
18. Multiple Copies of Agreement/Counterparts. This Agreement may be executed on separate counterparts, each of which shall be an original and all of which taken together shall constitute one and the same instrument. Delivery of an executed signature page of this Agreement by electronic means, including an attachment to an email, shall be effective as delivery of an executed original. However, the parties agree that the Agreement on file in the office of the Escondido City Clerk is the copy of the Agreement that shall take precedence should any differences exist among copies or counterparts of the Agreement.
19. Provisions Cumulative. The foregoing provisions are cumulative and in addition to and not in limitation of any other rights or remedies available to the CITY.
20. Notices to Parties. Any statements, communications or notices to be provided pursuant to this Agreement must be sent to the attention of the persons indicated below. Each party agrees to promptly send notice of any changes of this information to the other party, at the address first above written.
21. Business License. The CONSULTANT is required to obtain a City of Escondido Business License prior to execution of this Agreement.
22. Compliance with Applicable Laws, Permits and Licenses. CONSULTANT shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules in effect during the term of this Agreement. CONSULTANT shall obtain any and all licenses, permits, and authorizations necessary to perform services set forth in this Agreement. Neither CITY, nor any elected nor

appointed boards, officers, officials, employees, or agents of CITY shall be liable, at law or in equity, as a result of any failure of CONSULTANT to comply with this section.

23. Prevailing Wages. If applicable, pursuant to Section 1770 et seq. of the Labor Code, CONTRACTOR agrees that a prevailing rate and scale of wages, in accordance with applicable State and Federal Law, will be paid in the carrying out of this Agreement. CONTRACTOR shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules pertaining to the payment of prevailing wages. The prevailing rate and scale to be paid shall be the same as the 'General Prevailing Wage Rates' approved by the Department of Industrial Relations as of the date of the execution of this Agreement. Said rates and scales are herein referred to and adopted in this Agreement as though fully and completely set forth herein, and said scale as adopted by the Department is made a part of this Agreement by reference. Copies of the prevailing rate of per diem wages are available on the Intranet at (<http://www.dir.ca.gov/DLSR>). Neither CITY, nor any elected nor appointed boards, officers, officials, employees, or agents of CITY, shall be liable, at law or in equity, as a result of any failure of CONTRACTOR to comply with this section.
24. Department of Industrial Relations Compliance. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. CONTRACTOR shall post any job site notices required by regulation. CONTRACTOR, as well as any subcontractors, shall be registered pursuant to Cal. Lab. Code § 1725.5 to be qualified to bid on, be listed in a bid proposal, (subject to the requirements of Section 4104 of the Public Contract Code) or engage in the performance of any public work contract that is subject to the requirements of Chapter 1, Part 7, Division 2 of the California Labor Code. Neither CITY, nor any elected nor appointed boards, officers, officials, employees, or agents of CITY, shall be liable, at law or in equity, as a result of any failure of CONTRACTOR to comply with this section.
25. Immigration Reform and Control Act of 1986. CONSULTANT shall keep itself informed of and comply with the Immigration Reform and Control Act of 1986. CONSULTANT affirms that as an employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will be employed on this public project. CONSULTANT agrees to comply with such provisions before commencing and continuously throughout the performance of this Agreement.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties below are authorized to act on behalf of their organizations, and have executed this Agreement as of the date set forth below.

CITY OF ESCONDIDO

Date: _____

Paul McNamara
Mayor

Date: _____

Zack Beck
City Clerk

Helix Environmental Planning, Inc.

Date: _____

Signature

Name & Title (please print)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____
Kurt Whitman, Senior Deputy City Attorney

THE CITY OF ESCONDIDO DOES NOT DISCRIMINATE AGAINST QUALIFIED PERSONS WITH DISABILITIES.

A. GENERAL

Helix Environmental Planning, Inc., a California corporation ("Consultant"), shall provide environmental compliance services for the construction phase of the Product Water Pipeline, Membrane Filtration Reverse Osmosis ("MFRO") Facility Project and the product water pump station component of the Recycled Water Easterly Main Project for the City of Escondido ("City").

B. LOCATIONS

901 West Washington Avenue, Escondido, California 92025

C. SERVICES

Task 1a Biological Resources Pre-Construction Nesting Bird Survey - MFRO Facility Site and Off-Site Product Water Pipeline.

Pursuant to Mitigation Measure BIO-1 in the MFRO Facility Project Final MND, should vegetation trimming and/or removal occur within the general bird breeding season (January 15 to September 15), Consultant will conduct a pre-activity nesting bird survey within 7 days of any required vegetation clearing within planned works areas to confirm that no active bird nests are present. Consultant will provide a brief letter report to the City describing the survey methods and results. In the event nesting birds are observed, Consultant will work closely with the City to develop and implement nesting bird avoidance strategies to prevent delays in construction. Additional biological monitoring, if required, would be provided within the budgetary limits of Task 7. The need to implement noise attenuation measures for nesting bird protection is not expected and is therefore not included in this scope of services. This subtask includes two nesting bird surveys and reports; one for the MFRO facility and one for the pipeline component of the project.

Task 1b Biological Resources Pre-Construction Nesting Bird Survey - Product Water Pump Station.

Pursuant to Mitigation Measure BIO-2 in the Recycled Water Easterly Main Extension Project MND, should vegetation trimming and/or removal occur within the general bird breeding season (January 15 to September 15), Consultant will conduct a pre-activity nesting bird survey within 7 days of any required vegetation clearing within planned works areas to confirm that no active bird nests are present. Consultant will provide a brief letter report to the City describing the survey methods and results. In the event nesting birds are observed, Consultant will work closely with the City to develop and implement nesting bird avoidance strategies to prevent delays in construction. Additional biological monitoring, if required, would be provided within the budgetary limits of Task 7. The need to implement noise attenuation measures for nesting bird protection is not expected and is therefore not included in this scope of services. This subtask includes one nesting bird survey and report for the product water pump station component of the project.

Task 2 Archaeological & Paleontological Sensitivity Training.

Per Mitigation Measure CUL-1 in the Recycled Water Easterly Main Extension Project MND, Consultant will conduct an Archaeological Sensitivity Training and Paleontological Sensitivity Training for construction personnel prior to commencement of excavation activities. Consultant will provide a qualified archaeologist for this training. A qualified

paleontologist will be provided by Red Tail Environmental as a subcontractor to Consultant. Native American issues will be addressed at the training session by Native American representatives from Saving Sacred Sites (Luiseño) and Red Tail Environmental (Kumeyaay). Native American monitors will be subcontracted to Consultant. The training session(s) will include a presentation and/or handouts for attendees. WEAP training will be provided for crew members new to the project when they begin work; this scope assumes that additional WEAP training would be provided by an archaeologist and Native American monitors on a scheduled field monitoring day and that a separate field visit to provide WEAP training would not be required.

Task 3a Cultural Resources Monitoring - MFRO Facility Site and Off-Site Product Water Pipeline.
Per MMRP Mitigation Measures CUL-2 through CUL-4, and CUL-10 in the MFRO Facility Project Final MND, Consultant will conduct a cultural resources monitoring program for the Project. The scope assumes the preparation of a verification letter confirming that Native American monitors representing both Luiseño and Kumeyaay TCA Tribes have been retained (CUL-2); attendance at a preconstruction meeting by a qualified archaeologist, as well as Native American monitors from both Saving Sacred Sites and Red Tail Environmental, to explain and coordinate the requirements of the monitoring program (CUL-3); the presence of a qualified archaeological monitor and Native American monitors from both Saving Sacred Sites and Red Tail Environmental during the initial grubbing, site grading, excavation, or disturbance of the ground surface (CUL-4); and preparation of a monitoring report which describes the results, analysis, and conclusions of the archaeological monitoring program (CUL-10).

The qualified archaeologist and the Native American monitors shall be on site full-time, as warranted; the frequency of inspections shall depend on the rate of excavation, the soils excavated, and any discoveries of cultural resources. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits.

The scope assumes up to 94 days of full-time monitoring by the archaeologist and Native American monitors. If the Project requires monitoring services that cause Consultant to exceed the budget allocated for this task, a change order will be requested to cover the additional costs. Conversely, if the monitors determine part-time monitoring is appropriate, we will work with project construction personnel to coordinate our onsite work. Note that a reduction in the proposed level of effort will be reflected in Consultant's invoicing for the project.

Task 3b Cultural Resources Monitoring - Product Water Pump Station.
Per Mitigation Measure CUL-2 in the Recycled Water Easterly Main Extension Project MND, Consultant will conduct a cultural resources monitoring program for the project. A qualified archaeological monitor will be present to observe all ground-disturbing activities (e.g., clearing and grubbing, grading, and trenching) in non-fill younger alluvial sediments. These sediments are present along the Escondido Creek channel. Soils other than younger alluvium will not be monitored, per Mitigation Measure CUL-2.

The scope assumes attendance at a preconstruction meeting by a qualified archaeologist, as well as Native American monitors from both Saving Sacred Sites and

Red Tail Environmental. The scope assumes up to 18 days of full-time monitoring by the archaeologist and Native American monitors. If the City requires monitoring services that cause Consultant to exceed the budget allocated for this task, a change order will be requested to cover the additional costs. Conversely, if the monitors determine part-time monitoring is appropriate, we will work with project construction personnel to coordinate our onsite work. Note that a reduction in the proposed level of effort will be reflected in Consultant's invoicing for the project.

Task 4 Soil and Groundwater Construction Management Plan.

As a subconsultant to Consultant, Ninyo & Moore will prepare a Soil and Groundwater Management Plan (SGWMP) in compliance with mitigation measure HAZ-1 in the MFRO Facility Project Final MND. Based on the Phase I report, total petroleum hydrocarbon (TPH) impacted soils were identified in an unnamed drainage ditch on the site and methyl tertiary-butyl ether (MTBE), tetrachloroethylene (PCE), and metal concentrations above California drinking water maximum contaminant levels (MCLs) were detected in groundwater at the site. Ninyo & Moore will prepare a SGWMP to address contaminated or potentially contaminated soil and groundwater encountered during earthwork/construction activities (e.g., grading, trenching). The SGWMP will address monitoring of excavated soil; community health and safety practices; roles and responsibilities of the contractor; and handling, sampling, transportation, and disposal, as applicable, of contaminated or potentially contaminated soil and groundwater.

Task 5 Lead Compliance Plan.

A portion of the construction activities may be in the SR-78 right-of-way and therefore, a lead compliance plan (LCP) is being required by Caltrans. Ninyo & Moore will prepare a LCP to minimize worker exposure to lead while handling material potentially containing ADL. California Code of Regulations (CCR), Title 8, Section 1532.1, "Lead" and California Department of Industrial Relations, Division of Occupational Safety and Health (Cal OSHA) requirements will be followed when preparing the LCP. The LCP will be reviewed and signed by a Certified Industrial Hygienist (CIH). The scope includes one round of comments for the LCP from Caltrans and the City.

Task 6 Project Management.

Consultant places a high degree of importance on project management and uses a number of project management tools to control the quality, schedule, and budget associated with our work. Effective planning and communication with the design build team, construction contractors, and the City will help to ensure environmental compliance efficiency and minimize costs. This task includes support and coordination services for the processing of a Tribal Cultural Resource Treatment and Monitoring Agreement, per MMRP mitigation measure CUL-1. This task also includes general phone calls, preparation of invoices, project scheduling and other general project management tasks. For cost-estimating purposes, a typical average project management workload of 4 hours per month for the Cultural Project Manager is assumed for a period of up to 14 months.

Task 7 As-Needed Environmental Compliance Support.

At the City's specific direction, Consultant will provide as-needed support during Project construction. This task includes time and materials for Consultant to provide as-needed

support to the City in the event that additional unforeseen environmental-related work (e.g., in the event of unanticipated discovery of paleontological resources [GEO-1]; that previously unidentified cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources are discovered [CUL-5 - CUL-7 and CUL-9]; or, if human remains are found on the Project site during construction or during archaeological work [CUL-8]).

For the purposes of providing this cost estimate, Consultant has assumed an amount of \$15,000 for Task 7. Only the number of hours expended will be billed; if the City requests additional services or if unforeseen requests during agency processing cause Consultant to expend this budget, a contract amendment will be required.

D. RATES

All tasks shall be invoiced on a time-and-materials basis pursuant to Exhibit 1, Schedule of Fees, which is attached hereto and incorporated by reference.

MFRO Facility Site and Off-Site Product Water Pipeline Components

Task	Description	Cost
1a	Biological Resources Pre-Construction Nesting Bird Survey	\$3,000
3a	Cultural Resources Monitoring	\$175,250
4	Soil and Groundwater Construction Management Plan	\$4,400
5	Lead Compliance Plan	\$4,850
6	Project Management	\$8,400
	SUBTOTAL	\$195,900

Product Water Pump Station Components

1b	Biological Resources Pre-Construction Nesting Bird Survey	\$1,500
2	Archaeological & Paleontological Sensitivity Training	\$1,700
3b	Cultural Resources Monitoring	\$35,250
	SUBTOTAL	\$38,450

As-Needed Services

7	As-Needed Environmental Support	\$15,000
	SUBTOTAL	\$15,000
	TOTAL (Tasks 1 – 7)	\$249,350

E. PAYMENT

Total contract price shall not exceed \$249,350. Consultant shall invoice monthly. Payment will be made after the services have been performed and within 30 days of the receipt of invoice for those services.

F. SCOPE OF LIMITATIONS

1. City will provide Consultant with current available digital baseline data and project plans for producing all maps and graphics, which should be submitted in one of the following formats: .dxf, .dwg (AutoCAD), .dgn (Microstation), .shp (ArcView shapefiles), .gdb (ArcGIS geodatabase) or .kmz (Google Earth). In some cases, .pdf files will be acceptable.

2. Costs associated with additional meetings, fieldwork, reporting, agency coordination, permit processing, and other services not specifically described above within Tasks 1-6 ("additional work") are not included within the scope of services required of Consultant under this Agreement.
3. Background documents (e.g., construction site plans), as needed, will be provided by the City.
4. Process or specific requirements for discharge permits, if deemed necessary for the project, are not included in the scope.

EXHIBIT 1

SCHEDULE OF FEES



CONSULTING SERVICES

Consulting services performed by HELIX typically include, but are not necessarily limited to, office, field, meetings, hearings and travel time. Consulting services for expert witness review, deposition, and/or testimony will be provided at one and one-half times our professional rates.

DIRECT COSTS

Certain identifiable direct costs will be charged to the project at cost plus ten percent. Examples of direct costs include subconsultants, vehicle or equipment rentals, airplane and train fares, parking, per diem and lodging, mileage, communications, reproduction, and supplies. A 4-wheel drive premium will be charged at \$25 per project day. There will be additional charges for plotting, color printing, aerial photographs and GPS services.

PAYMENT

Invoices will be submitted monthly. Payment on invoices is due within thirty days of receipt. If payment is not paid when due, then such sum shall bear interest at 1 ½ % per month on the unpaid balance, not to exceed the maximum legal rate of interest.

PROFESSIONAL RATES

Current hourly rates for consulting services:

Principal	\$210-230
Principal Acoustician	\$180-200
Principal Biologist	\$190-220
Principal Landscape Architect	\$160-180
Principal Permitting Specialist	\$170-220
Principal Planner	\$195-230
Principal Regulatory Specialist	\$185-220
Senior Project Manager I-III	\$150-215
Senior Air Quality Specialist	\$155-180
Senior Environmental Specialist	\$130-170
Senior Fisheries Scientist	\$200-230
Noise/Air Quality Specialist	\$115-145
Environmental Specialist I-III	\$85-125
Environmental Compliance Analyst	\$70
Environmental Compliance Specialist	\$115
Project Manager I-III	\$120-150
Assistant Project Manager	\$100-120
Archaeology Field Director	\$105
Staff Archaeologist	\$75-115
Senior Archaeologist	\$120-165
Historian	\$70-125
Environmental Planner I-III	\$95-120
Environmental Analyst	\$65-75
Landscape Architect	\$110-125
Senior Landscape Architect	\$130-150
Landscape Planner I-III	\$95-115
Sr. Scientist	\$130-180
Biologist I-V	\$80-130
Assistant Biologist	\$60
Senior GIS Specialist	\$125-165
GIS Specialist I-III	\$75-120
Graphics	\$115
Technical Editor	\$70-100
Operations Manager	\$105- 115
Word Processor I-III	\$65-85
Clerical	\$65-75

Rates are subject to change on a yearly basis

ATTACHMENT "B"

HELIX personnel expected to work on the project include the following:

Labor Category	Staff Name
<u>HELIX Environmental Planning, Inc</u>	
Principal Planner	Bitterling, Dramko
Senior Archaeologist III	Robbins-Wade
Cultural Project Manager	(Bietz) Wilson
Field Director	Roy
Staff Archaeologist	Turner
Staff Archaeologist/Archaeological Monitor	Diaz de Leon, Villalobos, Parron, Berdeja, Garcia, Rolland
Principal Biologist	Osmundson, Martinez, Nigro
Biologist III	McLaughlin, Mathews, J Lee
Sr. GIS Specialist	Kress, Bohac
Word Processor	Topete, Eklund
<u>Saving Sacred Sites</u>	
Native American Monitor	Chavez, Herrera, Pepper, Suaiaunoa
<u>Red Tail Environmental</u>	
Paleontologist	DiCenzo
Native American Monitor	Brown, Lachappa, Linton, Osuna, Taylor
<u>Ninyo & Moore</u>	
Principal Engineer/Geologist/Environmental Scientist	Waide, Beck
Senior Engineer/Geologist/Environmental Scientist	Richards, Olivares
Senior Staff Engineer/Geologist/Environmental Scientist	Thompson
Technical Illustrator/CAD	Balane
Data Processing, Technical Editing	Gudoy, Frederick

CITY COUNCIL STAFF REPORT

Consent Item No. 7

September 16, 2020

File No. 0480-70

SUBJECT: FY 2020-21 State of California Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant

DEPARTMENT: Police Department

RECOMMENDATION:

It is requested that the City Council authorize the Escondido Police Department to accept a FY 2020-21 State of California Office of Traffic Safety ("OTS") Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments (see Attachment 1) needed to spend grant funds.

FISCAL ANALYSIS:

This action will have no impact on the FY 2020-21 General Fund Budget. Grant funds will be used for expenses related to traffic safety educational activities and traffic safety supplies.

PREVIOUS ACTION:

The City Council accepted a FY 2019-20 State of California Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000 on September 25, 2019.

BACKGROUND:

The Escondido Police Department received a FY 2020-21 State of California Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000. Grant funds will enhance traffic safety programs from October 1, 2020 – September 30, 2021. The Police Department will use grant funds to pay for educational programs related to bicycle and pedestrian safety, and to provide bicycle helmets, educational materials and safety supplies to community members.

Program Measures

The Escondido Police Department will work to enhance bicycle and pedestrian safety by providing safety equipment coupled with educational programs and safety materials. The goal is to reduce the number of collisions with injuries and fatalities involving bicycles and pedestrians.

The Escondido Police Department has established partnerships with community-based organizations which include the Escondido Education COMPACT, the Boys and Girls Club, after-school programs, senior citizen centers and elementary schools. These organizations have given us the means to reach our target audience – school age children and senior citizens in the community.

The Police Department partner with community-based organization, Escondido Education COMPACT, to provide bicycle safety rodeos, safe walk home programs, and a School Crossing Guard program. Safety equipment such as bicycle helmets, reflective bands, bicycle lights, zipper pulls, and school crossing guard equipment will be distributed through the program.

The Park Avenue Senior Center and the Redwood Terrace Senior Community have partnered with the Escondido Police Department to increase awareness of traffic safety. Many seniors walk from their homes for exercising, socializing, or to go shopping. Busy streets and uncontrolled intersections can be problematic. The educational program for our senior community members has been successful in the past, and the Police Department proposes to use OTS grant funds to continue keeping our seniors safe.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Edward Varso, Chief of Police

9/10/20 11:49 a.m.

ATTACHMENTS:

1. Budget Adjustment



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: September 8, 2020
Department: Police Department
Division: Administration
Project/Budget Manager: Lisa Rodelo 4905
Name Extension
Council Date (if applicable): September 16, 2020
(attach copy of staff report)

For Finance Use Only	
Log #	_____
Fiscal Year	_____
_____	Budget Balances
_____	General Fund Accts
_____	Revenue
_____	Interfund Transfers
_____	Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Revenue	4128-New project number	\$25,000	
Police Grants	451-new project number	\$25,000	

Explanation of Request:

Budget adjustments are needed to receive grant funds and establish a spending account for salary, overtime and supply expenses related to the FY 2020-21 State of California Office of Traffic Safety Pedestrian Bike Safety Program Grant.

APPROVALS

<u><i>Eden Varro</i></u>	<u>9/9/20</u>	_____	_____
Department Head	Date	City Manager	Date
<u><i>Joan Coco</i></u>	<u>9/10/20</u>	_____	_____
Finance	Date	City Clerk	Date

Distribution (after approval):

Original: Finance

CITY COUNCIL STAFF REPORT

Consent Item No. 8

September 16, 2020

File No. 0480-70

SUBJECT: FY 2020-21 State of California Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant

DEPARTMENT: Police Department

RECOMMENDATION:

It is requested that the City Council authorize the Escondido Police Department to accept a FY 2020-21 California Office of Traffic Safety ("OTS") Selective Traffic Enforcement Program ("STEP") Grant in the amount of \$515,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments (see Attachment 1) needed to spend grant funds. The Police Department will use grant funds to pay for salary and benefits for one full-time DUI traffic enforcement officer, traffic safety supplies, DUI checkpoints, saturation patrols, and traffic safety enforcement details.

FISCAL ANALYSIS:

This action will have no impact on the FY 2020-21 General Fund Budget. Grant funds will be used for salary and benefits for one full-time DUI traffic enforcement officer. The grant will also fund expenses related to traffic safety enforcement activities and traffic safety supplies. Funding will cover expenses from October 1, 2020, through September 30, 2021.

PREVIOUS ACTION:

The City Council authorized the Escondido Police Department to accept a FY 2019-20 California OTS Selective Traffic Enforcement Grant in the amount of \$454,000 on September 25, 2019. The Escondido Police Department has received OTS grant funding for over 15 years to improve traffic safety in the community.

BACKGROUND:

The Escondido Police Department has been offered a FY 2019-20 California OTS STEP Grant in the amount of \$515,000. Grant funds will enhance traffic safety programs during the operational period of October 1, 2020, through September 30, 2021.

The Police Department will use grant funds to improve community safety by focusing on the following traffic issues: drunk driving, distracted driving, excessive speed, pedestrian safety, bicycle safety motorcycle safety, and general traffic safety.

Escondido's Need for Traffic Safety Funding

OTS Traffic Safety Statistics

OTS maintains traffic safety rankings for cities throughout California. The current OTS rankings are based on traffic data from 2017.

Compared to similar sized cities, Escondido ranks amongst the worst in the state for victims killed and injured in crashes. Alcohol related collisions were a specific problem for Escondido. The OTS Rankings were developed so similar sized cities can compare traffic safety statistics. OTS ranks cities from highest or worst to best, with "1" being the worst. For example, a ranking of 1/56 is the highest or worst, 27/56 is average, and 56/56 is the lowest or best. Escondido ranks in the top ten worst in several categories, including fatalities, injuries, and alcohol related crashes.

Escondido's 2017 rankings compared to 58 California cities of similar size:

- 5th worst for overall traffic safety
- 8th worst for fatal and injury traffic collisions
- 3rd worst for alcohol related fatal and injury collisions
- 4th worst for under 21 year old driver had been drinking collisions
- 5th worst for 21-34 year old driver had been drinking collisions
- 4th worst for collisions involving a motorcycle

Escondido's Current OTS Crash Rankings (2017)

TYPE OF CRASH	VICTIMS KILLED & INJURED	OTS RANKING
Total Fatal and Injury	1010	8/58
Alcohol Involved	121	3/58
Had Been Drinking Driver < 21	9	4/58
Had Been Drinking Driver 21 - 34	38	5/58
Motorcycles	52	4/58
Pedestrians	62	18/58
Pedestrians < 15	9	10/58
Pedestrians 65+	6	23/58
Bicyclists	37	29/58
Bicyclists < 15	2	48/58
Composite*	478	5/58
* Composite - Figures which show rankings only, an aggregate of several of the other rankings (Had Been Drinking Under 21, Alcohol Involved, Hit & Run, Nighttime and Speed crashes). These figures are a means to give an indication of overall traffic safety.		

Historical data shows Escondido's traffic safety rankings over the past several years have improved. The following years illustrate these trends:

- In 2012, Escondido ranked the worst overall, receiving the number one spot (1/56)
 - 2nd worst for hit and run fatalities and injuries
 - 3rd worst for alcohol related fatalities and injuries
 - 545 DUI arrests made by Escondido Police Department
- In 2015, Escondido ranked second worst overall (2/57)
 - 2nd worst for alcohol related fatalities and injuries
 - 4th total fatalities and injuries
 - 412 DUI arrests made by Escondido Police Department
- In 2017, Escondido ranked fifth worst (5/58)
 - 3rd worst for alcohol related fatalities and injuries
 - 498 DUI arrests made by Escondido Police Department

OTS DUI Arrest Rankings

Escondido consistently maintains high DUI arrest rates. DUI arrests are a major factor in reducing alcohol related collisions. High DUI arrests are often a result of OTS grant funded operations. In 2017, OTS ranked Escondido's DUI arrests as 54th out of 58 similar sized cities.

Traffic Collisions in Escondido

The Escondido Police Department maintains traffic safety statistics. Escondido's most recent traffic safety statistics are based on data from 2019.

The statistical breakdown of the 2019 collisions:

- 2,031 reported collisions
 - 1,064 involved injuries, fatalities, and hit and runs
 - 22% of the 1,064 collisions in Escondido involved alcohol
 - 7 fatal collisions

For historical reference, these are Escondido's traffic safety statistics for 2018 collisions:

- 1,951 reported collisions
 - 1,059 involved injuries, fatalities, and hit and runs
 - 20% of the 1,059 collisions in Escondido involved alcohol
 - 4 fatal collisions

Grant Provider and Funding Intention

OTS takes a leadership role in efforts to make California roadways safe for all users. OTS provides an effective means of eliminating fatalities, injuries, and economic losses resulting from crashes. Through grant funding made available to California by the National Highway Traffic Safety Administration ("NHTSA"), OTS annually funds over \$80 million dollars in innovative, evidence-based education and enforcement programs and technologies designed to make California's roadways safer. OTS is determined to identify and overcome new traffic safety issues as travel habits change and transportation technologies emerge.

Escondido's Grant Description

The purpose of the STEP Grant is to reduce the number of persons killed and injured in crashes in Escondido. Evidence-based strategies, including education and traffic safety enforcement, will be the primary focus of this project. The funded strategies will include impaired driving enforcement, enforcement operations focusing on primary collision factors, distracted driving, nighttime seat belt enforcement, special enforcement operations encouraging motorcycle safety, enforcement and public awareness in areas with a high number of bicycle and pedestrian crashes, and educational programs. These strategies are designed to earn media attention, which will help the community focus on traffic safety.

Project Details and Investment

DUI Officer

- Personnel Costs: DUI Officer: \$103,480 salary and \$49,639 benefits
 - One officer assigned full-time to the Traffic Division will focus on DUI prevention; community engagement, education and awareness; and DUI enforcement
 - Salary and the following benefits are covered by the grant: Medicare, Dental, Life Insurance, State Unemployment Insurance, Benefits Admin Costs, PERS, Medical, and Workers Comp

Deliverables and Operations

In accordance with non-supplanting rules, the following grant funded operations must be worked as overtime events. Non-supplanting rules require grant funds to augment, not replace, general fund monies.

- DUI Saturation Patrols: \$103,860
 - Operation Intent: Prevent alcohol related collisions and DUIs

- Operations include officers patrolling the city with the sole purpose of spotting and stopping drunk drivers; officers working these operations do not respond to routine calls and augment standard patrol efforts
- Operations usually include five to six officers focusing on locating DUI suspects
- Operational period lasts up to 10 hours, mostly during weekends, holidays and major events
- Operations are data driven, focusing on areas and times that frequently experience alcohol related traffic problems

- DUI Checkpoints: \$73,320

The Escondido Police Department continuously works with OTS to find the most effective method of public awareness and DUI deterrence for the community. The Police Department requested that OTS reduce the number of required checkpoints in this year's grant. OTS agreed to reduce the number of checkpoints from eight to six. Escondido proposed to reduce that requirement even lower and shift funding from checkpoints to Saturation Patrol Operations. OTS would allow less than six checkpoints only if Escondido forfeited its grant funding for the full-time DUI Officer (\$153,119) and checkpoint supplies (\$35,201). After careful consideration, Chief Varso determined to be in the City's best interest and safety to retain the DUI officer funding and agree to the six required checkpoints.

- Operation Intent: Public awareness and DUI deterrence
 - OTS requires six operations during the grant period
 - According to the Centers for Disease Control and Prevention (CDC), DUI Checkpoints reduce alcohol related fatal, injury, and property damage crashes by about 20% as shown in Attachment 2
 - Operations are carefully planned to ensure community and officer safety
 - Drivers are randomly selected to enter the checkpoint area
 - Selection process involves using a neutral formula, for example 10 officers are working at the checkpoint entrance, so 10 vehicles are selected to proceed to the screening area, while remaining vehicles pass through without officer interaction
 - Officers engage in polite conversation including educational explanation of checkpoint and questions about alcohol consumption
 - Drivers that do not show signs of impairment nor pose a risk to traffic safety receive educational material and are then directed out of the checkpoint area
 - Officers must adhere to a set of procedures
 - Standard operating procedures and reports are required for each checkpoint
 - Checkpoints are publicized 48 hours in advance through media outlets, Nixle, Twitter, Facebook, and the Police Department's website

- Checkpoints are data driven based on times, locations, and dates that are high risk for alcohol related problems, such as holidays, Super Bowl Sunday, and major local events
- Educational pamphlets, in English and Spanish, are provided to drivers that pass through the checkpoint
- Traffic Enforcement Operations: \$29,400
 - Operation Intent: Community safety through reduction of traffic collisions related to excessive speed and violations identified as primary collision factors
 - Operations include officers patrolling the city with the sole purpose of stopping drivers committing traffic safety violations; officers working these operations do not respond to calls and augment standard patrol efforts
 - Operations usually include five to six officers
 - Operational period lasts up to 10 hours
 - Operations are data driven, focusing on areas and times that have experienced an increase in traffic collisions
- Distracted Driving Operations: \$24,500
 - Operation Intent: Improve community safety by decreasing phone use while driving
 - Operations include officers patrolling the city with the sole purpose of stopping drivers distracted by their phones; officers working these operations do not respond to calls and augment standard patrol efforts
 - Operations usually include several officers
 - Operational period lasts several hours
 - Operations are conducted throughout the City
- Pedestrian and Bicycle Enforcement: \$24,500
 - Operation Intent: Improve pedestrian and bicycle safety
 - Operations include officers patrolling the city focusing on crosswalks, jaywalkers, bicycle lanes, and vehicles endangering pedestrians or bicycle riders; officers working these operations do not respond to calls and augment standard patrol efforts
 - Operations usually include several officers
 - Operational period lasts several hours
 - Operations are conducted throughout the City
- Motorcycle Safety Enforcement: \$11,700
 - Operation Intent: Improve motorcycle safety

- Operations include officers patrolling the city focusing on motorcycle traffic violations and vehicles endangering motorcycle riders; officers working these operations do not respond to calls and augment standard patrol efforts
 - Operations usually include three to four officers
 - Operational period lasts up to 10 hours
 - Operations are conducted throughout the City
- Collaborative DUI Enforcement: \$9,000
 - Operation Intent: Improve regional collaboration and reduce DUI collisions
 - Operations include regional collaborative efforts to stop DUI drivers
 - Operations usually include several officers and regional assistance
 - Operational period lasts up to 10 hours
 - Operations occur throughout the County as collaborative efforts to experience regional traffic safety practices
- Know Your Limit Operations: \$5,500
 - Operation Intent: Community engagement and education
 - Officers attend community events such as “Cruisin’ Grand” and local St. Patrick’s Day events
 - Officers talk with community members and discuss drinking and driving
 - Citizens have the opportunity to voluntarily use a breathalyzer to learn how alcohol consumption relates to their blood alcohol level and impairment
 - These encounters do not result in citations or any repercussions and have been well received by community members
- Collaborative Traffic Enforcement: \$3,900
 - Operation Intent: Improve regional collaboration and traffic safety
 - Operations include regional collaborative efforts to improve traffic safety
 - Operations usually include several officers and regional assistance
 - Operational period lasts up to 10 hours
 - Operations occur throughout the County as collaborative efforts to experience regional traffic safety practices

Education, Equipment, and Supplies

- DUI Trailer: \$30,000
Trailer to transport heavy traffic safety supplies, including lights, cones, and a generator that in addition to DUI checkpoints can be used at any large-scale investigation event.

- **Mobile Printers: \$32,000**
Printers for electronic traffic citation issuance. These printers significantly reduce time to issue a citation and can be used during any traffic enforcement, not just DUI Checkpoint.
- **DUI Checkpoint Supplies: \$5,201**
Costs may include 28-inch traffic cones, Manual on Uniform Traffic Controlled Devices (MUTCD) compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS device supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies.
- **Training: \$5,000**
In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and traffic safety.
- **PAS Device/Calibration Supplies: \$3,000**
Preliminary alcohol screening device to detect the presence of alcohol in a person's breath and calibration supplies to ensure accuracy. Costs may include mouth pieces and accessories.
- **Printing/Duplication: \$1,000**
Costs include the purchase of paper, production, printing of materials for grant operations.

STEP Grant Goals

The OTS STEP grant funding allows the Escondido Police Department to focus on education and traffic safety in the community. Based on current data the following specific grant goals were established based on current traffic safety issues in Escondido:

1. Reduce the number of persons killed in traffic crashes.
2. Reduce the number of persons injured in traffic crashes.
3. Reduce the number of pedestrians killed in traffic crashes.
4. Reduce the number of pedestrians injured in traffic crashes.
5. Reduce the number of pedestrians killed under age 15 in traffic crashes.
6. Reduce the number of pedestrians injured under age 15 in traffic crashes.
7. Reduce the number of pedestrians killed over age 65 in traffic crashes.
8. Reduce the number of pedestrians injured over age 65 in traffic crashes.
9. Reduce the number of bicyclists killed in traffic crashes.
10. Reduce the number of bicyclists injured in traffic crashes.
11. Reduce the number of bicyclists under age 15 killed in traffic crashes.
12. Reduce the number of bicyclists under age 15 injured in traffic crashes.
13. Increase bicycle helmet usage.

The Police Department is committed to improving traffic safety in Escondido. Funding provided by the OTS STEP Grant will support proactive enforcement operations that can help reduce the number of persons killed and injured in crashes in Escondido.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Edward Varso, Chief of Police

9/10/20 11:49 a.m.

ATTACHMENTS:

1. Attachment 1 - Budget Adjustment
2. Attachment - CDC Study



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: September 8, 2020
Department: Police Department
Division: Administration
Project/Budget Manager: Lisa Rodelo 4905
Name Extension
Council Date (if applicable): September 16, 2020
(attach copy of staff report)

For Finance Use Only

Log # _____
Fiscal Year _____
____ Budget Balances
____ General Fund Accts
____ Revenue
____ Interfund Transfers
____ Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Revenue	4128-451-new project number	\$515,000	
Police Grants	451-new project number	\$515,000	

Explanation of Request:

Budget adjustments are needed to receive grant funds and establish a spending account for salary, overtime and supply expenses related to the FY 2020-21 State of California Office of Traffic Safety Selective Traffic Enforcement Program Grant.

APPROVALS

Eduardo Vazquez 9/9/20
Department Head Date
Godwin Coco 9/10/20
Finance Date
City Manager Date
City Clerk Date

Distribution (after approval):

Original: Finance



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Sobriety Checkpoints

A sobriety checkpoint is a predetermined location at which

law enforcement officers stop vehicles at a predetermined location to check whether the driver is impaired. They either stop every vehicle or stop vehicles at some regular interval, such as every third or tenth vehicle. The purpose of checkpoints is to deter driving after drinking by increasing the perceived risk of arrest. To do this, checkpoints should be highly visible, publicized extensively, and conducted regularly. Fell, Lacey, and Voas (2004) provide an overview of checkpoint operations, use, effectiveness, and issues. (UNC Highway Safety Research Center, 2011, p. 1-18)

History

Sobriety checkpoints were first introduced in Scandinavia in the 1930s (Elder, Shults, et al., 2002) and became common in the United States in the early 1980s (Hedlund and McCartt, 2002). In 1990, the U.S. Supreme Court ruled in favor of the constitutionality of sobriety checkpoints; however, the debate over checkpoints has continued, and some individual state courts have deemed them illegal for violating state constitutions (IIHS, 2012).

Use

Sobriety checkpoints are authorized in 38 States and the District of Columbia (NHTSA, [2008g] [see Table B.3]), but few States conduct them often. According to GHSA ([2014b]), only 13 States conduct checkpoints on a weekly basis. The main reasons checkpoints are not used more frequently are lack of law enforcement personnel and lack of funding ([Fell, Ferguson, et al., 2003]). (UNC Highway Safety Research Center, 2011, p. 1-18)

Effectiveness

CDC's systematic review of 11 high-quality studies found that checkpoints reduced alcohol-related fatal, injury, and property damage crashes each by about 20 percent ([Elder, Shults, et al., 2002]). Similarly, a meta-analysis found that checkpoints reduce alcohol-related crashes by 17 percent, and all crashes by 10 to 15 percent ([Erke, Goldenbeld, and Vaa, 2009]). In recent years, NHTSA has supported a number of efforts to reduce alcohol-impaired driving using sobriety checkpoints. Evaluations of recent statewide campaigns in Connecticut and West Virginia involving sobriety checkpoints and extensive paid media found decreases in alcohol-related fatalities following the program, as well as fewer drivers with positive BACs at roadside surveys ([Zwicker, Chaudhary, Maloney, et al., 2007]; [Zwicker, Chaudhary, Solomon, et al., 2007]). In addition, a study examining demonstration programs in 7 States found reductions in alcohol-related fatalities between 11 and 20 percent in States that employed numerous checkpoints or other highly visible impaired driving enforcement operations and intensive publicity of the enforcement activities, including paid advertising ([Fell, Langston, et al., 2008]). States with lower levels of enforcement and publicity did not demonstrate a decrease in fatalities relative to neighboring States. See also NHTSA's Strategic Evaluation States initiative (NHTSA, [2007]; Syner et al., 2008), the Checkpoint Strikeforce program ([Lacey, Kelley-Baker, et al., 2008]), and the national Labor Day holiday campaign: Drunk Driving. Over the Limit. Under Arrest ([Solomon, Hedlund, et al., 2008]). (UNC Highway Safety Research Center, 2011, p. 1-18)

Recent Research on Effectiveness

Nunn and Newby, 2011, examined the effectiveness of 22 sobriety checkpoints implemented over one year at nine checkpoint locations in Indianapolis, Indiana, using various methodologies (pre/post, difference in differences, and interrupted time series). Impairment rates (impaired-driver collisions per 100 collisions) decreased insignificantly in nondowntown locations and increased significantly in downtown areas. Sobriety checkpoints also resulted in a small significant reduction in the number of alcohol-related crashes when compared with similar control locations, with differences more pronounced in downtown areas. Finally, the time-series analysis found that the number of impaired collisions in postcheckpoint periods was approximately 19 percent less than in the precheckpoint periods.

Measuring Effectiveness

Because sobriety checkpoints are intended to deter impaired driving, an appropriate measure would be the number of impaired drivers deterred, but this is not easily identified. Instead, traffic enforcement agencies track changes in alcohol-related crashes, injuries, and fatalities. Measures can also include the number of stops and the number of DWI arrests per checkpoint or awareness or perceptions of the checkpoints obtained through surveys.

Costs

The main costs are for law enforcement time and for publicity. A typical checkpoint requires several hours from each law enforcement officer involved. Law enforcement costs can be reduced by operating checkpoints with 3 to 5 officers, perhaps supplemented by volunteers, instead of the 10 to 12 or more officers used in some jurisdictions (NHTSA, 2002; NHTSA, [2006a]; [Stuster and Blowers, 1995]). Law enforcement agencies in two rural West Virginia counties were able to sustain a year-long program of weekly low-staff checkpoints. The proportion of nighttime drivers with BACs of .05 and higher was 70 percent lower in these counties compared to drivers in comparison counties that did not operate additional checkpoints ([Lacey, Ferguson, et al., 2006]). NHTSA has a guidebook available to assist law enforcement agencies in planning, operating and evaluating low-staff sobriety checkpoints (NHTSA, [2006a]). (UNC Highway Safety Research Center, 2011, pp. 1-18–1-19)

“Checkpoint publicity can be costly if paid media are used, although publicity can also include earned media” (e.g., free news coverage of campaign) (UNC Highway Safety Research Center, 2011, p. 1-19).

Time to Implement

“Checkpoints can be implemented very quickly if officers are trained in detecting impaired drivers, SFST [Standardized Field Sobriety Test], and checkpoint operational procedures. See NHTSA, 2002, for implementation information” (UNC Highway Safety Research Center, 2011, p. 1-19).

Other Issues

Legality

Checkpoints currently are permitted in 38 States and the District of Columbia (NHTSA, [2008g]). Checkpoints are permitted under the United States Constitution but some State courts have held that checkpoints violate their State’s constitution. Some State legislatures have not

Attachment 2

authorized checkpoints. States where checkpoints are not permitted may use saturation patrols (see ["Saturation Patrols," next]). (UNC Highway Safety Research Center, 2011, p. 1-19)

Visibility

According to NHTSA, checkpoints

must be highly visible and publicized extensively to be effective [(NHTSA, 2011b)].

Communication and enforcement plans should be coordinated. Messages should clearly and unambiguously support enforcement. Paid media may be necessary to complement news stories and other earned media, especially in a continuing checkpoint program ([Goodwin, Foss, et al., 2005], Strategy B1). (UNC Highway Safety Research Center, 2011, p. 1-19)

Arrests

The primary purpose of checkpoints is to deter impaired driving, not to increase arrests. Police generally arrest impaired drivers detected at checkpoints and publicize those arrests, but arrests at checkpoints should not be used as a measure of checkpoint effectiveness. The number of drivers evaluated at checkpoints would be a more appropriate measure.

Other Offenses

Checkpoints may also be used to check for valid driver's licenses, seat belt use, outstanding warrants, stolen vehicles, and other traffic and criminal infractions.

Combining Checkpoints with Other Activities

To enhance the visibility of their law enforcement operations, some jurisdictions combine checkpoints with other activities, such as saturation patrols. For example, some law enforcement agencies conduct both checkpoints and saturation patrols during the same weekend. Others alternate checkpoints and saturation patrols on different weekends as part of a larger impaired-driving enforcement effort.

Attachment 2

Table B.3. State Laws on Sobriety Checkpoints, as of December 2011

State	Checkpoints Conducted	Frequency	Legality
Ala.	Yes	Throughout the year	Upheld under U.S. Constitution
Alaska	No	Not applicable	No state authority
Ariz.	Yes	At least once per month	Upheld under U.S. Constitution
Ark.	Yes	Weekly	Upheld under state and U.S. Constitutions
Calif.	Yes	2,500+ annually	Upheld under state and U.S. Constitutions
Colo.	Yes	Once or twice per month	Upheld under state and U.S. Constitutions
Conn.	Yes	Not applicable	Upheld under state constitution
D.C.	Yes	Monthly January to June; weekly July through December	Upheld under state law and U.S. Constitution
Del.	Yes	Once or twice per month	Upheld under U.S. Constitution
Fla.	Yes	Between 15 and 20 per month	Upheld under U.S. Constitution
Ga.	Yes	Weekly	Upheld under state and U.S. Constitutions
Hawaii	Yes	Weekly	Authorized by statute
Idaho	No	Not applicable	Illegal under state law
Ill.	Yes	Several hundred per year	Upheld under U.S. Constitution
Ind.	Yes	Not applicable	Upheld under state constitution
Iowa	No	Not applicable	Not permitted; statute authorizing roadblock controls does not authorize sobriety checkpoints
Kan.	Yes	Once or twice per month	Upheld under state law and U.S. Constitution
Ky.	Yes	Weekly	Upheld under U.S. Constitution
La.	Yes	Not applicable	Upheld under state constitution
Maine	Yes	Not applicable	Upheld under U.S. Constitution
Md.	Yes	Weekly	Upheld under state and U.S. Constitutions
Mass.	Yes	Year round	Upheld under state and U.S. Constitutions
Mich.	No	Not applicable	Illegal under state constitution
Minn.	No	Not applicable	Illegal under state constitution
Miss.	Yes	Weekly	Upheld under U.S. Constitution

Attachment 2

State	Checkpoints Conducted	Frequency	Legality
Mo.	Yes	Once or twice per month	Upheld under state and U.S. Constitution
Mont.	No	Not applicable	Statute permits only safety spot checks
Neb.	Yes	6 to 10 per month	Upheld under state law
Nev.	Yes	Once or twice per month	Authorized by statute
N.H.	Yes	Weekly, weather permitting	Authorized by statute (must be judicially approved)
N.J.	Yes	Once or twice per month	Upheld under state and U.S. Constitutions
N.M.	Yes	Not applicable	Upheld under state and U.S. Constitutions (law enforcement must follow guidelines)
N.Y.	Yes	Weekly	Upheld under U.S. Constitution
N.C.	Yes	Weekly	Authorized by statute
N.D.	Yes	Not applicable	Upheld under state and U.S. Constitutions
Ohio	Yes	Year round	Upheld under state and U.S. Constitutions
Okla.	Yes	Once or twice per month	Upheld under state and U.S. Constitutions
Ore.	No	Not applicable	Illegal under state constitution
Pa.	Yes	Several hundred per year	Upheld under state and U.S. Constitutions
R.I.	No	Not applicable	Illegal under state constitution
S.C.	Yes	Not applicable	No state authority
S.D.	Yes	Weekly	Upheld under state and U.S. Constitutions
Tenn.	Yes	Once or twice per month	Upheld under state and U.S. Constitutions
Texas	No	Not applicable	Illegal under Texas' interpretation of U.S. Constitution
Utah	Yes	About every other month	Authorized by statute
Vt.	Yes	Weekly	Upheld under state and U.S. Constitutions
Va.	Yes	Weekly	Upheld under state and U.S. Constitutions
Wash.	No	Not applicable	Illegal under state constitution
W.Va.	Yes	Weekly	Upheld under state and U.S. Constitutions
Wis.	No	Not applicable	Prohibited by statute
Wyo.	No	Not applicable	Prohibited by interpretation of roadblock statute

SOURCE: GHSA, 2014b.

CITY COUNCIL STAFF REPORT

Consent Item No. 9

September 16, 2020

File No. 0480-70

SUBJECT: FY 2020-21 State of California Office of Traffic Safety Traffic Records Improvement Project Grant

DEPARTMENT: Police Department

RECOMMENDATION:

It is requested that the City Council authorize the Escondido Police Department to accept a FY 2020-21 State of California Office of Traffic Safety ("OTS") Traffic Records Improvement Project Grant in the amount of \$24,800; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments (See Attachment 1) needed to spend grant funds.

FISCAL ANALYSIS:

This action will have no impact on the FY 2020-2021 General Fund Budget. Grant funds will be used for data system upgrades.

BACKGROUND:

The Escondido Police Department received a FY 2020-21 State of California Office of Traffic Safety Traffic Records Improvement Project Grant in the amount of \$24,800. The Police Department will use grant funds to pay for software, licenses, accessories, and training for a Traffic Crash Data System upgrade. The existing databases will be updated to the most current forms, operating system, and version available.

Program Measures

The California Highway Patrol collects complete traffic records to identify and prioritize traffic safety issues via the Statewide Integrated Traffic Records System ("SWITRS") from each law enforcement agency in the state. Currently, Escondido Police Department completes an approved traffic collision form to collect local traffic collision data to input into SWITRS.

The Escondido Police Department utilizes the Crossroads Collision Report Writer software to create their traffic reports, which improves the efficiency and accuracy in its collision reporting. However, this system does not communicate with SWITRS. As such, there is extra work created for staff in order to print out and mail the reports to CHP, where those reports are manually entered into the database.

The Crossroads Collision Report Writer software upgraded application would allow for the electronic upload of reports directly into SWITRS. This application would eliminate the process of printing,

mailing, and manually entering reports, as well as avoid delays associated with that process. The current Crossroad Collision Report Writer software used by the Escondido Police Department is compatible with the upgrade, and will be purchased with OTS Traffic Records Improvement Project grant funds.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Edward Varso, Chief of Police

9/10/20 11:49 a.m.

ATTACHMENTS:

1. Budget Adjustment



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: September 8, 2020
Department: Police Department
Division: Administration
Project/Budget Manager: Lisa Rodelo 4905
Name Extension
Council Date (if applicable): September 16, 2020
(attach copy of staff report)

For Finance Use Only

Log # _____

Fiscal Year _____

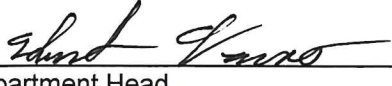
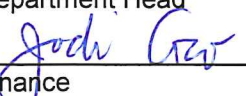
_____ Budget Balances
_____ General Fund Accts
_____ Revenue
_____ Interfund Transfers
_____ Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Revenue	4128-New project number	\$24,800	
Police Grants	451-new project number	\$24,800	

Explanation of Request:

Budget adjustments are needed to receive grant funds and establish a spending account for supply expenses related to the FY 2020-21 State of California Office of Traffic Records Improvement Program Grant.

APPROVALS

 9/9/20
Department Head Date
 9/10/20
Finance Date

City Manager Date

City Clerk Date

Distribution (after approval):

Original: Finance

CITY COUNCIL STAFF REPORT

Consent Item No. 10

September 16, 2020

File No. 0850-20

SUBJECT: Annexing Property to Citywide Services Community Facilities District ("CFD") 2020-1

DEPARTMENT: Engineering Services Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-115 annexing five projects containing 66-units into the Citywide Services CFD 2020-1. Each property owner has provided a signed form consenting to the annexation.

FISCAL ANALYSIS:

The projected general fund budget deficit totals \$176 Million over the next 18 years, not including effects of the ongoing COVID-19 pandemic.

On January 15, 2020, the City Council was provided the results of the Keyser Marston Fiscal Impact Analysis ("KMA") concluding that the cost to provide municipal services to new residential developments exceeds revenues by \$536 to \$783 for each new residential unit per year.

PREVIOUS COUNCIL ACTION:

On June 12, 2019, the City Council directed staff to investigate all options to address the structural budget deficit, including evaluating the feasibility of a Citywide Services CFD to ensure the budget deficit does not grow as the City develops.

On January 15, 2020, the City Council adopted Resolution No. 2020-2, directing staff to prepare documents necessary to consider the formation of a CFD to offset ongoing municipal costs of services resulting from new development ("Services CFD").

On April 8, 2020, the City Council adopted Resolution No. 2020-24 declaring its intent to establish CFD No. 2020-1, a Citywide Services CFD to fund municipal services required for new development and setting a public hearing date of May 13, 2020.

On May 13, 2020, the City Council held a duly noticed public hearing and adopted Resolution No. 2020-44 (Resolution of Formation) establishing CFD 2020-1, the Citywide Services CFD.

BACKGROUND:

The goal of the Citywide Services CFD is to make new development revenue neutral such that existing residents do not subsidize development. Staff has recommended that each new residential unit permitted after May 13, 2020, offset the ongoing costs of providing public services. Annexing

into the Services CFD, after approval by the City Council, is an efficient way to allow property owners to fund the costs of providing ongoing public services to their project and avoids widening of the structural budget deficit as a result of new development.

Zone 2020-2 will be the second Zone of the Citywide Services CFD that is comprised of five projects totaling 66-units. The following projects have provided forms consenting to the annexation of the property into the Citywide Services CFD.

Zone 2020-2 Annexation Table Detailing Special Tax Rates Applicable for FY 2020/21:

APN(s)	Address	Land Use Category	Units	Annual Special Tax Per Unit*	FY 2020/21 Special Tax Revenue
228-050-63-00	1328 Seven Oaks, Escondido CA 92026	(1) Less than 5.5 DU/Acre	1	\$536.00	\$536.00
233-111-16-00	422 Spruce Street, Escondido, CA 92025	(1) Less than 5.5 DU/Acre	1	\$536.00	\$536.00
236-112-03-00	1118 S. Orange Street, Escondido, CA 92025	(3) 18 to less than 30 DU/Acre	4	\$725.00	\$2,900.00
229-040-14-00	245 E. El Norte Parkway, Escondido, CA 92026	(2) 5.5 to less than 18 DU/Acre	10	\$743.00	\$7,430.00
229-432-31-00 229-432-32-00 229-432-33-00 229-432-34-00 229-432-35-00	337 E. Valley Parkway, Escondido, CA 92025	(4) 30 DU/Acre or Greater	50	\$783.00**	\$39,150.00
Cumulative Total					\$50,552.00

* For FY 2020/21 in accordance with the Rate and Method of Apportionment for CFD 2020-1 (Services)

** Property owner expects to apply for a welfare exemption.

Annual Levy: Prior to July 30th of each year, the special tax levy will be set by the City Council for all properties within CFD 2020-1. The special tax for CFD 2020-1 will escalate at the maximum rate of inflation as determined by the Consumer Price Index (CPI) and at a minimum rate of two percent (2%) per year.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
9/10/20 12:37 p.m.

ATTACHMENTS:

1. Resolution No. 2020-115
2. Resolution No. 2020-115 – Exhibit A – Unanimous Approval
3. Resolution No. 2020-115 – Exhibit B – Boundary Map CFD
4. Resolution No. 2020-115 – Exhibit C – Rate and Method of Apportionment of Special Taxes
5. Resolution No. 2020-115 – Exhibit D – Legal Description

RESOLUTION NO. 2020-115

RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, ACTING AS THE
LEGISLATIVE BODY OF COMMUNITY
FACILITIES DISTRICT NO. 2020-1 OF THE
CITY OF ESCONDIDO (SERVICES),
ANNEXING TERRITORY TO COMMUNITY
FACILITIES DISTRICT NO. 2020-1 OF THE
CITY OF ESCONDIDO (SERVICES)

WHEREAS, on April 8, 2020, the City Council (the “City Council”) of the City of Escondido adopted Resolution No. 2020-24 (the “Resolution of Intention”), declaring its intention to establish Community Facilities District No. 2020-1 of the City of Escondido (Services) (“Community Facilities District No. 2020-1” or the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California (the “Act”); and

WHEREAS, pursuant to Section 53339.3 of the Act, the Resolution of Intention included a description of the future annexation area of the District (the “Future Annexation Area”), wherein property owners may be annexed into the District only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed into the District; and

WHEREAS, the Resolution of Intention described (i) the services that may be provided by the District; (ii) the levy of special taxes pursuant to the rate and method of apportionment of the special tax, as set forth in Exhibit “C” attached to the Resolution of Intention (the “Rate and Method”); and (iii) the Future Annexation Area; and

WHEREAS, on May 13, 2020, after a duly noticed public hearing, the City Council adopted Resolution No. 2020-44 (the “Resolution of Formation”) establishing

Community Facilities District No. 2020-1 and calling a special election therein to authorize (i) the levy of special taxes pursuant to the Rate and Method, and (ii) the establishment of an appropriations limit for Community Facilities District No. 2020-1; and

WHEREAS, pursuant to a Unanimous Approval executed by Eva Margarita Morrison, (“Owner 1”), dated July 5, 2020, attached hereto as Exhibit “A” and incorporated by this reference, (the “Owner 1 Unanimous Approval”), Owner 1 stated its intention to annex the territory described in Exhibit “B” and Exhibit “D,” attached hereto and incorporated by this reference, to the Owner 1 Unanimous Approval to the District (the “ Owner 1 Annexation Territory”) with no further hearings or procedures required with respect to such annexation to the District; and

WHEREAS, pursuant to a Unanimous Approval executed by Susana Velasco, (“Owner 2”), dated July 1, 2020, attached hereto as Exhibit “A” (the Owner 2 “Unanimous Approval”), Owner 2 stated its intention to annex the territory described in Exhibit “B” and Exhibit “D” to the Owner 2 Unanimous Approval to the District (the Owner 2 “Annexation Territory”) with no further hearings or procedures required with respect to such annexation to the District; and

WHEREAS, pursuant to a Unanimous Approval executed by Sed Masoumi, (“Owner 3”), dated July 29, 2020, attached hereto as Exhibit “A” (the “Owner 3 Unanimous Approval”), Owner 3 stated its intention to annex the territory described in Exhibit “B” and Exhibit “D” to the Owner 3 Unanimous Approval to the District (the Owner 3 “Annexation Territory”) with no further hearings or procedures required with respect to such annexation to the District; and

WHEREAS, pursuant to a Unanimous Approval executed by Lori Holt Pfeiler on behalf of San Diego Habitat for Humanity (“Owner 4”), dated July 28, 2020, attached hereto as Exhibit “A” (the Owner 4 “Unanimous Approval”), Owner 4 stated its intention to annex the territory described in Exhibit “B” and Exhibit “D” to the Owner 4 Unanimous Approval to the District (the “Owner 4 Annexation Territory”) with no further hearings or procedures required with respect to such annexation to the District; and

WHEREAS, pursuant to a Unanimous Approval executed by Theodore T. Miyahara on behalf of Ivy Valley Housing LLC (“Owner 5”), and, together with Owner 1, Owner 2, Owner 3, and Owner 4, the “Owners” dated August 5, 2020, attached hereto as Exhibit “A” (the “Owner 5 Unanimous Approval,” and, together with the Owner 1 Unanimous Approval, the Owner 2 Unanimous Approval, the Owner 3 Unanimous Approval and the Owner 4 Unanimous Approval, the “Unanimous Approvals”), Owner 5 stated its intention to annex the territory described in Exhibit B to the Owner 5 Unanimous Approval to the District (the “Owner 5 Annexation Territory,” and, together with the Owner 1 Annexation Territory, the Owner 2 Annexation territory, the Owner 3 Annexation Territory and the Owner 4 Annexation Territory, the “Annexation Territory”) with no further hearings or procedures required with respect to such annexation to the District; and

WHEREAS, the Annexation Territory is within the Future Annexation Area of the District.

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the annexation of the Annexation Territory to the District; BE IT RESOLVED by the City Council of the City of Escondido that:

1. Each of the above recitals is true and correct.

2. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the District and the proposed annexation of the Annexation Territory to the District were valid and in conformity with the requirements of law, including the Act, and the annexation of the Annexation Territory to the District in accordance with the Unanimous Approval is hereby approved.

3. The map showing the original boundaries of the District designated as "Boundary Map of Community Facilities District No. 2020-1 (Services) City of Escondido, County of San Diego, State of California," which map is on file in the office of the City Clerk and was recorded pursuant to Sections 3111 and 3113 of the Streets and Highways Code in the County Book of Maps of Assessment and Community Facilities Districts in the Assessor-County Clerk-Recorder's office of the County of San Diego in Book No. 48, Page Nos. 79-80 on April 13, 2020, as Instrument No. 2020-7000088.

4. The City Council hereby authorizes a map showing the Annexation Territory to be annexed to the District and be made subject to taxation in the form attached hereto as Exhibit "B" be recorded pursuant to Sections 3111 and 3113 of the Streets and Highways Code in the County Book of Maps of Assessment and Community Facilities Districts in the Assessor-County Clerk-Recorder's office of the County of San Diego.

5. The City Council hereby adopts the Rate and Method attached as Exhibit "C" to the Resolution of Intention as the applicable rate and method for the Annexation Territory. Except where funds are otherwise available, it is the intention of the City

Council to levy the proposed special taxes at the rates within the Annexation Territory set forth in the Rate and Method on all non-exempt property within the Annexation Territory sufficient to pay for (i) the Services (as defined in the Rate and Method), and (ii) Incidental Expenses (as defined in the Rate and Method). The District expects to incur, and in certain cases has already incurred, Incidental Expenses in connection with the annexation of the Annexation Territory to the District. The rate and method of apportionment of the special tax applicable to the Annexation Territory is described in detail in Exhibit "C" to the Resolution of Intention which is incorporated herein by this reference, and the City Council hereby finds that Exhibit "C" to the Resolution of Intention contains sufficient detail to allow each landowner within the Annexation Territory to estimate the maximum amount that may be levied against each parcel. The special tax is apportioned to each parcel on the foregoing bases pursuant to Section 53325.3 of the Act and such special tax is not on or based upon the ownership of real property.

6. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all non-exempt real property in the Annexation Territory and this lien shall continue in force and effect until the levy of the special tax by the District ceases in accordance with the Rate and Method.

7. Consistent with Section 53325.6 of the Act, the City Council finds and determines that the land within the Annexation Territory, if any, devoted primarily to agricultural, timber or livestock uses and being used for the commercial production of agricultural, timber or livestock products is contiguous to other land within the

Annexation Territory and will be benefited by the Services proposed to be provided within Community Facilities District No. 2020-1 and the Annexation Territory.

8. It is hereby further determined that there is no ad valorem property tax currently being levied on property within the Annexation Territory for the exclusive purpose of paying for the same services as are proposed to be provided by Community Facilities District No. 2020-1.

This Resolution shall be effective upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 20__.

Mayor of the City of Escondido

ATTEST:

City Clerk of the City of Escondido

UNANIMOUS APPROVAL

Community Facilities District No. 2020-1 of the City of Escondido (Services)

July, 2020

Community Facilities District No. 2020-1
of the City of Escondido (Services)
201 North Broadway
Escondido, CA 92025
Attention: City Manager

The City of Escondido (the "City") has formed Community Facilities District No. 2020-1 of the City of Escondido (Services) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the "Act"). The purpose of the District is to finance (1) certain services (collectively, the "Services") described in Attachment "B" to Resolution No. 2020-24 of the City Council of the City adopted April 9, 2020 (the "Resolution of Intention") caused by development within the District and (2) "Incidental Expenses" as said term is defined in the Rate and Method of Apportionment.

The undersigned property owner (the "Owner") here by states and certifies as follows:

1. This Unanimous Approval is submitted by the Owner who is the record owner of fee title to the real property and improvements thereon as described in Attachment "A" hereto (collectively, the "Annexation Territory"). The Owner has provided the District sufficient and current evidence of their ownership of fee title to the Annexation Territory and possesses all legal authority necessary to execute this Unanimous Approval.

2. There are no registered voters residing within the Annexation Territory and have been none during the 90-day period preceding July, 2020

3. This Unanimous Approval constitutes the unanimous approval of the Owners in favor of the following within the meaning of Sections 53329.6, 53339.2 and 53339.3 of the Act:

(a) Annexation. The annexation of the Annexation Territory to the District for the purpose of financing the Services and Incidental Expenses set forth in Attachment "B" to the Resolution of Intention.

(b) Special Tax. The levy of special taxes (the "Special Tax") in the Annexation Territory to finance the Services and the Incidental Expenses in accordance with the Rate and Method and this Unanimous Approval.

Pursuant to Section 53329.6 of the Act, this Unanimous Approval constitutes the vote of the qualified elector in favor of the matters addressed in this Section 3 for purposes of the California Constitution, including, but not limited to Articles XIII A and XIII C.

4. The Owner hereby acknowledges that no further hearings or procedures are required with respect to the approval of the matters set forth in Section 3 above.

5. The Owner understands and hereby unanimously approves that the Special Tax is authorized to be levied on the Annexation Territory annexed to the District, and the lien is a continuing lien which shall secure each annual levy of the Special Taxes and which shall continue in force and effect until the Special Tax obligation is canceled in accordance with law or until the Special Tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

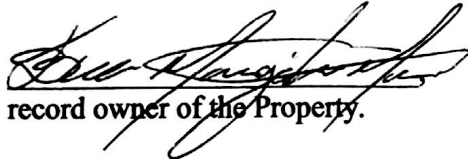
6. The Owner hereby waives any and all requirements with respect to the approval of the matters set forth in this Unanimous Approval, including without limitation, the preparation of an impartial analysis, arguments or rebuttals concerning elections as provided for by Elections Code Sections 9160 to 9167, inclusive, and 9190 and preparation of a tax rate statement as provided in Section 9401 of the Elections Code and any further notices of such approvals as may be required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the approval process set forth herein, the Owner waives compliance with any and all provisions of the Elections Code and Government Code, with any time limits or other procedural requirements pertaining to this Unanimous Approval.

The undersigned hereby represents that compliance with any additional procedural requirements for the Unanimous Approval provided for herein, including the receipt of any arguments for or against such approval and impartial analyses and the time limitations which may apply in connection with scheduling, mailing and publishing notices, are unnecessary in light of the fact that the undersigned has received sufficient information regarding the imposition of the special tax as set forth in Resolution No. 2020-44 of the City Council of the City adopted May 13, 2020 (the "Resolution of Formation") to allow it to properly complete the this Unanimous Approval. The Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of this Unanimous Approval and any proceedings taken in connection therewith or the levy of the special tax to finance the costs of the Services for the benefit of the Annexation Territory.

7. The Owner hereby authorizes the District to execute and record in the office of the Recorder of the County of San Diego, a notice of special tax lien in accordance with Streets & Highways Code Section 3117.5, which shall give notice that a lien to secure payment of the Special Tax is imposed by the District.

8. This Unanimous Approval shall be effective upon its execution and delivery.

The foregoing Unanimous Approval is hereby executed this 05 day of July 2020 in California, California.


record owner of the Property.

ATTACHMENT A

ATTACHMENT A
ANNEXATION TERRITORY

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

Assessor's Parcel Nos:

228-050-63-00

UNANIMOUS APPROVAL

Community Facilities District No. 2020-1 of the City of Escondido (Services)

July 1, 2020

Community Facilities District No. 2020-1
of the City of Escondido (Services)
201 North Broadway
Escondido, CA 92025
Attention: City Manager

The City of Escondido (the "City") has formed Community Facilities District No. 2020-1 of the City of Escondido (Services) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the "Act"). The purpose of the District is to finance (1) certain services (collectively, the "Services") described in Attachment "B" to Resolution No. 2020-24 of the City Council of the City adopted April 9, 2020 (the "Resolution of Intention") caused by development within the District and (2) "Incidental Expenses" as said term is defined in the Rate and Method of Apportionment.

The undersigned property owner (the "Owner") here by states and certifies as follows:

1. This Unanimous Approval is submitted by the Owner who is the record owner of fee title to the real property and improvements thereon as described in Attachment "A" hereto (collectively, the "Annexation Territory"). The Owner has provided the District sufficient and current evidence of their ownership of fee title to the Annexation Territory and possesses all legal authority necessary to execute this Unanimous Approval.

2. There are no registered voters residing within the Annexation Territory and have been none during the 90-day period preceding July 1, 2020.

3. This Unanimous Approval constitutes the unanimous approval of the Owners in favor of the following within the meaning of Sections 53329.6, 53339.2 and 53339.3 of the Act:

(a) Annexation. The annexation of the Annexation Territory to the District for the purpose of financing the Services and Incidental Expenses set forth in Attachment "B" to the Resolution of Intention.

(b) Special Tax. The levy of special taxes (the "Special Tax") in the Annexation Territory to finance the Services and the Incidental Expenses in accordance with the Rate and Method and this Unanimous Approval.

Pursuant to Section 53329.6 of the Act, this Unanimous Approval constitutes the vote of the qualified elector in favor of the matters addressed in this Section 3 for purposes of the California Constitution, including, but not limited to Articles XIII A and XIII C.

4. The Owner hereby acknowledges that no further hearings or procedures are required with respect to the approval of the matters set forth in Section 3 above.

5. The Owner understands and hereby unanimously approves that the Special Tax is authorized to be levied on the Annexation Territory annexed to the District, and the lien is a continuing lien which shall secure each annual levy of the Special Taxes and which shall continue in force and effect until the Special Tax obligation is canceled in accordance with law or until the Special Tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

6. The Owner hereby waives any and all requirements with respect to the approval of the matters set forth in this Unanimous Approval, including without limitation, the preparation of an impartial analysis, arguments or rebuttals concerning elections as provided for by Elections Code Sections 9160 to 9167, inclusive, and 9190 and preparation of a tax rate statement as provided in Section 9401 of the Elections Code and any further notices of such approvals as may be required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the approval process set forth herein, the Owner waives compliance with any and all provisions of the Elections Code and Government Code, with any time limits or other procedural requirements pertaining to this Unanimous Approval.

The undersigned hereby represents that compliance with any additional procedural requirements for the Unanimous Approval provided for herein, including the receipt of any arguments for or against such approval and impartial analyses and the time limitations which may apply in connection with scheduling, mailing and publishing notices, are unnecessary in light of the fact that the undersigned has received sufficient information regarding the imposition of the special tax as set forth in Resolution No. 2020-44 of the City Council of the City adopted May 13, 2020 (the "Resolution of Formation") to allow it to properly complete the this Unanimous Approval. The Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of this Unanimous Approval and any proceedings taken in connection therewith or the levy of the special tax to finance the costs of the Services for the benefit of the Annexation Territory.

7. The Owner hereby authorizes the District to execute and record in the office of the Recorder of the County of San Diego, a notice of special tax lien in accordance with Streets & Highways Code Section 3117.5, which shall give notice that a lien to secure payment of the Special Tax is imposed by the District.

8. This Unanimous Approval shall be effective upon its execution and delivery.

The foregoing Unanimous Approval is hereby executed this 7th day of July 2020 in
Escondido, California.

Suana Velasco,
record owner of the Property.

ATTACHMENT A

ATTACHMENT A
ANNEXATION TERRITORY

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

Assessor's Parcel Nos:

233-111-1600

UNANIMOUS APPROVAL

Community Facilities District No. 2020-1 of the City of Escondido (Services)

July 29, 2020

Community Facilities District No. 2020-1
of the City of Escondido (Services)
201 North Broadway
Escondido, CA 92025
Attention: City Manager

APN: 236-112-03

The City of Escondido (the "City") has formed Community Facilities District No. 2020-1 of the City of Escondido (Services) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the "Act"). The purpose of the District is to finance (1) certain services (collectively, the "Services") described in Attachment "B" to Resolution No. 2020-24 of the City Council of the City adopted April 9, 2020 (the "Resolution of Intention") caused by development within the District and (2) "Incidental Expenses" as said term is defined in the Rate and Method of Apportionment.

The undersigned property owner (the "Owner") here by states and certifies as follows:

1. This Unanimous Approval is submitted by the Owner who is the record owner of fee title to the real property and improvements thereon as described in Attachment "A" hereto (collectively, the "Annexation Territory"). The Owner has provided the District sufficient and current evidence of their ownership of fee title to the Annexation Territory and possesses all legal authority necessary to execute this Unanimous Approval.

2. There are no registered voters residing within the Annexation Territory and have been none during the 90-day period preceding July 29, 2020.

3. This Unanimous Approval constitutes the unanimous approval of the Owners in favor of the following within the meaning of Sections 53329.6, 53339.2 and 53339.3 of the Act:

(a) Annexation. The annexation of the Annexation Territory to the District for the purpose of financing the Services and Incidental Expenses set forth in Attachment "B" to the Resolution of Intention.

(b) Special Tax. The levy of special taxes (the "Special Tax") in the Annexation Territory to finance the Services and the Incidental Expenses in accordance with the Rate and Method and this Unanimous Approval.

Pursuant to Section 53329.6 of the Act, this Unanimous Approval constitutes the vote of the qualified elector in favor of the matters addressed in this Section 3 for purposes of the California Constitution, including, but not limited to Articles XIII A and XIII C.

4. The Owner hereby acknowledges that no further hearings or procedures are required with respect to the approval of the matters set forth in Section 3 above.

APN: 236-112-03

5. The Owner understands and hereby unanimously approves that the Special Tax is authorized to be levied on the Annexation Territory annexed to the District, and the lien is a continuing lien which shall secure each annual levy of the Special Taxes and which shall continue in force and effect until the Special Tax obligation is canceled in accordance with law or until the Special Tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

6. The Owner hereby waives any and all requirements with respect to the approval of the matters set forth in this Unanimous Approval, including without limitation, the preparation of an impartial analysis, arguments or rebuttals concerning elections as provided for by Elections Code Sections 9160 to 9167, inclusive, and 9190 and preparation of a tax rate statement as provided in Section 9401 of the Elections Code and any further notices of such approvals as may be required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the approval process set forth herein, the Owner waives compliance with any and all provisions of the Elections Code and Government Code, with any time limits or other procedural requirements pertaining to this Unanimous Approval.

The undersigned hereby represents that compliance with any additional procedural requirements for the Unanimous Approval provided for herein, including the receipt of any arguments for or against such approval and impartial analyses and the time limitations which may apply in connection with scheduling, mailing and publishing notices, are unnecessary in light of the fact that the undersigned has received sufficient information regarding the imposition of the special tax as set forth in Resolution No. 2020-44 of the City Council of the City adopted May 13, 2020 (the "Resolution of Formation") to allow it to properly complete the this Unanimous Approval. The Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of this Unanimous Approval and any proceedings taken in connection therewith or the levy of the special tax to finance the costs of the Services for the benefit of the Annexation Territory.

7. The Owner hereby authorizes the District to execute and record in the office of the Recorder of the County of San Diego, a notice of special tax lien in accordance with Streets & Highways Code Section 3117.5, which shall give notice that a lien to secure payment of the Special Tax is imposed by the District.

APN: 236-112-03

8. This Unanimous Approval shall be effective upon its execution and delivery.

The foregoing Unanimous Approval is hereby executed this 29 day of July 2020 in Escondido, California.

Murumi,
record owner of the Property.

ATTACHMENT A

ATTACHMENT A
ANNEXATION TERRITORY

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

Assessor's Parcel Nos: 236-112-03

UNANIMOUS APPROVAL

Community Facilities District No. 2020-1 of the City of Escondido (Services)

July 28, 2020

Community Facilities District No. 2020-1
of the City of Escondido (Services)
201 North Broadway
Escondido, CA 92025
Attention: City Manager

The City of Escondido (the "City") has formed Community Facilities District No. 2020-1 of the City of Escondido (Services) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the "Act"). The purpose of the District is to finance (1) certain services (collectively, the "Services") described in Attachment "B" to Resolution No. 2020-24 of the City Council of the City adopted April 9, 2020 (the "Resolution of Intention") caused by development within the District and (2) "Incidental Expenses" as said term is defined in the Rate and Method of Apportionment.

The undersigned property owner (the "Owner") here by states and certifies as follows:

1. This Unanimous Approval is submitted by the Owner who is the record owner of fee title to the real property and improvements thereon as described in Attachment "A" hereto (collectively, the "Annexation Territory"). The Owner has provided the District sufficient and current evidence of their ownership of fee title to the Annexation Territory and possesses all legal authority necessary to execute this Unanimous Approval.

2. There are no registered voters residing within the Annexation Territory and have been none during the 90-day period preceding July 20, 2020.

3. This Unanimous Approval constitutes the unanimous approval of the Owners in favor of the following within the meaning of Sections 53329.6, 53339.2 and 53339.3 of the Act:

(a) Annexation. The annexation of the Annexation Territory to the District for the purpose of financing the Services and Incidental Expenses set forth in Attachment "B" to the Resolution of Intention.

(b) Special Tax. The levy of special taxes (the "Special Tax") in the Annexation Territory to finance the Services and the Incidental Expenses in accordance with the Rate and Method and this Unanimous Approval.

Pursuant to Section 53329.6 of the Act, this Unanimous Approval constitutes the vote of the qualified elector in favor of the matters addressed in this Section 3 for purposes of the California Constitution, including, but not limited to Articles XIII A and XIII C.

4. The Owner hereby acknowledges that no further hearings or procedures are required with respect to the approval of the matters set forth in Section 3 above.

5. The Owner understands and hereby unanimously approves that the Special Tax is authorized to be levied on the Annexation Territory annexed to the District, and the lien is a continuing lien which shall secure each annual levy of the Special Taxes and which shall continue in force and effect until the Special Tax obligation is canceled in accordance with law or until the Special Tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

6. The Owner hereby waives any and all requirements with respect to the approval of the matters set forth in this Unanimous Approval, including without limitation, the preparation of an impartial analysis, arguments or rebuttals concerning elections as provided for by Elections Code Sections 9160 to 9167, inclusive, and 9190 and preparation of a tax rate statement as provided in Section 9401 of the Elections Code and any further notices of such approvals as may be required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the approval process set forth herein, the Owner waives compliance with any and all provisions of the Elections Code and Government Code, with any time limits or other procedural requirements pertaining to this Unanimous Approval.

The undersigned hereby represents that compliance with any additional procedural requirements for the Unanimous Approval provided for herein, including the receipt of any arguments for or against such approval and impartial analyses and the time limitations which may apply in connection with scheduling, mailing and publishing notices, are unnecessary in light of the fact that the undersigned has received sufficient information regarding the imposition of the special tax as set forth in Resolution No. 2020-44 of the City Council of the City adopted May 13, 2020 (the "Resolution of Formation") to allow it to properly complete the this Unanimous Approval. The Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of this Unanimous Approval and any proceedings taken in connection therewith or the levy of the special tax to finance the costs of the Services for the benefit of the Annexation Territory.

7. The Owner hereby authorizes the District to execute and record in the office of the Recorder of the County of San Diego, a notice of special tax lien in accordance with Streets & Highways Code Section 3117.5, which shall give notice that a lien to secure payment of the Special Tax is imposed by the District.

8. This Unanimous Approval shall be effective upon its execution and delivery.

The foregoing Unanimous Approval is hereby executed this 28th day of July 2020 in San Diego, California.

[Signature] For San Diego Web, et al for Humanity.
record owner of the Property.

ATTACHMENT A

ATTACHMENT A
ANNEXATION TERRITORY

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

Assessor's Parcel Nos: 229-040-14-00



*Building
houses,
building
hope*

**RESOLUTION OF THE BOARD OF DIRECTORS
OF
SAN DIEGO HABITAT FOR HUMANITY**

This resolution, duly executed by the governing Board of San Diego Habitat for Humanity, authorizes Lori Holt Pfeiler, San Diego Habitat for Humanity, Executive Director to enter into all necessary agreements and execute all required documents related to the purchase, donation and sale of houses and/or land on behalf of San Diego Habitat for Humanity, Inc., consistent with San Diego Habitat for Humanity policies and subject to Board authorization where required.

A handwritten signature in black ink, appearing to read "Theresa C. McAteer", written over a horizontal line.

Theresa C. McAteer, Secretary

11/8/12
Date

10222 San Diego Mission Road
San Diego, CA 92108-2135
(619) 283-HOME (4663)
Fax (619) 516-5264
www.sdhfh.org
License # 9553366

UNANIMOUS APPROVAL

Community Facilities District No. 2020-1 of the City of Escondido (Services)

August 5, 2020

Community Facilities District No. 2020-1
of the City of Escondido (Services)
201 North Broadway
Escondido, CA 92025
Attention: City Manager

The City of Escondido (the “City”) has formed Community Facilities District No. 2020-1 of the City of Escondido (Services) (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the “Act”). The purpose of the District is to finance (1) certain services (collectively, the “Services”) described in Attachment “B” to Resolution No. 2020-24 of the City Council of the City adopted April 9, 2020 (the “Resolution of Intention”) caused by development within the District and (2) “Incidental Expenses” as said term is defined in the Rate and Method of Apportionment.

The undersigned property owner (the “Owner”) here by states and certifies as follows:

1. This Unanimous Approval is submitted by the Owner who is the record owner of fee title to the real property and improvements thereon as described in Attachment “A” hereto (collectively, the “Annexation Territory”). The Owner has provided the District sufficient and current evidence of their ownership of fee title to the Annexation Territory and possesses all legal authority necessary to execute this Unanimous Approval.

2. There are no registered voters residing within the Annexation Territory and have been none during the 90-day period preceding August 5, 2020.

3. This Unanimous Approval constitutes the unanimous approval of the Owners in favor of the following within the meaning of Sections 53329.6, 53339.2 and 53339.3 of the Act:

(a) Annexation. The annexation of the Annexation Territory to the District for the purpose of financing the Services and Incidental Expenses set forth in Attachment “B” to the Resolution of Intention.

(b) Special Tax. The levy of special taxes (the “Special Tax”) in the Annexation Territory to finance the Services and the Incidental Expenses in accordance with the Rate and Method and this Unanimous Approval.

Pursuant to Section 53329.6 of the Act, this Unanimous Approval constitutes the vote of the qualified elector in favor of the matters addressed in this Section 3 for purposes of the California Constitution, including, but not limited to Articles XIII A and XIII C.

4. The Owner hereby acknowledges that no further hearings or procedures are required with respect to the approval of the matters set forth in Section 3 above.

5. The Owner understands and hereby unanimously approves that the Special Tax is authorized to be levied on the Annexation Territory annexed to the District, and the lien is a continuing lien which shall secure each annual levy of the Special Taxes and which shall continue in force and effect until the Special Tax obligation is canceled in accordance with law or until the Special Tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

6. The Owner hereby waives any and all requirements with respect to the approval of the matters set forth in this Unanimous Approval, including without limitation, the preparation of an impartial analysis, arguments or rebuttals concerning elections as provided for by Elections Code Sections 9160 to 9167, inclusive, and 9190 and preparation of a tax rate statement as provided in Section 9401 of the Elections Code and any further notices of such approvals as may be required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the approval process set forth herein, the Owner waives compliance with any and all provisions of the Elections Code and Government Code, with any time limits or other procedural requirements pertaining to this Unanimous Approval.

The undersigned hereby represents that compliance with any additional procedural requirements for the Unanimous Approval provided for herein, including the receipt of any arguments for or against such approval and impartial analyses and the time limitations which may apply in connection with scheduling, mailing and publishing notices, are unnecessary in light of the fact that the undersigned has received sufficient information regarding the imposition of the special tax as set forth in Resolution No. 2020-44 of the City Council of the City adopted May 13, 2020 (the "Resolution of Formation") to allow it to properly complete the this Unanimous Approval. The Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of this Unanimous Approval and any proceedings taken in connection therewith or the levy of the special tax to finance the costs of the Services for the benefit of the Annexation Territory.

7. The Owner hereby authorizes the District to execute and record in the office of the Recorder of the County of San Diego, a notice of special tax lien in accordance with Streets & Highways Code Section 3117.5, which shall give notice that a lien to secure payment of the Special Tax is imposed by the District.

8. This Unanimous Approval shall be effective upon its execution and delivery.

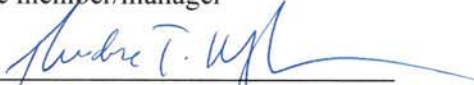
The foregoing Unanimous Approval is hereby executed this 5th day of August 2020 in San Diego, California.

see below,
record owner of the Property.

Ivy Valley Housing Partners, L.P.,
a California limited partnership

BY: Ivy Valley Housing LLC,
a California limited liability company,
its general partner

By: San Diego Community Housing Corporation,
a California nonprofit public benefit corporation,
its sole member/manager

By: 
Theodore T. Miyahara, President & CEO

ATTACHMENT A

ATTACHMENT A

ANNEXATION TERRITORY

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

Assessor's Parcel Nos:

229-432-31-00, 229-432-32-00, 229-432-33-00, 229-432-34-00, 229-432-35-00



Secretary of State
Articles of Organization
Limited Liability Company (LLC)

LLC-1

201924110211

FILED

Secretary of State
State of California

AUG 20 2019

IMPORTANT — Read Instructions before completing this form.

Filing Fee — \$70.00

Copy Fees — First page \$1.00; each attachment page \$0.50;
Certification Fee - \$5.00

Note: LLCs may have to pay minimum \$800 tax to the California Franchise Tax Board each year. For more information, go to <https://www.ftb.ca.gov>.

This Space For Office Use Only

1. Limited Liability Company Name (See Instructions — Must contain an LLC identifier such as LLC or L.L.C. "LLC" will be added, if not included.)

Ivy Valley Housing LLC

2. Business Addresses

a. Initial Street Address of Designated Office in California - Do not enter a P.O. Box 6160 Mission Gorge Rd., Suite 204	City (no abbreviations) San Diego	State CA	Zip Code 92120
b. Initial Mailing Address of LLC, if different than item 2a	City (no abbreviations)	State	Zip Code

3. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL — Complete Items 3a and 3b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Theodore	Middle Name	Last Name Miyahara	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 6160 Mission Gorge Rd., Suite 204	City (no abbreviations) San Diego	State CA	Zip Code 92120

CORPORATION — Complete Item 3c. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete Item 3a or 3b

4. Management (Select only one box)

The LLC will be managed by:

☒ One Manager

☐ More than One Manager

☐ All LLC Member(s)

5. Purpose Statement (Do not alter Purpose Statement)

The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

6. The Information contained herein, including in any attachments, is true and correct.

Theodore T. Miyahara

Organizer sign here

By: Theodore Miyahara, President and Chief Executive Officer
of San Diego Community Housing Corporation

Print your name here

ATTACHMENT
TO LIMITED LIABILITY COMPANY
ARTICLES OF ORGANIZATION
(LLC-1)
IVY VALLEY HOUSING LLC (the "Company")

Additional Information:

Each member of this Company shall be a "Qualified Organization" which shall mean an organization that is exempt under Section 501(c)(3) of the Internal Revenue Code or under Section 23701(d) of the California Revenue and Taxation Code and that qualifies for exemption under Section 214 of the California Revenue and Taxation Code. Each "Qualifying Organization" shall have a valid, unrevoked letter from the Internal Revenue Service or the Franchise Tax Board, stating that it qualifies as an exempt organization under Section 501(3) of the Internal Revenue Code or under Section 23701(d) of the California Revenue and Taxation Code.

Each member is prohibited from transferring, directly or indirectly, its member interest to any person or entity which is not a Qualified Organization.

The Company is organized and operated exclusively for charitable purposes as specified in Section 214 of the California Revenue and Taxation Code and to further the following specific charitable purposes of its members: (1) to provide housing for low income persons, where no adequate housing exists for such groups; and (2) to serve as a general partner in a limited partnership which owns and operates housing for the benefit of low income persons who are in need of affordable, decent, safe and sanitary housing and related services. Any amendments to the articles of organization shall be consistent with the exempt purposes as specified in Section 214 of the California Revenue and Taxation Code.

All real and personal property owned by the Company shall be owned by and in the name of the Company and is irrevocably dedicated to charitable purposes as set forth in Sections 214 or 214.01 of the California Revenue and Taxation Code. No member shall have any ownership interest in such property in its individual name or right.

No distribution shall be made to any member which ceases to be a Qualified Organization.

Upon dissolution of the Company, all assets of the Company shall be distributed to an entity organized and operated exclusively for charitable purposes, as specified in Section 214 of the California Revenue and Taxation Code, and which has established tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, or under Section 23701(d) of the Revenue and Taxation Code.

To the fullest extent permitted by law, for the purpose of qualifying for the Welfare Exemption under the rules of the California Board of Equalization, this limited liability company is prohibited from merging or converting into a for-profit entity.

201924110211



I hereby certify that the foregoing transcript of 2 page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.


AUG 30 2019

TSD

Date: _____

Alex Padilla

ALEX PADILLA, Secretary of State

	Secretary of State Certificate of Limited Partnership (LP)	LP-1
	IMPORTANT — Read Instructions before completing this form. Filing Fee — \$70.00 Copy Fees — First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00 <i>Note:</i> LPs may have to pay minimum \$800 tax to the California Franchise Tax Board each year. For more information, go to https://www.ftb.ca.gov .	

201924100005

FILED
Secretary of State
State of California

AUG 20 2019

Above Space For Office Use Only

1. Limited Partnership Name (See Instructions – Must contain an LP ending such as LP or L.P. "LP" will be added, if not included.) Ivy Valley Housing Partners, L.P.
--


2. Business Addresses			
a. Initial Street Address of LP's Designated Office in California - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
6160 Mission Gorge Rd., Suite 204	San Diego	CA	92120
b. Initial Mailing Address of LP, if different than item 2a	City (no abbreviations)	State	Zip Code

3. Service of Process (Must provide either Individual OR Corporation.) INDIVIDUAL – Complete Items 3a and 3b only. Must include agent's full name and California street address.			
a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
Ted		Miyahara	
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
6160 Mission Gorge Rd., Suite 204	San Diego	CA	92120

CORPORATION – Complete Item 3c. Only include the name of the registered agent Corporation.			
c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 3a or 3b			

4. General Partners (List the name and address of each general partner. Attach additional pages, if necessary.)			
a. General Partner's Name			
Ivy Valley Housing LLC			
General Partner's Address	City (no abbreviations)	State	Zip Code
6160 Mission Gorge Rd., Suite 204	San Diego	CA	92120
b. General Partner's Name			
General Partner's Address	City (no abbreviations)	State	Zip Code

The information contained herein, including in any attachments, is true and correct.

	By: Theodore T. Miyahara, President and Chief Executive Officer of San Diego Community Housing Corporation, the sole member/manager of
General Partner Signature	Type or Print Name Ivy Valley Housing LLC

General Partner Signature

Type or Print Name



I hereby certify that the foregoing transcript of 1 page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.

AUG 30 2019

TSD

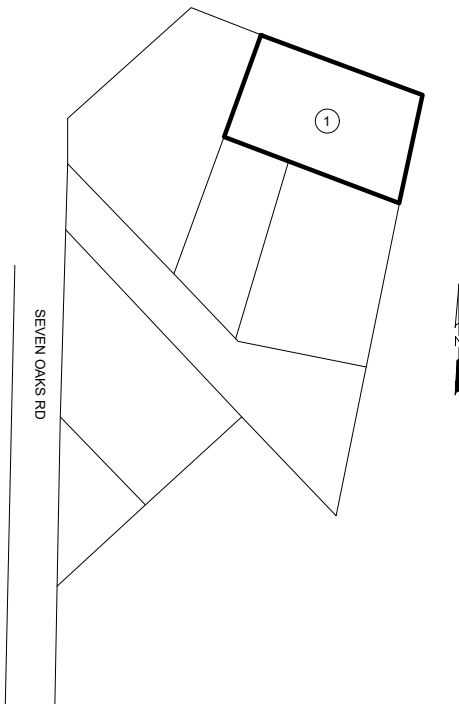
Date: _____

Alex Padilla

ALEX PADILLA, Secretary of State

BOUNDARY MAP OF
COMMUNITY FACILITIES DISTRICT NO. 2020-1
(SERVICES)
ANNEXATION ZONE 2020-2

OF THE CITY OF ESCONDIDO
COUNTY OF SAN DIEGO
STATE OF CALIFORNIA



LOT DESIGNATION		
LOT NO.	ASSESSOR'S PARCEL NO.	SHEET
1	228-050-63-00	1
2	229-040-14-00	2
3	229-432-31-00	2
4	229-432-32-00	2
5	229-432-33-00	2
6	229-432-34-00	2
7	229-432-35-00	2
8	233-111-16-00	2
9	236-112-03-00	2

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF ESCONDIDO,
THIS _____ DAY OF _____, 20____.

BY: _____
CITY CLERK
CITY OF ESCONDIDO
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE BOUNDARIES
OF THE ANNEXATION OF ZONE 202____ TO COMMUNITY FACILITIES
DISTRICT NO. 2020-1 OF THE CITY OF ESCONDIDO, COUNTY OF SAN
DIEGO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL
OF THE CITY OF ESCONDIDO AT A REGULAR MEETING THEREOF, HELD
ON THE _____ DAY OF _____, 20____, BY ITS
RESOLUTION NO. _____.

BY: _____
CITY CLERK
CITY OF ESCONDIDO
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 20____, AT
THE HOUR OF _____ O'CLOCK _____ M. AS DOCUMENT
NO. _____ IN BOOK _____ PAGE(S) _____ OF
MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS IN
THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN
DIEGO, CALIFORNIA.

BY: _____
DEPUTY RECORDER
COUNTY RECORDER, ERNST J. DRONENBURG, JR.
COUNTY OF SAN DIEGO
STATE OF CALIFORNIA

LEGEND:

① LOT NUMBER

_____ COMMUNITY FACILITIES
DISTRICT BOUNDARY

SDFA

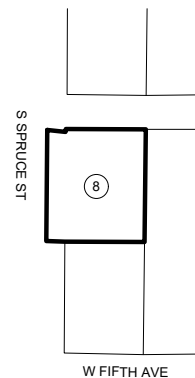
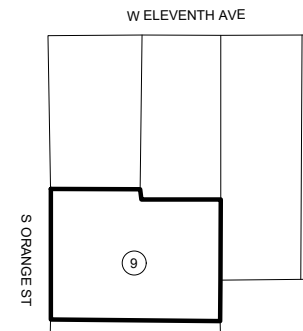
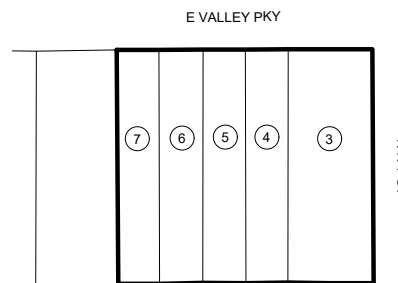
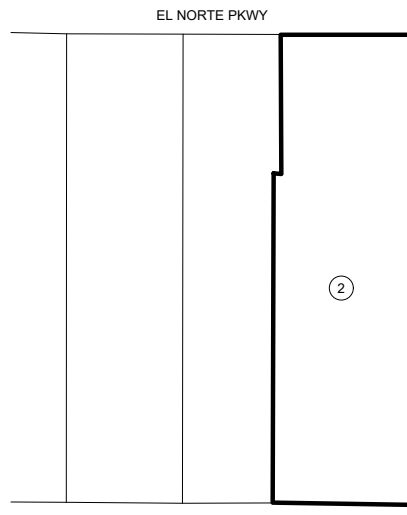
SPECIAL DISTRICT FINANCING
& ADMINISTRATION

437 WEST GRAND AVENUE
ESCONDIDO, CALIFORNIA 92025
TELEPHONE: (760)233-2630
FAX: (760)233-2631

SHEET	1 OF 2
DATE	SEPTEMBER 2020
JOB NO.	CFD2020-1

BOUNDARY MAP OF
 COMMUNITY FACILITIES DISTRICT NO. 2020-1
 (SERVICES)
 ANNEXATION ZONE 2020-2

OF THE CITY OF ESCONDIDO
 COUNTY OF SAN DIEGO
 STATE OF CALIFORNIA



SDFA
 SPECIAL DISTRICT FINANCING
 & ADMINISTRATION

437 WEST GRAND AVENUE
 ESCONDIDO, CALIFORNIA 92025
 TELEPHONE: (760)233-2630
 FAX: (760)233-2631

NOT TO SCALE



LEGEND:

①

LOT NUMBER



ZONE 2020-2 OF CFD
 NO. 2020-1 BOUNDARY

SHEET	2 OF 2
DATE	SEPTEMBER 2020
JOB NO.	CFD2020-1

EXHIBIT C

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES COMMUNITY FACILITIES DISTRICT NO. 2020-1 (Services) CITY OF ESCONDIDO

A Special Tax (as hereinafter defined) shall be levied on all Assessor's Parcels within Community Facilities District No. 2020-1 ("CFD No. 2020-1") of the City of Escondido ("City") and collected each Fiscal Year commencing in Fiscal Year 2020-2021, in an amount determined by the City Council, through the application of this Rate and Method of Apportionment of Special Taxes as described below. All of the real property within the boundaries of CFD No. 2020-1, unless exempted by law or by the provisions hereof, shall be subject to the Special Tax for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the acreage of an Assessor's Parcel as shown on an Assessor's Parcel Map. If the acreage is not shown on an Assessor's Parcel Map, the acreage shown on the applicable Final Map, parcel map, condominium plan, or other recorded County map shall be used. If the acreage information supplied by these alternative sources is not available, or in conflict, the acreage used shall be determined by the CFD Administrator or a designee.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the formation, annexation and administration of CFD No. 2020-1, including but not limited to the following: (i) the costs of computing the Special Taxes and preparing and presenting to City Council the Special Tax collection schedules (whether by the City or designee thereof or both); (2) the costs of collecting the Special Taxes (whether by the County or otherwise); (3) the costs to the City, CFD No. 2020-1 or any designee thereof in responding to property owner and public inquiries regarding CFD No. 2020-1, including its Special Taxes; (4) the costs of the City, CFD No. 2020-1 or any designee related to an appeal of the Special Tax; (5) the costs of the City, CFD No. 2020-1 or any designee related to preparing required reporting obligations; (6) the City's annual administration fees and third party expenses; (7) the costs of City staff time and reasonable overhead relating to CFD No. 2020-1; and (8) amounts estimated or advanced by the City or CFD No. 2020-1 for any other administrative purposes of CFD No. 2020-1, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor" means the County Assessor.

"Assessor's Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's parcel number located within the boundaries of CFD No. 2020-1.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by Assessor’s parcel number.

“Building Permit” means the first legal document issued by the City giving official permission for the construction of a building on an Assessor’s Parcel. For purposes of this definition and application of the Special Tax, “Building Permit” may or may not include any subsequent building permits issued or changed after the first issuance, as determined by the CFD Administrator.

“CFD Administrator” means the Finance Director or other official of the City responsible for determining the Special Tax Requirement, providing for the levy and collection of the Special Taxes and performing the other duties provided herein.

“CFD No. 2020-1” means Community Facilities District No. 2020-1 of the City of Escondido.

“City” means the City of Escondido, California.

“City Council” means the City Council of the City, acting as the Legislative Body of CFD No. 2020-1, or its designee.

“County” means the County of San Diego, California.

“Density” means the maximum number of dwelling units permitted per acre, including streets within the development, excluding all ultimate circulation element street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA) or the City, slope categories, and other environmental factors as designated in each land use category and/or open space/ conservation element. All as further defined within the City’s General Plan adopted May 2012 per Resolution 2012-52, as amended from time-to-time. Density shall be determined by the CFD Administrator prior to annexation.

“Developed Property” means, for each Fiscal Year, all Taxable Property for which a Building Permit for new construction was issued prior to March 1st of the prior Fiscal Year.

“Dwelling Unit” or “DU” means, as defined in the City of Escondido Municipal Code 32.102 and amended from time to time, each residential unit, without regard to the square footage of the Dwelling Unit, including but not limited to an individual single-family detached Dwelling Unit, small lot single-family Dwelling Unit, townhome, condominium, apartment, or other such residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure that comprises an independent facility capable of conveyance or rental separate from the primary Dwelling Unit(s). Dwelling Unit does not include an attached or detached accessory dwelling unit, as defined in the Section 33-8 of the Escondido Zoning Code, as amended from time-to-time.

“Exempt Property” means all Assessor’s Parcels designated as being exempt from Special Taxes pursuant to Section D.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Index” means the Consumer Price Index as published by the United State Department of Labor, titled “CPI for All Urban Consumers.” Further defined with the Series Title, “All items

in San Diego – Carlsbad, CA, all urban consumers, not seasonally adjusted”. If this Index is no longer available, an alternative comparable Index will be chosen by the CFD Administrator.

“Land Use Category” means any of the categories listed in Section C, Table 1 which resulted from the initial analysis of the impacts from new Dwelling Units for providing Services and Appendix A, as to the initial property within CFD No. 2020-1, which may be updated from time to time as annexations occur.

“Maximum Special Tax” means for each Assessor’s Parcel and each Fiscal Year, the Maximum Special Tax, determined in accordance with Section C, below, that may be levied on such Assessor’s Parcel in such Fiscal Year.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit was issued for any type of non-residential use.

“Proportionately” means for Taxable Property, that the ratio of actual Special Tax levy to the Maximum Special Tax rate is equal for all applicable Assessor’s Parcels within the Zone.

“Rate and Method of Apportionment” means the “Rate and Method of Appointment of Special Taxes for Community Facilities District No. 2020-1 of the City of Escondido.”

“Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing one or more Dwelling Units.

“Services” means services authorized to be funded by CFD No. 2020-1.

“Special Tax(es)” means the Special Tax authorized to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property within the boundaries of CFD No. 2020-1 in accordance with this Rate and Method of Apportionment.

“Special Tax Requirement” means, subject to the Maximum Special Tax, that amount to be collected in any Fiscal Year to pay for the Services as otherwise required to meet the needs of CFD No. 2020-1. The Special Tax Requirement include the costs for (1) the Services, and (2) Administrative Expenses, less (3) a credit for funds available to reduce the Special Tax levy, if any, as determined by the CFD Administrator.

“State” means the State of California.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of CFD No. 2020-1 which are not exempt from the Special Tax pursuant to law or Section D below.

“Undeveloped Property” means, for each Fiscal Year, all Assessor’s Parcels, or portions thereof, of Taxable Property not classified as Developed Property.

“Zone” means a mutually exclusive geographic area or areas, within which particular Special Tax rates may be levied pursuant to this Rate and Method of Apportionment. The initial Zone of CFD No. 2020-1 is identified as Zone 2020-1. Additional Zones may be created when property is annexed into CFD No. 2020-1.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2020-21, all property within CFD No. 2020-1 shall be classified as Taxable Property or Exempt Property. Each Assessor Parcel of Taxable Property shall be further classified as Developed Property or Undeveloped Property and shall be subject to Special Taxes in accordance with this Rate and Method of Apportionment determined pursuant to Section C below. Assessor's Parcels of Taxable Developed Property shall further be classified into Land Use Categories.

C. MAXIMUM SPECIAL TAX

An Assessor's Parcel may contain more than one Land Use Category. The Maximum Special Tax which may be levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax that can be imposed based on each Land Use Category applicable to such Assessor's Parcel.

1. Developed Property

a. Maximum Special Tax

Each Fiscal Year, each Assessor's Parcel of Developed Property shall be subject to the Maximum Special Tax. The Maximum Special Tax applicable for Developed Taxable Property within Zone 2020-1 was determined through the application of Table 1, and is as shown in Appendix A. Appendix A will be updated at the time of each annexation to reflect the Land Use Categories and applicable Maximum Special Taxes for each annexed Zone or by areas within each annexed Zone.

The Maximum Special Tax for Fiscal Year 2020-2021 applicable to an Assessor's Parcel of Developed Property shall be determined using Table 1 below.

TABLE 1
Maximum Special Tax Rates
for Developed Residential Property per Dwelling Unit*
Fiscal Year 2020-2021

Land Use Category	Density	Unit	Special Tax Per Unit
1	Less than 5.5 DU/Acre	DU	\$536.00
2	5.5 to less than 18 DU/Acre	DU	\$743.00
3	18.0 to less than 30 DU/Acre	DU	\$725.00
4	30 DU/Acre or Greater	DU	\$783.00

* The analysis performed to establish the Special Tax per DU shown above only considered the impacts from property within the current City boundary.

b. Escalation

Each July 1st, commencing July 1, 2021, the Maximum Special Taxes shall increase annually by the greater of the annual percentage change in the Index or two percent (2%) from the amount established in the prior Fiscal Year.

2. Undeveloped Property

No Special Tax shall be levied on Undeveloped Property.

D. EXEMPT PROPERTY

The CFD Administrator shall classify as Exempt Property within the boundaries of CFD No. 2020-1: (1) Any Assessor's Parcel that is owned or irrevocably dedicated to the State of California, Federal or other local governments, including school districts, (2) Assessor's Parcels which are owned by or irrevocably dedicated to a homeowners association, or (3) Assessor's Parcels with other types of public uses determined by the CFD Administrator.

E. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2020-2021 and for each following Fiscal Year, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year and shall levy the Special Tax Proportionately on each Assessor's Parcels of Developed Property up to 100% of the applicable Maximum Special Tax to satisfy the Special Tax Requirement.

F. PREPAYMENT OF SPECIAL TAX

No prepayments of the Special Tax are permitted.

G. APPEALS AND INTERPRETATIONS

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the CFD Administrator. The written notice of appeal must be filed within the same Fiscal Year as having paid the first installment of the Special Tax that is disputed and the property owner must be current and remain current in the payment of all Special Tax levied on or before the payment date.

The CFD Administrator shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and rule on the appeal. If the CFD Administrator's decision requires that the Special Tax for an Assessor's Parcel be modified or changed in favor of the property owner, an adjustment shall be made to the Annual Special Tax on that Assessor's Parcel in the subsequent Fiscal Year(s) and a refund, as described, shall be made representing the amount of the adjustment for only the most recent Fiscal Year. The CFD Administrator shall determine if funds are available to provide such refund or, if funds are not available in the sole discretion of the CFD Administrator to provide a cash refund, a credit to the levy of Special Tax in one or more subsequent Fiscal Years shall be made in the same amount. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal actions by such property owner.

The CFD Administrator may interpret this Rate and Method of Apportionment for purposes of clarifying ambiguity and make determinations relative to the amount of Administrative Expenses.

H. MANNER OF COLLECTION

The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2020-1 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

I. TERM OF THE SPECIAL TAX

For each Fiscal Year, the Special Tax shall be levied in perpetuity as long as the Services are being provided.

J. FUTURE ANNEXATIONS

It is anticipated that additional properties will be annexed into CFD No. 2020-1 from time to time. For Land Use Categories not included in the initial boundaries of CFD No. 2020-1, a study and report describing the Services to be provided to such properties and the estimated cost of such Services shall be provided to the City Council as the legislative body of the CFD No. 2020-1 in accordance with Section 53321.5 of the Mello-Roos Act. Based on this analysis, the property to be annexed, pursuant to California Government Code section 53339 et. seq. will be assigned an appropriate Maximum Special Tax rate for the Zone or areas within the Zone by Land Use Category as provided herein or as defined and detailed when annexed and included in Appendix A.

APPENDIX A

Zone 2020-2 Annexation Table Detailing Special Tax Rates Applicable for FY 2020/21:

APN(s)	Address	Land Use Category	Units	Annual Special Tax Per Unit*
228-050-63-00	1328 Seven Oaks, Escondido CA 92026	(1) Less than 5.5 DU/Acre	1	\$536.00
233-111-16-00	422 Spruce Street, Escondido, CA 92025	(1) Less than 5.5 DU/Acre	1	\$536.00
236-112-03-00	1118 S. Orange Street, Escondido, CA 92025	(3) 18 to less than 30 DU/Acre	4	\$725.00
229-040-14-00	245 E. El Norte Parkway, Escondido, CA 92026	(2) 5.5 to less than 18 DU/Acre	10	\$743.00
229-432-31-00, 229-432-32-00, 229-432-33-00, 229-432-34-00, and 229-432-35-00	337 E. Valley Parkway, Escondido, CA 92025	(4) 30 DU/Acre or Greater	50	783.00

** For FY 2020/21 in accordance with the Rate and Method of Apportionment for CFD 2020-1 (Services)*

**LEGAL DESCRIPTIONS FOR ASSESSOR PARCEL NUMBERS ANNEXING INTO COMMUNITY FACILITIES
DISTRICT 2020-1**

1328 SEVEN OAKS ROAD, ESCONDIDO, CA 92026

A.P.N.: 228-050-63-00

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

PARCEL A:

PARCEL 1 AS SHOWN ON A PARCEL MAP FILED IN BOOK OF PARCEL MAPS AT PAGE 9090 ON AUGUST 28, 1979 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A PORTION OF LOT 7 IN BLOCK 3 OF RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895.

PARCEL B:

AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER, UNDER AND ACROSS THE SOUTHEASTERLY 20.00 FEET OF PARCEL 2 AS SHOWN ON SAID PARCEL MAP REFERRED TO IN PARCEL A ABOVE.

PARCEL C:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND PUBLIC UTILITY PURPOSES AND INCIDENTS THERETO OVER, UNDER, ALONG AND ACROSS THAT PORTION OF LOT 7 IN BLOCK 3 OF RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1985, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 7; THENCE ALONG THE SOUTHWESTERLY LINE THEREOF NORTH 39°50'00" WEST 498.41 FEET TO AN ANGLE POINT THEREIN AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE NORTH 39°58'50" WEST 329.82 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 7; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT NORTH 50°15'40" EAST 20.89 FEET TO AN ANGLE POINT THEREIN AND NORTH 14°41'10" EAST 48.11 FEET TO A POINT IN A LINE WHICH IS PARALLEL WITH AND 60.00 FEET NORTHEASTERLY OF AND MEASURED AT RIGHT ANGLES TO A PORTION OF SAID SOUTHWESTERLY LINE; THENCE ALONG SAID PARALLEL LINE SOUTH 39°58'50" EAST 500.37 FEET TO THE SOUTHEAST CORNER OF LAND DESCRIBED IN DEED TO RICHARD K. BLANFORD, ET UX, RECORDED APRIL 8, 1959 IN BOOK 7592, PAGE 68 OF OFFICIAL RECORDS; THENCE CONTINUING SOUTH 39°58'50" EAST 109.00 FEET; THENCE AT RIGHT ANGLES TO THE EASTERLY LINE OF LOT 7 SOUTH 75°14'20" EAST 159.00 FEET MORE OR LESS TO SAID EASTERLY LINE; THENCE ALONG SAID EASTERLY LINE SOUTH 14°45'40" WEST 60.00 FEET; THENCE AT RIGHT ANGLES TO SAID EASTERLY LINE NORTH 25°14'20" WEST 180.00 FEET MORE OR LESS TO THE SOUTHWESTERLY LINE OF SAID LOT 7; THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 39°50'00" WEST 288.00 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

EXCEPTING FROM PARCEL C THAT PORTION DESCRIBED IN DEED TO THE STATE OF CALIFORNIA FOR FREEWAY PURPOSES RECORDED JANUARY 28, 1971 AS FILE NO. 16698 OF OFFICIAL RECORDS.

422 N. SPRUCE STREET, ESCONDIDO, CA 92025

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS: LOT 1 IN BLOCK 108 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, JULY 10, 1886, EXCEPTING THEREFROM THE SOUTHERLY 70 FEET THEREOF.

COMMONLY KNOWN AS: 422 N. SPRUCE STREET, ESCONDIDO, CA 92025

APN: 233-111-16-00

1118 S. ORANGE STREET, ESCONDIDO, CA 92025

THE SOUTHEASTERLY 6 FEET OF LOT 3, ALL OF LOT 5 AND THE NORTHWESTERLY 25 FEET OF LOT 6, DALE PARK, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2417, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 4, 1947.

APN: 236-112-03-00

245 E. EL NORTE PARKWAY, ESCONDIDO, CA 92026

REAL PROPERTY IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE NORTHEASTERLY 146 FEET 9 INCHES OF LOT 11 OF BLOCK 170 OF THE RE-SURVEY OF PART OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, MADE BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892.

EXCEPTING THEREFROM THE SOUTHWEST 58 FEET THEREOF.

ALSO, EXCEPTING THE NORTHERLY 87 FEET OF THE WESTERLY 2.00 FEET OF THE EASTERLY 88.00 FEET 9 INCHES THEREOF.

APN: 229-040-14-00

337 E. VALLEY PARKWAY, ESCONDIDO, CA 92025

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOTS 17, 18, 19, 20, 21 AND 22 IN BLOCK 65 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF

THE COUNTY RECORDER OF SAID COUNTY JULY 10, 1886, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID BLOCK 65, BEING ALSO THE MOST NORTHERLY CORNER OF SAID LOT 17 AND THE SOUTHERLY INTERSECTION OF THE SIDELINES OF VALLEY PARKWAY, FORMERLY OHIO AVENUE AS SHOWN ON SAID MAP, AND IVY STREET BOTH 80 FEET WIDE; FROM WHICH POINT THE MOST NORTHERLY CORNER OF LOT 16 IN SAID BLOCK 65 BEARS SOUTH 30°45'17" EAST AS SHOWN ON RECORD OF SURVEY NO. 18775, FILED IN SAID OFFICE OF THE RECORDER APRIL 29, 2005; THENCE ALONG SAID SOUTHEASTERLY SIDELINE OF VALLEY PARKWAY SOUTH 59°13'11" WEST 150.03 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 22; THENCE ALONG THE SOUTHWESTERLY LINE THEREOF SOUTH 30°45'17" EAST 139.80 FEET TO THE MOST SOUTHERLY CORNER THEREOF, BEING A POINT ON THE NORTHWESTERLY SIDELINE OF THAT UNNAMED ALLEY WITHIN SAID BLOCK 65; THENCE ALONG SAID SIDELINE NORTH 59°12'56" EAST 150.03 FEET TO SAID SOUTHWESTERLY SIDELINE OF IVY STREET AND THE MOST EASTERLY CORNER OF SAID LOT 17; THENCE ALONG SAID SIDELINE AND LOT LINE NORTH 30°45'17" WEST 139.79 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION BEING PURSUANT TO CERTIFICATE OF COMPLIANCE RECORDED JUNE 15, 2017 AS INSTRUMENT NO. 2017-0269439 OF OFFICIAL RECORDS.

APN(S): 229-432-31-00, 229-432-32-00, 229-432-33-00, 229-432-34-00 AND 229-432-35-00

CITY COUNCIL STAFF REPORT

Consent Item No. 11

September 16, 2020

File No. 0600-10, A-3341

SUBJECT: Bid Award for the Storm Drain Lining and Rehabilitation Project Phase II

DEPARTMENT: Engineering Services Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-117 awarding a bid to Sancon Technologies, Inc., determined to be the lowest responsive and responsible bidder and authorizing the Mayor and the City Clerk to execute a Public Improvement Agreement in the amount of \$484,869.00 for the Storm Drain Lining and Rehabilitation Project Phase II ("Project").

FISCAL ANALYSIS:

There are sufficient funds included in the adopted CIP budget for the Storm Drain Pipe Lining and Rehabilitation Project Phase II to rehabilitate "red flag" condition pipelines. The annual funding shortfall to complete rehabilitation of the highest priority pipelines is estimated at \$3.8-million per year over the next two years.

PREVIOUS ACTION:

On August 1, 2017, the City Council approved a contract with Brown and Caldwell to televise and rate the condition of 20-miles of corrugated metal pipelines and rank their priority for rehabilitation.

On January 22, 2020, the City Council accepted the first phase of Storm Drain Pipe Lining and Rehabilitation as complete that included rehabilitation of eighteen of the City of Escondido's ("City") most critical Red Flag storm drain facilities and encompassed approximately 2,294 lineal feet.

BACKGROUND:

This Project is the second storm drain lining project that will rehabilitate seventeen of the City's most critical corrugated metal pipes ("CMP"). The project scope of work includes cleaning, replacing deformed or collapsed sections of pipe, and installing a new cured-in-place-pipe liner

Below is a table showing the status of CMP repair and detailing progress to date. This Phase II Project will line the remaining "red flag" condition pipes that are suitable for lining. Three (3) additional "red flag" condition pipes which are not suitable for lining will be excavated and replaced during FY 20/21. A second table is provided showing the remaining pipes to be rehabilitated, the recommended timing for their repair and the projected cost.

Completed/Budgeted Pipeline Repair

Condition Rating	Timing	# of Pipes	Total Length	Estimated Cost
Red Flags Completed	Completed	18	2,294	\$ 839,828.95
Red Flags Remaining	FY20/21 (current project)	20	2,769	\$ 454,189.00
Other Priority Pipes	FY20/21	3	160	\$ 30,680.00
Pipes to be Replaced	FY20/21	3	275	\$ 206,700.00

Pipeline Repair Needs

Condition Rating	Recommended Timing to Repair	# of Pipe	Total Length	Estimated Cost
5 - Highest Priority	Within 2 Years	125	7,965	\$ 9,492,433.00
4 - High Priority	Within 5 Years	90	10,504	\$ 7,051,745.00
3 - Low Priority	Rehab within 5-10 Years	356	47,293	\$ 32,663,204.00
2 - Lowest Priority	10 years or More	50	5,278	\$ 31,880.00
1 - Lowest Priority	-	84	5,108	n/a
0 - Unable to inspect	n/a	167		TBD
Est. Remaining Costs				\$ 49,445,962.00

While substantial progress has been made to repair “red flag” condition pipelines, there is not adequate budget to rehabilitate the highest priority pipelines (category 5) within the recommended two-year timeline as the cost is estimated at \$9.5-million. During the CIP budgeted process in May 2020, the estimated budget available for this work was \$900,000 per year; however, the funding source for the project (gas tax) is likely to be reduced due to the COVID-19 pandemic.

On September 3, 2020, four sealed bids were received in response to the advertised request for bids on this Project. The bid results are listed below:

Sancon Technologies, Inc	\$484,869.00
Nu-Line Technologies, LLC Southwest Pipeline & Trenchless Corp.	\$956,489.00
Southwest Pipeline & Trenchless Corp.	\$1,078,342.00
Insituform Technologies, LLC	\$1,348,414.00

Staff recommends that the bid submitted by Sancon Technologies, Inc. be considered the lowest responsive and responsible bid, and that the contract be awarded in the amount of \$484,869.00 to Sancon Technologies, Inc. Sancon successfully completed the first phase project and has evaluated their bid and determined that it does not contain errors or omissions. The lowest responsive bid is lower than the Engineer’s estimate of \$1,072,000.00.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services

9/10/20 12:35 p.m.

ATTACHMENTS:

1. Resolution No. 2020-117
2. Resolution No. 2020-117 – Exhibit “A” Public Improvement Agreement with Sancon Technologies, Inc.

RESOLUTION NO. 2020-117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AWARDING A BID TO SANCON TECHNOLOGIES, INC., AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A PUBLIC IMPROVEMENT AGREEMENT FOR THE STORM DRAIN LINING AND REHABILITATION PROJECT PHASE II

WHEREAS, the City Council has allocated funding in the adopted Capital Improvement Program Budget for the Storm Drain Pipe Lining and Rehabilitation Project Phase II ("Project"); and

WHEREAS, a notice inviting bids for said improvements was duly published; and

WHEREAS, pursuant to said notice, four (4) sealed bids for the Project were opened and evaluated on September 03, 2020; and

WHEREAS, Sancon Technologies, Inc., was determined to be the lowest responsive and responsible bidder; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to award this contract to Sancon Technologies, Inc., in the amount of \$484,869.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the Mayor and the City Clerk are authorized to execute, on behalf of

the City, a Public Improvement Agreement with Sancon Technologies, Inc., in a substantially similar form to that which is attached and incorporated to this Resolution as Exhibit "A", and subject to final approval as to form by the City Attorney.

3. The City Engineer / Director of Engineering Services is authorized to approve change orders up to twenty percent (20%) of the contract amount.

PUBLIC IMPROVEMENT AGREEMENT

This "Agreement", dated the _____ day of _____, 20____, in the County of SAN DIEGO, State of California, is by and between **THE CITY OF ESCONDIDO** (hereinafter referred to as "CITY"), and **Sancon Technologies, Inc.** (hereinafter referred to as "CONTRACTOR").

The CITY and the CONTRACTOR, for the consideration stated herein, agree as follows:

1. The complete contract includes all of the Project Documents described in the General Conditions, which are incorporated by reference. The Project Documents are complementary, and what is called for by any one shall be as binding as if called for by all.
2. CONTRACTOR shall perform, within the time set forth in Paragraph 4 of this Agreement, everything required and reasonably inferred to be performed, and shall provide and furnish all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services as described in the complete contract and required for construction of

Storm Drain Pipe Lining and Rehabilitation Project Phase II

All of said work to be performed and materials to be furnished shall be completed in a good workmanlike manner, free from defects, in strict accordance with the plans, drawings, specifications and all provisions of the complete contract as hereinabove defined. The CONTRACTOR shall be liable to the CITY for any damages and resulting costs, including consultants' costs, arising as a result of a failure to fully comply with this obligation, and the CONTRACTOR shall not be excused with respect to any failure to so comply by any act or omission of the Architect, Engineer, Inspector, or representative of any of them, unless such act or omission actually prevents the CONTRACTOR from fully complying with the requirements of the Project Documents, and unless the CONTRACTOR protests at the time of such alleged prevention that the act or omission is preventing the CONTRACTOR from fully complying with the Project documents. Such protest shall not be effective unless reduced to writing and filed with the CITY within **three (3) working days** of the date of occurrence of the act or omission preventing the CONTRACTOR from fully complying with the Project documents.

3. CITY shall pay to the CONTRACTOR, as full consideration for the faithful performance of the contract, subject to any additions or deductions as provided in the Project documents, the sum of **Four Hundred Eighty-Four Thousand Eight Hundred and Sixty Nine Dollars (\$484,869.00)**.
4. The work shall be commenced on or before the twenty-first (21st) day after receiving the CITY'S Notice to Proceed and shall be completed within **Ninety (90) working days** from the date specified in the Notice to Proceed.
5. Time is of the essence. If the work is not completed in accordance with Paragraph 4 above, it is understood that the CITY will suffer damage. It being impractical and infeasible to determine the amount of actual damage(s), in accordance with Government Code Section 53069.85, it is agreed that CONTRACTOR shall pay to CITY as fixed and liquidated damages, and not as a penalty, the sum(s) indicated in the LIQUIDATED DAMAGES SCHEDULE below for each calendar day of

- (b) Any injury to or death of any person(s) or damage, loss or theft of any property caused by any act, neglect, default or omission of the CONTRACTOR, or any person, firm, or corporation employed by the CONTRACTOR, either directly or by independent contract, arising out of, or in any way connected with the work covered by this Agreement, whether said injury or damage occurs on or off City property.
- (c) Any and all liabilities, claims, actions, causes of action, proceedings, suits, administrative proceedings, damages, fines, penalties, judgments, orders, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements, arising out of any violation, or claim of violation of the San Diego Municipal Storm Water Permit (Order No. 2001-01), and updates or renewals, of the California Regional Water Quality Control Board Region 9, San Diego, which the CITY might suffer, incur, or become subject by reason of or occurring as a result of or allegedly caused by the construction, reconstruction, maintenance, and/or repair of the work under this Agreement.

The CONTRACTOR, at CONTRACTOR's own expense, cost, and risk shall defend any and all actions, suit, or other proceedings that may be brought or instituted against the CITY, its governing board, officers, agents or employees, on any such claim, demand or liability, and shall pay or satisfy any judgment that may be rendered against the CITY, its governing board, officers, agents or employees in any action, suit or other proceedings as a result thereof.

- 8. CONTRACTOR shall take out, prior to commencing the work, and maintain, during the life of this contract, and shall require all subcontractors, if any, of every tier, to take out and maintain:
 - (a) General Liability and Property Damage Insurance as defined in the General Conditions in the amount with a combined single limit of not less than **\$3,000,000 per occurrence**.
 - (b) Course of Construction / Builder's Risk Insurance. See Article 5.2 of General Conditions.
 - (c) Insurance Covering Special Hazards: The following special hazards shall be covered by rider or riders to the above-mentioned public liability insurance or property damage insurance policy or policies of insurance, or by special policies of insurance in amounts as follows:
 - (1) Automotive and truck where operated in amounts as above
 - (2) Material hoist where used in amounts as above
 - (d) Workers' Compensation Insurance.
 - (e) Each insurance policy required above must be acceptable to the City Attorney, as follows:
 - (1) Each policy must name the CITY specifically as an additional insured under the policy on a separate endorsement page, with the exception of the workers' compensation and the Errors and Omissions policies.
 - (2) Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A-rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.

- (3) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
- (f) In executing this Agreement, CONTRACTOR agrees to have completed insurance documents on file with the CITY within 14 days after the date of execution. Failure to comply with insurance requirements under this Agreement will be a material breach of this Agreement, resulting in immediate termination at CITY's option.
- 9. This Agreement is subject to California Public Contract Code Section 22300, which permits the substitution of securities for any monies withheld by the City under this Agreement, and permits the CONTRACTOR to have all payments of earned retentions by the City paid to an escrow agent at the expense of the CONTRACTOR.
- 10. Each and every provision of law and clause required by law to be inserted in this Agreement or its attachments shall be deemed to be inserted herein and the Agreement shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not currently inserted, then upon application of either party the Agreement shall forthwith be physically amended to make such insertion or correction, without further changes to the remainder of the Agreement.
- 11. The complete contract as set forth in Paragraph 1 of this Agreement constitutes the entire Agreement of the parties. No other agreements, oral or written, pertaining to the work to be performed, exists between the parties. This Agreement can be modified only by an amendment in writing, signed by both parties and pursuant to action of the Escondido City Council.
- 12. CONTRACTOR shall comply with those provisions of the Labor Code requiring payment of prevailing wages, keeping of certified payroll records, overtime pay, employment of apprentices, and workers' compensation coverage, as further set forth in the General Conditions, and shall file the required workers' compensation certificate before commencing work. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. CONTRACTOR shall post any job site notices required by regulation.
- 13. The terms "Project Documents" and/or "Contract Documents" where used, shall refer to those documents included in the definition set forth in the General Conditions made a part hereof.

IN WITNESS WHEREOF, this Agreement has been executed on behalf of CITY by its officers thereunto authorized and by CONTRACTOR, the date and year first above written.

CITY OF ESCONDIDO
a municipal corporation
201 North Broadway
Escondido, CA 92025

By: _____
City Clerk

By: _____
Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

Sancon Technologies, Inc.

By: _____
Signature

By: _____
Signature*

Print Name

Print Name

Title

Title

(Second signature required only for corporation)

By: _____
Signature**

Print Name

Title

(CORPORATE SEAL OF CONTRACTOR, if
corporation)

Contractor's License No.

Tax ID/Social Security No.

*If CONTRACTOR is a corporation, the first signature must be by one of the following officers of the corporation: Chairman of the Board, President, or any Vice President.

**If CONTRACTOR is a corporation, the second signature must be by a different person from the first signature and must be by one of the following officers of the corporation: Secretary, any Assistant Secretary, the Chief Financial Officer, or any Assistant Treasurer.

SECTION A-00610 - FAITHFUL PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENT,

That _____ ("Contractor") and _____ ("Surety") are held and firmly bound unto the CITY OF ESCONDIDO ("Owner") in the sum of _____ Dollars, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has been awarded and is about to enter into a contract with Owner to perform all work required under the Bid Schedule(s) of the Owner's specifications entitled,

Storm Drain Pipe Lining and Rehabilitation Project Phase II

WHEREAS, the provisions of the Contract are incorporated by reference into this Faithful Performance Bond and shall be part of Surety's obligation hereunder.

NOW THEREFORE, if Contractor shall perform all the requirements of said contract required to be performed on his part, at the times and in the manner specified herein, then this obligation shall be null and void, otherwise, it shall remain in full force and effect.

PROVIDED, that

- (1) Any alterations in the work to be done or the materials to be furnished, which may be made pursuant to the terms of the Contract, shall not in any way release Contractor or Surety thereunder;
- (2) Any extensions of time granted under the provisions of Contract shall not release either Contractor or Surety from their respective obligations to Owner;
- (3) Notice of any such alterations or extensions of the Contract is hereby waived by Surety;
- (4) Any payments (including progress payments) made on behalf of Owner to Contractor after the scheduled completion of the work to be performed pursuant to the Contract shall not release either Contractor or Surety from any obligations under the Contract or this Faithful Performance Bond, or both, including any obligation to pay liquidated damages to Owner; and
- (5) To the extent Owner exercises its rights pursuant to this Bond, Owner shall be entitled to demand performance by the surety and be further entitled to recover, in addition to all other remedies afforded by law, its reasonably incurred costs to complete the work,

attorneys fees and consultant costs, as well as actual costs incurred by OWNER for the increased dedication/commitment of time of OWNER employees to the Project. These costs shall be in addition to the penal sum of the bond.

SIGNED AND SEALED, this _____ day of _____, 20____.

Sancon Technologies, Inc.

Surety

Address

Phone No.

(SEAL)

BY _____
Signature

Signature

(SEAL AND NOTARIAL ACKNOWLEDGEMENT OF SURETY)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

SECTION A-00620 - LABOR AND MATERIAL BOND

KNOW ALL MEN BY THESE PRESENT,

That _____ as Contractor, and _____ as Surety, are held and firmly bound unto the CITY OF ESCONDIDO, hereinafter called Owner, in the sum of _____ dollars, for the payment of which sum well and truly to be made, we bind ourselves our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Contractor has been awarded and is about to enter into the annexed contract with said Owner to perform all work required under the Bid Schedule(s) of the Owner's specifications entitled,

Storm Drain Pipe Lining and Rehabilitation Project Phase II

NOW THEREFORE, if said Contractor, or subcontractor, fails to pay for any materials, equipment, or other supplies, or for rental of same, used in connection with the performance of work contracted to be done, or for amounts due under applicable State law for any work or labor thereon, or for amounts due under the Unemployment Insurance Code, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the Contractor and its subcontractors pursuant to Section 13020 of the Unemployment Insurance Code with respect to such labor, said Surety will pay for the same in an amount not exceeding the sum specified above, and, in the event suit is brought upon this bond, a reasonable attorney's fee to be fixed by the court. This bond shall inure to the benefit of any persons, companies or corporations entitled to file claims under applicable State law.

PROVIDED, that any alterations in the work to be done or the materials to be furnished, which may be made pursuant to the terms of said contract, shall not in any way release either said Contractor or said Surety thereunder, nor shall any extensions of the time granted under the provisions of said contract release either said Contractor or said surety, and notice of such alterations or extensions of the contract is hereby waived by said Surety.

SIGNED AND SEALED, this _____ day of _____, 20____.

Sancon Technologies, Inc.

Surety

Address

Phone No.

(SEAL)

BY _____

Signature

Signature

(SEAL AND NOTARIAL ACKNOWLEDGEMENT OF SURETY)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

SECTION A-00630 - CITY OF ESCONDIDO BUSINESS LICENSE

In accordance with Municipal Code Section 16, the successful bidder is required to obtain a City of Escondido Business License prior to execution of contract.

The following information must be submitted to the City Clerk prior to execution of contract:

City of Escondido Business License No. _____

Expiration Date _____

Name of Licensee _____

SECTION A-00660 - WORKERS' COMPENSATION INSURANCE CERTIFICATE

If self-insured for Workers' Compensation, the Contractor shall execute the following form as required by the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Labor Code, Sections 1860 and 1861, and I will comply with such provisions before commencing the performance of the work of the contract.

Dated: _____

Sancon Technologies, Inc.

By: _____
Signature

SAMPLE NOTICE
(REQUIRED UNDER GENERAL CONDITIONS, ARTICLE 6.1.B)
TO THE PEOPLE ON THIS STREET:

WITHIN THE NEXT FEW DAYS, WORK WILL BE STARTED ON THE FOLLOWING PROJECT:

STORM DRAIN PIPE LINING AND REHABILITATION PROJECT PHASE II

The work may cause some inconvenience, but will be of permanent benefit.

We shall appreciate your cooperation in the following matters:

1. Please be alert when driving or walking in the construction area.
2. Tools, materials and equipment are attractive to children. For the safety of the children, please keep them away.
3. Please report all inconvenience to the Foreman on the job, or to the City of Escondido Field Engineering Inspection Office, 760-839-4664. The name and phone number of the contractor are given below.

This work is being performed for the City of Escondido by:

We will endeavor to complete this work as rapidly as possible and with a minimum of inconvenience to you.

CITY COUNCIL STAFF REPORT

Consent Item No. 12

September 16, 2020

File No. 0800-10

SUBJECT: Notice of Completion for Canyon Grove Estates – Tract 932

DEPARTMENT: Engineering Services

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-126 to approve and accept the Public Improvements and authorize staff to file a Notice of Completion (“NOC”) for Canyon Grove Estates – Tract 932 (“Project”)

FISCAL ANALYSIS:

The cost for inspection and review of plans is paid by the Developer in accordance with the adopted fee schedule.

PREVIOUS ACTION:

This Project was approved by the City Council on February 28, 2007, as Resolution No. 2007-22(R), together with a Development Agreement approved as Ordinance No. 2007-04. The City Council has subsequently approved two (2) Amendments to the Development Agreement and two (2) Addendums to the second of these Development Agreement Amendments. Shea Homes, as the Developer, renamed the project Canyon Grove Estates and received approval of the Precise Development Plan by the Planning Commission on June 25, 2016, as Resolution No. 6069. The Final Map was approved by the City Council on October 19, 2016.

BACKGROUND:

Escondido Tract 932 is a 179-lot subdivision located at 1185 Lehner Avenue (see Attachment 1). The Project includes the installation of 22 fire hydrants, 35 pedestrian ramps, 61 LED streetlights, water and sewer mains, and four (4) miles of sidewalks.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services

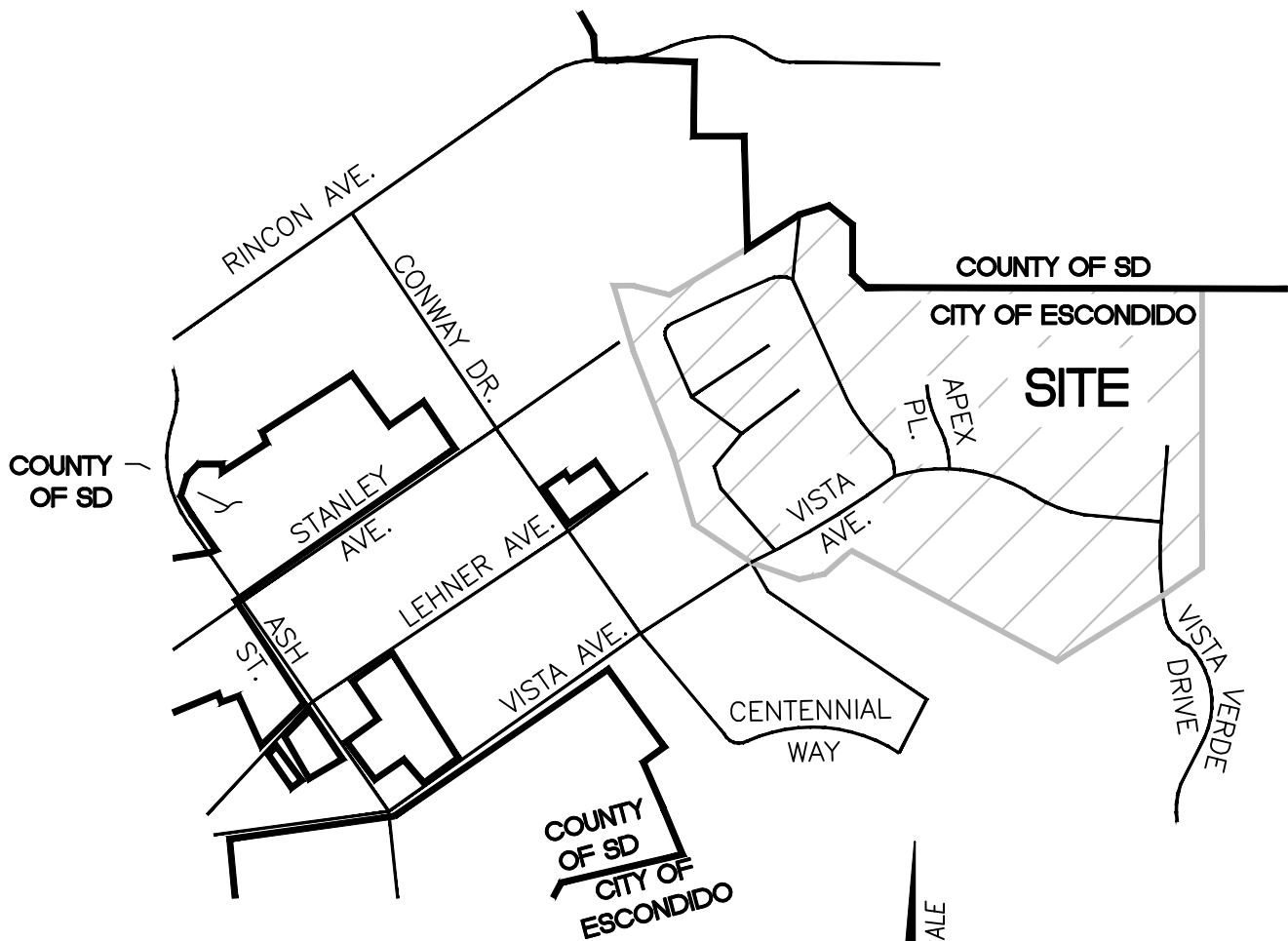
09/10/20 12:35 p.m.

ATTACHMENTS:

1. Attachment 1 Vicinity Map
2. Resolution No. 2020-126

CANYON GROVE ESTATES

TRACT NO. 932



NOTICE OF COMPLETION
CITY COUNCIL MEETING 09-16-2020

SHT 1 OF 1

RESOLUTION NO. 2020-126

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE CITY ENGINEER, ON
BEHALF OF THE CITY, TO FILE A NOTICE
OF COMPLETION FOR THE CANYON
GROVE ESTATES SUBDIVISION (TRACT
932)

WHEREAS, on February 28, 2007, the City Council adopted Resolution No. 2007-22(R), together with a Development Agreement approved as Ordinance No. 2007-04, approving the Canyon Grove Estates Subdivision - TRACT 932 ("Project"), a 179-lot residential subdivision project; and

WHEREAS, on June 13, 2012, the City Council approved Ordinance No. 2012-13, the Second Amendment to the Development Agreement between the City of Escondido ("City") and Hall Land Co., Inc., granting a five-year term extension beyond the August 4, 2012, expiration date; and

WHEREAS, on June, 25, 2016, the Planning Commission approved Resolution No. 6063, approving the precise development plan; and

WHEREAS, on October 19, 2016, the City Council approved the Final Map; and

WHEREAS, Shea Homes is the Developer for the Project, addressed as 1185 Lehner Avenue (APN 224-10-057); and

WHEREAS, the City staff and the City Engineer deems the filing of the Notice of Completion ("NOC") to be valid and recommends approval; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the filing of the NOC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the City Engineer.
3. That the City Council hereby approves the request by the City Engineer to file a NOC for the Project.

CITY COUNCIL STAFF REPORT

Consent Item No. 13

September 16, 2020

File No. 0470-65

SUBJECT: Disposition of City Owned Property, Located at 1750 West Citracado Parkway, Lot No. 177 in the Mountain Shadows Mobile Home Park

DEPARTMENT: Engineering Services Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-112 authorizing the Real Property Manager to execute documents necessary to complete the sale of 1750 West Citracado Parkway, Lot No. 177 in the Mountain Shadows Mobile Home Park.

FISCAL ANALYSIS:

Sales proceeds in the amount of \$142,000, less closing costs and fees, will be deposited into the Housing Successor Agency Fund.

BACKGROUND:

In 1991, the City of Escondido ("City") purchased the Mountain Shadows Mobile Home Park, at 1750 West Citracado Parkway, a 209-space park. The Park was purchased with the intent to immediately transfer it to resident ownership, but not all of lots were immediately sold to their respective coach owners. Since then, the lots have been sold as they are vacated or abandoned by their respective coach owners.

Lawrence Johnson has been a longtime resident of Mountain Shadows Mobile Home Park and is the Title Owner of the coach located on Lot No.177. Mr. Johnson has made a cash offer to the City of \$142,000 for the purchase of Lot No.177. An appraisal of the City-owned lots was completed in October 2017, reflecting sales prices at Mountain Shadows Mobile Home Park ranging from \$121,500 to \$175,000, with an average price of \$145,625. Lot No.177 was appraised at \$145,000 with an adjustment of 5% due to the size of the lot, resulting in a value of \$152,000.

Since the property was appraised, multiple solar panel structures have been erected within the Mountain Shadows Mobile Home Park. One of these structures was installed adjacent to this lot and obstructs the view. As such, the coach owner has argued that this should be considered in the value.

For previous sales, the City has used the services of a real estate agent, since it typically involves the concurrent selling or disposing of an existing home, in addition to marketing the sale of the lot. Since this is an unsolicited offer from an existing home owner, a real estate agent will not be required and subsequently, no commission fees will need to be paid by the City. The unsolicited offer of \$142,000 is considered fair market value based on the appraised value, a sale that will not require real estate commissions to be paid, and the diminished value of the lot subsequent to its appraisal.

Disposition of City Owned Property, Located at 1750 W. Citracado Parkway, Lot No. 177 in the Mountain Shadows Mobile Home Park
September 16, 2020
Page 2

City staff has consulted with California Department of Housing and Community Development ("HCD") and determined that the Surplus Land Act does not apply to land that is for the "agency's use," which is defined to include "land that is being used, is planned to be used pursuant to a written plan adopted by the local agency's governing board for . . . agency work or operations, including but not limited to . . ." (GC 54221(c)(1)). This is a program being carried out by the City pursuant to a written plan approved by the City Council. This program is for "agency work or operations" as it is done in association with the duties of the Housing Division.

After the sale, the City will own twenty-one (21) remaining lots within the Mountain Shadows Mobile Home Park.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
09/10/20 12:35 p.m.

ATTACHMENTS:

1. Resolution No. 2020-112
2. Resolution No. 2020-112 Exhibit A - Grant Deed

RESOLUTION NO. 2020-112

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE REAL PROPERTY
MANAGER TO EXECUTE, ON BEHALF OF
THE CITY, A GRANT DEED AND
NECESSARY ESCROW DOCUMENTS FOR
THE SALE OF 1750 WEST CITRACADO
PARKWAY, LOT NO. 177 IN THE MOUNTAIN
SHADOWS MOBILE HOME PARK

WHEREAS, in 1991, the City of Escondido ("City") purchased the Mountain Shadows Mobile Home Park, at 1750 West Citracado Parkway, a 209-space park with the intent to immediately transfer it to resident ownership, but not all of lots were immediately sold to their respective coach owners; and

WHEREAS, there is a certain City-owned real property, 1750 West Citracado Parkway, Lot No. 177, located in the Mountain Shadows Mobile Home Park, in Escondido (the "Property"); and

WHEREAS, the City has received an offer from Lawrence Johnson, current and long-term resident of Lot No. 177, to purchase Lot No. 177 in the amount of \$142,000 subject to the City Council's approval; and

WHEREAS, the City wishes to sell the Property for \$142,000 and to enter into escrow with Lawrence Johnson (the "Buyer"); and

WHEREAS, the Surplus Land Act does not apply to land that is for the "agency's use," which is defined to include "land that is being used, is planned to be used pursuant to a written plan adopted by the local agency's governing board for . . . agency work or operations, including but not limited to . . ." (GC 54221(c)(1)).

WHEREAS, this is a program being carried out by the City pursuant to a written plan approved by the City Council and is for “agency work or operations” as it is done in association with the duties of the Housing and Neighborhood Services.

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the sale of the Property to the Buyer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. The Real Property Manager is authorized to execute, on behalf of the City, the Grant Deed, attached to this Resolution as Exhibit “A” and incorporated by this reference, and all necessary related escrow documents for the sale of 1750 West Citracado Parkway, Lot No.177.

RECORDING REQUESTED BY

And When Recorded Mail To:

City Clerk
City of Escondido
201 North Broadway
Escondido, CA 92025

APN: 235-162-28-08

No recording fee required; this document exempt from fee pursuant to Section 27383 of the California Government Code.

**CITY OF ESCONDIDO
GRANT DEED**

ESC. DOCUMENT NO. M-14-20

This deed exempt from tax - Section 11922 of the California Revenue and Taxation Code

THE CITY OF ESCONDIDO, a municipal corporation, for a valuable consideration, DOES HEREBY GRANT to

LAWRENCE JOHNSON (Grantee)

all that real property described in the attached **EXHIBIT "A"**

IN WITNESS WHEREOF, the City of Escondido has caused this deed to be executed by its Real Property Manager, pursuant to City Council Resolution No. 2020-112, adopted September 16, 2020, authorizing such execution, this day of _____, 2020.

THE CITY OF ESCONDIDO

By: _____

Vince McCaw,
Real Property Manager

CITY OF ESCONDIDO DOC. NO. M-14-20
TITLE OR TYPE OF DOCUMENT: Grant Deed
GRANTEE: Lawrence Johnson.

EXHIBIT A

(Legal Description to be provided by Title Officer through Escrow)

CITY COUNCIL STAFF REPORT

Consent Item No. 14

September 16, 2020

File No. 0800-10

SUBJECT: Final Map, Escondido Tract SUB16-0009C, Villages – Phase III

DEPARTMENT: Engineering Services Department

RECOMMENDATION:

It is requested that the City Council approve the Final Map for Tract SUB16-0009C, Villages – Phase III (“Project”). This phase includes a 54-Lot Subdivision located at 1800 Country Club Lane.

FISCAL ANALYSIS:

The cost for review of the Final Map is paid for by the developer, Lennar Homes (“Developer”) of California Inc., a California Corporation, in accordance with the adopted fee schedule.

PREVIOUS ACTION:

The Planning Commission recommended approval of the Project on October 24, 2017, as Resolution No. 6105, and subsequently the City Council approved the Tentative Map and the Country Club Lane, Specific Alignment Plan on November 15, 2017, as Resolution No. 2017-153R.

BACKGROUND:

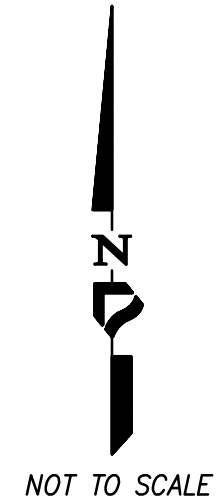
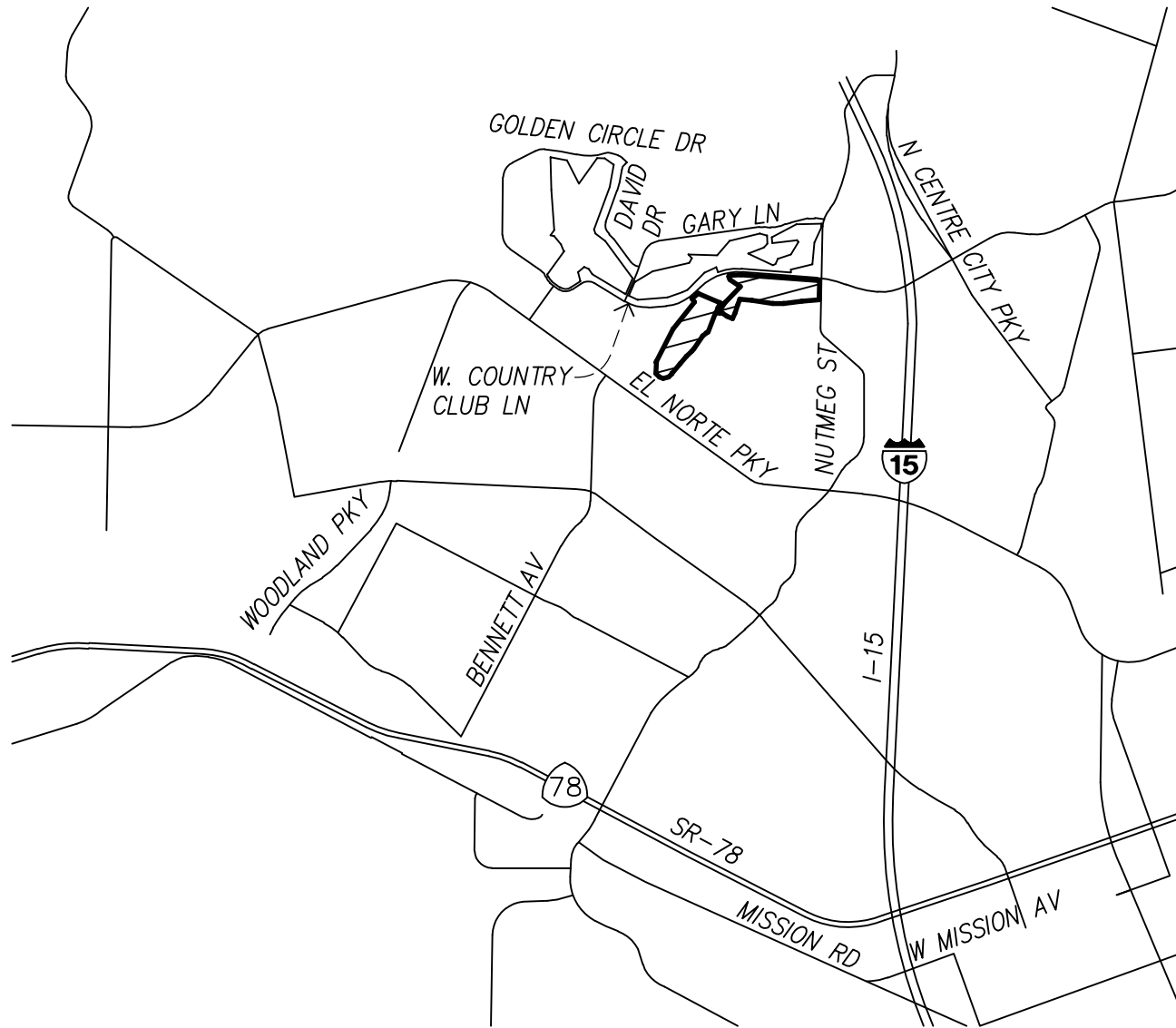
The Final Map for Tract SUB16-0009C, located as shown on Attachment 1, includes 35 single family residential lots and 114 residential condominium units within nineteen (19) residential lots. This is the third of three (3) Final Maps that together make up Tract SUB16-0009 – Project, a redevelopment of the previous Country Club Golf Course property. Staff has examined this Final Map and found it to be mathematically correct and in substantial conformance to the approved Tentative Map, and is subject to the conditions of approval. This Final Map conforms to the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval. The Planning Department has reviewed and approved this Final Map.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
09/10/20 12:35 p.m.

ATTACHMENTS:

1. Attachment 1 – Site Location Map



VILLAGE 3 VICINITY AREA MAP



VILLAGE 3 PROJECT
AREA

SHEET 1 OF 1

Date: 9/2/2002

CITY COUNCIL STAFF REPORT

Consent Item No. 15

September 16, 2020

File No. 0430-80

SUBJECT: Landscape Maintenance District Budget Adjustment for Zone 9 – Laurel Valley

DEPARTMENT: Engineering Services Department

RECOMMENDATION:

It is requested that the City Council approve a budget adjustment (see Attachment 2) in the amount of \$31,000 from the Landscape Maintenance Assessment District (“LMD”) Zone 9 (Laurel Valley) Reserve Fund Balance to the LMD Zone 9, Professional Services Account to pay for removal of the leaning wall along Rincon Avenue and its replacement with a solid panel vinyl fence. LMD Zone 9 is located along Rincon Avenue and North Ash Street.

FISCAL ANALYSIS:

Annual assessments collected from property owners within each LMD zone fund both operating expenses and reserves. A transfer from the Zone 9 Reserve Fund Balance in the amount of \$31,000 is recommended to fund the estimated \$46,000 cost to remove and replace the leaning wall. The remaining balance for removal and replacement of the wall will come out of the anticipated savings from Zone 9 Professional Services and the Utilities and Water Budget.

BACKGROUND:

LMD Zone 9 lies along Rincon Avenue and North Ash Street (see Attachment 1 - LMD Map). The existing six (6) foot-high wood-framed stucco wall lies within the LMD boundary. The wall is in disrepair and is leaning. Bids were solicited for the demolition and vinyl fencing scopes. The contract for demolition has been awarded to the lowest responsible bidder in an amount of \$17,685. The lowest responsible bid for the vinyl fencing scope was \$28,515. Staff is coordinating directly with abutting residents and the contractor for the demolition and vinyl fencing work, which is expected to begin in late September or early October 2020.

A budget adjustment (see Attachment 2) from the Reserve Fund Balance is recommended to ensure adequate funds for the demolition of the existing wood-framed stucco wall and replacement vinyl fence.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
9/10/20 12:35 p.m.

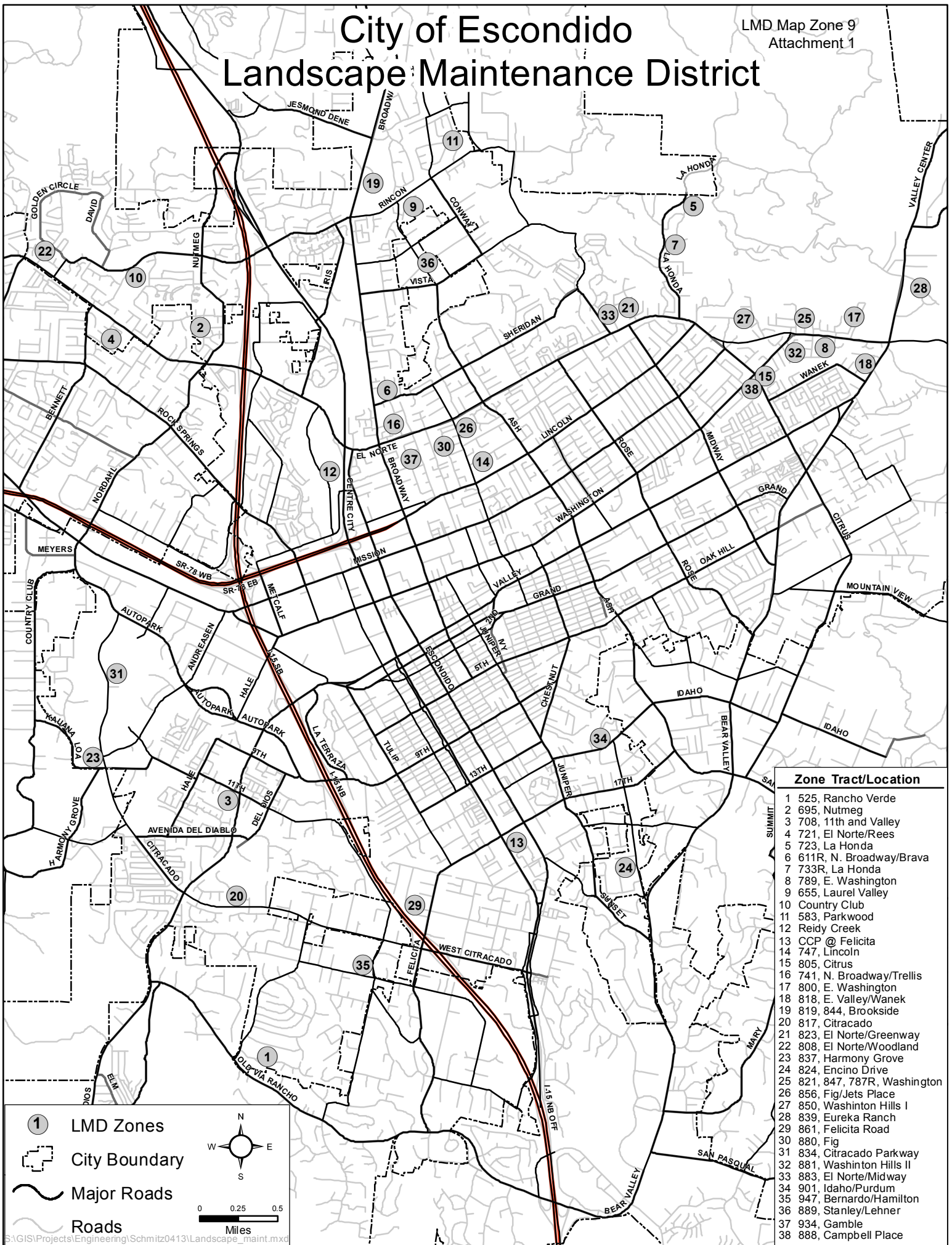
Landscape Maintenance District Budget Adjustment for Zone 9 – Laurel Valley
September 16, 2020
Page 2

ATTACHMENTS:

1. Attachment 1 LMD Map
2. Attachment 2 Budget Adjustment Request

City of Escondido Landscape Maintenance District

LMD Map Zone 9
Attachment 1





CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: September 16, 2020

Department: Engineering Services

Division: Landscape Maintenance District

Project/Budget Manager: Rajesh Badri x4655
Name Extension

Council Date (if applicable): September 16, 2020
(attach copy of staff report)

For Finance Use Only

Log # _____

Fiscal Year _____

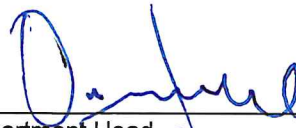
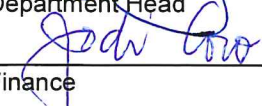
_____ Budget Balances
 _____ General Fund Accts
 _____ Revenue
 _____ Interfund Transfers
 _____ Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Professional Services	5131-138-795	\$31,000.00	
LMD Zone 9 Fund Balance	3050-138		\$31,000.00

Explanation of Request:

A budget adjustment in the amount of \$31,000.00 from the LMD Zone 9 Reserve Fund Balance to the LMD Zone 9 Professional Services Account is requested to fund work necessary to demolish the existing leaning stucco wall and replace it with a vinyl fence.

APPROVALS

 9/10/20
 For Department Head Date
 9/10/20
 Finance Date

City Manager _____ Date _____

City Clerk _____ Date _____

Distribution (after approval):

Original: Finance

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 16

September 16, 2020

File No. 0865-15

SUBJECT: Ordinance for the Coronavirus (COVID-19) Emergency Business Recovery Strategy

DEPARTMENT: Community Development

RECOMMENDATION:

It is requested that the City Council introduce Ordinance No. 2020-23 to assist business economic recovery efforts while continuing to protect the health and safety of the general public, arising out of the declared Local Emergency related to the COVID-19 pandemic.

FISCAL ANALYSIS:

The impacts of this action are assumed to be fiscally positive to the City, its businesses and residents, and will continue to assist in the economic recovery from the novel coronavirus ("COVID-19") pandemic. No new or additional funding is required to implement or administrate this Ordinance.

PREVIOUS ACTION:

On May 20, 2020, the City Council voted unanimously to adopt an Urgency Ordinance No. 2020-12 to establish and allow temporary business relief measures during the COVID-19 pandemic. The Urgency Ordinance was effective for a 90-day period and was set to expire on August 20, 2020. On August 19, 2020, the City Council adopted Urgency Ordinance No. 2020-21 to extend the ordinance an additional 90-days. Urgency Ordinance No. 2020-21 also provided new measures to further support the safe reopening and operation of relevant business operational matters until the expiration of the temporary regulations. Without further action, Urgency Ordinance No. 2020-21 will lapse on November 17, 2020. Urgency Ordinance Nos. 2020-12 and 2020-21 are provided as Attachment 1 and 2 respectively.

PLANNING COMMISSION ACTION:

The Planning Commission makes recommendations to the City Council as authorized by the Escondido Municipal Code (Chapter 20) for potential amendments to the Zoning Code (Chapter 33). On September 8, 2020, the Planning Commission adopted Planning Commission Resolution No. 2020-10, recommending that the City Council approve the proposed code amendments, by a 6-0 vote (one vacancy).

BACKGROUND AND ANALYSIS:

A novel coronavirus referred to as COVID-19, which causes infectious disease, was first detected in December 2019, and has now spread throughout the world. The COVID-19 disease is believed to be spread through person-to-person contact between people who are in close proximity with others up to

six (6) feet and through respiratory droplets when a person coughs or sneezes, even when that person is asymptomatic. There have been numerous and continued deaths attributed to COVID-19 in the United States and around the world. Health agencies have recommended various protective measures to reduce the likelihood of transmission of the virus.

On March 4, 2020, California Governor Gavin Newsom proclaimed that a State of Emergency exists in California as a result of the threat of COVID-19. Shortly after, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all residents “to immediately heed the current State public health directives,” which included a Department of Public Health directive that people who leave their homes or places of residences “should at all times practice social distancing.” Within Executive Order N-33-20, the State Public Health Officer ordered “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors,” thereby shutting down or substantially limiting the operations of all non-essential business and services.

During this time of shelter-in-place, self-isolation, and other social distancing measures, many individuals experienced substantial loss of personal or business income. While the social distancing and stay-at-home orders supported the need to slow the spread of the virus, there were immediate adverse impacts to businesses, the workforce, and residents. Specifically, the orders precluded some residents of the city from working, required some businesses to close or significantly decrease customer capacity, and required residents to work fewer hours to take care of children who remained at home due to school closures or take care of ill family members.

As the public health emergency intensified in Spring 2020, and the number of people infected by COVID-19 increased, cities and counties in the State of California began to develop local economic relief plans so that businesses had the ability to rebound from the adverse impacts of COVID-19 and continue to provide employment and generate tax revenue to set the stage for economic recovery after the emergency is over, while continuing to help ensure the safety and protection of individuals.

The City Council adopted Urgency Ordinance No. 2020-12 on an interim basis on May 20, 2020, to establish temporary business relief measures and reduce outdoor retail regulations and signage restrictions in response to COVID-19, while also helping to ensure the health and safety of employees, customers, and the general public. The City Council adopted Urgency Ordinance No. 2020-21 to extend the business relief program. Urgency Ordinance No. 2020-21 also provided new measures to further support the safe reopening and operation of relevant business operational matters until the expiration of the temporary regulations.

Without further action, Urgency Ordinance No. 2020-21 will lapse on November 17, 2020. In many ways, this proposed ordinance can be considered an extension of Urgency Ordinance Nos. 2020-12 and 2020-21, as a local measure that advances temporary business relief measures that protect life and property, and the general health and safety of businesses and employers, residents, and visitors of Escondido who are affected by the declared Local Emergency.

The existing conditions that prompted the adoption of Urgency Ordinance Nos. 2020-12 and 2020-21 and City Council’s Proclamation of Local Emergency continue to exist. Rather than extending the

Urgency Ordinance every 90-days, this project proposes to enact the business recovery strategy through typical ordinance adoption. Unlike the urgency ordinances previously adopted, this proposed ordinance will remain in effect until 30 days after expiration or termination of the Local Emergency, or until this Ordinance is modified or revoked by the City Council whichever is sooner.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The adoption of the Ordinance is exempt from Environmental Review pursuant to Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c), as a project undertaken to prevent or mitigate an emergency. As separate and independent bases, the adoption of the Zoning Code Amendments is categorically exempt pursuant to CEQA Guidelines section 15304(e) for minor alterations to land for temporary uses that have negligible or no permanent effects on the environment; and categorically exempt pursuant to CEQA Guidelines section 15311(c) for the construction of or replacement of minor structures and temporary use items accessory to existing commercial, industrial, or institutional facilities.

CONCLUSION:

The City Council adopted a series of business relief measures to help maintain the safety, security, and health of Escondido residents, businesses, and other community members. This proposed ordinance is a continuation of existing City policy, consisting of temporary, uncodified amendments to the Escondido Zoning Code. Rather than extending business relief measures by urgency ordinance every 90 days, this proposal includes a duration that is tied to the state of Local Emergency pertaining to COVID-19.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Mike Strong, Director of Community Development
9/10/20 11:03 a.m.

ATTACHMENTS:

1. Attachment 1 – City Council Urgency Ordinance No. 2020-12
2. Attachment 2 - City Council Urgency Ordinance No. 2020-21
3. Draft Ordinance No. 2020-23

ATTACHMENT 1
CITY COUNCIL STAFF REPORT PACKET
PL20-0528

(September 16, 2020)

Due to the number of pages of Attachment 1, the following link has been provided to review the document electronically on the City's web site:

<https://www.escondido.org/Data/Sites/1/media/Ordinances/2020/ORD2020-12MAY202020.pdf>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

ATTACHMENT 2
CITY COUNCIL STAFF REPORT PACKET
PL20-0528

(September 16, 2020)

Due to the number of pages of Attachment 2, the following link has been provided to review the document electronically on the City's web site:

<https://www.escondido.org/Data/Sites/1/media/Ordinances/ORD2020-21AUG192020.pdf>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

ORDINANCE NO. 2020-23

AN UNCODIFIED ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF ESCONDIDO,
CALIFORNIA, FOR THE CORONAVIRUS
("COVID-19") EMERGENCY BUSINESS
RECOVERY STRATEGY

WHEREAS, in a short period of time, COVID-19, which is a new strain of coronavirus that is the cause of an outbreak of respiratory illness, has rapidly spread throughout the State of California, necessitating stringent public health emergency orders as well as guidance and directives from federal, state, and local public officials; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency related to the COVID-19 outbreak pursuant to Section 319 of the Public Health Service Act; and

WHEREAS, on February 14, 2020, the San Diego County Public Health Officer declared a local health emergency due to the threat of COVID-19; and

WHEREAS, on February 19, 2020, the San Diego County Board of Supervisors ratified the Declaration of Local Health Emergency and Proclamation of Local Emergency arising out of the COVID-19 outbreak; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom proclaimed a State of Emergency to exist in the State of California as a result of the threat of COVID-19; and

WHEREAS, various health organizations throughout the world, including the Centers for Disease Control and Prevention ("CDC") and the World Health Organization ("WHO"), consider the COVID-19 virus to be a very serious health threat, a "public health

emergency of international concern,” and as of March 11, 2020, the WHO identified it as a pandemic; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 which, in part, took various actions pursuant to the Emergency Services Act (Government Code Section 8550 *et. seq.*), including an order to ensure adequate facilities to address the impacts of COVID-19; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, issued a Proclamation on Declaring a National Emergency concerning the COVID-19 Outbreak; and

WHEREAS, on March 16, 2020, the City Manager for the City of Escondido (“City”), acting in his capacity of Director of Emergency Services of the City (“Director”), proclaimed, through Proclamation No. 2020-01, the existence of a Local Emergency related to COVID-19 within the City, and activated the Escondido Emergency Operations Center on that date; and

WHEREAS, as of March 18, 2020, the Escondido City Council adopted Proclamation No. 2020-01, ratifying the declaration of the Director and declaring the existence of an on-going local emergency pursuant to COVID-19; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors (also called the “Stay-at-Home Order”); and

WHEREAS, new daily positive COVID-19 case counts, total test-positive cases, and per capita totals slowed in late spring 2020. Because of the downtrend movement in

new cases, there was growing interest to support modifying the statewide Stay-at-Home Order to allow more businesses that had been closed to re-open. On May 7, 2020, the State Public Health Officer announced that statewide data supported gradually re-opening commercial retail, industrial manufacturing, and logistics businesses; and

WHEREAS, pursuant to California Health and Safety Code Section 120175.5(b) and the Order of the Health Officer and Emergency Regulations issued by the Health Officer of the County of San Diego, as updated on August 8, 2020 ("County Public Health Order"), all governmental entities in San Diego County are required to take necessary measures within the government entity's control to ensure compliance with the County Public Health Order and reduce the risks of community spread of COVID-19; and

WHEREAS, given the extraordinary health threat caused by COVID-19, the City Council adopted an Urgency Ordinance (Ordinance No. 2020-12) on May 20, 2020, and enacted temporary business relief measures and public health and safety protections related to statewide recovery and re-opening efforts in Escondido due to COVID-19, and to prevent or lower the risk of COVID-19 transmission; and

WHEREAS, individuals with COVID-19 may be asymptomatic, and physical distancing and modified business operations, such as using outdoor spaces and providing curbside pickup, takeout, and delivery, are critical and necessary for safely reopening businesses, preventing or mitigated a future spike in transmission, and helping to ensure the safety and protection of individuals participating in such business operations. Many businesses and employers need additional guidance and support in response to stabilizing operations for commercial retail, industrial manufacturing, and

logistics businesses. Furthermore, the patchwork of constantly evolving plans, health orders, and precautions recommended by health authorities has caused many local businesses and employers in Escondido to experience sudden and unexpected revenue or income loss from temporary business closures and/or modified operations; and

WHEREAS, in light of the on-going emergency regarding the COVID-19 pandemic, the City Council extended Urgency Ordinance No. 2020-12 on August 19, 2020, for an additional ninety (90) days; and

WHEREAS, the existing conditions that prompted the Director's and City Council's Proclamation of Local Emergency continue to exist. The underlying economic and health circumstances supporting the Urgency Ordinance(s) are equally true as of this date and as set forth in the above recitals, which are incorporated herein by reference.

NOW, THEREFORE, IT IS HEREBY RESOLVED and the City Council of the City of Escondido DOES HEREBY ORDAIN as follows:

SECTION 1. The foregoing recitals are true and correct. City Council Proclamation No. 2020-01 ratifying the declaration of a Local Emergency and declaring the existence of an on-going Local Emergency related to COVID-19, California Governor Gavin Newsom's Executive Orders N-25-20 and N-33-20, and the County Public Health Order are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2. The existing conditions that prompted the Director's and City Council's Proclamation of Local Emergency continue to exist. In the interest of protecting the public health and safety, and minimizing and reducing the spread of the transmission

of COVID-19 and loss of life, property, and essential public services, the City Council finds a compelling need to establish a series of temporary business relief measures and otherwise mitigate the adverse effects of COVID-19 and the gradual re-opening process among all residents, businesses, and visitors of Escondido.

SECTION 3. California Environmental Quality Action ("CEQA"). Public Resources Code ("PRC") Section 21080(b)(4) and CEQA Guidelines Section 15269(c) (14 C.C.R. Section 15269(c)) exempt from CEQA "specific actions necessary to prevent or mitigate an emergency." PRC Section 21060.3 defines emergency as "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services." The COVID-19 pandemic constitutes a "sudden, unexpected occurrence," whereby the public health effects of the pandemic were felt in the City, County, and State suddenly and unexpectedly. Governmental efforts to mitigate the effects of the pandemic, such as closures and the Stay-at-Home order, also occurred suddenly, and these mitigation efforts, despite their necessity in light of the pandemic, have significantly and adversely impacted businesses, business owners, employees, and livelihoods, including having significant economic repercussions. Similarly, the pandemic and its mitigation efforts have affected the City's delivery of its essential public services. Although the State and local authorities are evaluating the feasibility and scope of economic recovery and "re-opening" efforts, and such efforts are constantly evolving, those authorizations will not serve to fully mitigate the pandemic's effects on businesses, the City, and the public, and it is likely that businesses and essential City services will not be able to survive, or public health to be negatively impacted, without the City's implementation of the proposed

amendments to the Escondido Zoning Code. Further, the measures are necessary to comply with continued specific public health requirements associated with the pandemic, including social distancing. Thus, the COVID-19 pandemic is an emergency as defined in PRC Section 21060.3, and the recovery plan outlined herein is necessary to mitigate that emergency. For these reasons, the Urgency Ordinance is exempt from CEQA pursuant to PRC section 21080(b)(4) and CEQA Guidelines Section 15269(c).

As separate and independent bases, the amendments to the Escondido Zoning Code are categorically exempt from environmental review pursuant to CEQA Guidelines Section 15304(e) for minor alterations to land for temporary uses that have negligible or no permanent effects on the environment, CEQA Guidelines Section 15311(c) for the construction of or replacement of minor structures and temporary use items accessory to existing commercial, industrial, or institutional facilities.

SECTION 4. During this state of Local Emergency, the City Council hereby adopts the following temporary business relief measures:

- 1) **Temporary Sign Limits.** Section 33-1396(a) of Article 66 of the Escondido Zoning regulates the time, place, and manner of temporary signs, and limits these special event signs for a total duration of not more than sixty (60) days in a calendar year. Section 33-1396(a) of Article 66 of the Escondido Zoning Code regulates temporary banner signs including an allowance for seventy-two (72) square feet and only one (1) special event banner is allowed for each street frontage, except for individual in-line shops in commercial centers where one (1) banner is allowed for each building face

fronting on a parking lot or a street. The foregoing limitations of temporary banner signs are hereby provisionally modified to allow for the following:

- a. One (1) banner sign of up to seventy-two (72) square feet and one (1) additional banner sign of up to thirty-two (32) square feet for each street frontage or each building face fronting on a parking lot or a street.

The City Council also hereby adopts provisions to allow for the following temporary signs that are neither expressly allowed nor prohibited by the zoning ordinance, when they are on private property, project from private property over or into City property, or are located within the public right-of-way.

- a. A-frame sign(s) placed on private property adjacent to the primary entrance to the property, building, or tenant space for the purpose of identification, protection or directing persons to a use conducted therein, or identification of on-site protection or safety measures.
- b. Wayfinding or directory ground-mounted signs placed immediately adjacent to pick-up and carry-out zones, or parklets, designed or intended to be displayed for each service or delivery entrance.

Temporary signs specifically allowed by this Ordinance are exempt from and would not be counted towards the sixty (60) day calendar limit. An act to establish, erect, or maintain temporary banner, temporary A-frame signs, or wayfinding or directory ground mounted signs, as allowed by this Ordinance, shall be exempt from the application and sign permit

requirements but must be in conformance with all other requirements of this section. Except as modified by this section, the provisions, terms, and limitations of Article 66 shall remain in full force and effect, including any timeframe or permit requirements with respect to signs not otherwise described herein.

2) **Regulation of Alcohol Sales.** The City Council hereby suspends local permit restrictions on Alcohol Beverage Control (“ABC”) licensed restaurants that prevent off-site sale and delivery of alcohol, to the extent applicable, subject to the following conditions:

- a. No wine or beer shall be sold with an alcohol content of greater than fifteen (15) percent by volume.
- b. The sale of alcoholic beverages for off-site consumption shall only be made to patrons who purchase meals as defined in Business and Professions Code Section 23038.
- c. All alcohol delivery persons shall be an employee of the restaurant who is twenty-one (21) years of age or older. Drivers delivering alcohol to said patrons shall document that the customer is twenty-one (21) years of age or older. No individual under twenty-one (21) years of age, or without proper identification, shall be served or sold alcohol.
- d. Restaurants shall comply with the conditions contained within the ABC’s Notice of Regulatory Relief.

- e. That the suspension of local permit restrictions on ABC licensed restaurants shall be effective during the Urgency Ordinance's effective period and/or shall last until the withdrawal of ABC Notice of Regulatory Relief, whichever occurs first.

3) **Carry-Out Zones Established.** The City Council desires to convert underutilized parking spaces into more functional spaces and to include use of parking space(s) or portion of the parking lane(s) as described herein. The City Council hereby authorizes the reservation of no more than four (4) existing, striped parking space on the same premises for curbside pick-up, restaurant carry-out zones, and/or other drop-off and pick-up related uses and activities. The City Council furthermore authorizes the temporary use of no more than two (2) existing, striped parking spaces in the public street immediately adjacent to a businesses or employer, if any, for curbside pick-up, restaurant carry-out zones, and/or other drop-off and pick-up related uses and activities to the fronting private property. Temporary use of on-street parking spaces shall be limited to streets with speed limits of thirty (30) mph or less and shall be coordinated with neighboring businesses and business associations.

4) **Accessory Retail Use in Industrial Areas.** Retail accessory uses and structures are permitted in the industrial zones, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Said regulations, described in Section 33-565 of Article 26 of the Escondido Zoning Code, limit accessory retail use to fifteen (15) percent

of the gross building square footage. The foregoing limitation is hereby provisionally modified from fifteen (15) percent to fifty (50) percent. Henceforth, no additional parking associated with this expanded accessory use authorization shall modify or change any on-site parking requirements. Except as modified by this section, the provisions, terms, and limitations of Article 26 shall remain in full force and effect.

5) Outdoor Activities on Private Property (in Non-Parking Areas).

Authorization of temporary outdoor display and sale events in commercially zoned districts of the City, described in Sections 33-1533(b) and 33-1534(c)(1) of Article 73 of the Escondido Zoning Code, are hereby provisionally modified and henceforth to allow a variety of outdoor sale events; displays; professional, recreation or instructional services; and/or assembly in non-parking areas of private property. Henceforth, no zoning permit or fees shall be required to establish outdoor activities in non-parking areas of private property. Furthermore, outdoor activities on private property shall be allowed to recur during normal business hours and for as many days as necessary within the time limits of the Ordinance's effective period. All shade tents shall be reviewed by the building division and fire department for compliance with all building and fire codes. No fees shall be required for tent permit applications or tent inspection, if required by the Fire Chief or designee. Except as modified by this section, the provisions, terms, and limitations of Article 73 shall remain in full force and effect.

6) **Outdoor Activities on Private or Public Property (Parking Areas).** A

business establishment can be expanded into temporary outdoor areas to allow a variety of outdoor sale events; displays; professional, recreation, or instructional services in parking areas located on private or public property. Outdoor activities in parking areas shall be allowed to recur during normal business hours, subject to a special temporary use permit. No permit or fee shall be required for assembly or assembly services, which may include social clubs, churches, and/or protests. All shade tents shall be reviewed by the building division and fire department for compliance with all building and fire codes. No fees shall be required to review special temporary use permit and/or tent permit applications or tent inspection.

- a. A temporary outdoor use in a private parking area can only be located in a zone in which the primary use is an allowed use or conditionally permitted use under the base zoning designation. A temporary outdoor use in a private parking area can only be located on the same parcel that is entitled for the use.
- b. A temporary outdoor use in a public parking lot shall obtain authorization by the City's Manager's Office or Community Services Department.

7) **Parklets Established.** The City Council desires to convert underutilized on-street parking spaces and/or public sidewalks into more functional spaces and hereby authorizes the conversion of on-street parking or public sidewalks to parklets through the issuance of special temporary use

permits. Henceforth, parklets are permitted on streets with less than 12,000 Average Daily Trips and speed limits of thirty (30) mph or less. Each parklet must be located within an existing, striped space and located immediately adjacent to a business or employer. Additional parklet space(s) and/or public sidewalk space(s) may be utilized if the associated property owner and/or business establishment assigns rights to use the associated parklet space(s) and public sidewalk.

- 8) **Temporary Indoor Expansions.** A legal and conforming business area can be expanded into temporary indoor areas subject to a special temporary use permit, including into an existing nearby space or building, when shown to be necessary to comply with continued specific public health requirements associated with the pandemic and to accommodate physical distancing without increasing the overall capacity or occupancy of the operation. However, a temporary indoor area can only be located in a zone in which the primary use is an allowed use or conditionally allowed under the base zoning designation.
- 9) **Parking Regulations Exemption.** A temporary modification is exempt from additional parking regulations. Any temporary off-site parking arrangements or reciprocal parking agreements, necessary to temporarily support a business recovery and/or implementation of a temporary outdoor use subject to a special temporary use permit, may similarly be reviewed and considered as a special temporary use.

10) **New Structures and Modifications.** A business may erect a new temporary structure or make a minor modification to an existing structure as part of a temporary modification. A temporary modification is exempt from Design Review or other zoning permits.

11) **Agricultural Experiences.** An allowed agricultural use may conduct an agricultural experience that complies with all of the following:

- a. The use is incidental to a primary agricultural use and features predominately agricultural products grown or produced onsite.
- b. Hikes, tours, educational seminars, and/or food sales or service must occur during business hours. No overnight sleeping accommodations are allowed.
- c. No permanent improvements are necessary to accommodate or support the agricultural experience, such as construction or grading.
- d. The use complies with environmental health requirements, including those related to food service, porta-toilets, trash containers, fire and building codes, the Department of Alcoholic Beverage Control requirements, and any other applicable requirements.

12) **Home Occupations.** Home occupations require a home occupation permit. Henceforth, all bona fide home occupations shall allow on-premises employees and customers.

- a. No more than two (2) non-residents who commute to the home to work may be continuously employed at any one time on the site, except where specifically permitted by law.

- b. No more than eight (8) clients or customers shall be on the premises in any one (1) day.

Each and every one of the other conditions listed in Section 33-852 of the Escondido Zoning Code must be observed at all times by the holder of a home occupation permit. A home occupation shall continue to comply with all of the codes adopted by reference (including but not limited to the Uniform Building Code, Uniform Plumbing Code, Uniform Fire Code, etc.) and shall require ADA clearances as determined necessary by the Building Official. The Director of Community Development may, upon application, issue a home occupation permit, which shall state the home occupation permitted, the conditions attached, and any time limitations thereon.

SECTION 5. In addition to the temporary uses or operational needs expressively stated within this Ordinance, the Director of Community Development, or his designee, may issue a special temporary use permit for a temporary indoor or outdoor use found to be necessary to respond to the current and continuing health, safety, and financial circumstances of the COVID-19 emergency. Such uses must serve to increase and improve patron and pedestrian mobility and access to businesses engaging in practices that are conducive to social distancing and other applicable health and safety practices, including complying with the County Public Health Order and all other applicable governmental and agency health and safety requirements. Such uses may include temporary use allowances, expanded business hours, drive-through or drop-off/pick-up operations, or other measures if it is shown necessary for business recovery or other pressing need related to the pandemic.

SECTION 6. The City Manager, or his designee, shall create and maintain a master permitting and/or tracking program to help implement this Ordinance. Each application shall be reviewed for public safety issues unique to the pedestrian and vehicular needs of the specific location. The business or employer must agree to provide to the City a Certificate of Liability insurance naming the City as additional insured. Additional conditions may be included prior to the issuance of any permit covered by this Ordinance.

SECTION 7. This Ordinance is effective on the date of its adoption and shall remain in effect until 30 days after expiration or termination of the Local Emergency, or until this Ordinance is modified or revoked by the City Council whichever is sooner. All ordinances or parts of ordinances in conflict herewith are hereby temporarily suspended, effective immediately and in effect through the time the Ordinance is in effect, unless stated otherwise. After the expiration of the Ordinance, the provisional business relief measures shall be deemed expired and of no further force or effect. All rights and obligations under this Ordinance shall be concluded.

SECTION 8. During the effective period of the Ordinance, businesses and employers have a right to undertake and complete the development and use of property or utilize any and all business relief measures, or portions thereof. All temporary modifications must comply with all other state and local laws, including encroachment, building, grading, fire, and health code requirements, the California Disabled Persons Act, the State Shelter Order, and the County Health Order.

SECTION 9. No Property Rights Conferred. Use or development of a temporary modification does not confer a property interest, vested right, or entitlement to

continue through the Ordinance's effective period or receive a future entitlement for use of the temporary modification. These business relief measures shall not be extended by any amendments or modifications unless expressly provided by the City Council. Upon the Ordinance's expiration, the City Council's policy shall revert to the zoning ordinance as written and all temporary displays and physical improvements authorized by this Ordinance shall be removed immediately, at the expense of the business or employer. Temporary modifications must either be restored to their prior condition or the applicant must apply for and diligently pursue retention of these modifications on a permanent basis.

SECTION 10. The City of Escondido reserves the right to enforce this Ordinance pursuant to Escondido Municipal Code Section 1-13 and to pursue any other remedies legally available against individuals or entities who knowingly or intentionally violate the provisions of this Ordinance or falsify information to qualify for the relief granted by this Ordinance. If the Director of the Community Development Department, or his/her designee, determines that a temporary modification is a nuisance or does not comply with this Ordinance or applicable provision of the Zoning Code, it may, at the Director's discretion, require changes to the temporary modification, suspend use of the temporary modification, or require that the temporary modification cease.

SECTION 11. There are no assurances to residents, businesses, or visitors that the affected chapters and sections of this Ordinance will not be subject to future revisions. The establishment of this Ordinance shall not preclude, change, or impair the authority of the City to adopt and/or enforce Zoning Code provisions, Municipal Code ordinances, or other governing situations.

SECTION 12. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

- Actions and proceedings that began before the effective date of this Ordinance;
- Prosecution for ordinance violations committed before the effective date of this Ordinance; and/or
- The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance.

SECTION 13. This Ordinance is intended to supplement, not to duplicate, supplant, or contradict, applicable state and federal law, as well as the County Public Health Order, and shall be interpreted in light of that intent. If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

SECTION 14. All businesses that are allowed to open must modify operations to comply with the State and County Public Health Orders, guidelines, and regulations specific to their industry sector from relevant local and state agencies, as well as prepare, post, and implement a social distancing protocol to protect employees, customers, and the general public, and self-certify compliance. Businesses that perform group instruction or assembly must not exceed the maximum number of individuals in a group allowed under the County Public Health Order for outdoor activity businesses or for gatherings.

SECTION 15. The City Council does not request codification of this Ordinance because the Ordinance is temporary and, therefore, not a general ordinance in force.

CITY COUNCIL STAFF REPORT

Current Business Item No. 17

September 16, 2020

File No. 0120-10

SUBJECT: Appointment to Planning Commission

DEPARTMENT: City Clerk's Office

RECOMMENDATION:

It is requested that the City Council ratify the Mayor's appointment to fill an unscheduled vacancy on the Planning Commission. The term will expire on March 31, 2022.

BACKGROUND:

On July 13, 2020, James McNair informed the City of Escondido that he would no longer be able to serve on the Planning Commission. A Notice of Vacancy was duly posted for a 10-day period in accordance with the State law and City policy.

According to Escondido Municipal Code Section 20-2, "The planning commission created by this chapter shall consist of seven (7) members who shall be appointed by the city council. All members must reside within the geographic area covered by the city's general plan and no more than three (3) members may reside outside the city limits. The planning commission should include members of the general public and licensed design professionals. Members of the planning commission shall serve at the pleasure of the council, and may be removed from office at any time, without cause. (Ord. No. 2016-02, § 1, 2-10-16)."

The Planning Commission is currently comprised of six members, five of whom reside within the city limits. Commissioner Stan Weiler lives outside the city limits. Of the eight candidates for this vacancy, seven candidates reside within the city limits. Robert Knecht lives outside the city limits.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Zack Beck, City Clerk

09/10/20 11:03 a.m.

ATTACHMENTS:

1. Attachment 1 – Application (Rebel Bolton)
2. Attachment 2 – Application (Juan Bribiresca)
3. Attachment 3 – Application (Robert Knecht)
4. Attachment 4 – Application (Donald Romo)
5. Attachment 5 – Application (Rosa Sandoval)
6. Attachment 6 – Application (James Spann)

7. Attachment 7 – Application (Barry Speer)
8. Attachment 8 – Application (Sabrina Covington)



**APPLICATION FOR
APPOINTMENT
CITY OF ESCONDIDO
BOARD OR COMMISSION**

Submit application to: City Clerk's Office
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4617

Application may be downloaded from the City's website:
<http://www.escondido.org/boards-commissions-information.aspx>

- Answer all questions in black ink or by typewriter/computer. If using a computer, press the **TAB** key (not **ENTER**) to move through items.
- A separate application must be filed for each board or commission in which you are interested.

☐ Mr. ☐ Mrs. ☒ Ms.

Name: Bolton Rebel
Last Name First Name

Residence [REDACTED] Zip: 92026

In City Limits?: ☒ Yes ☐ No In General Plan Area?: ☒ Yes ☐ No

Home Phone: [REDACTED] Fax: _____

E-mail Address: rlbolton1@gmail.com

Length of time you have lived in the area: 6 months

Employer: Stone Brewing

Occupation: Host

Business Address: 1999 Citracado Pkwy
Escondido CA 92029

Business Phone: _____

Board or Commission for which you are applying:**

Planning Commission

If you have filed additional applications for other boards or commissions, please list them in order of preference:

If you are an incumbent, how long have you served in your current position?

Have you ever been a member of any City board or Commission, or employed by the City of Escondido? ☐ Yes ☒ No

If so, in what capacity: _____

Are any persons now employed by the City of Escondido related to you by blood or by marriage? ☐ Yes ☒ No

If so, list name and relationship: _____

****HISTORIC PRESERVATION COMMISSION** applicants *must* include a resume with application form.

Certificate of Applicant: All answers and statements in this document are true and complete to the best of my knowledge and belief.

Rebel Bolton
Signature Date

ATTACHMENT 1

Personal References: Please list references of three people who have knowledge of your character, experience, and ability. Do not give names of relatives or present employer.

Full Name	Home Address City, State Phone	Business Address City, State Phone	Business Or Occupation
Stephanie Berberick			Politics
Samantha Bergstrom		RN	Medical
Amanda Berno		Social Worker	

Community Involvement: List present membership in any community service or civic organizations, if any.

Parks and Land Conservation board, Scarborough ME.
Board Member - steering Committee - Clean Elections San Diego

Qualifications: Please explain why you want to be a board/commission member. Then describe your skills, talents, interests, training or experiences, and how the board or commission would benefit from them. If an incumbent, why do you wish to continue serving? (You may attach additional pages, if needed)

NOTE: All members of City Boards and Commissions must submit a Statement of Economic Interests (FPPC Form 700) on an annual basis. This requirement is in conformance with the City's Conflict of Interest Code.

The City Clerk's Office maintains a booklet containing specific information on qualifications or conditions of appointment, meeting schedules and the purpose of each Board or Commission. You may view this information by visiting the City's website at <http://www.escondido.org/boards-commissions-information.aspx> or request a copy by phone (760) 839-4617.

On behalf of the City Council and staff, thank you for your interest in serving on a City of Escondido Board or Commission.

As a new resident of Escondido, California, I would like to be a member of the planning Commission because I have always been involved in my local community. I am about to start graduate school and will be a long term resident of beautiful Escondido. Prior to moving to California, I lived in Scarborough, ME, where I was a member of the Parks and Conservation Land Board that advised the Town Council on land use requests. I have a B.S. in Environmental Science and Policy from Plymouth State University where much of my undergraduate class work related to environmental planning. Through years of experience in professional management I have honed my organizational and time management skills, which are imperative for any organization serving the public. I have plenty of experience building bridges with elected officials and speaking on behalf of various campaigns that I have either worked or volunteered for. I am excited to learn the new rules and regulations of city planning in California and serve my new community using my diverse background and educational experience.



REBEL BOLTON

Escondido, CA 92026 / C: [REDACTED] / rlbolton1@gmail.com

CAMPAIGN MANAGEMENT

ACCOUNT DIRECTOR

Effective leader in campaign management with the ability to advance candidates and issues I am passionate about. With a strong interest in domestic and international issues I am seeking opportunities where I can contribute my time and utilize my skills to achieve my professional goals.

PROFESSIONAL EXPERIENCE

UNITED STATES NAVY RESERVE, Petty Officer, 2nd class **Engineman** **March 2016-Present**

- Maintain strict uniform and conduct standards.
- Stand Watch to ensure the safety of military property and personnel.
- Received multiple letters of recommendation for meritorious advancement.

ASPIRE, SAN DIEGO, CA **Account Director** **June 2018-June 2019**

- Managed a team of 10-15 people to meet and exceed weekly sales goals.
- Hired and trained new team members.
- Tracked results and trends regularly for business forecasting.

BRYAN KIM FOR CONGRESS **Campaign Aide** **March 2018-June 2018**

- Coordinated volunteers into various activities.
- Plan Campaign Events to improve overall name recognition.
- Fundraise for campaign merchandise and advertising.

COMMITTEE FOR RANKED CHOICE VOTING, Portland, ME **Field Organizer** **Nov 2017-Feb 2018**

- Recruit, train and retain volunteers.
- Utilized leadership skills to unify volunteers to reach common goal.
- Manage volunteers for canvassing, phone banking, and data entry.
- Build rapport with volunteers on behalf of political campaign.
- In depth knowledge of Nation Builder.

ONELA, Lewiston, ME **Deputy Field Director** **Sept 2017-Nov 2017**

- Developed effective strategies for winning canvass teams.
- Networked with local community leaders to organize campaign events.
- Activated and maintained volunteer base to reach as many potential voters as possible.

EDUCATION

PLYMOUTH STATE UNIVERSITY, Plymouth, NH

Bachelor of Science: Environmental Science and Policy

Minor in Sociology/Anthropology



**APPLICATION FOR
APPOINTMENT
CITY OF ESCONDIDO
BOARD OR COMMISSION**

Submit application to: City Clerk's Office
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4617

Application may be downloaded from the City's website:
<http://www.escondido.org/boards-commissions-information.aspx>

- Answer all questions in black ink or by typewriter/computer. If using a computer, press the **TAB** key (not **ENTER**) to move through items.
- A separate application must be filed for each board or commission in which you are interested.

☒ Mr. ☐ Mrs. ☐ Ms.

Name: BRI BIESCA JUAN
Last Name First Name

Residence [REDACTED] Zip: 92025

In City Limits?: ☒ Yes ☐ No In General Plan Area?: ☐ Yes ☐ No

Home Phone: [REDACTED] Fax: _____

E-mail Address: JMBVENT@GMAIL.COM

Length of time you have lived in the area: 10 YEARS AND 2 YEARS PERMANENTLY

Employer: NONE

Occupation: RETIRED

Business Address: N/A

Business Phone: N/A

Board or Commission for which you are applying:**

PLANNING COMMISSION

If you have filed additional applications for other boards or commissions, please list them in order of preference:

NO OTHER

If you are an incumbent, how long have you served in your current position?

N/A

Have you ever been a member of any City board or Commission, or employed by the City of Escondido? ☐ Yes ☒ No

If so, in what capacity: _____

Are any persons now employed by the City of Escondido related to you by blood or by marriage? ☐ Yes ☒ No

If so, list name and relationship: _____

****HISTORIC PRESERVATION COMMISSION** applicants *must* include a resume with application form.

Certificate of Applicant: All answers and statements in this document are true and complete to the best of my knowledge and belief.

[Signature]
Signature

2-13-2020
Date

ESCONDIDO CITY CLERK
20 FEB 14 PM 3:14:06

Personal References: Please list references of three people who have knowledge of your character, experience, and ability. Do not give names of relatives or present employer.

Full Name	Home Address City, State Phone	Business Address City, State Phone	Business Or Occupation
RALPH ROGNLIE	[REDACTED]	Escondido CA 92027 (760) 743-7961	RETIRED
JENNIFER COLE	[REDACTED]	(858) 761-8009	DISSABLE
CATERINA VAN HOYN	[REDACTED]	(858) 945-5944	RETIRED

Community Involvement: List present membership in any community service or civic organizations, if any.

PRESIDENT ESCONDIDO HOIST LIONS CLUB

MEMBER OF THE MEXICAN AMERICAN BUSINESS AND PROFESSIONAL ASSOCIATION

Qualifications: Please explain why you want to be a board/commission member. Then describe your skills, talents, interests, training or experiences, and how the board or commission would benefit from them. If an incumbent, why do you wish to continue serving? (You may attach additional pages, if needed)

SINCE I LIVE IN ESCONDIDO I WANT TO BE A PART OF THE DECISION MAKING FOR THE FUTURE PLANNING OF THE CITY OF ESCONDIDO.

I AM RETIRED MEDICAL DR AND PAST REAL ESTATE INVESTOR IN ESCONDIDO AND SAN DIEGO. I HAVE WORKED WITH A GENERAL CONTRACTOR FOR OVER FIFTEEN YEARS IN RE-BUILDING HOMES. I AM ALSO A CERTIFIED HOME INSPECTOR AND CURRENTLY I AM TAKING UNIVERSITY REAL ESTATE COURSES TO BECOME A REALTOR.

SINCE I AM RETIRED AND NOT LOOKING FOR ANY ONE, I BELIEVE THAT I COULD BE AN ASSET TO THE PLANNING COMMISSION BECAUSE OF MY DIFFERENT AREAS OF KNOWLEDGE AND IT WILL NOT CREATE ANY CONFLICT OF INTEREST WITH ANYONE.

NOTE: All members of City Boards and Commissions must submit a Statement of Economic Interests (FPPC Form 700) on an annual basis. This requirement is in conformance with the City's Conflict of Interest Code.

The City Clerk's Office maintains a booklet containing specific information on qualifications or conditions of appointment, meeting schedules and the purpose of each Board or Commission. You may view this information by visiting the City's website at <http://www.escondido.org/boards-commissions-information.aspx> or request a copy by phone (760) 839-4617.

On behalf of the City Council and staff, thank you for your interest in serving on a City of Escondido Board or Commission.



**APPLICATION FOR
APPOINTMENT
CITY OF ESCONDIDO
BOARD OR COMMISSION**

Submit application to: City Clerk's Office
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4617

Application may be downloaded from the City's website:
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- Answer all questions in black ink or by typewriter/computer. If using a computer, press the **TAB** key (not **ENTER**) to move through items.
- A separate application must be filed for each board or commission in which you are interested.

☐ Mr. ☐ Mrs. ☐ Ms.

Name: Knecht Robert
Last Name First Name

Residence [REDACTED] Zip: 92029

In City Limits?: ☐ Yes ☒ No In General Plan Area?: ☒ Yes ☐ No

Home Phone: [REDACTED] Fax: N/A

E-mail Address: Robert.Knecht@me.com

Length of time you have lived in the area: 2 years, 9 months

Employer: U.S. Marine Corps

Occupation: Reserve Combat Arms Officer

Business Address: Box 555111

Camp Pendleton, CA 92055-5111

Business Phone: (760) 725-7552

Board or Commission for which you are applying:**

Planning Commission

If you have filed additional applications for other boards or commissions, please list them in order of preference:

N/A

If you are an incumbent, how long have you served in your current position?

N/A

Have you ever been a member of any City board or Commission, or employed by the City of Escondido? ☐ Yes ☒ No

If so, in what capacity: _____

Are any persons now employed by the City of Escondido related to you by blood or by marriage? ☐ Yes ☒ No

If so, list name and relationship: _____

**HISTORIC PRESERVATION COMMISSION applicants *must* include a resume with application form.

Certificate of Applicant: All answers and statements in this document are true and complete to the best of my knowledge and belief.

Robert Knecht
Signature

30 July 2020
Date

Personal References: Please list references of three people who have knowledge of your character, experience, and ability. Do not give names of relatives or present employer.

Full Name	Home Address City, State Phone	Business Address City, State Phone	Business Or Occupation
Nina Deerfield	[REDACTED]	221 West 8th Ave, Escondido, CA 92025 (760) 580-0246	Vice President, Palomar College Governing Board
Georgine Tomasi	[REDACTED]	296 Whistling Straits Glenn, Escondido, CA 92026 (760) 390-0553	Member, EUSD Board of Trustees
Olga Diaz	[REDACTED]	201 North Broadway, Escondido, CA 92025 (760) 580-4406	Member, Escondido City council

Community Involvement: List present membership in any community service or civic organizations, if any.

North Chapter Veterans Democratic Club of San Diego County; Escondido Democratic Club; Escondido Young Democrats; Veterans of Foreign Wars, Memorial Post 3795; Veterans Beer Club, San Diego Chapter; Iraq and Afghanistan Veterans of America; United Nations Association - USA, San Diego Chapter; San Diego World Affairs Council; Run Women Run.

Qualifications: Please explain why you want to be a board/commission member. Then describe your skills, talents, interests, training or experiences, and how the board or commission would benefit from them. If an incumbent, why do you wish to continue serving? (You may attach additional pages, if needed)

In November 2019, following the end of my 11 years of active service with the U.S. Marine Corps, my family chose to make the Harmony Grove Village-area of Escondido our new home. We love it. As the years have gone on, we have become more and more engaged with our new city, community, and neighbors. Speaking for myself, I have served as a Plans Officer throughout my time in the Marine Corps, including in 2011 while working to increase security and infrastructure in Marjah, Afghanistan with the city's Police Chief, City Staff, and U.S. State Department. 2012 in Australian, planning then-President Obama's integration of U.S. Marines and infrastructure with the city of Darwin. Today, as a Reserve Officer, I continue as a Strategic Planner. I plan with the U.S. Department of Defense to mobilize the U.S. economy for a "World War III" scenario.

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- A separate application must be filed for each board or commission in which you are interested.

☒ Mr. ☐ Mrs. ☐ Ms.

Name: Romo Donald
Last Name First Name

Residence [REDACTED] Zip: 92025

In City Limits?: ☒ Yes ☐ No In General Plan Area?: ☐ Yes ☐ No

Home Phone: [REDACTED] Fax: _____

E-mail Address: donromo@cox.net

Length of time you have lived in the area: 51 years

Employer: Erickson-Hall Construction

Occupation: Director of Development

Business Address: 500 Corporate Drive

Escondido, Ca 92029

Business Phone: 760-796-7700

ATTACHMENT 4

Board or Commission for which you are applying:**

Planning Commission

If you have filed additional applications for other boards or commissions, please list them in order of preference:

If you are an incumbent, how long have you served in your current position?

5 years

Have you ever been a member of any City board or Commission, or employed by the City of Escondido? ☒ Yes ☐ No

If so, in what capacity: Planning Commission

Are any persons now employed by the City of Escondido related to you by blood or by marriage? ☐ Yes ☒ No

If so, list name and relationship: _____

****HISTORIC PRESERVATION COMMISSION** applicants *must* include a resume with application form.

Certificate of Applicant: All answers and statements in this document are true and complete to the best of my knowledge and belief.

Signature

Date

Personal References: Please list references of three people who have knowledge of your character, experience, and ability. Do not give names of relatives or present employer.

Full Name	Home Address City, State Phone	Business Address City, State Phone	Business Or Occupation
Tami De Armis		257 East 2nd Ave Escondido, Ca 92025 760-741-9796	Alternatives Pregnancy
Mike Strong		201 N. Broadway Escondido, Ca 92025	Asst. Planning Director
Jim Vanderspek		350 W 5th Ave # 300 Escondido, Ca 92025	Vanderspek Howerzyl CPAs

Community Involvement: List present membership in any community service or civic organizations, if any.

Qualifications: Please explain why you want to be a board/commission member. Then describe your skills, talents, interests, training or experiences, and how the board or commission would benefit from them. If an incumbent, why do you wish to continue serving? (You may attach additional pages, if needed)

The future of Escondido depends on citizens becoming involved to ensure Escondido continues on a path of prosperity and responsible growth. After living in Escondido for 50 years I understand the importance of balancing the public good with private rights and interest. Over the next four years several large projects will be coming before the Planning Commission. I am confident my previous experience on the Commission as well as my past experience working with clients and cities throughout Southern California in all phases of development, including land acquisition, CUP processing, permitting, and construction will allow me to make decisions that are fair and equitable to all parties involved.

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☐ Mr. ☐ Mrs. ☒ Ms.

Name: Sandoval Rosa
Last Name First Name

Residence [REDACTED] Zip: 92026

In City Limits?: ☒ Yes ☐ No In General Plan Area?: ☒ Yes ☐ No

Home Phone: [REDACTED] Fax: _____

E-mail Address: rsandoval90@gmail.com

Length of time you have lived in the area: 29 years

Employer: Law Office of Rosa Sandoval

Occupation: lawyer

Business Address: 510 N Escondido Blvd, Suite 2C
Escondido, CA 92025

Business Phone: (760) 522-5597

Board or Commission for which you are applying:**

Planning Commission

If you have filed additional applications for other boards or commissions, please list them in order of preference:

If you are an incumbent, how long have you served in your current position?

Have you ever been a member of any City board or Commission, or employed by the City of Escondido? ☐ Yes ☒ No

If so, in what capacity: _____

Are any persons now employed by the City of Escondido related to you by blood or by marriage? ☐ Yes ☒ No

If so, list name and relationship: _____

****HISTORIC PRESERVATION COMMISSION** applicants *must* include a resume with application form.

Certificate of Applicant: All answers and statements in this document are true and complete to the best of my knowledge and belief.

Rosa Sandoval 7-28-2020
Signature Date

Personal References: Please list references of three people who have knowledge of your character, experience, and ability. Do not give names of relatives or present employer.

Full Name	Home Address City, State Phone	Business Address City, State Phone	Business Or Occupation
Larry Lopez		same as home	Sales representative
Martha Moran		same as home	Solos representative
Lyle Pavuk, DPT		250 Prospect Pl, Coronado, CA 92118 Sharp Coronado (619) 522-3600	Doctor of Physical Therapy

Community Involvement: List present membership in any community service or civic organizations, if any.

None

Qualifications: Please explain why you want to be a board/commission member. Then describe your skills, talents, interests, training or experiences, and how the board or commission would benefit from them. If an incumbent, why do you wish to continue serving? (You may attach additional pages, if needed)

I am a concerned citizen who has lived in and around Escondido, CA since I was 2 months old. I was a student at some of the Escondido public schools. My perspective as a female millennial, small business owner who lives, works, shops and consumes in the city would be valuable to help the city grow and thrive. Escondido is a growing city but in our pursuit of meeting housing shortages and business needs we must balance our history as an agricultural/farming city. Escondido has always grown separate but adjacent to the city of San Diego. We are not a suburb and we must preserve that history while transforming the city to meet our housing needs. As a lawyer I have the skills to mediate between parties to balance separate goals. Escondido must grow but it must be done in a way that doesn't damage small businesses or change the character of the city.

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- A separate application must be filed for each board or commission in which you are interested.

☒ Mr. ☐ Mrs. ☐ Ms.

Name: SPANN JAMES
Last Name First Name

Residence [REDACTED] Zip: 92027

In City Limits? ☒ Yes ☐ No In General Plan Area? ☐ Yes ☐ No

Home Phone: [REDACTED] Fax: N/A

E-mail Address: SPANNJIMMIE@YAHOO.COM

Length of time you have lived in the area: 43 YEARS

Employer: SELF EMPLOYED

Occupation: INTERIOR DESIGN - FLOOR & WINDOW COVERING

Business Address: 218 E. GRAND #205

Business Phone: 760-741-4047

Board or Commission for which you are applying:**

RE-APPOINTMENT TO PLANNING COMMISSION

If you have filed additional applications for other boards or commissions, please list them in order of preference:

CURRENTLY SERVING ON HISTORIC PRESERVATION COMM.

If you are an incumbent, how long have you served in your current position?

4+ YEARS

Have you ever been a member of any City board or Commission, or employed by the City of Escondido? ☒ Yes ☐ No

If so, in what capacity: PLANNING & HISTORIC PRESERVATION COMMISSIONS

Are any persons now employed by the City of Escondido related to you by blood or by marriage? ☒ Yes ☐ No

If so, list name and relationship: CHRIS LESO - SON IN LAW

**HISTORIC PRESERVATION COMMISSION applicants *must* include a resume with application form.

Certificate of Applicant: All answers and statements in this document are true and complete to the best of my knowledge and belief.

[Signature]
Signature

1/7/20
Date

Personal References: Please list references of three people who have knowledge of your character, experience, and ability. Do not give names of relatives or present employer.

Full Name	Home Address City, State Phone	Business Address City, State Phone	Business Or Occupation
DAVE CRAMER	[REDACTED]	ESC - [REDACTED]	E P D
RICH BELL		ESC - 760-212-3246	FINANCIAL PLANNER
JOHN WOJNICKI		ESC - 760-480-6024	SALES

Community Involvement: List present membership in any community service or civic organizations, if any.

VOLUNTEER - DOWNTOWN EVENTS & DOWNTOWN BUSINESS ASSOCIATION

BOARD MEMBER - HISTORIC DISTRICT (MOTHER'S DAY HOME TOUR - NEIGHBORHOOD CLEAN UP DAY)

CRUSIAN GRAND SPONSOR

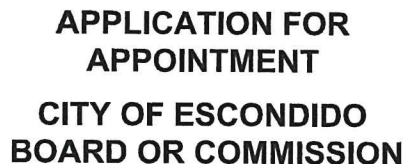
Qualifications: Please explain why you want to be a board/commission member. Then describe your skills, talents, interests, training or experiences, and how the board or commission would benefit from them. If an incumbent, why do you wish to continue serving? (You may attach additional pages, if needed)

I HAVE KNOWLEDGE IN CONSTRUCTION, DESIGN, AND AM FAMILIAR WITH ESCONDIDO - HAVING WORKED HERE FOR 43 YEARS. I AM CONCERNED WITH ALL THE PROJECTS BEFORE THE COMMISSION THAT THEY ARE THE BEST USE OF THE LAND WITH RESPECT TO THE SURROUNDING NEIGHBORHOODS AND AVAILABLE TRANSPORTATION. I ALSO THINK I AM AN ASSET IN MY IMPOT FROM A HISTORIC PRESERVATION STANDPOINT. I BELIEVE WE HAVE SEEN SOME VERY HIGH QUALITY PROJECTS IN THE PAST 4 YEARS, INC. HOUSES OF WORSHIP, AND I DESIRE TO CONTINUE AS A COMMISSIONER AND SEE MANY MORE.

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☒ Mr. ☐ Mrs. ☐ Ms.

Name:	Speer	Barry
	Last Name	First Name

Residence [REDACTED] Zip: 92025

In City Limits?: ☒ Yes ☐ No In General Plan Area?: ☒ Yes ☐ No

Home Phone: [REDACTED] Fax: [REDACTED]

E-mail Address: barryspeer@yahoo.com

Length of time you have lived in the area: 14 years

Employer: Donan Engineering

Occupation: Regional Engineering Manager

Business Address: 12450 Lake Station Pl, Louisville, KY 40299

Business Phone: 619-806-7152

Board or Commission for which you are applying:**

Planning Commission

If you have filed additional applications for other boards or commissions, please list them in order of preference:

If you are an incumbent, how long have you served in your current position?

Have you ever been a member of any City board or Commission, or employed by the City of Escondido? ☒ Yes ☐ No

If so, in what capacity: Building Advisory and Appeals Board member

Are any persons now employed by the City of Escondido related to you by blood or by marriage? ☐ Yes ☒ No

If so, list name and relationship:

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Certificate of Applicant: All answers and statements in this document are true and complete to the best of my knowledge and belief.

Signature

2/14/20

Date _____

20 FEB 14 PM 6:39:24

Personal References: Please list references of three people who have knowledge of your character, experience, and ability. Do not give names of relatives or present employer.

Full Name	Home Address City, State Phone	Business Address City, State Phone	Business Or Occupation
Michael Morasco	[REDACTED]	3070 Madison St, Carlsbad, CA 92008	Physical Therapist
Vaughn North	[REDACTED]	175 S. Main St., Salt Lake City, UT 84111	Attorney/Owner
Bradford Baker	[REDACTED]	203 E 3rd Ave, Escondido, CA 92025	Business Owner

Community Involvement: List present membership in any community service or civic organizations, if any.

City of Escondido Economic Development Community Advisory Group

City of Escondido Homelessness and Housing Community Advisory Group

City of Escondido Climate and Environmental Community Advisory Group

Qualifications: Please explain why you want to be a board/commission member. Then describe your skills, talents, interests, training or experiences, and how the board or commission would benefit from them. If an incumbent, why do you wish to continue serving? (You may attach additional pages, if needed)

I feel strongly that the city of Escondido's potential for progress is driven by it's financial strength. How we effectively are able to serve the needs and interests of the community, and how we shape what our city becomes, is directly dependant on economic development. I feel civic engagement is a responsibility and a privelege, and wish to contribute in the most effective manner I can. I feel serving on the planning commission is one of the most productive ways I can contribute. My degree in Architectural Engineering from California Polytechnic University, my design experience as a licensed professional engineer, my experience buiding structures in the city of escondido, my experience as a business owner and manufacturer, participation on boards and advisory groups for the city of Escondido, and my long-time residency in the city, will all assist me greatly in being effective as a member of the planning commission.

I would be honored to dedicate my efforts to serving and bettering the city I call home.

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☐ Mr. ☐ Mrs. ☒ Ms.

Name: Covington Sabrina
Last Name First Name

Residence 1043 E. 5th Ave. Zip: 92025

In City Limits?: ☒ Yes ☐ No In General Plan Area?: ☒ Yes ☐ No

Home Phone: 760-703-2907 Fax: _____

E-mail Address: sabrina@thecovingtonteam.com

Length of time you have lived in the area: 5 years

Employer: Covington & Associates

Occupation: Broker of Record for Covington & Associates

Business Address: 140 N. Escondido Blvd., Escondido, CA 92025

Business Phone: 760-703-5082

Board or Commission for which you are applying:**

Planning Commission-back up application

If you have filed additional applications for other boards or commissions, please list them in order of preference:

Board of Directores for Welcome Home Kids, Inc.

If you are an incumbent, how long have you served in your current position?

Have you ever been a member of any City board or Commission, or employed by the City of Escondido? ☐ Yes ☒ No

If so, in what capacity: _____

Are any persons now employed by the City of Escondido related to you by blood or by marriage? ☐ Yes ☒ No

If so, list name and relationship: _____

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Certificate of Applicant: All answers and statements in this document are true and complete to the best of my knowledge and belief.

DocuSigned by:
Sabrina Covington
Signature

8/10/2020 | 5:28 PM PDT

Date

2020/08/17 PM:4:29:11
ESCONDIDO.CITY-CLERK

Personal References: Please list references of three people who have knowledge of your character, experience, and ability. Do not give names of relatives or present employer.

Full Name	Home Address City, State Phone	Business Address City, State Phone	Business Or Occupation
Tim Spivey	760-743-2727	355 E. Grand Ave., Escondido, CA 92025	Pastor, New Vintage Church
John Burr	858-248-0833		Avocado Grower
Chris Cochran	760-715-1923	720 N. Broadway, Escondido, CA 92025 760-745-2125	Esc Chamber of Commerce

Community Involvement: List present membership in any community service or civic organizations, if any.

Downtown Business Association, Broker for the Ritz Theater Renovation project, Chamber of Commerce member, Ad manager of the Candy Buy Back program of San Diego

Qualifications: Please explain why you want to be a board/commission member. Then describe your skills, talents, interests, training or experiences, and how the board or commission would benefit from them. If an incumbent, why do you wish to continue serving? (You may attach additional pages, if needed)

Sabrina is a local real estate broker with over 18 years of experience and accolades in the real estate industry. Her company, Covington & Associates, is located in the heart of Escondido and serves both residential and commercial clients with over 13 licensed agents to serve the community. Notable sales include Bailey's Palomar Resort and the Ritz Theater renovation project. Sabrina holds a Bachelor of Science degree from Texas Christian University. Sabrina is a proud resident of Escondido and lives on 5th Avenue with her two daughters. Cedar Covington is a recent graduate of Escondido High School. She runs a thriving art business on Instagram and plans to attend Laguna College of Art and Design. Shelby Covington is an incoming senior at Escondido High School and has a passion for dancing and attending horse camp. Fun fact, Sabrina lived "off the grid" for 7 years on Palomar Mountain. She is made of tuff stuff! Sabrina plans to bring vision, grit, and an innovative perspective to the City of Escondido's Planning Commission. The future is ours to not just "plan" but also to create.

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CITY COUNCIL STAFF REPORT

Current Business Item No. 18

September 16, 2020

File No. 0480-70

SUBJECT: Update on the Wohlford Dam Replacement Project

DEPARTMENT: Utilities Department, Construction and Engineering Division

RECOMMENDATION:

It is requested that the City Council:

1. Receive this staff report concerning additional alternative analysis for the Wohlford Dam Project and provide direction going forward; and
2. Adopt Resolution No. 2020-137, assuring that if an award is received from the Federal Emergency Management Agency's ("FEMA's") Building Resilient Infrastructure and Communities ("BRIC") program, the City of Escondido ("City") will provide the necessary non-federal matching funds.

PREVIOUS ACTION:

On December 18, 2019, the City Council adopted Resolution No. 2019-178, authorizing the Mayor and City Clerk to execute a Third Amendment to the Consulting Agreement with Black & Veatch Corporation for \$362,530 to develop dam rehabilitation and spillway replacement options, to offer opinions of probable construction costs for each option, and to develop a recommended alternative.

FISCAL ANALYSIS:

The estimated cost of construction of the Lake Wohlford Dam Replacement Project is \$68 million dollars, an amount much greater than the 2012 preliminary cost estimate of \$30 million dollars. The cost of environmental mitigation for the project is now estimated to be about \$3.5 million, an amount significantly lower than past projections.

The State of California awarded the City a \$15 million California Proposition 1E Grant. Staff are working, with the assistance of the San Diego County Water Authority, to sponsor legislation to extend the term of the Proposition 1E funding.

Two potential federal funding sources, the FEMA BRIC grant program and the Water Infrastructure Finance and Innovation Act ("WIFIA") loan program, are currently accepting *Letters of Interest*. The City will be submitting *Letters of Interest* to both programs for the Wohlford Dam Replacement Project; and if the *Letters of Interest* are accepted, the City will be invited to submit applications for funding. The FEMA BRIC grant program could award up to \$50 million per project. Up to 49% of a project's cost is eligible for a WIFIA loan.

BACKGROUND:

The City constructed Lake Wohlford Dam with earth and rock in 1895 as part of Escondido's local water system. In 1924, the City raised the dam to its current height using a slurry hydraulic fill process. In 2007, during a routine seismic evaluation of the dam, the California Division of Safety of Dams ("DSOD") determined that the newer hydraulic fill section of the dam has the potential to liquefy and fail in the event of a large earthquake with magnitude greater than 7.5.

In response to these potential seismic concerns, the City immediately lowered the water level of Lake Wohlford so that the maximum level of the lake does not exceed the level of the original, seismically-sound rock structure. The City has operated the lake at this level until the present day and continues to provide recreational opportunities and local water storage.

A design for a new, replacement dam to be constructed just downstream of the existing dam was completed in 2017. Design development included a lengthy review process involving the DSOD, the Federal Energy Regulatory Commission ("FERC"), and a panel of dam experts convened to oversee the dam design process. The cost of construction of the dam as designed is projected to be \$68 million dollars, with proposed environmental mitigation projected to cost about \$3.5 million.

On June 3, 2020, the City Council received an update concerning additional alternative analysis for the Wohlford Dam Project. The analysis evaluated the feasibility of options for rehabilitating the existing Lake Wohlford Dam and associated structures to address seismic deficiencies in lieu of building a replacement dam. The study developed four preliminary alternatives for rehabilitation of the existing Lake Wohlford Dam. All alternatives rely heavily on the stability of the existing rockfill portion of the dam; and include construction of a new spillway with a spill level at 1,465 above mean sea level ("MSL"); and a seismic retrofit or replacement of the existing water outlet tower.

The additional alternative analysis was sent to DSOD for their review and comments. DSOD provided comments summarizing that they are inclined to reject all four alternatives as proposed, because they present numerous uncertainties and propose techniques that are not conventional nor necessarily reliable in the long term. DSOD strongly recommends a new dam as it will provide a proven and reliable design with limited economic or design risks. DSOD also commented that since the engineering associated with a new dam is essentially completed, a new dam would be a significant cost savings over the alternatives presented. These alternatives require construction methods that DSOD will likely reject or to which they will require significant modifications.

Based on the results of the study and the initial response from DSOD, it appears that no alternative is preferable to construction of a new dam. All alternatives face significant regulatory hurdles, which will raise the previously estimated costs. Given the uncertainties and risk, it appears that construction of a new Lake Wohlford Dam is the best option. The rehabilitation alternatives are unlikely to cost less; will not restore the lake capacity to its original volume and will not gain quick regulatory approval.

Staff continue to pursue additional funding opportunities for the project, and will be submitting *Letters of Interest* to the FEMA BRIC grant and WIFIA loan programs for the Wohlford Dam Replacement Project in September and October 2020, respectively. If the *Letters of Interest* are accepted, the City will be invited to submit applications for these programs.

STAFF REQUEST:

Staff request that the City Council:

1. Receive and file this staff report;
2. Direct staff to move forward with the construction of a new, replacement dam;
3. Direct staff to proceed with Letters of Interest and to apply, if invited, for a WIFIA loan and FEMA BRIC grant; and
4. Adopt Resolution No. 2020-137.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Christopher W. McKinney, Director of Utilities
9/10/20 8:16 a.m.

ATTACHMENTS:

1. Resolution No. 2020-137

RESOLUTION NO. 2020-137

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ASSURING THE PROVISION OF MATCHING
FUNDS IF AWARDED GRANT FUNDING
FROM THE FEDERAL EMERGENCY
MANAGEMENT AGENCY'S BUILDING
RESILIENT INFRASTRUCTURE AND
COMMUNITIES PROGRAM

WHEREAS, the City of Escondido ("City") will submit a *Letter of Interest* to the Federal Emergency Management Agency's ("FEMA's") Building Resilient Infrastructure and Communities ("BRIC") grant funding program requesting financial assistance to construct the proposed rehabilitation project for Lake Wohlford Dam; and

WHEREAS, based upon the City's *Letter of Interest*, FEMA may extend an invitation for the City to submit a formal application for BRIC funding to assist the City in funding the construction of the Lake Wohlford Dam Project; and

WHEREAS, the amount of FEMA's federal funding award may provide up to 75 percent of the project's total estimated costs with the requirement of a 25 percent non-federal match; and

WHEREAS, the City's Water Enterprise Fund is capable of providing the amount of non-federal funding and/or in-kind contributions that will be specified in an offer of assistance from the BRIC funding program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City Council provides assurance, on behalf of the City, that non-federal funding and/or in-kind contributions will be provided to match any future offer of assistance from the FEMA BRIC funding program.



FUTURE CITY COUNCIL AGENDA ITEMS

Updated September 10, 2020

AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT (760) 839-4617

September 23, 2020

6:00 p.m.

PROCLAMATIONS

October 2020 National Fire Prevention Week

(Presented by: Andrew Modglin)

National Fire Prevention Week encourages citizen awareness of fire safety and prevention to prevent residential fires and fire-related injuries.

2020 Pollution Prevention Week

(Presented by: Elisa Marrone)

Pollution Prevention Week supports a clean and safe environment for residents, businesses, and visitors to Escondido.

CONSENT CALENDAR

City Conflict of Interest Code Update

(M. McGuinness)

California law requires a biennial review of the conflict of interest code. The City last reviewed its conflict of interest code in November 2018.

Annual Destruction of Records

(Z. Beck)

Authorize the annual destruction of City records in accordance with Government Code Section 34090 et seq.

Jesmond Dene Musco Ballfield Light LED Retrofit Project

(J. Goulart)

On June 5, 2019, the City Council adopted Resolution No. 2019-55 approving the HOME, CDBG, and ESG budgets and allocations in which the Jesmond Dene MUSCO ballfield light LED retrofit project was identified to receive Fiscal Year 2019-2020 CDBG allocations. To retain the compatibility and standardization of existing MUSCO equipment, Escondido Municipal Code Chapter 10 Article 6, Section 10-103 allows for the formal bidding procedures to be dispensable where an item is required to match or be compatible with equipment presently on hand. Staff is requesting approval to enter into an agreement with MUSCO for equipment, not to exceed \$269,050, to upgrade the ballfield lights at Jesmond Dene Park.

Purchase Two Tymco Model 600 Regenerative Air Street Sweepers from Tymco, Inc. of Waco, Texas

(J. Goulart)

Upon approval from the Council, two (2) Street Sweepers will be purchased from TYMCO Inc. of Waco, Texas, through a Cooperative Purchasing Contract with HGAC, Contract SW04-20, in the amount of \$ 564,405.28, which includes sales tax, registration and all applicable fees. Article 5 Chapter 10 of the City of Escondido's Municipal Code authorizes the purchase of supplies and equipment utilizing cooperative purchase programs.

	<p>Authority to Accept Local Roadway Safety Program Grant and Budget Adjustment (J. Procopio)</p> <p><i>It is requested that the City Council adopt Resolution No. 2020-139 to authorize the Director of Engineering Services or her designee to accept grant funds in the amount of \$72,000 for developing a Local Roadway Safety Plan and complete a budget adjustment allocating grant funds to the project. The City was selected to receive grant funds from the Caltrans Local Highway Safety Improvement Program (HSIP) to prepare a Local Roadway Safety Plan that will analyze collisions city-wide, identify priority corridors and roadway safety solutions.</i></p>
	<p>First Amendment to American Tower Lease at 1029 Hubbard Hill (J. Procopio)</p> <p><i>American Tower is the successor in interest to the original lease between the City of Escondido and Fleet Call West, Inc. dated August 1, 1995. The lease expired on July 31, 2020 and is now on a month to month basis. American Tower wishes to extend the lease for two (2) years in order to procure a new tenant for the wireless tower. Rincon Water District, a shared owner of the rented parcel and recipient of one-half the rent, has no objection to extending the lease for two (2) years.</i></p>
PUBLIC HEARINGS	
	<p>Master and Precise Development Plan, Conditional Use Permit, Zone Change and Specific Alignment Plan for Carvana (PL20-0447) (M. Strong)</p> <p><i>Carvana proposes to redevelop the former Talone Meats/North County Packing Company site with an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height. The Master Plan would establish a list of permitted and conditionally permitted uses and development standards for the subject site, and includes a request to allow an increase in allowable wall signage for the project. Auto-related sales and service uses would be allowed subject to concurrent approval of a Conditional Use Permit. The existing General Industrial (M-2) zoning designation would be changed to Planned Development-Industrial (PD-I) to correspond to the Master and Precise Development Plan designation. The Specific Alignment Plan is requested to modify the design standards along the Hale Avenue project frontage and intersection improvements at Hale Avenue/Tulip Street.</i></p>
CURRENT BUSINESS	
	<p>Year-End Financial Status Report for Fiscal Year 2019/2020 (C. Holmes)</p> <p><i>Quarterly financial reports present written financial updates to Council concerning certain funds of the City based on the most recent financial information available. These quarterly financial reports include budgetary information along with the actual resources received to date and the use of these resources in fulfilling each fund's financial plan. The report provides information for the General Fund, Reidy Creek Golf Course Operations, and Water, and Wastewater Funds.</i></p>
	<p>Development Fee Impact Update and Municipal Code Amendment (J. Petrek)</p> <p><i>Government Code Section 66006 allows for the collection of Development Impact Fees to fund certain improvements necessary to accommodate future growth. An annual inflationary adjustment of Development Impact Fees was last approved in December 2019 based on the Engineering News Record Construction Cost Increase (ENR CCI) to retain purchasing power for constructing future facilities. The update includes an annual inflationary adjustment, as well as an increase in Development Impact Fees to fully offset costs associated with serving new development. An amendment to the Municipal Code is proposed to ensure ongoing funding for the provision of city services.</i></p>

Citywide Services Community Facilities District 2020-1 Annexation of Projects Under Entitlement Review

(J. Procopio)

The Citywide Services CFD was formed as a means to ensure new residential development is revenue neutral. In accordance with City Council direction, residential projects entitled or applying for a building permit after the resolution of formation date of May 13, 2020 should offset their impacts to public services by annexing into the Citywide Services CFD or through an alternate mechanism. Some projects under review at the time of formation of the Services CFD have requested special consideration. This item discusses the status of annexations and how annexations to the services CFD may occur for pipeline projects.

FUTURE AGENDA ITEMS

September 30, 2020

NO MEETING (5th Wednesday)

October 7, 2020

NO MEETING (League of California Cities)

Weekly Activity Report



September 10, 2020

COVID-19 UPDATES



Fire Preparedness

In Southern California we have all seen the effects wildfires can have on our communities, and red flag conditions make the danger even worse. Make sure you and your family are prepared by having a plan and an emergency kit ready to go at all times.

One easy step you can take today is to register your cell phone for reverse 911 service at:

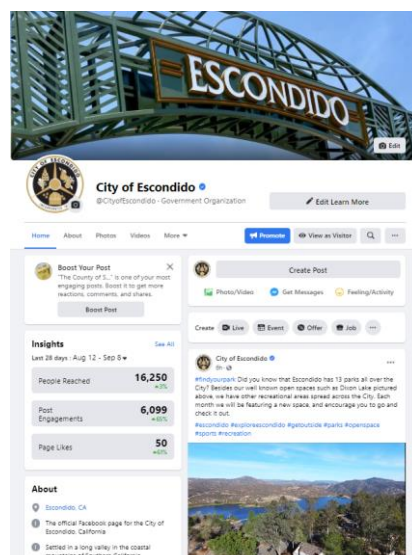
<https://www.readysandiego.org/alertsandiego/>

For more information on developing your plan and what to include in your emergency kit, visit: fire.escondido.org



The City of Escondido on Social

Are you following the @cityofescondido on social media? We share photos, news, emergency information and updates from around Escondido. We are a valuable resource during COVID and fire season! Follow us on [Instagram](#), [Facebook](#), and [Twitter](#).



COVID-19 Updates:

You can get up to date information about the City's response to COVID-19 at:

www.escondido.org/covid-19.aspx

For the latest test numbers, tier information, and phases of reopening visit the County of San Diego's website at: <https://www.sandiegocounty.gov/coronavirus.html>

POLICE DEPARTMENT UPDATES:

Parolee Arrested in Possession of Drugs

On August 31, officers were notified by state parole that a parolee wanted for violating his parole was possibly in Escondido. Officers located the subject and placed him under arrest on the parole warrant. The subject had methamphetamine and a local hotel room key in his possession. More narcotics were later located inside his hotel room. He was arrested on the warrant and narcotics related charges.

Gun Shots Fired at a Residence

On September 2, officers responded to the 300 block of Manzanita Pl. regarding multiple gun shots heard in the area. Officers located several shell casings in the area and one round stuck in one of the residences. The suspects were gone and no one was injured. Narcotics activity in the area is believed to have played a factor in the shooting.

Window Smash Burglary of 7-Eleven

On September 2, three suspects smashed the front window of the closed 7-Eleven store at 1860 W. El Norte Pkwy. Surveillance video was recovered from the store, but none of the three suspects have been located or identified at this time.

High Speed Vehicle Crash Injures Two People

On September 4, a wanted subject for a parole violation warrant was driving at a high rate of speed on Valley Pkwy near the I-15. The driver lost control of his vehicle, crossed over the median, and struck a stopped vehicle in opposing traffic. The parolee's car caught fire and both drivers were trapped. Officers extinguished the fire and the Fire Department responded to extricate them from the vehicles. Both drivers suffered serious injuries, but both are expected to recover. The parolee was later arrested for the outstanding warrant.



Community Tools:

www.arjjs.org - For crime data/mapping, Megan's Law info, etc.

www.myneighborhoodupdate.net - Search for Escondido, CA to see radio call information.

Events:

DUI Enforcement Detail Results in 4 Arrests

On August 30, the Escondido Police Department conducted a DUI Saturation Enforcement patrol throughout the City funded by a grant from the California Office of Traffic Safety. The detail resulted in 3 DUI arrests, 1 felony arrest for a non-DUI offense, and 18 traffic citations, including 9 for driving without a license or having a suspended license.

Escondido Restaurant Hosts Fundraising Event for Officer Brett Byler

The Sierra Madre Cantina at 329 W. Felicita Avenue in Escondido partnered with the Escondido Police Athletic League to host a fundraiser for Officer Brett Byler. Officer Byler has been battling an aggressive brain tumor since being diagnosed several months ago. The Sierra Madre Cantina donated all tips and 10% of proceeds during the night. The Byler family was presented with a \$15,000 check, a portion of which will go into a scholarship fund for Officer Byler's daughters.



Tip of the Week:

Want to stay informed of urgent public safety information? Sign up to receive alerts through www.nixle.com as follows: simply text any zip code to 888777 and receive real-time alerts and advisories directly from your local police department and other local agencies. There is no charge for registering, but standard text messaging rates associated with your mobile phone service will apply.

FIRE DEPARTMENT UPDATES:

On August 31, the Fire Department was dispatched to a reported vegetation fire in the Cloverdale community near Rancho Vista Monte and San Pasqual Elementary School. The location is within a pre-established "mutual threat zone" with CAL FIRE and San Diego City, so they also sent a coordinated response. Firefighters found downed power lines and a fire in the vegetation that posed a threat to nearby structures. Firefighters from all of the responding departments contained the fire at



approximately 4 acres in about 30 minutes. It then took an hour and a half more to completely extinguish the fire.

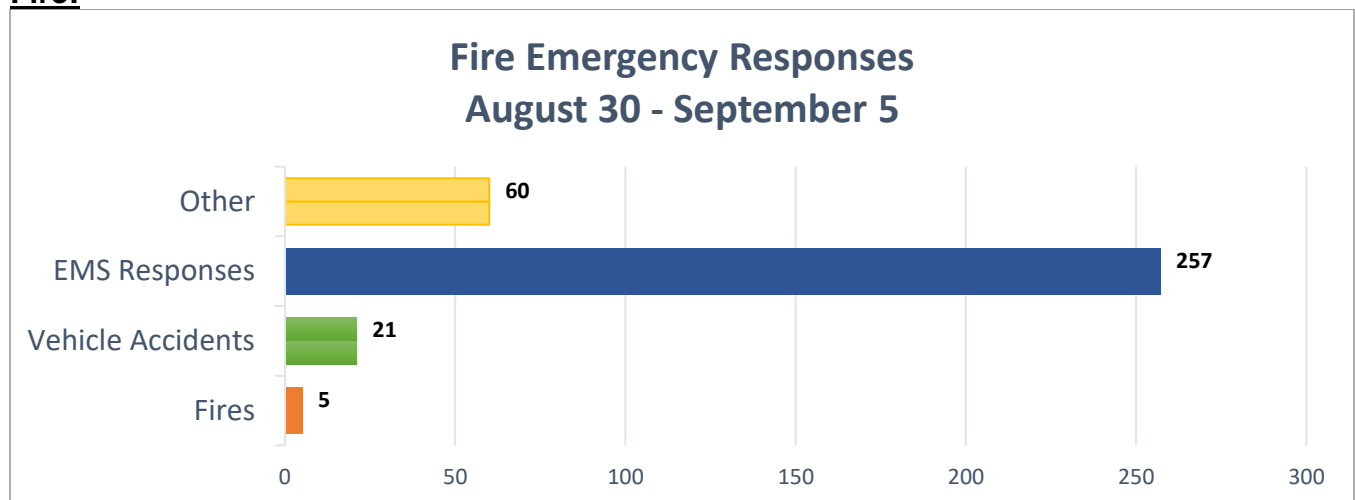
On September 4, the Fire Department responded to a reported fire in a home on Huckleberry Lane. The first arriving Captain reported a two story, single-family home with heavy fire and smoke coming from the attached garage. Firefighters contained and controlled the fire in approximately 40 minutes and were able to prevent the fire from extending into the living area of the home. The cause of the fire is under investigation. Fortunately, there were no injuries to firefighters or civilians during the incident.



The San Diego Regional Fire Foundation recently committed to donate five new VHF portable (handheld) radios for the Escondido Fire Department. The upgraded radios, which are used during wildland firefighting where multiple agencies work and communicate together, operate digitally and have a much higher channel capacity than the older equipment.

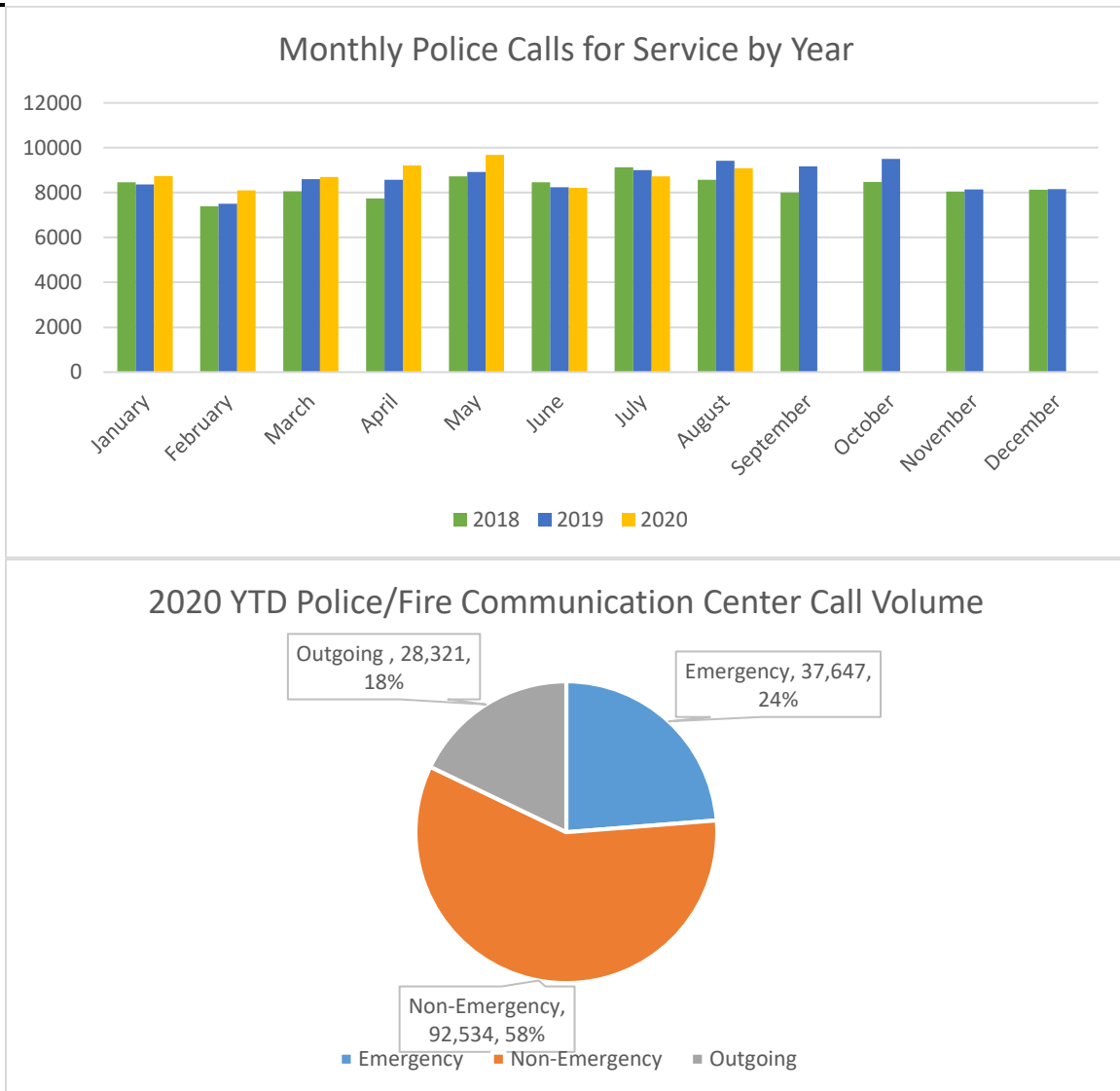
BY THE NUMBERS

Fire:

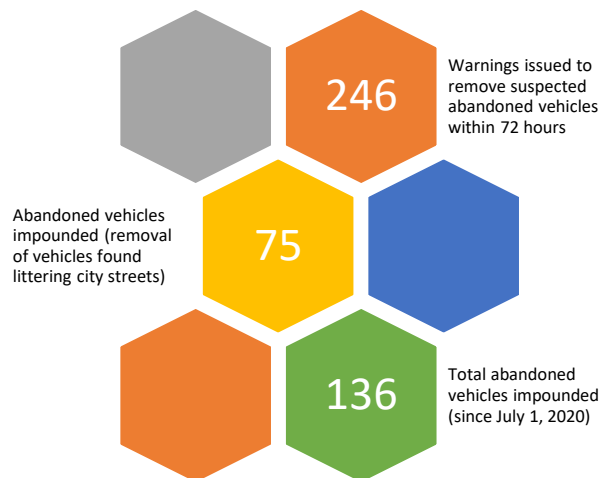


Total Emergency Responses (Year To Date)	10,016
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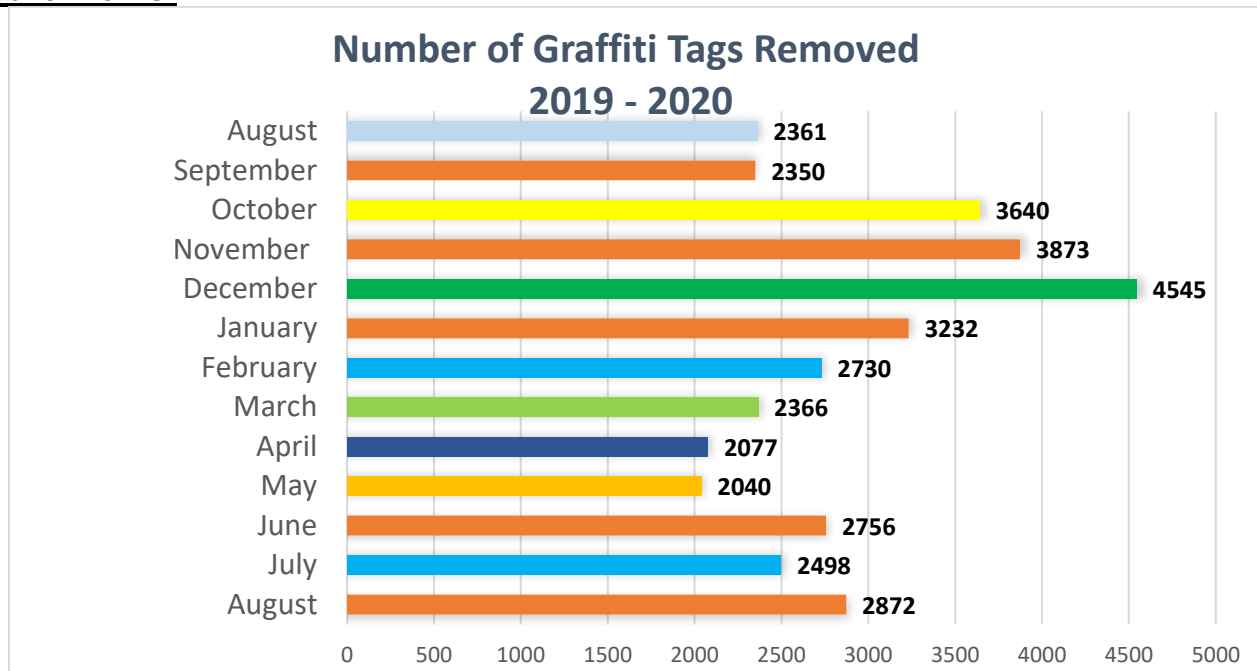
Police:



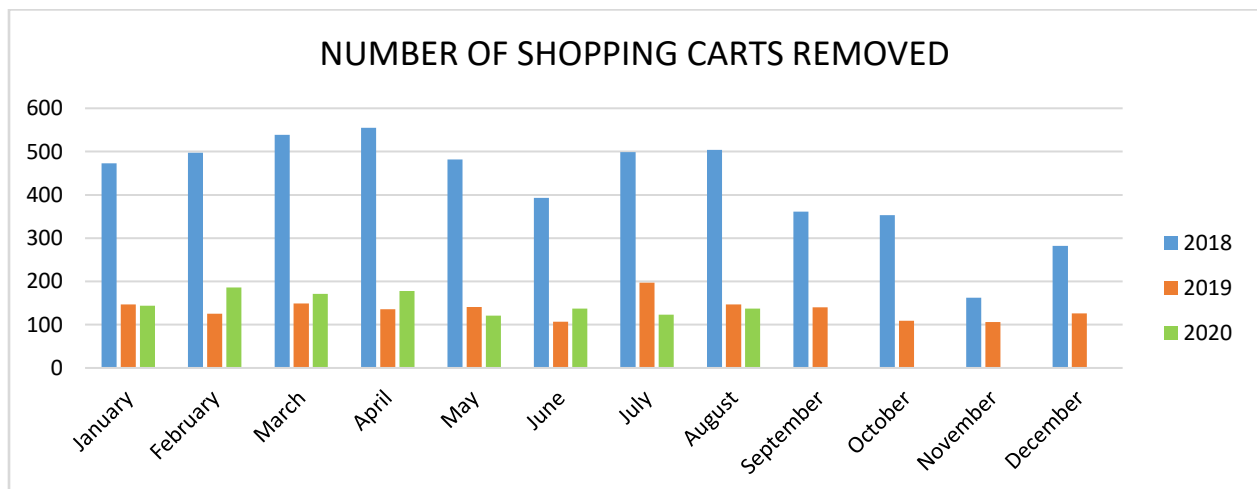
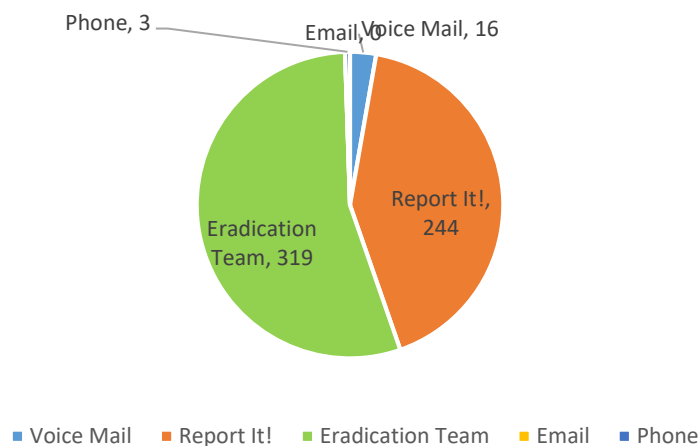
August Abandoned Vehicle Data



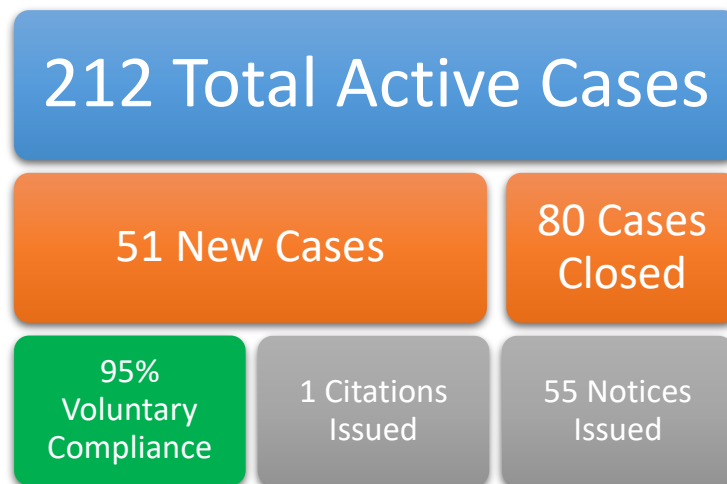
Public Works:



How Graffiti Was Reported - August 2020

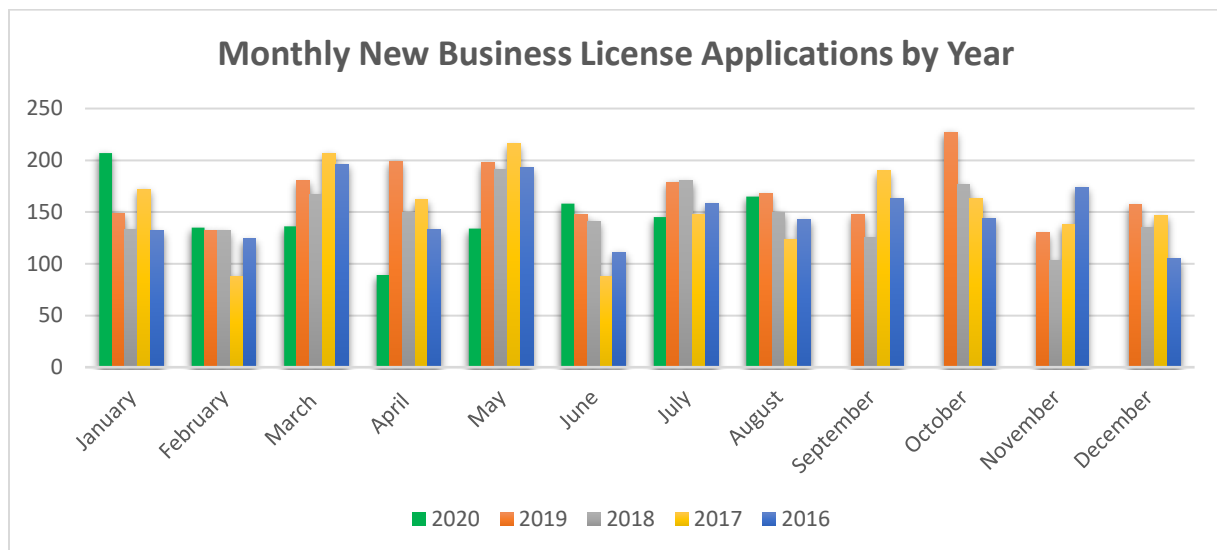


Code Enforcement:



Total Code Cases (Year To Date)	2041
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Business Licenses



Graffiti Restitution

Collected Past Week	Collected Year to Date
\$50	\$8,794.24

COMMUNITY DEVELOPMENT & ENGINEERING

Building Permits and Inspections:

1. The counter staff conducted in person meetings with 107 applicants and were able to process 77 applications and issue 70 permits.
2. The total permit valuation for the week was \$3,470,352.00. The weekly average over the past eight weeks to start the fiscal year is \$1,729,961.00. The weekly average over the same time period last year was \$800,734.00.
3. Our Building inspectors completed 143 inspections of construction work during the past week.

Development and Capital Projects Update:

Curious what's happening with development projects around the city? See below for milestone activities that have happened since last week. Skip to the bottom of this section for a list of projects that are in progress but do not have an update this week. To learn about previous applications for residential and commercial development permits, please visit the [Development Project Information Archive](#) page or contact the [Planning Division](#).

Commercial / Office / Industrial:

1. Carvana – (Developer: Jo Ryan, Carvana) 559 N. Hale Avenue – A Conditional Use Permit for the development of a proposed vending machine car dealership. The project consists of an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height. A proposed Specific Alignment Plan for Hale Avenue is requested to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street. The project was reviewed by the Planning Commission on September 8, 2020, and was approved with a 4-2 vote. The project moves to the City Council next.

New Housing:

2. Escondido Gateway, also called Rowan (Developer: Carolyn Hillgren, Lyon Living) This is an approved project involving 126 residential units on the same site as the former Police Station across the street from the Escondido Transit Center at 700 W. Grand. The project is nearing completion and is in the punch list phase.
3. Henry Ranch (Builder: Joe Martin, Trumark Homes) An approved development of 97 new single-family homes on 74.35 acres at the eastern terminus of Lincoln Avenue. The developer, Trumark, has completed 90 percent of the onsite water, storm drain and sewer utilities. Construction of the model homes is ongoing. Mass grading has been completed. The contractor is currently working on the bio-retention basins, to control run-off. Offsite work for the new traffic signal is on-going.
4. Jack's Creek TR 951 and SUB 17-0026 – (Developer New Pointe Development). A 12-lot, single-family residential subdivision on 3.31 acres. The site is located at the westerly terminus of Jack's Creek Road, north of El Norte Parkway, addressed as 640 Oakwood Creek Glen, formally 2888 E. Washington Avenue. The contractor has completed the grading for 10 of the 12 new home pads. Offsite improvements will be starting this week.

5. Iris Annexation (Developer Hallmark Communities) 2085 North Iris Lane – An annexation of 7.89 gross acres currently in the County to build 75 new townhome units in the City. Council authorized processing on June 3, 2020. The development application, the prospective annexation and General Plan Amendment would provide more housing units with a density up to twelve (12) units per acre for approximately 75 units. An initial study, documenting potential areas of environmental impact has been submitted on August 6, 2020.
6. Hacienda De Vega Redevelopment – (Developer: Tony Cassolato) A proposed residential condominium development consisting of 42 three-story attached townhomes on 1.75 acres. The project has been tentatively scheduled for Planning Commission review and consideration on September 22, 2020. City staff is currently coordinating public notice and writing the staff report and recommended conditions of approval.
7. The Villages at Escondido Country Club (Builder: Lennar Homes) 380 residences located on the former golf course off of Country Club Lane, north of El Norte Parkway. Work is continuing for the new round-about located at Country Club and Golden Circle, the scope of work includes new road realignment, curb, gutter, driveways. Work is continuing for the storm drain, sewer and street light installation. Rough grading has started for Villages III. Plan review submittals have been filed for all three neighborhood (village) parks. The sales trailer has been installed and the builder is scheduling appointments for model home viewings.
8. Pradera (Developer: Moses Kim, Lennar Homes) – This approved project consists of 70-single-family new homes located at the northeastern corner of Ash Street and Lehner Avenue. Final conflict crossing issues have been designed and submitted to the City for review. The water main work included the construction and installation a 12" water main, 779 feet in length, along Conway Drive, between Lehner Drive and Rincon Avenue.

City Projects or Other Capital Improvement Projects:

9. SDG&E 16" Gas Main Replacement – In January 2019, the CPUC's Safety Enforcement Division approved SDG&E's test or replace plan for Line 1600, a 16-inch natural gas transmission pipeline which was not strength tested in 1949 when it was constructed. This next phase of PSEP projects will include 19 separate projects that will take place in the cities of San Diego, Escondido and Poway, as well as the County of San Diego. As part of these projects, approximately 37 miles of existing pipe in more populated areas will be replaced and approximately 13 miles of existing pipe in less populated areas will be strength tested. Approximately 5.4 miles of replacement and 2.7 miles of strength testing is expected to occur in Escondido from 2020-2024. Installation of the new 16" gas main along the Midway corridor has been completed. SDG&E and their contractor will be isolating, blowing down/purging and installing isolation caps on the newly installed 16" gas main next week. The area of the work will be along the Midway corridor and at the intersection of La Honda and El Norte. Currently SDG&E is trying to coordinate an off-site staging area for their construction equipment and materials.
10. Laurel Valley Wall Replacement - A preconstruction meeting was held last week for the Laurel Valley Wall Replacement. The wall is located in the City's LMD Zone 9. The scope

of work will include the removal of the existing damaged stucco wall and the placement of a new vinyl fence. The contractor will mobilize once the delivery date for the fence has been confirmed.

11. Spruce Street/Transit Center Pedestrian Bridge Project – The contractor, Palm Engineering, has completed the application of the slurry treatment along Valley Parkway, Quince and Tulip. Final striping and sign installation was completed this week. This project is nearing completion with minor slope grading and landscape planting remaining.
12. Lake Wohlford Replacement Dam – A workshop has been scheduled with the City Council for mid-September. City staff is also working to finalize the Environmental Impact Report and tentatively bring it forward to City Council for certification at their meeting on September 23, 2020.

Ongoing Projects – Nothing New This Week:

Projects that do not have any changes or updates this week will be listed here to indicate that they're still in progress. When an update occurs, the project will appear above in the Development and Capital Projects section.

Commercial / Office / Industrial:

13. Raising Cane's Restaurant – (Developer: Ada Fermin, PM Design Group) 1280 W. Valley Parkway – Demolition of vacant, former Coco's restaurant building and construction of new 3,744 SF drive-through restaurant for Raising Cane's.
14. 7-Eleven Gas and Convenience Store – (Developer: Golcheh Group) 900 W. Mission Ave. – A proposal to relocate a 7-Eleven from the northeastern corner of Mission/Rock Springs to the northwestern corner and add a gas station.
15. Mercedes Benz Expansion – (Developer: Jody Stout, Integrity Design and Construction) 1101 W. 9th Avenue – A Master and Precise Plan modification to demo the existing dealership showroom and construct a new showroom, office, parts storage and service building.
16. Burros and Fries - (MPA Architects) 1107 E. Valley Parkway – An approved 5,224 square foot commercial building, with associated landscaping and parking. The building includes a 1,850 square foot drive-through restaurant (Burros and Fries) and 3,374 square feet of additional retail space.
17. The Ritz Theater "The Grand" (Developer: New Venture Church) 301 E. Grand Avenue – A renovation of the existing Ritz Theater and adjacent commercial building to provide for a variety of assembly uses including performing arts, religious services, café, offices and classroom studios was approved by the City Council on December 5, 2018.

Housing:

18. Villa Portofino (Developer: Chris Post, ATC Design Group) 15 apartment units in a three-story building with parking garage at 2690 S. Escondido Blvd.

19. Canyon Grove Estates Tract 932 (Developer: John Vance, Shea Homes) – This is an approved project for 179-lot single-family residential development on the north side of Vista Avenue east of Conway Drive.
20. Interfaith Recuperative Care Facility – (Developer: Interfaith) 555 North Center City Parkway – Conversion of the existing lodging facility (America's Best Value Inn) and construction of new residential care facility designed to provide quality emergency housing, services, and supervision to at-risk individuals, homeless, etc.
21. Harvest Hills, formerly called Safari Highlands Ranch (Developer: Jeb Hall, Concordia Homes) - 550 residential subdivision, east of Rancho San Pasqual. A project webpage containing draft documents and plans can be accessed at the following link:
<https://www.escondido.org/safari-highlands-ranch-specific-plan.aspx>
22. North Avenue Estates (Developer: Casey Johnson) – This is an approved project for 34 lots at North Avenue/Conway Drive.
23. Sager Ranch/Daley Ranch Resort Specific Plan (Developer: J. Whalen Associates, Inc., Sager Ranch Partners) - 203 housing units and 225-room resort hotel on 1,783-acres, just north and east of Daley Ranch. A project webpage containing draft documents and plans can be accessed at the following link:
<https://www.escondido.org/daley-ranch-resort-specific-plan.aspx>
24. Nutmeg Condo General Plan Amendment (Developer: Jim Simmons, CCI) - 137 townhome condo units on both sides of Nutmeg between I-15 and Centre City Parkway.
25. Oak Creek (Builder: KB Homes) – this is an approved project for 65 single-family residential lots on approximately 44 acres at Felicita Road and Hamilton Lane.
26. Del Prado (Developer: Kerry Garza, Touchstone Communities) – An approved 113-unit townhome-style Planned Development located at the southwestern corner of Brotherton Road and the Centre City Parkway frontage road.
27. Casa Mercado Apartments (Developer: Paul Mayer, Pemcor) – A four-story, 120-unit apartment complex on 2.31 acres on Second Avenue and Pine Street.
28. Iwashita Apartments (Developer: Iwashita Development) – A seven-story, mixed-use project at 322 S. Escondido Boulevard for 172 units.
29. Fig Apartments (Developer Claude Marengo) – A 15-unit, three-story, multi-family residential apartment complex consisting of three stories on 0.59 acres.
30. East Valley Parkway Apartments (Developer: John Wurster) – A 50-unit mixed use affordable apartment complex consisting of four stories situated on a 21,000 SF vacant parcel in the historic District of the Downtown.
31. Reed Road Assisted Living Facility (2525 Reed LLC) – A new residential care facility is proposed on a 4.2-acre site on 2525 Reed Road.

32. Apollo Residential Care (NOAA Group) – An approved Conditional Use Permit for an assisted living and memory care facility, with 78 units accommodating 99 beds at 3141 East Valley Parkway.
33. Palomar Heights (Developer: Ninia Hammond, Integral Communities) – Demolition and redevelopment of the old Palomar Hospital site with 510 multi-family units with 10,000 SF of commercial. A project webpage containing draft documents and plans can be accessed at the following link:
<https://www.escondido.org/palomarheights.aspx>

City Projects or Other Capital Improvement Projects:

34. 2019 Street Rehabilitation and Maintenance Project Rebid – This year's project will resurface approximately 71-lane miles of pavement, replace 0.59- miles of sidewalk, and restripe 2.5- miles of bike lanes, install 51 pedestrian ramps, and replace 90 street trees that damaging concrete improvements. This year's project is Maintenance Zone W. Zone W is our western zone that is located west of Interstate 15 between State Route 78 and Felicita Avenue. More information can be found at the following link:
<https://www.escondido.org/city-of-escondido-street-maintenance-program.aspx>

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