

# Council Meeting Agenda

JANUARY 5, 2011

CITY COUNCIL CHAMBERS ~ 4:00 P.M.  
201 N. Broadway, Escondido, CA 92025

MAYOR	<b>Sam Abed</b>
MAYOR PRO TEM	<b>Marie Waldron</b>
COUNCIL MEMBERS	<b>Olga Diaz</b> <b>Ed Gallo</b> <b>Michael Morasco</b>
CITY MANAGER	<b>Clay Phillips</b>
CITY CLERK	<b>Marsha Whalen</b>
CITY ATTORNEY	<b>Jeffrey Epp</b>
DIRECTOR OF COMMUNITY DEVELOPMENT	<b>Barbara Redlitz</b>
DIRECTOR OF ENGINEERING SERVICES	<b>Ed Domingue</b>

**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

**JANUARY 5, 2011  
4:00 p.m. Meeting**

**Escondido City Council  
Community Development Commission**

## **CALL TO ORDER**

**FLAG SALUTE**

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

## **ORAL COMMUNICATIONS**

At this time the public may comment on items not appearing on the agenda. 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.)

## 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/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES:**     Regular Meeting of November 10, 2010  
  Regular Meeting of November 17, 2010
  
4. **BUDGET ADJUSTMENT FOR THE WATER DISTRIBUTION STAFF MOVE FROM THE PUBLIC WORKS YARD** – Request Council authorize a budget adjustment in the amount of \$150,000 (\$75,000 from the Water Treatment Plant Major Maintenance Account; and \$75,000 from the Miscellaneous Main Replacement project), to provide funding for Water Distribution staff to move from the Public Works Yard, used for site design and permitting

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

5. **SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF NECESSITY AUTHORIZING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS** – Request Council authorize setting a public hearing date of January 26, 2011 to consider adoption of a Resolution of Necessity authorizing the City Attorney to initiate condemnation proceedings to acquire the property rights required across portions of San Diego County Assessor Parcel Numbers 226-112-27 (KGD Enterprises, Inc.), 226-112-31 (Pompo & Sokol) & 226-112-49 (Helix Reit), 228-360-14, 228-360-38 (Robert & Pamela Bills) & 228-360-39 (Wells-CECO, LLP) for construction of the Nordahl Bridge Replacement Project

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

RESOLUTION NO. 2011-08

6. **PARKING FINE INCREASE** – Request Council authorization to increase each parking fine by \$3.00 to address a state surcharge passed as part of Senate Bill 857

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

RESOLUTION NO. 2011-02



## CONSENT CALENDAR

7. **NOTICE OF COMPLETION FOR 2010 UTILITIES PAVING PROJECT** – Request Council authorize the Director of Utilities to file a Notice of Completion for the 2010 Utilities Paving Project

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

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

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

RESOLUTION NO. 2011-01

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

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

## CURRENT BUSINESS

9. **PROPOSAL TO OPERATE AN ESCONDIDO CONVENTION AND VISITORS BUREAU** – Request Council consider a proposal by the Escondido Chamber of Commerce to operate an Escondido Convention and Visitors Bureau to provide visitors and potential residents with leisure, lifestyle, housing and economic information about Escondido

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

10. **CITY COUNCIL MEETINGS AND PROCEDURES** – Request Council authorize amending Sections 2-21 and 2-24 of the Escondido Municipal Code pertaining to the time of regular meetings and the selection of a Deputy Mayor, and amending the Council Rules and Procedures

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

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

## CURRENT BUSINESS

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

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

## BRIEFING (Staff)

## FUTURE AGENDA

12. **FUTURE AGENDA ITEMS** - The purpose of this item is to identify issues presently known to staff or which members of the Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed

Staff Recommendation: None **(City Clerk's Office: Marsha Whalen)**

## ORAL COMMUNICATIONS

At this time the public may comment on items not appearing on the agenda. 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.

**COUNCIL/COMMISSION/ MEMBERS COMMENTS**

**CLOSED SESSION: (COUNCIL/CDC/RRB)**

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

**ADJOURNMENT**

<b>UPCOMING MEETING SCHEDULE</b>				
<b>Date</b>	<b>Day</b>	<b>Time</b>	<b>Meeting Type</b>	<b>Location</b>
January 12, 2011	Wednesday	4pm & 7pm	Council Meeting	Council Chambers
January 19	NO MEETING	-	-	-
January 26	Wednesday	4pm & 7pm	Council Meeting	Council Chambers
February 2	Wednesday	Noon-5pm	Workshop: Council Action Plan	Mitchell Room

A banner featuring a black and white photograph of a large, domed building with an American flag flying in front. The text "Council Meeting Agenda" is overlaid in a large, bold, white font with a black outline.

# **Council Meeting Agenda**

**JANUARY 5, 2011  
7:00 p.m. Meeting**

**NO ITEMS SCHEDULED  
NO MEETING**

## 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. 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.

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.ci.escondido.ca.us/government/agendas/PublishedMeetings.htm>
- In the City Clerk's Office at City Hall
- In the Library (239 S. Kalmia) during regular business hours and
- 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 can be viewed the following Sunday and Monday evenings at 6:00 p.m. on Cox Cable. The Council meetings are also available live via the Internet by accessing the City's website at [www.escondido.org](http://www.escondido.org), and selecting: City Council/broadcasts of City Council Meetings/live video streaming.

**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 4:00 and 7:00 p.m. (*Verify schedule with City Clerk's Office*) Members of the Council also sit as the Community Development Commission and the Mobilehome Rent Review Board.**

**CITY HALL HOURS OF OPERATION  
Monday-Thursday 7:30 a.m. to 5:30 p.m.**



*If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4641. 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.*

**CITY OF ESCONDIDO  
NOVEMBER 17, 2010  
4:00 p.m. Meeting Minutes**

**Escondido City Council  
Community Development Commission  
Mobilehome Rent Review Board**

**CALL TO ORDER**

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 4:00 p.m. on Wednesday, November 17, 2010 in the Council Chambers at City Hall with Mayor Pfeiler presiding.

**FLAG SALUTE**

Mayor Pfeiler led the flag salute.

**ATTENDANCE**

The following members were present: Councilmember Sam Abed, Mayor Pro Tem Dick Daniels, Councilmember Olga Diaz, Councilmember Marie Waldron, and Mayor Lori Holt Pfeiler. Quorum present.

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

**PROCLAMATIONS**

Mayor Pfeiler introduced John Burcham who received a proclamation honoring his 17 years of service to the City.

Mayor Pfeiler introduced Richard Walker who accepted a proclamation honoring him for 37 years of service to the City.

**ORAL COMMUNICATIONS**

**Larry Steneck, Escondido**, thanked Mayor Pfeiler and Councilmember Daniels for listening to the mobilehome park residents.

**Delores McQuiston, Escondido**, stated the public needed access to public records.

**Roy Garrett, Escondido**, indicated he would like more information on the proposed ballpark.

**Thomas Armstrong, Escondido**, indicated there should be more services for the homeless in the City.

**Wayne Louth, Escondido**, asked Council to paint a flag on a building roof in Escondido and stated the patriot flag has been in ten states.

**Ann McDonald, Escondido**, asked the Council to visit the craft shop at the Senior Center and to keep it open.

## CONSENT CALENDAR

**MOTION:** Moved by Councilmember Abed and seconded by Councilmember Daniels that the following Consent Calendar items be approved with the exception of item 6, Councilmember Daniels abstaining. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of October 13, 2010**
  
4. **THIRD QUARTER 2010 TREASURER'S REPORT: JULY THROUGH SEPTEMBER 2010** (File No. 0490-55)

Staff Recommendation: Receive and file (**City Treasurer's Office: Kenneth C. Hugins**)

5. **FISCAL YEAR 2010-11 STATE OF CALIFORNIA CITIZENS' OPTIONS FOR PUBLIC SAFETY (COPS) PROGRAM GRANT** – Request council accept a FY 2010-11 Citizen's Options for Public Safety (COPS) Program Grant in the amount of \$177,391; Approve grant expenditures consistent with guidelines in AB 1913; and authorize the Chief of Police to execute grant documents and submit the COPS spending plan to the San Diego County Supplemental Law Enforcement Oversight Committee (SLEOC) as required by the grant; and authorize staff to establish budgets to spend grant funds to support front-line law enforcement needs. (File No. 0480-70)

Staff Recommendation: Approval (**Police Department: Jim Maher**)

Councilmember Daniels abstained on item 6.

6. **STREET NAME CHANGE FOR ESCONDIDO TRACT 947, FROM AMIR PLACE TO HAMILTON PLACE (PHG 10-0028)** - Request Council authorize a street name change from Amir Place to Hamilton Place for Escondido Tract 947, located on the southern side of Hamilton Lane, between Bernardo Avenue and Acker Way (APNs 238-492-35 through 40). (File No. 0800-10 Tract 947)

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

### RESOLUTION NO. 2010-164

7. **MILLS ACT REQUEST FOR 225 WEST SIXTH STREET (CASE HP-10-0002)** – Request Council authorization to enter into a Mills Act contract with the property located at 225 West Sixth Avenue. (File No. 0880-10)

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

**RESOLUTION NO. 2010-166**

- 8. ASSET FORFEITURE FUND BUDGET ADJUSTMENT** – Request Council authorize staff to establish a budget in the amount of \$218,645 with Asset Forfeiture Funds to purchase equipment for front-line law enforcement. (File No. 0430-80)

Staff Recommendation: Approval (**Police Department: Jim Maher**)

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

None

**PUBLIC HEARINGS**

- 9. LOCAL REGISTER AND MILLS ACT CONTRACT REQUEST, ADDRESSED AS 460 EAST SIXTH AVENUE (CASES HP 10-0001 AND HP 10-0004)** – Request Council authorize the addition of the property located at 460 East Sixth Avenue to the Local Register of Historic Places and approve a Mills Act Contract. (File No. 0880-10)

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

**RESOLUTION NO. 2010-165**

Paul Bingham, Planning Department, gave the staff report and presented a series of slides.

Mayor Pfeiler opened the public hearing and asked if anyone would like to speak on this issue in any way. No one asked to be heard. Therefore, she closed the public hearing.

**MOTION:** Moved by Councilmember Daniels and seconded by Councilmember Diaz to authorize the addition of the property located at 460 East Sixth Avenue to the Local Register of Historic Places, approve a Mills Act Contract and adopt Resolution No. 2010-165. Motion carried unanimously.

- 10. SHORT-FORM RENT INCREASE APPLICATION FOR GREENCREST MOBILEHOME PARK** Request Council consider the short-form rent increase application submitted for Greencrest Mobilehome Park, and if approved, grant an increase in the average amount of \$4.09 per space per month. (File No. 0697-20-9737)

Staff Recommendation: Approval (**Housing Division: Michelle Henderson**)

**RESOLUTION NO. RRB 2010-06**

Michelle Henderson, Housing Division, gave the staff report and presented a series of slides.

Mayor Pfeiler opened the public hearing and asked if anyone would like to speak on this issue in any way.

**Jim Younce, Park Owner's Representative,** indicated that Thompson Properties was working with the residents in all of their parks to keep discussions open.



Mayor Pfeiler asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, she closed the public hearing.

**MOTION:** Moved by Councilmember Abed and seconded by Councilmember Daniels to grant the short-form rent increase and approve Resolution No. RRB 2010-06. Motion carried unanimously.

## CURRENT BUSINESS

- 11. PURCHASE OF BUILDING AND PROPERTY AT 2120 HARMONY GROVE ROAD** – Request Council authorize the Mayor and City Clerk to execute documents necessary to acquire property located at 2120 Harmony Grove Road, for the amount of \$6,050,000 in order to relocate the Community Services Divisions currently housed at the Public Works Yard at 475 N. Spruce Street. (File No. 0690-10)

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

### RESOLUTION NO. 2010-172

Joyce Masterson, Assistant to the City Manager, and Jerry Van Leeuwen, Community Services Director, gave the staff report and presented a series of slides.

**Ed Gallo, Escondido**, voiced concern with the current tenants and the design of the building.

**MOTION:** Moved by Councilmember Daniels and seconded by Councilmember Abed to authorize the Mayor and City Clerk to execute documents necessary to acquire property located at 2120 Harmony Grove Road, for the amount of \$6,050,000 in order to relocate the Community Services Divisions currently housed at the Public Works Yard at 475 N. Spruce Street and adopt Resolution No. 2010-172. Motion carried unanimously.

- 12. CALIFORNIA CENTER FOR THE ARTS, ESCONDIDO: FISCAL YEAR 2009-10 OPERATING DEFICIT** - Request the City Council allocate \$149,000 from the General Fund reserves to offset the FY 2009-2010 operating deficit at the California Center for the Arts Escondido. (File No. 0600-10 [A-2429])

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

### RESOLUTION NO. 2010-176

Jerry Van Leeuwen, Community Services Director, gave the staff report.

**MOTION:** Moved by Councilmember Abed and seconded by Councilmember Daniels to allocate \$149,000 from the General Fund reserves to offset the FY 2009-2010 operating deficit at the California Center for the Arts Escondido and adopt Resolution No. 2010-176. Ayes: Abed, Daniels, and Pfeiler. Noes: Diaz and Waldron. Absent: None. Motion carried.

- 13. BUSINESS INCUBATOR LEASE AGREEMENT** – Request Council authorize the Mayor and City Clerk to execute a Lease Agreement for the lease of 700 West Grand Avenue to the San Diego North Economic Development Council, for a term of three years. (File No. 0600-10 [A-3008])

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

### RESOLUTION NO. 2010-173

Charles Grimm, Assistant City Manager, gave the staff report and introduced Gary Knight, San Diego North Economic Development Council, who gave a presentation on the proposed project.

**MOTION:** Moved by Councilmember Daniels and seconded by Councilmember Abed to execute a Lease Agreement for the lease of 700 West Grand Avenue to the San Diego North Economic Development Council, for a term of three years and adopt Resolution No. 2010-173. Motion carried unanimously.

## **BRIEFING (Staff)**

None

## **FUTURE AGENDA**

- 14. FUTURE AGENDA ITEMS** - The purpose of this item is to identify issues presently known to staff or which members of the Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed

Staff Recommendation: None **(City Clerk's Office: Marsha Whalen)**

Councilmember Diaz asked that a discussion on the Senior Center craft shop and a workshop on applying for grants be placed on a future agenda.

### **(added before distribution of the Agenda)**

- 17. RECEIVE COUNCIL DIRECTION REGARDING RECOMMENDED CHANGES TO PARKING POLICY AND PARKING SPACES IN THE DOWNTOWN AREA** – The City Council Parking Subcommittee is requesting that the Council authorize interim changes for Downtown parking during the Holiday Season and other more additional permanent changes for parking along Grand Avenue and Valley Parkway **(continued from 11/10/10)** (File No. 1060-50)

Staff Recommendation: Request Council authorize free parking in the Downtown area during the Holiday season, provide for permanent free parking on weekends, provide long term free parking on Valley Parkway and Second streets, and eliminate the mid-block red zones on Grand Avenue **(City Manager's Office: Charles Grimm)**

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

**Ed Gallo, Escondido,** stated he supported the change in Downtown parking for the holidays.

**MOTION:** Moved by Councilmember Daniels and seconded by Councilmember Waldron to authorize interim changes for Downtown parking during the Holiday Season and other more additional permanent changes for parking along Grand Avenue and Valley Parkway. Motion carried unanimously.

## ORAL COMMUNICATIONS

Ruth Pickard, Escondido, indicated the Senior Center craft shop was unique to Escondido, and asked Council to keep it open.

## COUNCIL/COMMISSION/ MEMBERS COMMENTS

Councilmember Diaz wished everyone a Happy Thanksgiving.

Councilmember Waldron indicated a report on Oxycotton was recently on television.

## CLOSED SESSION: (COUNCIL/CDC/RRB)

Attorney Jeffrey Epp recommended recess to Closed Session to discuss items 15, 16 and 18.

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

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

- a. Michael Crowe, et al. v. County San Diego, et al., Case No.: 99-CV-0241-JM (RBB)
- b. Judith McNeal, et al. v. City of Escondido, et al., Case No. 37-2009-00060697-CU-PA-NC

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

*(Item 17 was placed under "Current Business")*

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

- a. Property: 480 N. North Spruce Street  
Agency Negotiators: Clay Phillips  
Negotiating parties: City and JMI Sports  
Under negotiation: Price and terms of payment
- b. Property: 475 N. Spruce  
Agency Negotiator: Clay Phillips  
Negotiating parties: City of Escondido and JMI Sports  
Under negotiation: Price and terms of payment

**ADJOURNMENT**

Mayor Pfeiler adjourned the meeting at 8:35 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MINUTES CLERK

**CITY OF ESCONDIDO  
NOVEMBER 17, 2010  
7:00 p.m. Meeting**

**NO ITEMS/NO MEETING**

**CITY OF ESCONDIDO  
NOVEMBER 10, 2010  
4:00 p.m. Meeting Minutes**

**Escondido City Council  
Community Development Commission**

**CALL TO ORDER**

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 4:00 p.m. on Wednesday, November 10, 2010 in the Council Chambers at City Hall with Mayor Pro Tem Daniels presiding.

**FLAG SALUTE**

Mayor Pro Tem Daniels led the flag salute.

**ATTENDANCE**

The following members were present: Councilmember Sam Abed, Mayor Pro Tem Dick Daniels, Councilmember Olga Diaz, and Councilmember Marie Waldron. Absent: Mayor Lori Holt Pfeiler. Quorum present.

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

**PROCLAMATIONS**

Mayor Pro Tem Daniels introduced Mel Vernon, San Luis Rey Band of Mission Indians, who proclaimed Nov 26, 2010 as National American Indian Heritage Day. Mayor Pro Tem Daniels accepted a gathering basket from the San Luis Rey Band of Indians.

**ORAL COMMUNICATIONS**

**Thomas Armstrong, Escondido**, stated there were not enough services for the homeless in the City.

**Nina Walker, Valley Center**, voiced support for the DUI checkpoints in Escondido.

**Mark Skok, Escondido**, urged Council to drop the ballpark project and asked for a right turn arrow to be added to the traffic light at El Norte and Washington.

**Ed Gallo, Escondido**, indicated that one of the City's local blacksmiths had passed away.

## CONSENT CALENDAR

Councilmember Diaz removed items 7 and 8 and Mayor Pro Tem Daniels removed item 10 from the Consent Calendar for discussion.

**MOTION:** Moved by Councilmember Abed and seconded by Councilmember Waldron that the following Consent Calendar items be approved with the exception of items 7, 8 and 10. Ayes: Abed, Daniels, Diaz and Waldron. Noes: None. Absent: Pfeiler. Motion carried.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of October 6, 2010**
  
4. **CALPERS INDUSTRIAL DISABILITY RETIREMENT OF GEORGE LACKERDAS** – Request Council authorize the Industrial Disability Retirement of Police Officer George Lackerdas. (File No. 0170-57)

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

### RESOLUTION NO. 2010-169

5. **NOTICE OF COMPLETION FOR TRACT 855, CANYON CREST DEVELOPMENT (ADDRESSED AS 2264 CANYON CREST DRIVE)** – Request Council authorize staff to file a Notice of Completion for Tract 855, an eighteen lot single-family residential subdivision located at 2264 Canyon Crest Drive (Canyon Crest Development). (File No. 0800-10 Tract 855)

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

6. **FISCAL 2011 OFFICE OF TRAFFIC SAFETY CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN GRANT** – Request Council authorize the Escondido Police Department to accept a FY 2011 California Seat Belt Compliance Campaign Grant from the Office of Traffic Safety in the amount of \$3,788; authorize the Chief of Police to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds. (File No. 0480-70)

Staff Recommendation: Approval (**Police Department: Jim Maher**)

7. **FISCAL YEAR 2011 OFFICE OF TRAFFIC SAFETY SOBRIETY CHECKPOINT MINI-GRANT** Request Council authorize the Escondido Police Department to accept a FY 2011 Sobriety Checkpoint Mini-grant from the Office of Traffic Safety in the amount of \$46,233; authorize the Chief of Police to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds. (File No. 0480-70)

Staff Recommendation: Approval (**Police Department: Jim Maher**)

Councilmember Diaz asked for an explanation of a mini-grant.

Lieutenant Tom Albergo explained that this was a small amount of funds to cover five checkpoints.

**MOTION:** Moved Councilmember Abed and seconded by Councilmember Waldron to authorize the Escondido Police Department to accept a FY 2011 Sobriety Checkpoint Mini-grant from the Office of Traffic Safety in the amount of \$46,233; authorize the Chief of Police to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds. Ayes: Abed, Daniels and Waldron. Noes: Diaz. Absent: Pfeiler. Motion carried.

8. **FUNDING INCREASE FOR 2009-2010 STREET MAINTENANCE PROJECT** – Request Council authorize the Director of Engineering Services to increase the 2009-2010 Street Maintenance Project budget by \$616,700. (File No. 0600-10 [A-2984])

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

Councilmember Diaz asked for clarification of what funds were being used.

Robert Zaino, Engineering Deputy Director, stated the funds were from the Capital Improvement Fund, not the General Fund, and could only be used for street maintenance.

**MOTION:** Moved by Councilmember Abed and seconded by Councilmember Waldron to authorize the Director of Engineering Services to increase the 2009-2010 Street Maintenance Project budget by \$616,700. Ayes: Abed, Daniels, Diaz and Waldron. Noes: None. Absent: Pfeiler. Motion carried.

9. **BID AWARD FOR THE TULIP STREET IMPROVEMENT PROJECT PHASE III** – Request Council authorize the Mayor and City Clerk to execute a Public Improvement Agreement with Southland Paving, Incorporated in the amount of \$1,698,913 for Phase III of the Tulip Street Improvement Project. (File No. 0600-10 [A-3006])

Staff Recommendation: Approval (**Neighborhood Services: Rich Buquet**)

#### RESOLUTION NO. 2010-150

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

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

10. **ZONE CHANGE AND MASTER AND PRECISE DEVELOPMENT PLAN (PHG 10-0020) ADDRESSED AS 2165 VILLAGE ROAD – FORMER FIRE STATION NO. 3 PROPERTY** – (Approved by Council on 10/27/10; vote: 5/0) (File No. 0810-20)

**ORDINANCE NO. 2010-05 Second reading and adoption**

**THIS ITEM WAS REMOVED FROM THE AGENDA AND NOT ACTED UPON.**

### CURRENT BUSINESS

11. **RECEIVE COUNCIL DIRECTION REGARDING RECOMMENDED CHANGES TO PARKING POLICY AND PARKING SPACES IN THE DOWNTOWN AREA** – The City Council Parking Subcommittee is requesting that the Council authorize interim changes for Downtown parking during the Holiday Season and other more additional permanent changes for parking along Grand Avenue and Valley Parkway. (File No. 1060-50)



Staff Recommendation: Request Council authorize free parking in the Downtown area during the Holiday season, provide for permanent free parking on weekends, provide long term free parking on Valley Parkway and Second streets, and eliminate the mid-block red zones on Grand Avenue  
**(City Manager's Office: Charles Grimm)**

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

**THIS ITEM WAS CONTINUED TO THE NOVEMBER 17, 2010 MEETING AT 4:00 P.M.**

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

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

Councilmember Diaz indicated the San Dieguito River Park would be meeting every two months.

Councilmember Waldron stated the Regional Solid Waste Association was working on developing a project for schools to participate in.

**BRIEFING (Staff)**

None

**FUTURE AGENDA**

- 13. FUTURE AGENDA ITEMS** - The purpose of this item is to identify issues presently known to staff or which members of the Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed

Staff Recommendation: None **(City Clerk's Office: Marsha Whalen)**

**ORAL COMMUNICATIONS**

None

**COUNCIL/COMMISSION/ MEMBERS COMMENTS**

Councilmember Abed gave information on the process to appoint a Councilmember for his Council seat.

**CLOSED SESSION: (COUNCIL/CDC/RRB)**

Attorney Jeffrey Epp recommended recess to Closed Session to discuss item 14 and asked to add one item that related to real property which arose subsequent to the agenda posting.

**MOTION:** Moved by Councilmember Abed and seconded by Councilmember Waldron to add item 15 to Closed Session pursuant to Government Code Section 54954.2(b)(2); that the need to take immediate action arose subsequent to the posting of the agenda; and to recess to Closed Session. Ayes: Abed, Daniels, Diaz and Waldron. Noes: None. Absent: Pfeiler. Motion carried.

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

a. Mardis v City of Escondido, et al, Case No. 37-2010-00057541-CU-PA-NC

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

- a. Property: 475 N. Spruce  
Agency Negotiator: Clay Phillips  
Negotiating parties: City of Escondido and Moorad Group  
Under negotiation: Price and terms of payment
  
- b. Property: 480 N. Spruce  
Agency Negotiator: Clay Phillips  
Negotiating parties: City of Escondido and Moorad Group  
Under negotiation: Price and terms of payment

**ADJOURNMENT**

Mayor Pro Tem Daniels adjourned the meeting at 4:50 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MINUTES CLERK

**CITY OF ESCONDIDO  
NOVEMBER 10, 2010  
7:00 p.m. Meeting**

**NO ITEMS/NO MEETING!**

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.:** 4  
**Date:** January 5, 2011

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lori Vereker, Director of Utilities  
**SUBJECT:** BUDGET ADJUSTMENT REQUEST FOR WATER DISTRIBUTION STAFF MOVE FROM PUBLIC WORKS YARD

RECOMMENDATION:

Approval

FISCAL ANALYSIS:

The Budget Adjustment will reduce the Water Treatment Plant Major Maintenance project by \$75,000 and the Miscellaneous Main Replacement project by \$75,000 and create a new project with a budget of \$150,000. Monies will be used for site design and permitting.

PREVIOUS ACTION

None.

BACKGROUND:

Council has directed Utilities to relocate from their current site at the Public Works Yard, 475 N Spruce St., to make room for future development. The Utilities Department has selected a site near the Water Treatment Plant at 3440 E Valley Parkway. Site was selected after consideration of several sites.

Respectfully submitted,



Lori Vereker  
Director of Utilities



**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.:** 5  
**Date:** January 5, 2011

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Edward N. Domingue, Director of Engineering Services

**SUBJECT:** Set the Date of January 26, 2011 for a Public Hearing to Consider Adoption of a Resolution of Necessity Authorizing the City Attorney to Initiate Condemnation Proceedings

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2011-08 setting the date of January 26, 2011 at 4:00 p.m. for a Public Hearing to consider adopting a Resolution of Necessity authorizing the City Attorney to initiate condemnation proceedings to acquire the property rights across portions of Assessor Parcel Numbers 226-112-27(KGD Enterprises, Inc.), 226-112-31(Pompo & Sokol) & 226-112-49(Helix Reit), 228-360-14, 228-360-38 (Robert & Pamela Bills) & 228-360-39(Wells-CECO, LLP) for construction of the Nordahl Bridge Replacement Project.

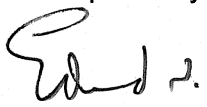
FISCAL ANALYSIS:

Funds for the acquisition of the property rights will be paid out of Transnet Funds.

BACKGROUND:

This is the acquisition of permanent and temporary property rights required for construction of the Nordahl Bridge Replacement Project across portions of six parcels, five owners. Widening of the Nordahl Bridge is necessary to accommodate future traffic and fulfill requirements of the Palomar Pomerado Hospital Development Agreement. The bridge at Nordahl & SR78 is also required to be lengthened to accommodate the future widening of SR78. Staff has not received the required property rights from the owners and will continue its negotiations. However, it is recommended that the City initiate an eminent domain process at this time in order to maintain the project schedule and allow the project to move forward.

Respectfully submitted,



Edward N. Domingue P.E.  
Director of Engineering Services

RESOLUTION NO. 2011-08

5.

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING NOTICES OF INTENT TO  
ADOPT RESOLUTIONS OF NECESSITY TO  
CONDEMN PROPERTY IDENTIFIED AS  
ASSESSOR PARCEL NUMBERS 226-112-27,  
31 & 49, 228-360-14, 38 & 39

Hearing Date January 26, 2011

WHEREAS, the City of Escondido recommends the replacement of the Nordahl Bridge to accommodate future traffic and fulfill requirements of the Palomar Pomerado Hospital Development Agreement; and

WHEREAS, said bridge is also required to be lengthened to accommodate the future widening of SR78; and

WHEREAS, it will be necessary to acquire properties identified as Assessor Parcel Numbers 226-112-27, owned by KGD Enterprises, Inc.; 226-112-31, owned by Vincent N. & Pamela A. Pompo & Richard T. Sokol; 226-112-49, owned by Helix REIT; 228-360-14 & 38, owned by Robert S. & Pamela A. Bills; and 228-360-39, owned by Wells-CECO L.P. & Lloyd Henry Wells, and described in the attached Exhibit "A," which is incorporated by this reference, in order to accomplish such construction; and

WHEREAS, attempts thus far to acquire the properties from the property owners have failed; and

WHEREAS, the properties are necessary to complete the Nordahl Bridge Replacement Project; and

WHEREAS, this City Council desires to give notice to all interested parties that they may appear and be heard on this matter on January 26, 2011, at 4:00 PM;

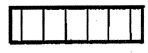

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

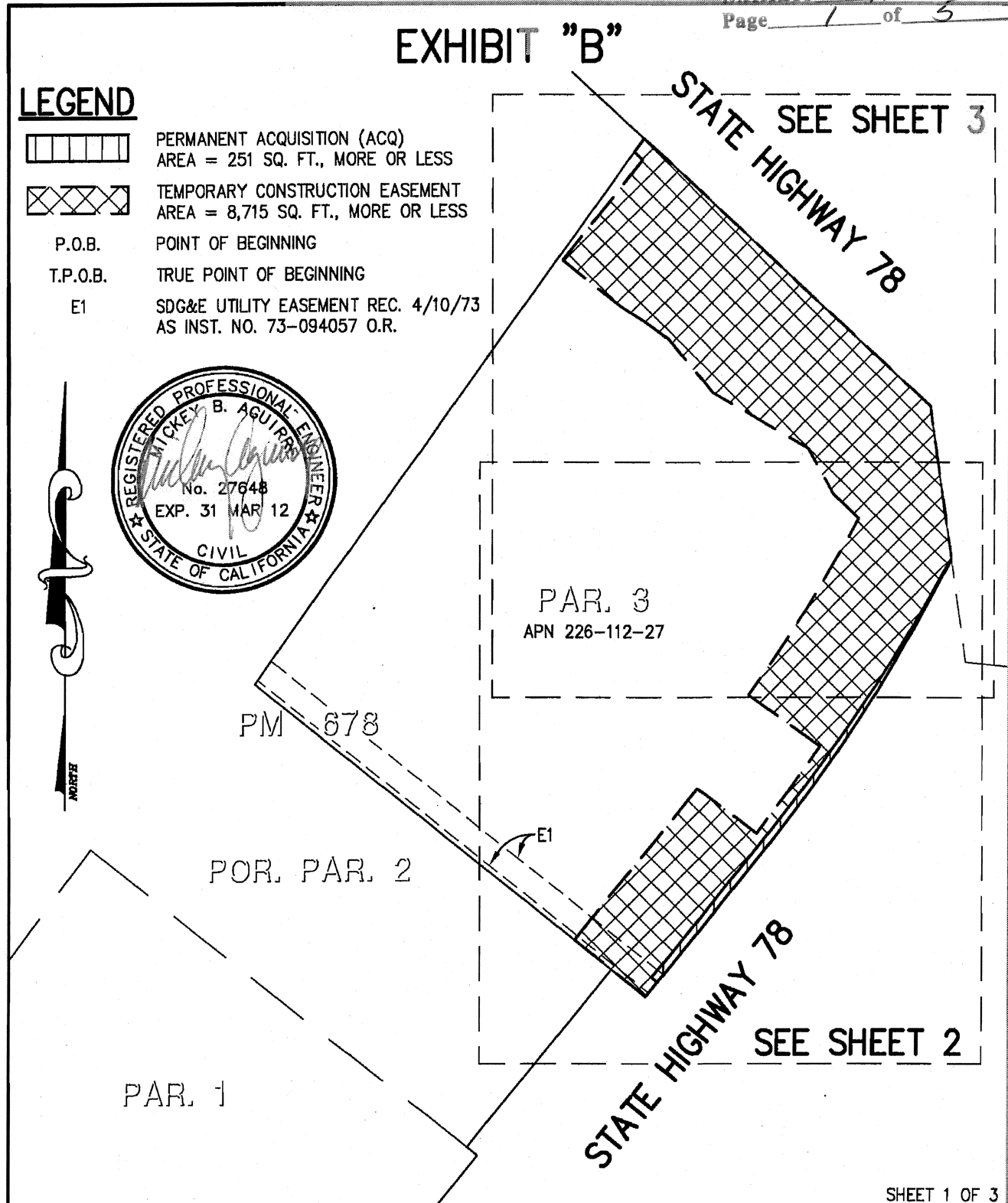
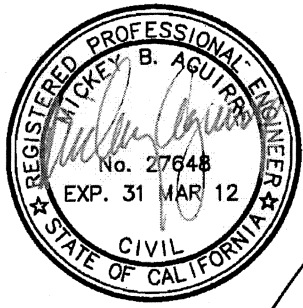
1. That the above recitations are true.
2. That a public hearing shall be held on January 26, 2011, at 4:00 PM in the City Hall Council Chambers, located at 201 North Broadway, Escondido, California.
3. That the City Council of the City of Escondido authorizes the issuance of a notice of its intent to adopt Resolutions of Necessity for the initiation of eminent domain proceedings with regard to the subject properties. A copy of the Notice of Hearing is attached as Exhibit "B" and is incorporated by this reference.
4. That the City Clerk is directed to send a copy of the Notice of Hearing to the person or persons who appear on the latest equalized assessment roll as the owners of the subject property.



# EXHIBIT "B"

## LEGEND

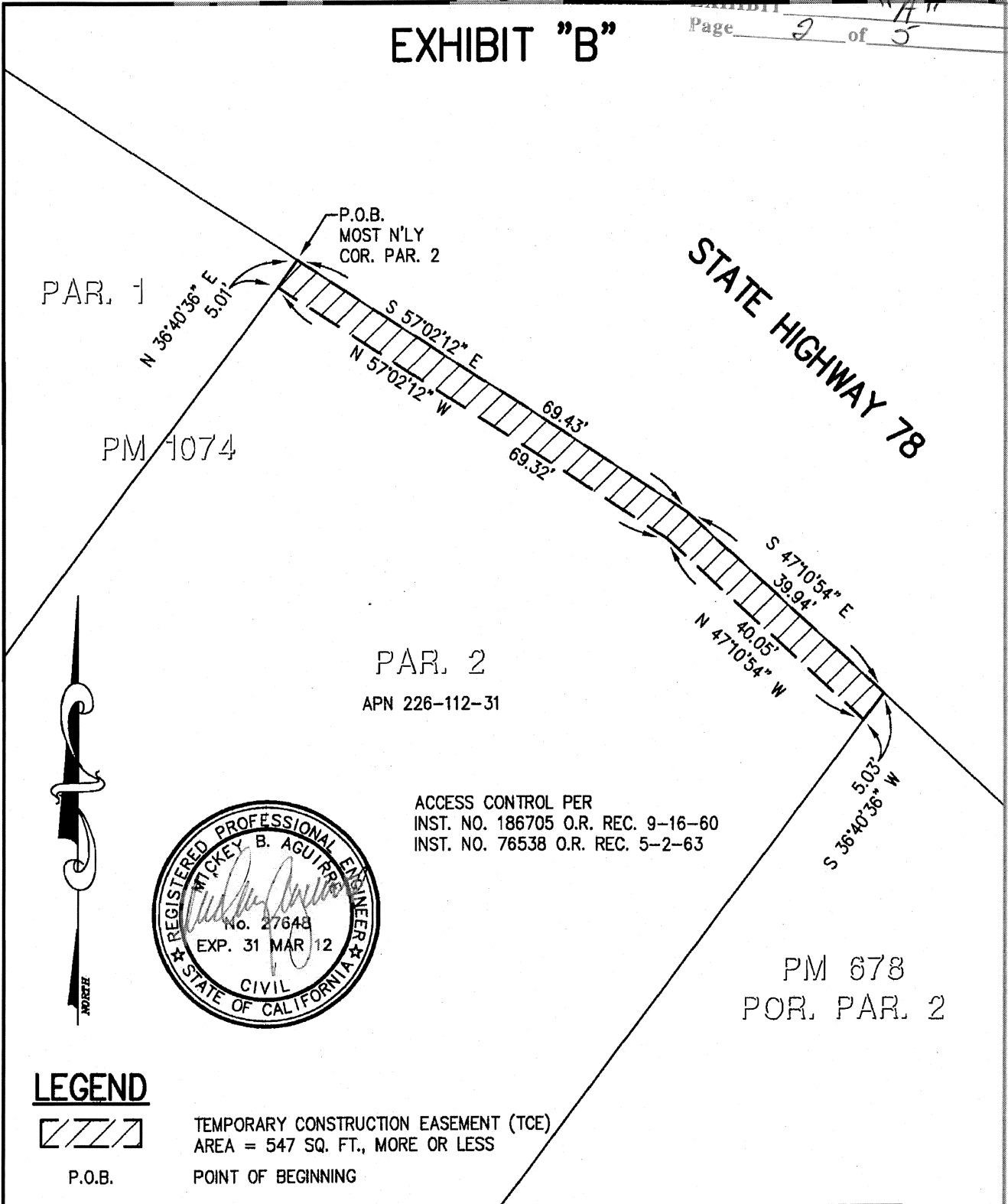
-  PERMANENT ACQUISITION (ACQ)  
AREA = 251 SQ. FT., MORE OR LESS
-  TEMPORARY CONSTRUCTION EASEMENT  
AREA = 8,715 SQ. FT., MORE OR LESS
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING
- E1 SDG&E UTILITY EASEMENT REC. 4/10/73  
AS INST. NO. 73-094057 O.R.



SHEET 1 OF 3

REVISED BY	DATE	<b>CITY OF SAN MARCOS</b>	SCALE
APPROVED BY	DATE		1" = 40'
CHECKED BY	DATE		REF.
DRAWN BY	DATE		TRACING NO.
		EXHIBIT "B" PERMANENT ACQUISITION AND TEMPORARY CONSTRUCTION EASEMENT APN 226-112-27	

# EXHIBIT "B"



PAR. 1

PM 1074

STATE HIGHWAY 78

PAR. 2

APN 226-112-31

ACCESS CONTROL PER  
 INST. NO. 186705 O.R. REC. 9-16-60  
 INST. NO. 76538 O.R. REC. 5-2-63

PM 678  
 POR. PAR. 2



## LEGEND



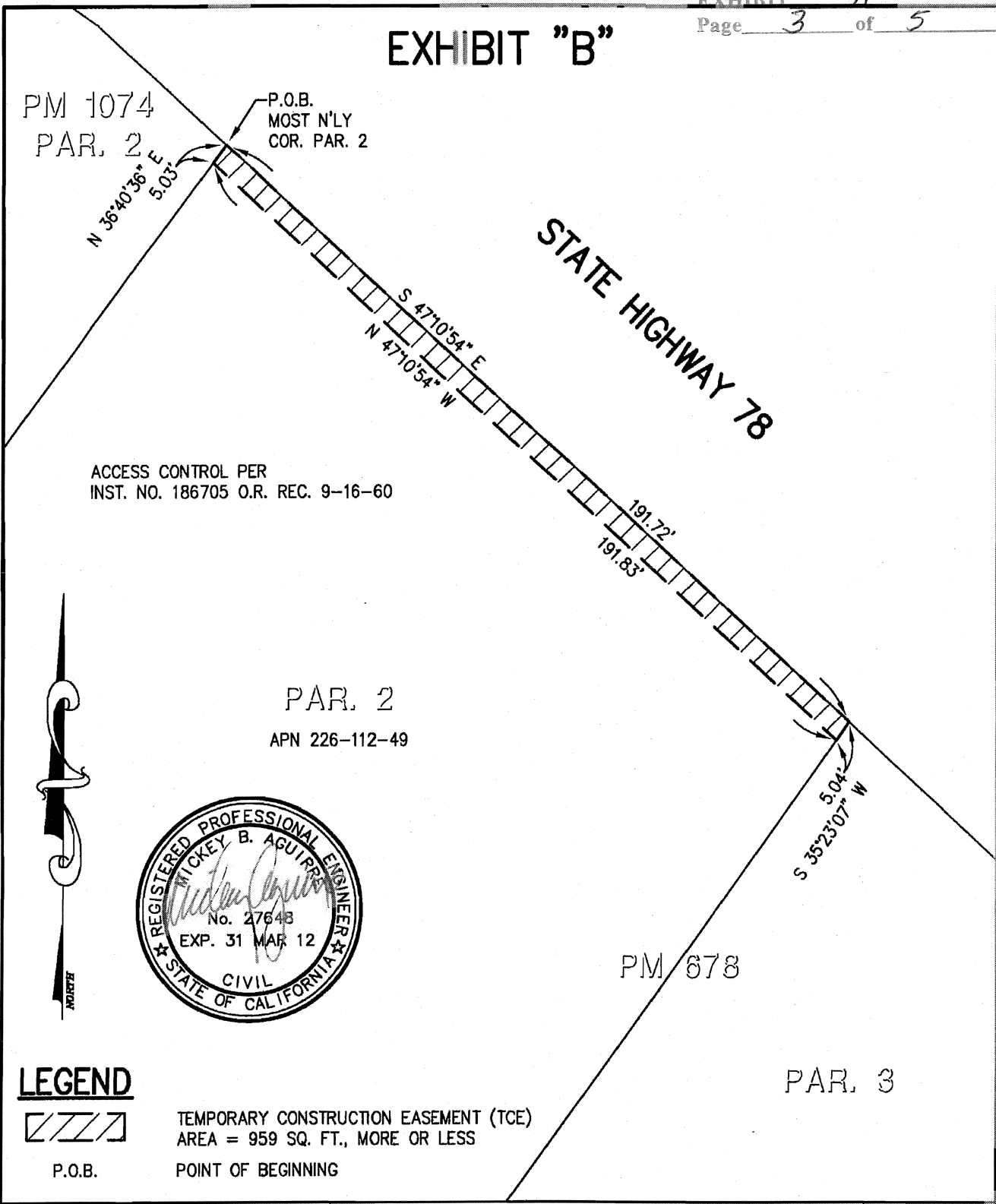
TEMPORARY CONSTRUCTION EASEMENT (TCE)  
 AREA = 547 SQ. FT., MORE OR LESS

P.O.B.

POINT OF BEGINNING

REVISED BY	DATE	CITY OF SAN MARCOS	SCALE 1" = 20'
APPROVED BY	DATE		REF.
CHECKED BY MA	DATE 5-21-10	EXHIBIT "B" TEMPORARY CONSTRUCTION EASEMENT APN 226-112-31	TRACING NO.
DRAWN BY KA	DATE 5-21-10		

# EXHIBIT "B"



PM 1074  
 PAR. 2

P.O.B.  
 MOST N'LY  
 COR. PAR. 2

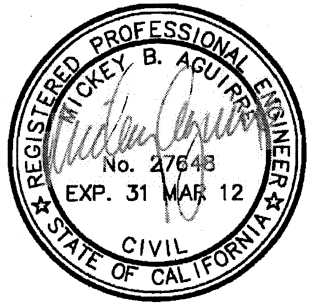
STATE HIGHWAY 78

ACCESS CONTROL PER  
 INST. NO. 186705 O.R. REC. 9-16-60

PAR. 2  
 APN 226-112-49

PM 678

PAR. 3



## LEGEND



TEMPORARY CONSTRUCTION EASEMENT (TCE)  
 AREA = 959 SQ. FT., MORE OR LESS

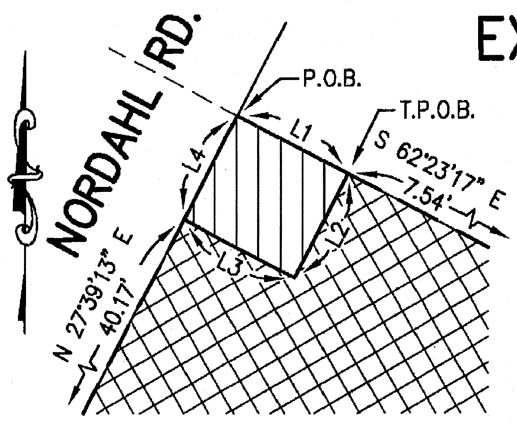
P.O.B.

POINT OF BEGINNING

REVISED BY	DATE	<b>CITY OF SAN MARCOS</b>	SCALE 1" = 30'	
APPROVED BY	DATE		REF.	
CHECKED BY MA	DATE 5-21-10		EXHIBIT "B" TEMPORARY CONSTRUCTION EASEMENT APN 226-112-49	TRACING NO.
DRAWN BY KA	DATE 5-21-10			

# EXHIBIT "B"

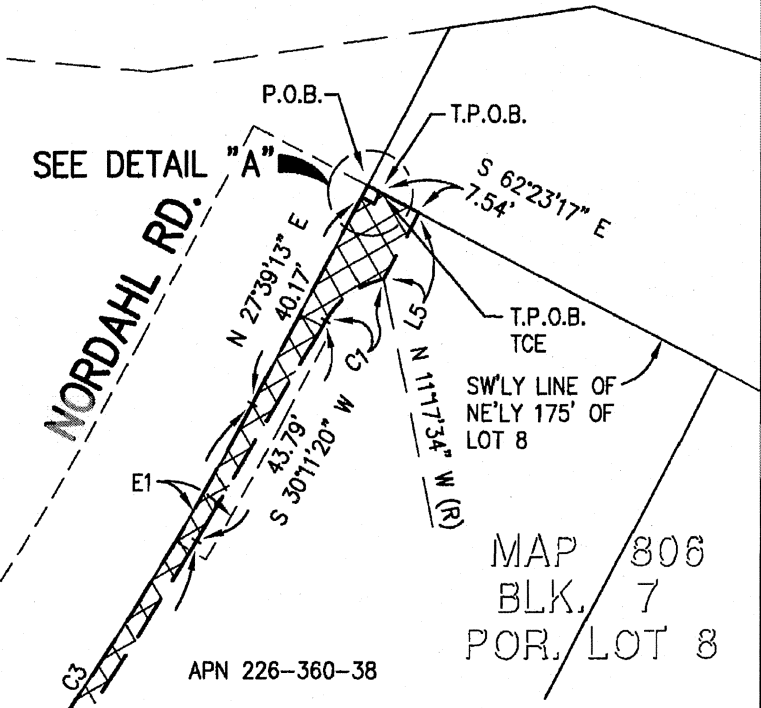
## STATE HIGHWAY 78



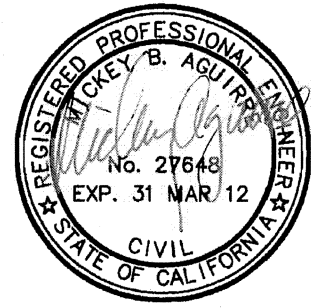
**DETAIL "A"**  
 NOT TO SCALE

TABULATED CURVE DATA			
CURVE	DELTA	RADIUS	LENGTH
C1	48°31'06"	15.00'	12.70'
C2	8°44'46"	571.00'	87.16'
C3	11°16'53"	568.00'	111.84'

TABULATED LINE DATA		
LINE	BEARING	LENGTH
L1	S 62°23'17" E	2.39'
L2	S 27°39'01" W	2.22'
L3	N 62°20'59" W	2.39'
L4	N 27°39'13" E	2.22'
L5	S 27°39'01" W	12.90'



PUBLIC STREET EASEMENT  
 REC. 11/12/91 AS DOC.  
 NO. 1991-0382-407 O.R.



### LEGEND

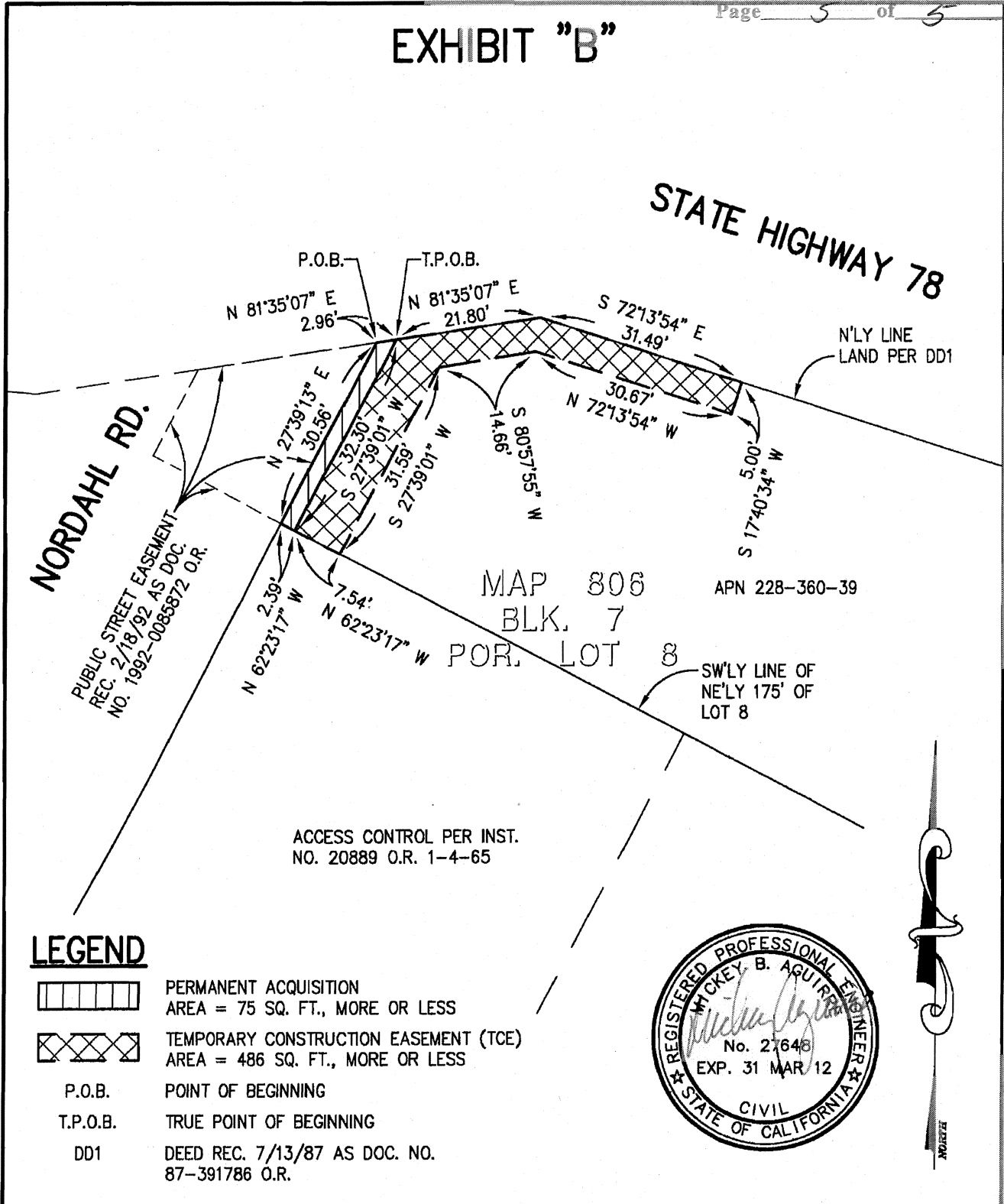
- PERMANENT ACQUISITION  
AREA = 5 SQ. FT., MORE OR LESS
- TEMPORARY CONSTRUCTION EASEMENT (TCE)  
AREA = 879 SQ. FT., MORE OR LESS
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING
- E1 SDG&E UTILITY EASEMENT REC. 4/21/92  
AS INST. NO. 1992-0232368 O.R.

REVISED BY	DATE
APPROVED BY	DATE
CHECKED BY MA	DATE 6-10-10
DRAWN BY KA	DATE 6-10-10



**CITY OF SAN MARCOS**  
 EXHIBIT "B"  
 PERMANENT ACQUISITION AND  
 TEMPORARY CONSTRUCTION EASEMENT  
 APN 228-360-38

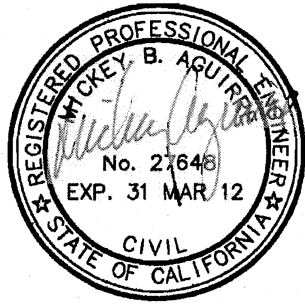
SCALE 1" = 30'
REF.
TRACKING NO.

# EXHIBIT "B"



## LEGEND

-  PERMANENT ACQUISITION  
AREA = 75 SQ. FT., MORE OR LESS
-  TEMPORARY CONSTRUCTION EASEMENT (TCE)  
AREA = 486 SQ. FT., MORE OR LESS
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING
- DD1 DEED REC. 7/13/87 AS DOC. NO. 87-391786 O.R.



REVISED BY	DATE	<b>CITY OF SAN MARCOS</b> EXHIBIT "B" PERMANENT ACQUISITION AND TEMPORARY CONSTRUCTION EASEMENT APN 228-360-39	SCALE 1" = 20'
APPROVED BY	DATE		REF.
CHECKED BY MA	DATE 6-10-10		TRACING NO.
DRAWN BY KA	DATE 6-10-10		



CITY OF ESCONDIDO  
OFFICE OF THE CITY CLERK  
201 NORTH BROADWAY  
ESCONDIDO, CA 92025-2798  
(760) 839-4617

Resolution No. 2011-08  
EXHIBIT "B"  
Page 1 of 1

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN on January 26, 2011 at 4:00 p.m. the Escondido City Council of the City of Escondido will hold a Public Hearing to consider the following item:

Adopt a Resolution of Necessity to condemn property identified as Assessor Parcel Numbers 226-112-27, owned by KGD Enterprises, Inc., 226-112-31, owned by Vincent N. & Pamela A. Pompo & Richard T. Sokol, 226-112-49, owned by Helix REIT, 228-360-14 & 38, owned by Robert S. & Pamela A. Bills, and 228-360-39, owned by Wells-CECO L.P. & Lloyd Henry Wells AS ASSESSOR PARCEL NUMBERS 226-112-27, 31 & 49, 228-360-14, 38 & 39

IF YOU CHALLENGE this item in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council, at or prior to the Public Hearing.

The City of Escondido recognizes its obligation to provide equal access to public services for those individuals with disabilities. Please contact the American Disabilities Act (A.D.A.) Coordinator (760) 839-4643 with any requests for reasonable accommodations, to include sign language interpreters, at least 24 hours prior to the meeting. The City of Escondido does not discriminate against any person with a handicapped status.

ALL INTERESTED PERSONS are invited to attend said Public Hearing to express their opinion in this matter. Said Public Hearing will be held in the Council Chambers, 201 N. Broadway, Escondido, California, 92025. **For additional information, please contact \_\_\_\_\_, (760) 839-\_\_\_\_\_.**

MARSHA WHALEN, City Clerk  
City of Escondido

Date: January 6, 2011



# CITY COUNCIL

For City Clerk's Use:

APPROVED  DENIED

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

Agenda Item No.: 6

Date: January 5, 2011

TO: Honorable Mayor and Members of the City Council  
FROM: Cory Moles, Assistant Chief of Police  
Gary McCarthy, Deputy City Attorney  
SUBJECT: Parking Fine Increase To Address A New State \$3.00 Surcharge

RECOMMENDATION:

Request Council adopt Resolution 2011-02 authorizing the City of Escondido to increase each parking fine by \$3.00 to address a state surcharge recently passed as part of Senate Bill 857.

PREVIOUS ACTION:

On March 4, 2009, the City Council increased parking fines by \$3.00 to address a separate state surcharge. Today, most parking citations assess a \$43.00 fine.

FISCAL ANALYSIS:

If not approved, the City will pay the state \$3.00 for every parking fine collected out of the General Fund.

BACKGROUND:

Currently, the City sends \$9.50 to the San Diego County Treasurer for each parking fine collected. As part of the legislative effort to balance the state budget, the Governor signed Senate Bill 857 in October 2010, adding an additional \$3.00 penalty to each parking offense. The new law is incorporated in California Government Code section 76000.3 as follows:

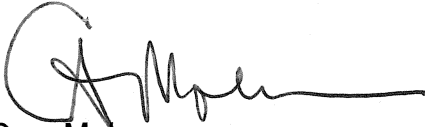
- (a) Notwithstanding any other provision of law, for each parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of three dollars (\$3) shall be imposed in addition to the penalty, fine, or forfeiture set by the city, district, or other issuing agency.

Effective December 7, 2010, the City must now send \$12.50 to the County Treasurer for each parking fine collected. The latest surcharge has a planned expiration date. Unless modified or repealed, Government Code section 76000.3 will become inoperative July 1, 2013, and will be repealed on January 1, 2014.

Parking Fine Increase To Address A New State \$3.00 Surcharge  
January 5, 2011  
Page 2

Staff recommends approval of Resolution 2011-02, to increase the City's Fee Schedule to add \$3.00 to each parking offense, as outlined in Exhibit A, to pass on the surcharge to those responsible for the parking violation.

Respectfully submitted,



Cory Moles  
Assistant Chief of Police



Gary McCarthy  
Deputy City Attorney



## RESOLUTION NO. 2011-02

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
ADOPTING REVISED FINES FOR PARKING  
CITATIONS

WHEREAS, California Vehicle Code Section 40200 authorizes the City to impose a civil penalty for any regulation involving parking or stopping of a vehicle; and

WHEREAS, California Vehicle Code Section 40203.5 (a) requires cities to establish a schedule of parking penalties for parking violations and late payment penalties; and

WHEREAS, the City Council adopted Ordinance 93-22 and Resolution 93-289 to provide for a schedule of parking penalties, late payment penalties, administrative fees and other related charges for parking violations; and

WHEREAS, Ordinance 93-22 ordained that the fees provided in Resolution 93-289 may be amended from time to time by further resolution of the City Council; and

WHEREAS, recently implemented California Government Code Section 76000.3 requires the City pay the State an additional \$3.00 penalty for each parking fine collected; and

WHEREAS, in order to offset the increased surcharge for parking citations, the City must increase its parking fines by an additional \$3.00 per offense; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to adopt changes to the existing schedule of parking penalties as presented in the attached Exhibit "A" and incorporated by this reference.

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 approves the Schedule of Parking Penalties provided in Exhibit "A."

## Schedule of Parking Penalties

Code	Section	Violation	Proposed
EMC	18-128	Violation of Traffic Sign-Parks	\$46
EMC	18-129	Vehicle on Unpaved Area-Parks	\$46
EMC	18-131 (1)	Parked in Non-Designated Area-Parks	\$46
EMC	18-131 (2)	Parked on Road or Driveway-Parks	\$46
EMC	28-127	Parked in a Tube/Tunnel	\$46
EMC	28-142 (1)	Parked Near Safety Zone	\$46
EMC	28-142 (2)	Parked Near Intersection	\$46
EMC	28-142 (3)	Parked Near Signal, Sign	\$46
EMC	28-142 (4)	Parked in other Expedient Places	\$46
EMC	28-142 (5)	Parked in Early Morning Zones	\$46
EMC	28-143	Overtime Parking on Street	\$46
EMC	28-143 C	Removal of Time Marking	\$71
EMC	28-145	Parking in Single Space Required	\$46
EMC	28-147	Backed into Angle Parking Space	\$46
EMC	28-154	Parked, Stopping, Standing in Alley	\$46
EMC	28-156 (1)	Displaying Vehicle for Sale	\$46
EMC	28-156 (2)	Washing / Repairing Vehicle in Street	\$46
EMC	28-166	Parking on Hills (Wheels Turned Improperly)	\$46
EMC	28-168	Commercial Vehicle in Resd Area	\$46
EMC	28-170	Parking Veh over 7k lbs/unattached trailer	\$46
EMC	28-191	Violation of Permit Parking	\$46
EMC	28-192	Displayed Expired Permit	\$46
EMC	28-195	Misuse of Permit	\$46
EMC	28-196	Duplicate Permit	\$46
EMC	28-204	Violation of Curb Marking	\$46
EMC	28-212	Misuse of Passenger Loading Zone	\$46
EMC	28-300	Yard Parking	\$46
EMC	29-23	Storing/Parking Trailer in Resd Area	\$46
VC	21113(A)	Parked Vehicle or Animal on Public Grounds	\$46
VC	21210	Illegally Parked Bicycle	\$56
VC	21211	Obstruction of Bike Path	\$46
VC	22500(A)	Parked in Intersection	\$46
VC	22500 (B)	Parked in Crosswalk	\$46
VC	22500 ( C )	Parked in Safety Zone/ Red Curb	\$46
VC	22500 (D)	Parked 15 FT of Fire Station	\$46
VC	22500 (E)	Parked Blocking Driveway	\$46
VC	22500 (F)	Parked on Sidewalk	\$46
VC	22500 (G)	Parked and Obstructing Traffic	\$46
VC	22500 (H)	Double Parked	\$46
VC	22500 (I)	Bus Zone	\$256
VC	22500 (L)	Parked obstructing Wheelchair Access Ramp	\$306
VC	22500.1	Stopping, Standing, Parking in Fire Lane	\$46
VC	22502 (A)	18 inches from Curb	\$46
VC	22502 (E)	Parallel Parking on One Way St	\$46
VC	22507.8 (A)	Parked, Standing in Handicapped Space	\$416
VC	22507.8 (B)	Parked, Blocking Access to Handicap Space	\$416
VC	22507.8 C	Handicapped Crosshatched	\$416
VC	22514	Parked W/N 15 Ft of Fire Hydrant	\$46
VC	22521	Parked upon Railroad Track or W/N 7 1/2 FT	\$46
VC	22522	Parked Near Sidewalk Access Ramp	\$361
VC	22526 (A)	Blocking Intersection (Gridlock)	\$71
VC	31303 (D)	Parking Hazardous Waste in Res. District	\$221
VC	5200	Front License Plate Required	\$51
VC	5201	License Plate Fixed and Visible	\$51
VC	5204 (A)	Current Month/Year Tabs on Rear Plate	\$51

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.:** 7  
**Date:** January 5, 2011

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lori Vereker, Director of Utilities  
**SUBJECT:** Notice of Completion for 2010 Utilities Paving Project

**RECOMMENDATION:**

It is requested that Council accept the public improvements and authorize the Director of Utilities to file a Notice of Completion for the 2010 Utilities Paving Project.

**FISCAL ANALYSIS:**

Final construction cost was \$204,645.96. Vista Irrigation District will reimburse the City of Escondido for 20% of the cost of paving the road to the Water Treatment Plant only, \$19,733.79.

**PREVIOUS ACTION:**

On September 22, 2010, Council approved Resolution No. 2010 – 143 authorizing the Director of Utilities to execute an agreement with Koch-Armstrong General Engineering Inc.

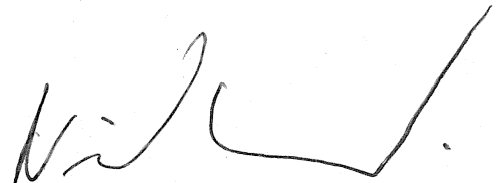
**BACKGROUND:**

The improvements made include paving the Dixon Lake parking lot and the road to the Water Treatment Plant.

Respectfully submitted,



Lori Vereker  
Director of Utilities



Neil Greenwood  
Utilities Construction Manager



# CITY COUNCIL

For City Clerk's Use:

APPROVED  DENIED

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

Agenda Item No.: 8  
Date: January 5, 2011

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Gilbert Rojas, Director of Finance  
**SUBJECT:** Amend Banking Service Agreement with Bank of America to Reduce Activity Fee Schedule and Extend the Term of the Agreement through July 31, 2013

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2011-01 to amend the Banking Services Agreement with Bank of America and extend the term of the Agreement through July 31, 2013.

FISCAL ANALYSIS:

Banking service charges from Bank of America were approximately \$84,000 for the fiscal year ended June 30, 2010. These charges were offset by a .0035% earnings credit calculated on the City's average monthly collected deposit balances. The net fee amounts to approximately \$75,000 per year. Bank of America has agreed to a service contract extension that would serve to reduce the current fees on certain of the banking service activities. In addition, upon execution of the contract extension, a \$10,000 loyalty credit would be available to be used by the city in the first year of service. The proposed activity fee reductions are estimated to reduce the city's Bank of America average monthly banking service charge by approximately 13%. In addition, the \$10,000 first year loyalty credit will serve to further reduce the first 12 month period of service charges, for a total estimated first year savings of 24%.

PREVIOUS ACTION:

Bank of America was awarded the City's banking services contract in August of 1998 and then again in July of 2002. On both occasions, the contracts were awarded to Bank of America after their submission of the successful banking services proposal from proposals received in a competitive bidding process with other major banks. The 2002 banking services contract was approved by Council in July 2002 with the adoption of Resolution No. 2002-146. Upon the July 30, 2008 expiration of the 2002 agreement, Resolution No. 2008-137 was approved by council to allow a one year contract extension through July 2009.

BACKGROUND:

The City's last Bank of America banking services contract expired on July 31, 2009. Subsequent to this date, the city has continued to utilize Bank of America for its banking services on a month to month basis without a long term contract. The proposed contract amendment and extension would be for an additional four year period expiring on July 31, 2013. The proposed contract extension would also allow for an additional one year extension after July 31, 2013.

Staff is currently satisfied with the banking services provided by Bank of America. Execution of the proposed contract extension will allow the city to realize a significant banking services fee reduction and provide security against future fee increases through July, 2013. In addition, the city will continue to be provided banking services that are known to be of high quality, that do not require a significant new investment of staff time and city resources, and that meet the city's needs.

The Investment Subcommittee has approved staff's recommendation for this second Banking Services Contract amendment.

Respectfully submitted,



Gilbert Rojas  
Director of Finance

RESOLUTION NO. 2011-01

8.

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 SECOND AMENDMENT TO AN  
AGREEMENT WITH BANK OF AMERICA  
FOR BANKING SERVICES

WHEREAS, the City of Escondido entered into an agreement with Bank of America on July 24, 2002, to provide banking services for the City; and

WHEREAS, the 2002 banking services agreement expired on July 30, 2008; and

WHEREAS, the City and Bank of America executed a First Amendment to the existing agreement to extend the term of the agreement through July 31, 2009, and

WHEREAS, the First Amendment to the banking services agreement expired on July 30, 2009; and

WHEREAS, the City and Bank of America desire to execute a Second Amendment to the existing agreement to extend the term of the agreement through July 31, 2013; and

WHEREAS, Bank of America has agreed to:

- (1) Revise the current unit pricing for banking services as described on the Pricing Sheet included as a part of the Second Amendment;
- (2) Extend to the City a \$10,000 first year loyalty credit to be used as an offset against service fees incurred during the first year subsequent to the execution of the extension; and
- (3) Provide the City with a managed ECR (earnings credit rate) that exceeds the 91 Day T-bill rate until such time as the 91 Day T-Bill rate exceeds the bank's ECR.

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

1. That the above recitations are true and correct.
2. That the Mayor and City Clerk are authorized on behalf of the City, to execute the Second Amendment to the Banking Services Agreement with Bank of America attached as Exhibit "A" to this resolution and incorporated by this reference.





CITY OF ESCONDIDO  
SECOND AMENDMENT TO BANKING SERVICES AGREEMENT

This "Amendment" is made on this 5<sup>th</sup> day of January, 2011.

Between: CITY OF ESCONDIDO  
A municipal corporation  
201 N. Broadway  
Escondido, California 92025  
("CITY")

And: Bank of America  
333 S. Hope St., 13<sup>th</sup> Floor  
Los Angeles, CA 90071  
Attn: Alec P. Bigelson, Sr. Vice President & Sr. Client Manager  
213-621-7132  
("CONSULTANT")

Witness that whereas:

- A. CITY and CONSULTANT entered into an agreement on July 24, 2002, ("Original Agreement"), wherein CITY retained Consultant to provide the City's banking services; and
- B. CITY and CONSULTANT executed a First Amendment to the Original Agreement on July 9, 2008, extending the Original Agreement for a one-year term ended July 31, 2009; and
- C. CITY AND CONSULTANT desire to execute a Second amendment to the Original Agreement, to extend the term of the Original Agreement through July 31, 2013, with a one-year option to extend thereafter, and to include certain additional conditions;

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

1. The term of the Original Agreement is hereby extended by an additional four year term, effective with the expiration of the First Amendment term, such that the Agreement shall expire on July 31, 2013. A one-year option to extend will be available thereafter.
2. The CONSULTANT will grant to the CITY a loyalty credit of \$10,000 to be used as an offset against banking service fees incurred in the first year of the Agreement after execution of the Second Amendment.
3. The CONSULTANT will revise current unit pricing for depository and cash management services as set forth on the attached pricing sheet, pricing to become effective on or before the execution of the Second Amendment.
4. The CONSULTANT will provide the CITY with a bank managed Earning Credit Rate (ECR) that is greater than the 91 Day T-Bill rate until such time that the 91-Day T-Bill rate exceeds the bank managed ECR rate.
5. All other terms of the Original Agreement defined in the base documents shall remain in full force and effect. In the event of any conflict between any specific provision of the Original Agreement and this Amendment, this Amendment shall prevail.

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

CITY OF ESCONDIDO

Date: \_\_\_\_\_

\_\_\_\_\_  
Sam Abed  
Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Alec P. Bigelson  
Bank of America, Sr. Vice President & Sr.  
Client Manager

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY  
Jeffrey R. Epp, City Attorney

By: \_\_\_\_\_



GLOBAL COMMERCIAL BANKING

Alec P. Bigelson  
Senior Vice President &  
Senior Client Manager

CA Government Banking  
CA9-193-13-17

333 S. Hope St., 13<sup>th</sup> Fl.  
Los Angeles, CA 90071  
Ph. (213) 621-7132  
Fax (213) 621-3606  
[alec.bigelson@baml.com](mailto:alec.bigelson@baml.com)

October 20, 2010

Gil Rojas  
Finance Director  
City of Escondido  
201 North Broadway  
Escondido, CA 92025

Dear Gil,

As we have discussed Bank of America would like to extend the banking services contract with the City of Escondido. The current contract expired July 31, 2009. Based upon our recent conversation, I am delighted to extend our Banking Services Agreement ("Agreement") with the City of Escondido ("City") from August 1, 2009 through July 31, 2013, with one-year options to extend thereafter.

For the sake of good order and to avoid any misunderstanding, I want to note these important terms:

- Banking Services Agreement dated July 24, 2002;
- Bank's Treasury Services Terms and Conditions (on file);
- Authorization and Agreement for Treasury Services (on file);
- First Amendment to Banking Services Agreement dated July 31, 2008;
- Bank's Contract for Deposit of Moneys executed (on file);
- The Bank is offering the City a loyalty credit of \$10,000 to be used as an offset against banking services fees assessed during the first year after execution of this extension;
- Current unit pricing for depository, cash management services will be as described on the attached pricing sheet. Pricing for services not presently utilized will be based upon our Current Schedule of Fees and Charges or as otherwise agreed. Based upon the proposed pricing for similar services, the City will save \$11,800 annually;
- New pricing will become effective upon execution of the contract extension; and,
- The Earnings Credit Rate (ECR) was formerly the 91 day T-Bill rate. As interest rates have remained exceeding low, the Bank is providing the City with a Bank managed ECR (a higher rate), until the financial markets settle and the 91 Day T-Bill rate exceeds the Bank managed ECR.

We are very pleased to offer the City this extension of our Agreement and to continue our highly valued relationship. Please let me know if you have any questions. I would also appreciate your confirmation to the extension on the principle terms as indicated herein by signing in the space provided below and returning to me a copy of this letter.

Sincerely

Alec P. Bigelson  
Senior Vice President

Acknowledged and agreed upon on behalf of the City of Escondido:

By: \_\_\_\_\_

Date: \_\_\_\_\_

Service Description	Volume	Existing Price Existing Services		New Price Existing Services		New Price New Services	
		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>General Account Services</b>							
Account Maintenance	6	\$ 13.00	\$ 78.00	\$ 13.00	\$ 78.00	\$ 13.00	\$ 78.00
ZBA Depository Master	1	\$ 25.00	\$ 25.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00
ZBA Subsidiary Account Main	2	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00
Debit Posted Other	51	\$ 0.40	\$ 20.40	\$ 0.30	\$ 15.30	\$ 0.30	\$ 15.30
Credit Posted Other	184	\$ 0.40	\$ 73.60	\$ 0.30	\$ 55.20	\$ 0.30	\$ 55.20
<b>Paymode Con Transaction Fee</b>							
	4409	\$ 0.07	\$ 308.63	\$ 0.07	\$ 308.63	\$ 0.07	\$ 308.63
<b>Total General Account Services</b>			\$ 535.63		\$ 502.13		\$ 502.13
<b>Depository Services</b>							
Banking Center Deposits	38	\$ 1.50	\$ 57.00	\$ 1.50	\$ 57.00	\$ 1.50	\$ 57.00
Curr/Coin Deposit \$100 VLT	4399	\$ 0.08	\$ 351.92	\$ 0.08	\$ 351.92	\$ 0.08	\$ 351.92
Change Order Valut CA	2	\$ 3.00	\$ 6.00	\$ 3.00	\$ 6.00	\$ 3.00	\$ 6.00
Coin Supplied Per Roll VLT	61	\$ 0.0851	\$ 5.19	\$ 0.0851	\$ 5.19	\$ 0.0851	\$ 5.19
Currency Supp/\$100 NONSTD VLT	10	\$ 0.12	\$ 1.20	\$ 0.12	\$ 1.20	\$ 0.12	\$ 1.20
Vault Deposit Extended Hour	127	\$ 3.00	\$ 381.00	\$ 1.10	\$ 139.70	\$ 1.10	\$ 139.70
Cash Letter/Item Processing Deposits	14	\$ 1.10	\$ 15.40	\$ 1.10	\$ 15.40	\$ 1.10	\$ 15.40
Checks Dep On Us CA	2150	\$ 0.0270	\$ 58.05	\$ 0.0270	\$ 58.05	\$ 0.0270	\$ 58.05
Checks Dep Local Clearings CA	5304	\$ 0.033	\$ 175.03	\$ 0.033	\$ 175.03	\$ 0.033	\$ 175.03
Checks Deposited Sleect In Distr.	5654	\$ 0.04	\$ 226.16	\$ 0.04	\$ 226.16	\$ 0.04	\$ 226.16
Checks Deposited All Other	1079	\$ 0.065	\$ 70.14	\$ 0.065	\$ 70.14	\$ 0.065	\$ 70.14
Encoding Surcharge	6	\$ 0.07	\$ 0.42	\$ 0.07	\$ 0.42	\$ 0.07	\$ 0.42
Checks Deposited CA	3477	\$ 0.07	\$ 243.39	\$ 0.07	\$ 243.39	\$ 0.07	\$ 243.39
Checks Deposited Rejects	11	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Returns Chargeback	25	\$ 4.00	\$ 100.00	\$ 3.00	\$ 75.00	\$ 3.00	\$ 75.00
Returns Reclear	39	\$ 1.15	\$ 44.85	\$ 1.15	\$ 44.85	\$ 1.15	\$ 44.85
Deposit Correction Non Cash	2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Deposit Correction Cash	0	\$ 3.00	\$ -	\$ 3.00	\$ -	\$ 3.00	\$ -
Courier Armored Car Services	1	\$ 1,832.11	\$ 1,832.11	\$ 1,832.11	\$ 1,832.11	\$ 1,832.11	\$ 1,832.11
<b>Total Deposit Services</b>			\$ 3,567.86		\$ 3,301.56		\$ 3,301.56
<b>Paper Disbursement Services</b>							
General Checks Paid Not Truncated	5	\$ 0.080	\$ 0.40	\$ 0.080	\$ 0.40	\$ 0.080	\$ 0.40
General Checks Paid Truncated	1687	\$ 0.090	\$ 151.83	\$ 0.090	\$ 151.83	\$ 0.090	\$ 151.83
Stop Payments Automated <12 mos.	1	\$ 7.000	\$ 7.00	\$ 7.000	\$ 7.00	\$ 7.000	\$ 7.00
Postage	1	\$ 78.890	\$ 78.89	\$ 78.890	\$ 78.89	\$ 78.890	\$ 78.89
CD ROM Maintenance	2	\$ 25.000	\$ 50.00	\$ 10.000	\$ 20.00	NA	NA
CD ROM Per Image	1687	\$ 0.060	\$ 101.22	\$ 0.030	\$ 50.61	NA	NA
Image Retrieval BA Direct	1	\$ 0.250	\$ 0.25	\$ 0.250	\$ 0.25	\$ 0.25	\$ 0.25
CD ROM Disk	1	\$ 10.000	\$ 10.00	\$ 10.000	\$ 10.00	NA	NA
Image Archive / Years	188	NA	NA	NA	NA	0.046	7.52
Image Maintenance	1	NA	NA	NA	NA	10.000	10.00
<b>Total Disbursement Services</b>			\$ 399.59		\$ 318.98		\$ 334.29
<b>Paper Disbursement Reconciliation Services</b>							
Partial Recon with Pos Pay Maintenance	2	\$ 45.00	\$ 90.00	\$ 30.00	\$ 60.00	\$ 30.00	\$ 60.00
Partial AR Per Item Re-Reported	1343	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Partial Positive Pay Item	1687	\$ 0.07	\$ 118.09	\$ 0.07	\$ 118.09	\$ 0.07	\$ 118.09
Check Issue Input Transmission Media	8	\$ 7.50	\$ 60.00	\$ 7.50	\$ 60.00	\$ 7.50	\$ 60.00
Check Issue Input Manual	11	\$ 0.35	\$ 3.85	\$ 0.35	\$ 3.85	\$ 0.35	\$ 3.85
Partial AR Transmission Output	22	\$ 7.50	\$ 165.00	\$ 7.50	\$ 165.00	\$ 7.50	\$ 165.00
Partial AR Additional Reports	64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Positive Pay Image Requested Direct	1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Paper Disbursement Reconciliation Services</b>			\$ 436.94		\$ 406.94		\$ 406.94
<b>General ACH Services</b>							
ACH Monthly Maintenance	2	\$ 100.00	\$ 200.00	\$ 50.00	\$ 100.00	\$ 50.00	\$ 100.00
Consumer Off Us Credits	5493	\$ 0.068	\$ 373.52	\$ 0.05	\$ 274.65	\$ 0.05	\$ 274.65
Consumer On Us Credits	697	\$ 0.068	\$ 47.40	\$ 0.05	\$ 34.85	\$ 0.05	\$ 34.85
PC Tax Payment	4	\$ 2.50	\$ 10.00	\$ 2.50	\$ 10.00	\$ 2.50	\$ 10.00

Service Description	Volume	Existing Price Existing Services		New Price Existing Services		New Price New Services	
		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
ACH Account Filters	18	\$ 2.15	\$ 38.70	\$ 1.50	\$ 27.00	\$ 1.50	\$ 27.00
ACH Debits Received	23	\$ 0.07	\$ 1.61	\$ 0.07	\$ 1.61	\$ 0.07	\$ 1.61
ACH Credits Received	48	\$ 0.07	\$ 3.36	\$ 0.07	\$ 3.36	\$ 0.07	\$ 3.36
ACH Return Item	14	\$ 4.00	\$ 56.00	\$ 4.00	\$ 56.00	\$ 4.00	\$ 56.00
ACH Input Transmission	5	\$ 15.00	\$ 75.00	\$ 10.00	\$ 50.00	\$ 10.00	\$ 50.00
Express Tax Fax Receipt	4	\$ 1.00	\$ 4.00	\$ 1.00	\$ 4.00	\$ 1.00	\$ 4.00
ACH Blocks/Filters Maintenance	4	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ACH Notifications of Change	2	\$ 1.25	\$ 2.50	\$ 1.25	\$ 2.50	\$ 1.25	\$ 2.50
Paymode Concentrator Monthly License Fee	1	\$ 115.00	\$ 115.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
ACH Optional Reports Fax	9	\$ 5.00	\$ 45.00	\$ 5.00	\$ 45.00	\$ 5.00	\$ 45.00
ACH Optional Reports Mail	10	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ACH Standard Reports Fax	1	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00
ACH Standard Reports Mail	4	\$ 10.00	\$ 40.00	\$ 10.00	\$ 40.00	\$ 10.00	\$ 40.00
<b>Total General ACH Services</b>			\$ 1,017.09		\$ 753.97		\$ 753.97
<b>Wire Transfer Services</b>							
Electronic Wire Out Domestic	11	\$ 6.00	\$ 66.00	\$ 6.00	\$ 66.00	\$ 6.00	\$ 66.00
Direct Account Transfer	7	\$ 3.00	\$ 21.00	\$ 3.00	\$ 21.00	\$ 3.00	\$ 21.00
Elec Wire Out Book	1	\$ 4.00	\$ 4.00	\$ 4.00	\$ 4.00	\$ 4.00	\$ 4.00
Incoming Domestic Wire	7	\$ 7.50	\$ 52.50	\$ 7.00	\$ 49.00	\$ 7.00	\$ 49.00
Wire Repetitive Template Storage	9	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Customer Maintenance Template Storage	13	\$ 0.50	\$ 6.50	\$ 0.50	\$ 6.50	\$ 0.50	\$ 6.50
Direct Wire Maintenance Fee	1	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00
<b>Total Wire Transfer Services</b>			\$ 175.00		\$ 171.50		\$ 171.50
<b>Information Services</b>							
Direct Previous Day Account Fee	1	\$ 100.00	\$ 100.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00
Direct Previous Day Standard Item	471	\$ 0.07	\$ 32.97	\$ 0.07	\$ 32.97	\$ 0.07	\$ 32.97
Direct Current Day Standard Item	605	\$ 0.60	\$ 363.00	\$ 0.25	\$ 151.25	\$ 0.25	\$ 151.25
Direct Current Day Account Fee	1	\$ 100.00	\$ 100.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00
<b>Total Information Services</b>			\$ 595.97		\$ 284.22		\$ 284.22
<b>TOTAL SERVICE FEES</b>			\$ 6,728.08		\$ 5,739.30		\$ 5,754.60



# CITY COUNCIL

For City Clerk's Use:

APPROVED  DENIED

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

Agenda Item No.: 9  
Date: January 5, 2011

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Joyce Masterson, Assistant to the City Manager  
**SUBJECT:** Proposal to Operate an Escondido Convention and Visitors Bureau

RECOMMENDATION:

It is requested that the City Council consider a proposal by the Escondido Chamber of Commerce to operate an Escondido Convention and Visitors Bureau.

FISCAL ANALYSIS:

Approximately \$60,000 remains in the budget for this current fiscal year for services previously provided by the North County Convention and Visitors Bureau. The Chamber of Commerce requests the use of those funds to hire a professional Visitor's Bureau Director.

PREVIOUS ACTION:

None

BACKGROUND:

A Convention and Visitors Bureau serves as an informational hub for visitors and potential residents alike. Along with a Chamber of Commerce, the Visitors Bureau is an organization often consulted on-line or in person for leisure, lifestyle, housing and economic information about the area that it serves. Up until several months ago, this service was provided in Escondido for many years by the North County Convention and Visitors Bureau.

The Escondido Chamber of Commerce has submitted a proposal to provide those services (See Attachment 1).

Respectfully submitted,

Joyce Masterson  
Assistant to the City Manager

September 28, 2010

Clay Phillips  
City Manager's Office  
City of Escondido  
201 N. Broadway  
Escondido, CA 92025

Dear Clay:

On behalf of the Board of Directors of the Escondido Chamber of Commerce I am pleased to present the attached proposal for operation of the Escondido Convention and Visitors Bureau.

**Background**

The North County Convention and Visitors Bureau withdrawal of services provided under contract to the City of Escondido is a matter of great concern to the Escondido Chamber of Commerce and its members. This action, which follows city budget-based decisions further eliminates city-sponsored economic development activities adversely impacting our business community and efforts to develop a vibrant economic base.

**Convention and Visitors Bureau**

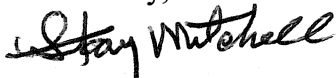
A "Convention and Visitors Bureau", or simply a "Visitors Bureau" in any community serves as an informational portal for visitors and potential residents alike. Along with a Chamber of Commerce, the Visitors Bureau is an organization often consulted on-line or in person for leisure, lifestyle, housing and economic information about the area that it serves.

In conjunction with the Chamber of Commerce, the Visitors Bureau could be the focal point for economic development activities for the City of Escondido. With the near elimination of the economic development department of the City of Escondido a Chamber-Visitors Bureau combination can be the "go-to" organization for information in the process of business development in Escondido.

**Proposal**

The Escondido Chamber of Commerce will assume the visitor's bureau functions for the City of Escondido as specified under the 2007-2008 contract. It is our understanding that approximately \$60,000 is still in the budget for the remainder of this fiscal year ending June 30, 2011. We are requesting those funds be available to us for use in hiring a professional Visitor's Bureau Director. We would like to thank you for this opportunity and consideration for this very important service to our city.

Sincerely,



Harvey Mitchell  
President & CEO  
Escondido Chamber of Commerce



Alfredo Velasco  
Chairman  
Escondido Chamber of Commerce



Escondido Chamber of Commerce  
Visitors and Convention Bureau

Proposed  
Scope of Services

December 1, 2010 – June 30, 2011

## Escondido Chamber of Commerce Convention & Visitors Bureau

### Business Plan

#### Objective 1

To promote Escondido's unique variety of topography, natural trails, historical sites and other points of interest.

#### Strategies:

- Generate editorial on Escondido and its visitor products and events through news releases, editorial contracts, media site visits, and update to travel guides.
- Generate coop advertising opportunities for Escondido businesses to increase sales.
- Actively participate in Escondido's Cross Promotions Group, including the Chamber of Commerce, DBA, Escondido Arts Partnership, CCAE, Escondido Children's Museum, etc.
- Maintain a high level of exposure for the city in various publications including the Escondido Magazine, visitors guide, etc.
- Refer walk-in, write-in, and phone-in travelers at the Visitors Bureau to local businesses. The Visitors bureau is located within the Chamber of Commerce building at 720 N Broadway.
- Increase traffic to the Visitors bureau by promoting it with better signage, a local street banner, information cards at area hotels and other high traffic areas.
- Work with the City of Escondido and North County Transit to examine opportunities to include the Escondido Chamber of Commerce and Visitors Bureau in directional signage in and around the Sprinter light rail system.
- Print and distribute an Escondido walking map at the Visitors bureau and other high traffic areas. The map directs visitors to Escondido businesses, services, and points of interest including events and restaurants.
- Create a Visitors Bureau website which will include Escondido information, itineraries and direct links to Escondido businesses and Escondido City Hall. Maintain an Escondido-specific community page, including graphics and information from the Escondido map. Capture names in an opt-in database and email Escondido events and hot deals.
- Provide a dedicated computer station and web access in our lobby for walk-in traffic.
- Conduct visitor inquiry research to determine visitor demographics and economic impact to Escondido

- Maintain a calendar of Escondido events such as the Escondido Street Faire, Crusin' Grand, and the Grape Day Festival.
- Develop a Bureau's photo library with increased images of Escondido to be used by the media and travel trade in newspapers, travel publications, and brochures as well as the Bureau's visitors guide, direct mail and trade show booth.
- Promote Escondido businesses through membership in the Visitors Bureau.

## **OBJECTIVE 2**

Solicit contacts for sporting events and traveling team tournaments.

Strategies:

- Contract local sporting event organizers to assist in placing sports groups in Escondido.
- Utilize nontraditional venues, such as high school grounds, for citywide sporting events.
- Partner with the San Diego International Sports Council to secure new sporting events

## **OBJECTIVE 3**

Generate group business by contacting such as social, fraternal, religious, and reunion organizations. Also outdoor recreation clubs and other types of conventions will be contacted as appropriate.

Strategies:

- Contact organizations that have state and regional meetings.
- Coordinate with the National Association of Reunion Managers and target reunion activities.
- Review local club directories, newspapers and magazine and solicit regional meetings to be held in Escondido.

## **OBJECTIVE 4**

Increase corporate/professional association group business at the California Center for the Arts, local hotels, and attractions.

Strategies:

- Solicit group business to utilize California Center for the Arts and neighboring hotels for their multi-day meetings and special events. This will be done through phone solicitations, direct email marketing and sales calls.
- Assist in creating an alliance for local Escondido hotels and the California Center for the Arts in order to solicit mini-citywide conferences.
- Attend key trade shows to develop leads for corporate/professional association group business.

**OBJECTIVE 5**

Solicit contracting tour groups to visit Escondido and highlight the following areas:

- a) Attractions
- b) Cultural
- c) Historical
- d) Shopping
- e) Golf

Strategies:

- Develop sample travel itineraries for tour planners.
- Host contracting workshops for major e-commerce companies such as Expedia.com, Hotels.com, and Travelworm.com to educate and encourage Escondido hotels to enter contracts with these high producing on-line booking engines.
- Work with internet consolidators to ensure their travel sites optimize bookings to the City of Escondido by providing destination photos, event listings, local contacts, correct mapping, destination placement, branding, etc. Work with Escondido hotels and attractions to make sure their placement on the travel sites are optimized.

**Additional Services To Be Provided**

1. Provide biannual performance reports to the City, including written narrative on program progress and/or delays in relation to goals and objectives in the Scope of Services. The first contract with the city will be December 1, 2010 through June 30, 2011 (7 months). The next fiscal period will start July 1 through June 30, 2012. This is keeping with the city's budget process.

2. First report due July 18, 2011.
3. Provide a year-end performance report to the City outlining Visitor Bureau results.
4. Prior to July 18, 2011 provide a detailed 2011/2012 budget, as directed by the City, showing how City funds will be spent.
5. Maintain records, invoices, and relevant documentation supporting services provided.
6. Conduct customer service feedback programs as directed by the City.



# CITY COUNCIL

For City Clerk's Use:

APPROVED  DENIED

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

Agenda Item No.: 10  
Date: \_\_\_\_\_

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jeffrey Epp, City Attorney  
Corrine Neuffer, Deputy City Attorney

**SUBJECT:** City Council Meetings and Procedures

**RECOMMENDATION:**

It is recommended that the City Council adopt Ordinance 2011-05 amending Sections 2-21 and 2-24 of the Escondido Municipal Code pertaining to the time of regular meetings and the selection of a Deputy Mayor, and adopt Resolution 2011-07 amending the Council Rules and Procedures to provide for similar changes.

**BACKGROUND:**

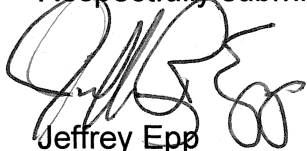
California Government Code Section 36813 authorizes a City Council to adopt rules of procedure to govern its meetings. Section 36801 also provides authority for the City Council to select one of its members to serve as a Deputy Mayor. In addition, California Government Code Section 54954 allows the City Council to provide the time and place for holding regular meetings. The Escondido Municipal Code provides for the regular meeting times and the selection of a Deputy Mayor. The City Council has previously adopted other rules of policy and procedure by means of a resolution.

The proposed modifications include:

1. Amending the Escondido Municipal Code to change the time of the regular meeting to 3:00 p.m. commencing with closed session items and followed by the regular public meeting commencing at 4:00 p.m. This enables greater efficiency in conducting the closed sessions, avoids the "gap" which occasionally exists between the current 4:00 p.m. and 7:00 p.m. meeting schedule, and still provides the opportunity for certainty with public hearings, which can be scheduled to commence at a time certain.
2. Amending the Escondido Municipal Code to provide greater guidance on the selection of a Deputy Mayor, and to change the current designation of "mayor pro tem" to the term used in more cities, which is "Deputy Mayor." Selection of the Deputy Mayor will be done on a rotating basis with priority given to the most senior Council member who has never served as Deputy Mayor. If two new Council members are elected at the same time, the one with the highest votes is given first preference. After all Council members serve one term, the selection reverts to the normal rotation process.

3. Amending the Council Rules and Procedures to accommodate references to the above items.
4. Amending the Council Rules of Procedure to specify (except for staff-generated items), no items may appear on the agenda for discussion and action without the consent of at least two Council members. This assures greater unity in the items of discussion and helps the Council to adhere to its longstanding rule to only discuss or take action on items directly within the business of the City.

Respectfully submitted,



Jeffrey Epp  
City Attorney



Corrine Neuffer  
Deputy City Attorney

10.a

RESOLUTION NO. 2011-07

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AMENDING AND READOPTING RULES OF  
PROCEDURE FOR CITY COUNCIL  
MEETINGS AND CITY COUNCIL POLICIES

WHEREAS, the City Council of the City of Escondido, State of California, has previously adopted resolutions which provide Rules of Order and Procedure for City Council meetings and certain written policies governing Council procedures and methods of operation which are amended from time to time; and

WHEREAS, the Council wishes to re-adopt its Rules and Policies for the purpose of including certain amendments and clarifications.

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 following sections shall govern the City Council:

Section A: Rules of Order and Procedure

1. Time of Regular Meetings.

Unless the City Council schedules otherwise or cancels a meeting, the City Council shall hold regular meetings at 3:00 p.m. commencing with closed session items and thereafter at 4:00 p.m. commencing with a public session on each of the first four (4) Wednesdays of each calendar month at the City Hall.



2. Matters Covered.

For the purpose of efficiently focusing only on matters affecting the City of Escondido, the Council shall not consider any resolution, motion or matter which does not affect the conduct of the business of the City of Escondido or its corporate powers or duties as a municipal corporation nor shall the Council consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of California, the Congress of the United States or before any officer or agency of said State or nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of Escondido or its officers or employees as such.

3. Order of Business.

Regular business of the Council at the 4:00 p.m. public session shall be taken up for consideration in substantially the following order, except as may be otherwise ordered by the Mayor or Council:

- a. Moment of Reflection
- b. Flag Salute
- c. Roll Call
- d. Introductions/Proclamations/ Presentations
- e. Oral Communications
- f. Consent Calendar, including Affidavits of Publications, Mailing, Posting, Warrant Register & Minutes
- g. Ordinances and Resolutions
- h. Public Hearings

- i. Current Business Matters
- j. Briefing (Staff)
- k. Future Agenda Items
- l. Oral Communications
- m. Council/Commission Member Comments
- o. Adjournment

4. Consent Calendar Defined.

From time to time the Council may schedule a "workshop" style meeting. Such workshops shall comply with all applicable laws and shall be dedicated primarily to general information gathering and sharing, discussion and possible direction to staff. Final actions of the Council shall not take place at workshop sessions.

Those items on the Council agenda which are generally considered routine matter of business such as the approval of minutes, Treasurer's Quarterly Investment Report, bid awards, resolutions setting hearings, final maps and various leases and agreements are listed on the "Consent Calendar" and shall be adopted by one motion unless Council, staff or a member of the public requests specific items to be discussed and/or removed for separate action. Those items so approved under the heading "Consent Calendar" will appear in the Council minutes in their proper form, i.e., resolution accepting grant deed or easement, approval of minutes, award of bid, etc.

5. Oral Communications.

Time has been reserved near the beginning and end of each regular meeting agenda to provide an opportunity for members of the

public to directly address the Council on items of interest to the public. Comments on an item already appearing on the agenda shall only be taken at the time reserved for discussion of that agenda item. No action will be taken by the Council on items discussed under Oral Communications, except to refer the matter to staff or schedule for future action.

6. Council Member Comments.

The Council Member comments agenda item provides members of the Council an opportunity to raise items not currently before the Council for updates and briefing. No action or discussion shall occur on any such matter.

7. Council Action.

Upon motion being made and seconded by any Council member, a roll call vote shall be taken. A motion that fails to obtain a second or a majority vote shall die.

8. Manner of Addressing Council - Time Limit.

- a. Each person addressing the Council shall step up to the microphone, shall state their name and city of residence in an audible tone of voice for the record and, unless further time is granted by concurrence of the Council, shall limit their address to three (3) minutes. If significant numbers of persons desire to speak on a given item, the presiding officer shall limit speaking times. Longer time limits may be

permitted for an applicant, appellant, or spokesperson for a larger group, at the discretion of the presiding officer.

- b. Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented at the time by any other member of the said group, to limit the number of persons so addressing the Council so as to avoid unnecessary repetitions before the Council.

9. Posting of Agenda.

At least 72 hours before a regular meeting, the City Clerk shall post a certified copy of the agenda specifying the time and location of the regular meeting in a place accessible so as to be available for review by members of the public.

10. Content of Agenda.

Under state law, the City Council is limited to consideration of items which are on a posted agenda. Items may be placed on an agenda only by city staff or upon the concurrence of two individual Council members. Council agenda items shall be coordinated with the City Manager, and in addition, a Council Member wishing to place a matter on the agenda for discussion and action shall first request the City Clerk (in writing or by electronic mail) to list the item under the category of "Future Agenda

Items." Only after the item has received the assent of two Council members and has appeared at least once as a "Future Agenda Item" may it appear on the regular Council agenda for discussion and action. To the fullest extent practicable, any items placed on the agenda by City staff shall also be listed under "Future Agenda Items" to assure the best possible advance notice of the nature of items and discussion which are upcoming.

11. Closing Time of Council Meetings.

No agenda item may be introduced after the hour of 10:00 p.m.; however, the meeting may be extended beyond 10:00 p.m. upon a majority vote of the Council members.

12. Processing of Motions.

- a. When a motion is made, it shall be stated clearly and concisely by its mover. After a motion is made and seconded, it shall be stated by the presiding officer before debate. A motion may be withdrawn by the mover without consent of the Council members.
- b. The presiding officer shall at any time by majority consent of the Council members, permit a Council member to propose the reordering of agenda items.
- c. If a question contains two or more divisible propositions, the presiding officer may, and upon request of a Council member shall, divide the same.

13. Precedence of Motions.

a. When a motion is before the Council, no motion shall be entertained except (precedence in order indicated):

- (1) To adjourn
- (2) To fix hour of adjournment
- (3) To lay on the table
- (4) For the previous question
- (5) To postpone to a certain day
- (6) To refer
- (7) To amend
- (8) To postpone indefinitely

b. A motion to adjourn shall be in order any time, except as follows:

- (1) When repeated without intervening business or discussion
- (2) When made as an interruption of a member while speaking
- (3) When the previous question has been ordered
- (4) While a vote is being taken

c. A motion to adjourn "to another time" is debatable only as to the time to which the meeting is adjourned.

d. A motion to table or lay on the table is not debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" only by adding it to the

agenda of the next regular meeting, to be discussed at the following regular meeting.

- e. A motion for previous question shall close debate on the main motion and shall be undebatable. The statement by a Councilperson of "question" does not accomplish the same purpose. If a motion fails, debate is reopened; if motion passes, then vote shall be taken on the main motion.
- f. A motion to amend shall be in order and is debatable only as to amendment. A motion to amend an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and amendments are to be voted first, then the main motion is amended.
- g. A motion to postpone indefinitely shall be fully debatable and if the same is adopted, the principal motion shall be declared lost. A motion to postpone to a definite time shall be amendable and debatable as to propriety of postponement and time set.
- h. A motion to refer shall not be debatable except for the propriety of referring.

14. Administrative Mandamus.

Persons who are dissatisfied with a decision of the City Council

may have the right to seek review of that decision by a court. In addition, the City has adopted Section 1094.6 of the Code of Civil Procedure which generally limits to ninety (90) days the time within which the decision of City boards and agencies may be judicially challenged.

15. Appeals; Continuances.

Any person appealing an action of a City Commission or City Staff to the City Council has a right to two two-week postponements of the initial hearing scheduled on the appeal. After exhaustion of this right, the appeal shall be considered withdrawn. This procedure shall not limit the ability of the City Council to continue a hearing which has commenced to a subsequent meeting to receive additional public testimony or information from City Staff.

16. Reconsideration.

Any member of the Council, voting in the majority on any action of the Council, may at the same meeting, or at a subsequent time, request the Council reconsider an action. A reconsideration request made by a member of the Council voting in the minority shall not be allowed, except when made more than one (1) year after the date of the original action.

All requests for reconsideration of a Council action shall be provided to each Council member, and the City Manager in writing or via electronic mail, and the request shall be placed on the next available agenda. In the event an item to be reconsidered requires public notice, it



shall be calendared and noticed after Council determines when reconsideration shall occur.

17. Personal Privilege.

The right of any Council member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned.

18. Council Conduct.

No member of the Council shall act in such a manner as to call into disrepute the public image of the Council or which is discourteous to or results in the constant interruption of other members of the Council or members of the public.

19. Parliamentarian.

A majority vote of the Council shall generally control matters of procedure not addressed by this Resolution. The City Attorney shall decide all other questions of interpretations of these rules and any other questions of a parliamentary nature which may arise at a City Council meeting.

20. Voting and Non-Profit Entity Membership.

It shall be the policy of this Council that a council member who serves on the governing board of a non-profit entity shall not participate in the discussion or voting process to determine whether or not that non-profit entity receives City funds. In the event the request of a non-profit entity with a council member on its governing board is part of a larger

request involving several items, or is part of the budget process, a separate vote shall be taken to allow the necessary abstention.

21. Selection of Chairperson.

In the event that the Mayor and the Deputy Mayor are absent from a City Council meeting, the three remaining Council members present shall promptly determine which Council member will conduct and serve as the chairperson of the meeting.

Section B: City Council Policies.

1. Correspondence with Members of the City Council.

The purpose of this policy is to provide for a coordinated response to correspondence (i.e. letters, emails, and similar items) which is sent to the City generally, or in which the same correspondence is sent in identical fashion to all Council members. In such circumstances, the Council directs that the Mayor (or as appropriate the City Manager or City Attorney) shall answer such correspondence on behalf of the City, according to the procedure set forth below.

In addition to individual e-mail addresses, the City Manager's Office shall also establish a shared email address by which citizens may direct emails to all Council members at the same time. The shared email address shall be featured on the City's website and in other publications in such a manner as to allow citizens to use the address and thereby communicate with all Council members at the same time. All Council members shall have access to review items in the mailbox at all times. All

responses to such emails shall also be sent from the shared mailbox, such that all Council members may review such responses.

With respect to other communications, such as those involving other governmental entities, organizations, and related entities where such communication occurs between the entities rather than specific individuals, the Mayor shall respond on behalf of the City, with copies to all Council members. Matters involving routine city administrative issues shall generally be responded to by either the City Manager or City Attorney, as appropriate, on behalf of the City. With respect to correspondence that consists of invitations to events, the Mayor and Council shall coordinate such invitations with the City Manager's support staff.

Because substantial portions of City Council communication, whether electronic or written, is subject to California's Public Records laws, all City Council communications shall be coordinated with the City Manager for the purpose of compliance with various laws governing public records. All Council members using city computers shall be subject to the City's Administrative Directives regarding computer use.

## 2. Press Releases.

All press releases on behalf of the City shall be issued on City letterhead and only on behalf of the City generally or the entire City Council. Press releases shall be prepared and coordinated by the City Manager's Office.

3. Council Calendar.

The responsibility for managing the calendars of the City Council and the City Council members shall be delegated to the City Manager's secretary.

4. Audits.

Staff shall informally assist the City Council in a periodic accounting of individual expenditures for travel, phone use, etc.

5. Credit Card Use.

Credit cards are available for use by individual members of the City Council. Such credit cards shall be used only for official city business. Council members shall not use a City credit card, or be reimbursed for purchases of meals for others.

6. Council Travel Policy.

Council members shall be bound by all City policies, as expressed in Administrative Directives or otherwise, regarding travel on City business.

Elected officials shall provide brief reports on meetings attended at the City's expense at the next regular City Council meeting. If multiple elected officials attended, a joint report may be made. Reports may be provided in writing as part of the Agenda packet distribution.

The City Council generally has a fixed amount in the City Council budget. It shall be the policy of the council to see that each Council

member generally attempts to stay within approximately one-fifth of that entire budget.

7. Council Communication with Staff.

The Council members shall request information or give direction only to the City Manager or City Attorney. Requests for information should be directed to the City Manager although incidental or minor requests (not involving analysis or significant time), may be requested directly from department heads, with a copy to the City Manager. Requests which involve change of policy, expenditure of funds, or use of significant staff time shall be submitted to the full Council for approval. In the absence of the City Manager or the City Attorney, requests should be made to designated Assistants.

8. Review of Reimbursements.

The Director of Finance or a designee shall review all City Council requests for reimbursement of expenses for consistency with City policy on such expenses.

In all cases, Council members shall be bound by the same policies and procedures adopted and applicable for all City employees on a Citywide basis. To the extent such policies provide for per diem reimbursements, auto allowances, and related forms of reimbursement rather than receipt-specific reimbursement, it is hereby determined that such per diem or fixed amount reimbursements, so long as applicable to

all city employees, are the best and most efficient method of reimbursing expenses on an actual and necessary basis.

9. Council Salary.

To assure attention to the Council compensation allowable under state law, the City Council shall have an agenda item during a meeting in December of odd numbered years for the purpose of determining whether or not to take action regarding Council compensation.

Section C: City Council Ethics Policy.

1. Declaration of Policy.

The respected operation of democratic government emphasizes that elected officials be independent, impartial, and responsible to the people. It requires that they conduct themselves in a manner above reproach.

This Ethics Policy provides the following general guidelines and specific prohibitions to which elected Escondido City Officials must conform in pursuit of their assigned duties and responsibilities. This policy is in addition to all applicable provisions of state law, including the Brown Act, the Political Reform Act and implementing regulations, and all other laws governing the conduct of elected officials.

2. Disclosure of Closed Session Matter.

No member of the City Council shall disclose to any person, other than members of the Council, the City Attorney, the City Manager, or other City staff designated by the City Manager to handle such matters of

confidential City business, the content or substance of any information presented or discussed during a closed session meeting unless the City Council first authorizes such disclosure by the affirmative vote of three members.

3. Disclosure of Confidential Communications.

Except when disclosure is mandated by state or federal law, no member of the City Council shall disclose to any person, other than members of the Council, the City Attorney, or the City Manager, or other City staff designated by the City Manager to handle such matters of confidential City business, the content or substance of any confidential or privileged communication relating to matters of City business, received under circumstances where the confidential or privileged nature of the communication is reasonably conveyed, unless the City Council first authorizes such disclosure by the affirmative vote of three members of the City Council.

4. Conduct During Negotiations/Litigation.

The City Council is authorized to provide direction to specifically identified negotiators in a legally constituted closed session on matters involving pending litigation, real estate negotiations, and labor negotiations. If the City Council in closed session provides such direction to its negotiators, all contact with the negotiating party or the party's representative, shall be limited to, and made by, those individuals designated to handle the negotiations.

During a pending labor negotiation, no member of the City Council shall have any contact or discussion with the negotiating party or the party's representative regarding the subject matter of the pending negotiation. In addition, during pending litigation or real estate negotiations, no member of the City Council (unless they have been designated as a negotiator) shall have any contact or discussion with the litigating or negotiating party or the party's representative regarding the subject matter of the pending litigation or real estate negotiations.

No member of the City Council shall communicate or disclose to any person, other than members of the Council, the City Attorney, the City Manager, or other City staff designated by the City Manager to handle such matters of confidential City business, any discussion or information received in closed session regarding the negotiation or litigation.

Nothing in this section shall prohibit Council members from receiving written communications provided they are made available to all Council members, the City Manager, the City Attorney, and the City's designated negotiators on an equal basis.

5. Ex Parte Communications.

The purpose of this provision is to guarantee that all interested parties to any matter before the City Council have equal opportunity to express and represent their interests. Ex parte communications are those communications members of the City Council have with representatives of only one side of a matter outside the presence of other interested parties.



A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

Any written or oral ex parte communication received by a member of the City Council in matters where all interested parties are entitled to an equal opportunity for a hearing shall be made a part of the record by the recipient.

6. Violations and Penalties.

Any violation of this Ethics Policy by a member of the City Council shall constitute official misconduct if determined by an affirmative vote of three members of the City Council in an open and public meeting. In addition to any criminal or civil penalties provided for by federal, state or other local law, any violation of this Ethics Policy shall constitute a cause for censure by City Council adoption of a Resolution of Censure.

10.6

ORDINANCE NO. 2011-05

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AMENDING SECTIONS 2-21 AND 2-24 OF  
THE ESCONDIDO MUNICIPAL CODE  
PERTAINING TO THE TIME OF REGULAR  
CITY COUNCIL MEETINGS AND SELECTION  
OF A DEPUTY MAYOR

WHEREAS, California Government Code Section 36813 authorizes a City Council to adopt rules of procedure to govern its meetings; and

WHEREAS, California Government Code Section 54954 allows the City Council to provide the time and place for holding regular meetings; and

WHEREAS, California Government Code Section 36801 also provides authority for the City Council to select one of its members to serve as a Deputy Mayor; and

WHEREAS, Sections 2-21 and 2-24 of the Escondido Municipal Code provides for the regular meeting times and the selection of a Deputy Mayor.

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That Section 2-21 of the Escondido Municipal Code is amended to read as follows:

**Sec. 2-21. Time, location of meetings.**

- (a) The City Council shall hold regular meetings commencing with closed

session items at 3:00 p.m. and regular public meetings at 4:00 p.m. on each of the first four (4) Wednesdays of each calendar month at the Escondido City Hall or such other location as the City Council may designate from time to time.

- (b) If any regular City Council meeting falls on a holiday, such meeting shall be held on the next business day or on such other day as the City Council may designate.

SECTION 2. That Section 2-24 of the Escondido Municipal Code is amended to read as follows:

**Sec. 2-24. Selection of Deputy Mayor.**

- (a) The City Council shall meet on the first Wednesday following certification of the results of the general municipal election and select a Deputy Mayor by appointment from among the Council members.
- (b) Selection of the Deputy Mayor will be done on a rotating basis with priority given to the most senior Council member who has never served as Deputy Mayor. If two new Council members are elected at the same time, the one with the highest votes shall have first preference in the selection. After all Council members serve one term as Deputy Mayor, the selection shall revert to a normal rotation process.
- (c) The Deputy Mayor shall serve until a new appointment is made in accordance with this section.

SECTION 3. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 4. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.



ITEM NO.: 11

AGENDA: 1-5-11

There is no material for this agenda item.

**THE FOLLOWING ITEM(S) WILL BE DISTRIBUTED WHEN AVAILABLE:**

- ( ) Staff Report
- ( ) Resolution No.: \_\_\_\_\_
- ( ) Ordinance No.: \_\_\_\_\_
- ( ) Exhibits/Attachments: \_\_\_\_\_

**DUE TO THE SIZE OF THIS AGENDA ITEM:**

- ( ) **COUNCIL MEMBERS:** A copy is in the Council Reading File
- ( ) **Staff and others:** A copy is available in the City Clerks Office for viewing



**FUTURE CITY COUNCIL AGENDA ITEMS**  
**December 29, 2010**

AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO CHANGE. CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617

Green Sheet Due by Noon on Monday, 12/27/10  
 Staff Reports/Resos due by Noon on Tuesday 1/4/11

<b>JANUARY 12, 2011</b>	
<b>4:00 p.m.</b>	
	<b>CONSENT CALENDAR</b>
	<b>Fifth Amendment to Consultant Agreement for Bear/East Valley Parkway Project for Environmental Services (Helix)</b> (E. Domingue)
1	<i>In 2004, as part of the Bear/East Valley Pkwy. project, the Federal Highway Administration (FHWA) approved an environmental document for the complete project. Design of the last phase of this work is now beginning and requires review and potentially some updates to the environmental documents previously prepared and processed to approval by Helix.</i>
	<b>PUBLIC HEARINGS:</b>
	<b>CURRENT BUSINESS</b>
	<b>Revisions to the Standard Urban Stormwater Mitigation Plan (SUSMP) to comply with the Requirements Specified by the Municipal Stormwater Permit, Order No. R9-2007-0001</b> (C. Filar/H. Namdari)
2	<i>The proposed revisions to the City's SUSMP will incorporate the Final Hydromodification Plan (HMP), which was developed by the San Diego region's copermittees in compliance with the Municipal Storm Water Permit, Order No. R9-2007-0001. The HMP identifies standards to control stormwater runoff rates within geographic areas likely to cause increased erosion of channel beds and banks and sediment pollution generation.</i>
3	<b>Future Agenda Items (M. Whalen)</b>
<b>7:00 p.m.</b>	
	<b>PUBLIC HEARINGS:</b>
4	<b>Rate Study Results and Water and Wastewater Rate Adjustments for 2011-2015</b> (L. Vereker)  <i>Hearing to discuss results of the water and wastewater rate study and to consider the proposed water and wastewater rates and fees</i>
	<b>CURRENT BUSINESS</b>

**JANUARY 19, 2011 – NO MEETING**