

Council Meeting Agenda

January 25, 2012

CITY COUNCIL CHAMBERS

3:30 p.m. Closed Session; 4:30 p.m. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Sam Abed
DEPUTY MAYOR	Marie Waldron
COUNCIL MEMBERS	Olga Diaz Ed Gallo Michael Morasco
CITY MANAGER	Clay Phillips
CITY CLERK	Diane Halverson
CITY ATTORNEY	Jeffrey Epp
DIRECTOR OF COMMUNITY DEVELOPMENT	Barbara Redlitz
DIRECTOR OF ENGINEERING SERVICES	Ed Domingue

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 25, 2012
3:30 p.m. Meeting

Escondido City Council Community Development Commission

CALL TO ORDER

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

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.)

CLOSED SESSION: (COUNCIL/CDC/RRB)

- I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)**
 - a. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Police Officers' Association
 - b. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido Firefighters' Association
 - c. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Administrative/Clerical Engineering (ACE) Bargaining Unit
 - d. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Supervisory (SUP) Bargaining Unit
 - e. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Non-Sworn Police Bargaining Unit

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

Name of case: Arriola v City of Escondido; Case No. 37-2010-00062685-CU-PO-NC

III. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:

a. Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9(b): **TWO cases**

1V. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

a. Property: 150 East Valley Parkway
City Negotiator: John Crayton
Negotiating parties: City and San Diego County Credit Union
Under negotiation: Price and terms of payment

ADJOURNMENT



Council Meeting Agenda

January 25, 2012
4:30 p.m. Meeting

Escondido City Council
Community Development Commission
Escondido Joint Powers Financing Authority

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

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

ORAL COMMUNICATIONS

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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: Special and Regular Meetings of December 14, 2011**
4. **NOTICE OF COMPLETION FOR SECONDARY CLARIFIERS REHABILITATION PROJECT –**
Request Council authorize the Director of Utilities to file a Notice of Completion for the project.

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

RESOLUTION NO. 2012-09

5. **FISCAL YEAR 2011-12 STATE OF CALIFORNIA CITIZENS' OPTIONS FOR PUBLIC SAFETY (COPS) PROGRAM GRANT AND BUDGET ADJUSTMENT –** Request Council accept a FY 2011-12 Citizens' Options for Public Safety (COPS) Program Grant in an amount up to \$275,534; and approve grant expenditures consistent with guidelines in AB 1913; and authorize the Chief of Police to submit the COPS spending plan to the San Diego County Supplemental Law Enforcement Oversight Committee (SLEOC); and authorize staff to establish budgets to spend grant funds to support front-line law enforcement needs.

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

6. **FISCAL YEAR 2011 OPERATION STONEGARDEN GRANT AND BUDGET ADJUSTMENT –** Request Council authorize the Escondido Police Department to accept FY 2011 Operation Stonegarden grant funds in the amount of \$69,695 from the California Emergency Management Agency through the County of San Diego; and authorize the Chief of Police to submit grant documents on behalf of the City; and approve budget adjustments needed for equipment and overtime expenses.

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

7. **CARE YOUTH PROJECT GRANT AND BUDGET ADJUSTMENTS –** Request Council accept \$39,500 in funds from the Escondido Union School District's CARE Youth Project Grant; and approve grant expenditures consistent with guidelines; and authorize the Chief of Police to submit grant documents on behalf of the City; and authorize staff to establish budgets to spend grant funds.

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

CONSENT CALENDAR - Continued

8. **FISCAL YEAR 2011-12 DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL MINOR DECOY/SHOULDER TAP MINI-GRANT AND BUDGET ADJUSTMENT** – Request Council authorize the Escondido Police Department to accept a mini-grant award from the California Department of Alcoholic Beverage Control (ABC) in the amount of \$7,500; and authorize the Chief of Police to submit grant documents; and approve budget adjustments needed for overtime expenses.

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

9. **CITY COUNCIL AND MAYORAL COMPENSATION AND BENEFITS** – Request Council approve the increase to the salary schedule for the City Council members to \$1569 per month and update the current salary for the Mayor; and approve to reduce the paying and reporting of the value of Employer Paid Member Contributions (EPMC) from four percent (4%) to zero percent (0%) effective December 1, 2012 for elected officials.

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

- a. ORDINANCE NO. 2012-04 Introduction and First Reading
- b. ORDINANCE NO. 2012-05 Introduction and First Reading
- c. RESOLUTION NO. 2012-10

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. **MASTER DEVELOPMENT PLAN MODIFICATION TO AMEND THE LIST OF PERMITTED USES FOR THE CENTRE CITY VILLAGE/URBANA MIXED-USE DEVELOPMENT (PHG 11-0037)** – **Approved on January 11, 2012, with a vote of 5/0.**

ORDINANCE NO. 2012-01 Second Reading and Adoption

11. **EXTENSION OF WESTFIELD SHOPPING CENTER GROUND LEASE** – **Approved on January 11, 2012, with a vote of 5/0.**

ORDINANCE 2012-02 Second Reading and Adoption

PUBLIC HEARINGS

12. **SPECIFIC PLAN AMENDMENT FOR AN AT&T WIRELESS COMMUNICATION FACILITY (PHG 11-0010)** – Request Council approve an amendment to the Palos Vista Specific Plan to allow a modification to an existing AT&T wireless communication facility.

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

RESOLUTION NO. 2012-08

13. **CONDITIONAL USE PERMIT AND ZONE CHANGE FOR ESCONDIDO FIRE STATION NO. 4 (PHG 11-0017)** – Request Council approve a Conditional Use Permit for the reconstruction of an approximately 5,963 SF, single-story fire station (Fire Station No. 4) for the Escondido Fire Department in conjunction with a zone change to apply the Public Safety Facilities Overlay Zone to the approximately one-acre site located in Kit Carson Park.

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

- a. RESOLUTION NO. 2012-05
- b. ORDINANCE NO. 2012-03 Introduction and First Reading

CURRENT BUSINESS

14. **KIT CARSON PARK PROPOSAL FOR AGREEMENT WITH STONE BREWING FOR EXCLUSIVE CATERING/CONCESSION OPERATIONS AT ADULT SPORTS CENTER, QUEEN CALIFIA MAGICAL GARDEN AND AMPHITHEATER** – Request Council consider entering into a contract with Stone Brewing for exclusive catering and concessions services at Queen Califia Magical Garden, the Amphitheater and Adult Softball Complex.

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

15. **ACCEPT THE FINAL ESCONDIDO CREEK MASTER PLAN AND AUTHORIZE STAFF TO SEEK AND ACQUIRE GRANTS TO CONTINUE CREEK REVITALIZATION** – Request Council approve the final Escondido Creek Master Plan and authorize staff to seek and acquire grant funding that will enable the City to continue revitalization of the Escondido Creek.

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

RESOLUTION NO. 2012-11

CURRENT BUSINESS - Continued

16. **REDEVELOPMENT DISSOLUTION** – Discussion and actions necessary to create successor agency, adopt Recognized Enforceable Obligation Schedule, administrative budget and other matters.

Staff Recommendation: **(Attorney's Office: Jeffrey Epp)**

- a. RESOLUTION NO. 2012-16
- b. RESOLUTION NO. 2012-17

17. **ISSUANCE OF REVENUE BONDS FOR WATER SYSTEM IMPROVEMENTS** – Request Council and the Escondido Joint Powers Financing Authority authorizing the Issuance of not to exceed \$41,000,000 Principal Amount of Revenue Bonds (Water System Financing), Series 2012 and approving certain documents and authorizing certain actions including modifying the FY 2011/12 Water CIP budget to reflect the projects listed within this Bond Issue.

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

- a. RESOLUTION NO. 2012-13
- b. RESOLUTION NO. EJPFA 2012-01

18. **ISSUANCE OF REVENUE BONDS FOR WASTEWATER SYSTEM IMPROVEMENTS** – Request Council and the Escondido Joint Powers Financing Authority authorizing the issuance of not to exceed \$35,000,000 Principal Amount of Revenue Bonds (Wastewater System Financing), Series 2012 and approving certain documents and authorizing certain actions including modifying the FY 2011/12 Wastewater CIP budget to reflect the projects listed within this Bond Issue.

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

- a. RESOLUTION NO. 2012-14
- b. RESOLUTION NO. EJPFA 2012-02

WORKSHOP

19. **2011-2012 CITY COUNCIL ACTION PLAN UPDATE** – Request Council receive and file the 2011-2012 City Council Action Plan update and provide direction on potential adjustments to the document.

Staff Recommendation: Receive and file **(City Manager's Office: Joyce Masterson)**

FUTURE AGENDA

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

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

ORAL COMMUNICATIONS

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COUNCIL MEMBERS’ COMMITTEE REPORTS/COMMENTS/BRIEFING

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
February 1	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers
February 8	Wednesday	8:30 a.m.	State of the City	California Center for the Arts, Escondido
February 15	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers
February 22			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 U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and 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 3:30 in Closed Session and 4:30 in Open Session.

(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
December 14, 2011
3:00 p.m. Special Meeting Minutes**

**Escondido City Council
Community Development Commission**

CALL TO ORDER

The Special Meeting of the Escondido City Council and Community Development Commission was called to order at 3:00 p.m. on Wednesday, December 14, 2011 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

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

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/CDC/RRB)

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

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

- a.** Property: 150 East Valley Parkway
Agency Negotiator: Debra Lundy
Negotiating Parties: City and San Diego County Credit Union
Under Negotiation: FMV Rent Adjustment and Lease Terms

- b.** Property: 272 Via Rancho Parkway, Escondido
Agency Negotiators: Clay Phillips
Negotiating parties: City and Westfield Shopping Town, Inc.
Under negotiation: Price and terms of payment

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

- a. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Police Officers' Association

- b. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido Firefighters' Association

III. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code §54956.9(a) Two cases:

- a. Name of case: Cirolia v. City of Escondido, Case No.:37-2010-00062036-CU-PO-NC
- b. Name of case: Arriola v. City of Escondido, Case No.:37-2010-00062685-CU-PO-NC

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

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:35 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
December 14, 2011
4:30 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 4:30 p.m. on Wednesday, December 14, 2011 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

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

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Barbara Redlitz, Community Development Director; Robb Zaino, Engineering Services Deputy Director; Diane Halverson, Deputy City Clerk; and Liane Uhl, Minutes Clerk.

ORAL COMMUNICATIONS

Maria Sandoval, Escondido, asked for a year-long shelter and a crisis shelter for the homeless.

Andrea Seavey, Escondido, asked for election districts.

Demetrio Gomez, Escondido, stated he wanted district elections.

Chris Nava, Escondido, voiced support for district elections.

Victor Torres, San Diego, urged Council to set up district elections.

Tooney Pierce, Escondido, indicated it was her first amendment right to clap in the Council Chambers.

Mauro Figueroa, Escondido, asked Council to move to district elections.

Roy Garrett, Escondido, indicated he supported district elections.

Linda Fluewelling, Escondido, urged Council to help the homeless.

Rabbi Laurie Coskey, San Diego, requested that Council set election districts.

Reverend Beth Johnson, Vista, asked the Council to form election districts.

Dashin Ansley, Escondido, urged Council to help the homeless.

Elizabeth Maldonado, La Mesa, asked Council to allow election districts.

Ivan Briggs, Newhall, CA, distributed information and listed the positive aspects of prevailing wages.

Estella del los Rios, San Diego, requested Council have election districts.

Carmen Miranda, Escondido, asked for election districts.

Daniel Perez, Escondido, urged Council to create election districts.

M.A. Mareck, Escondido, requested Council set up election districts.

CONSENT CALENDAR

Councilmember Waldron removed item 9, Councilmember Diaz removed item 5 and Councilmember Gallo removed item 6 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Diaz that the following Consent Calendar items be approved with the exception of items 5, 6 and 9. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: None Scheduled**
4. **CALPERS INDUSTRIAL DISABILITY RETIREMENT OF TIMOTHY KELLY** – Request Council approve the Industrial Disability Retirement of Timothy Kelly. (File No. 0170-57)

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

RESOLUTION NO. 2011-158

5. **FISCAL YEAR 2012 OFFICE OF TRAFFIC SAFETY SOBRIETY CHECKPOINT MINI-GRANT AND BUDGET ADJUSTMENT** – Request Council authorize the Escondido Police Department to accept a Fiscal Year 2012 Sobriety Checkpoint Mini-grant from the Office of Traffic Safety in the amount of \$75,530; and 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 if the checkpoints would be in concurrence with the new law.

Police Lieutenant Tom Albergo answered that the new law would be implemented.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to authorize the Escondido Police Department to accept a Fiscal Year 2012 Sobriety Checkpoint Mini-grant from the Office of Traffic Safety in the amount of \$75,530; and authorize the Chief of Police to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds. Motion carried unanimously.

- 6. FISCAL YEAR 2009 BUFFER ZONE PROTECTION PLAN (BZPP) GRANT AND BUDGET ADJUSTMENT** – Request Council authorize the Escondido Police Department to accept Fiscal Year 2009 Buffer Zone Protection Plan funds in the amount of \$194,000 from the United States Department of Homeland Security. (File No. 0480-70)

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

Councilmember Gallo asked for clarification of the grant.

Police Captain Bob Benton answered the grant was from Homeland Security.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize the Escondido Police Department to accept Fiscal Year 2009 Buffer Zone Protection Plan funds in the amount of \$194,000 from the United States Department of Homeland Security. Motion carried unanimously.

- 7. ASSET FORFEITURE FUND BUDGET ADJUSTMENT** – Request Council authorize staff to establish a budget in the amount of \$121,980 with Asset Forfeiture Funds to purchase equipment, services and training for front-line law enforcement operations. (File No. 0430-80)

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

- 8. DESTRUCTION OF POLICE RECORDS** – Request Council approve the destruction of the Police Department files and recordings listed in Exhibit A. (File No. 0160-35)

Staff Recommendation: Approval (**City Clerk's Office: Robert Zornado**)

RESOLUTION NO. 2011-160

- 9. MODIFICATION TO FUND BALANCE POLICY, CONSULTING AGREEMENT FOR ECONOMIC DEVELOPMENT MASTER PLAN AND COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY AND BUDGET ADJUSTMENT** – Request Council approve the modification to the Fund Balance Policy; and authorize a budget adjustment in the amount of \$96,300 from the General Fund Economic Development Commitment Fund to the City Manager's Professional Services account for the completion of an Economic Development Master Plan and Comprehensive Economic Development Strategy (CEDS); and authorize the Mayor and City Clerk to execute a consulting agreement with Natelson-Dale Group, Inc., to complete the project. (File No. 0600-10 [A-3038])

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

RESOLUTION NO. 2011-151

Councilmember Waldron stated this was a positive move for the City.

Joyce Masterson, Assistant to the City Manager, introduced Roger Dale and Paul Hendershot, Natelson-Dale Group, Inc. who presented a series of slides.

Lisa PrazEAU, Escondido, voiced concern that the Economic Development Master Plan would not be successful.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Gallo to approve the modification to the Fund Balance Policy; and authorize a budget adjustment in the amount of \$96,300 from the General Fund Economic Development Commitment Fund to the City Manager's Professional Services account for the completion of an Economic Development Master Plan and Comprehensive Economic Development Strategy (CEDS); and authorize the Mayor and City Clerk to execute a consulting agreement with Natelson-Dale Group, Inc., to complete the project and adopt Resolution No. 2011-151. Motion carried unanimously.

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

10. **REVISED CITY'S LOCAL LIMITS AND MUNICIPAL CODE CHAPTER 22, ARTICLE 1 AND 3 THROUGH 9** – Approved on December 7, 2011 with a vote of 4/0/1, Morasco absent. (File No. 0680-10)

ORDINANCE NO. 2011-18 – Second Reading and Adoption

PUBLIC HEARINGS

11. **BID AWARD, BUDGET ADJUSTMENT AND AMENDMENT TO FISCAL YEAR 2012-2016 TRANSNET PROGRAM OF PROJECTS FOR MAPLE STREET PEDESTRIAN PLAZA** - Request Council authorize the Mayor and City Clerk to execute an agreement with LB Civil Construction, Inc., in the amount of \$2,369,812 for the Maple Street Pedestrian Plaza project; and approve a budget adjustment in the amount of \$1,637,000 to fund the contract award and construction support costs; and amend the City's Fiscal Year 2012-2016 Local Streets and Roads Program of Projects adding \$813,970 of Local Transnet funding to the Maple Pedestrian Plaza project (ESC27). **CONTINUED FROM DECEMBER 7, 2011** (File No. 0600-10 [A-3030])

Staff Recommendation: Approval (**Engineering Services: Robert Zaino**)

- a. **RESOLUTION NO. 2011-142R**
- b. **RESOLUTION NO. 2011-149**

Charles Grimm, Assistant City Manager, gave the staff report and presented a series of slides. Robert Zaino, Engineering Services Deputy Director, presented a history of the Master Plan concept.

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

Lisa Prazeau, Escondido, voiced concern with the expense of the project.

Carol Rea, Escondido, expressed concern that the alley entrances to businesses would be closed.

Demetrio Gomez, Escondido, asked if the project could be rebid.

Claire Plotner., Escondido, voiced concern that her driveway would be closed.

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

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to authorize the Mayor and City Clerk to execute an agreement with LB Civil Construction, Inc., in the amount of \$2,369,812 for the Maple Street Pedestrian Plaza project excluding the kiosks and using the art fees to fund the water feature; approve a budget adjustment in the amount of \$1,637,000 to fund the contract award and construction support costs; amend the City's Fiscal Year 2012-2016 Local Streets and Roads Program of Projects adding \$813,970 of Local Transnet funding to the Maple Pedestrian Plaza project (ESC27); adopt Resolution No. 2011-142R and Resolution No. 2011-149. Ayes: Abed, Diaz, Gallo and Morasco. Noes: Waldron. Absent: None. Motion carried.

- 12. WATER RATE ADJUSTMENTS for 2012** – Request Council approve a water rate adjustment to increase revenue to the Water Fund by 12% in Calendar Year 2012. (File No. 1320-65)

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

RESOLUTION NO. 2011-159R

Chris McKinney, Utilities Director, gave the staff report and presented a series of slides.

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

Jan Wylie Compton, Escondido, urged Council to not raise agriculture water fees and to provide reclaimed water for agriculture watering use.

Edward Grangetto, Escondido, asked that Council not raise agriculture water rates and suggested plans for reclaimed water use.

Eric Larsen, San Diego County Farm Bureau Executive Director, asked Council to not raise agriculture water rates.

Phil Henry, Escondido, indicated he did not want a water rate increase for agriculture.

Ken Melban, Avocado Commission, stated he was opposed to water rate increases for agriculture.

Burnet Wohlford, Escondido, urged Council to not raise agriculture water fees.

Gary Bender, Fallbrook, indicated avocado farmers would turn off water to their groves if their rates were increased.

Kevin Grangetto, Escondido, read a letter from Harvey Mitchell and requested Council to not raise agriculture water rates.

Dennis Shepherd, Escondido, asked Council to keep the current agricultural water rates.

Ben Cueva, Escondido, urged to Council to not raise agricultural water rates.

Dennis Snyder, Escondido, requested Council keep the agriculture water rates as they are.

Karen Archey, Escondido, asked Council to not raise agriculture water rates.

Brian Malone, Escondido, urged Council to keep the current agriculture water rates.

Bob Shuster, Escondido, indicated agriculture should not have a rate increase until they could use reclaimed water.

Bill Snapp, Escondido, urged Council to keep the agriculture water rates as they are.

Lisa PrazEAU, Escondido, presented a slide and asked Council to not raise agriculture water rates.

Ed Smith, Escondido, requested Council not raise water rates.

Sandy Candelario, Escondido, indicated a 12% increase was excessive and asked Council to keep water rates as they are.

Mike Sutherland, Fallbrook, requested that agriculture water rates not be raised.

Olaf Walter, Escondido, asked that water rates not be raised.

Mike Davis, Escondido, indicated the groves were beautiful and urged Council to not raise agriculture water rates.

Richard Carey, Escondido, asked that water rates not be raised.

Carol Rea, Escondido, stated the groves were used as fire breaks and requested Council not raise agriculture water rates.

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

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve Option 2; a water rate adjustment to increase revenue to the Water Fund by 12% in Calendar Year 2012, with no rate increase to agriculture and adopt Resolution No. 2011-159R. Motion carried unanimously.

- 13. RECOMMENDATIONS FOR ALLOCATION OF FEDERAL HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDS** – Request Council authorize encumbrance of FY 2010-11 and FY 2011-12 HOME funds in an amount not to exceed \$1,000,000 as leveraged financing to Community HousingWorks (CHW) for its multi-family development located at Broadway and El Norte Parkway; and authorize the Mayor and City Clerk to execute the necessary loan documents, security and supporting agreements with CHW. (File No. 0875-55)

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

RESOLUTION NO. 2011-154

Karen Youel, Housing Division, gave the staff report and presented a series of slides.

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

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Gallo to authorize encumbrance of FY 2010-11 and FY 2011-12 HOME funds in an amount not to exceed \$1,000,000 as leveraged financing to Community HousingWorks (CHW) for its multi-family development located at Broadway and El Norte Parkway; and authorize the Mayor and City Clerk to execute the necessary loan documents, security and supporting agreements with CHW and adopt Resolution No. 2011-154. Motion carried unanimously.

- 14. MUNICIPAL AND ZONING CODE AMENDMENTS AZ 11-0002** – Request Council amend the Escondido Municipal Code and the Escondido Zoning Code to consolidate the Design Review Board with the Planning Commission and revise the qualifications for planning commissioners. (File No. 0680-10)

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

ORDINANCE NO. 2011-19 Introduction and First Reading

Rozanne Cherry, Planning Department, gave the staff report and presented a series of slides.

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

Carol Rea, Escondido, expressed concern of the negative effects on Historic Preservation status.

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

Mayor Abed re-opened the public hearing.

Carol Rea, Escondido, explained why a Historic Preservation authority was on the Design Review Board.

Mayor Abed closed the public hearing.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to amend the Escondido Municipal Code and the Escondido Zoning Code to consolidate the Design Review Board with the Planning Commission and revise the qualifications for planning commissioners and introduce Ordinance No. 2011-19. Ayes: Abed, Gallo, Morasco and Waldron. Noes: Diaz. Absent: None. Motion carried.

CURRENT BUSINESS

- 15. BUILDING MAINTENANCE FUND BALANCE** – Request Council authorize the expenditure of \$500,000 for building improvements at East Valley Community Center, Fire Station #2, Jim Stone Pool, Escondido Public Library and various other improvements. (File No. 0430-80)

Staff Recommendation: Approval (**Community Services: Jerry VanLeeuwen**)

Jerry Van Leeuwen, Community Services Director, gave the staff report and corrected the expenditure amount to \$740,000.

M.A. Mareck, Escondido, indicated the branch library at the Community Center should not have been closed.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize the expenditure of \$740,000 for building improvements at East Valley Community Center, Fire Station #2, Jim Stone Pool, Escondido Public Library and various other improvements. Motion carried unanimously.

16. CONSIDERATION OF ADJUSTMENT TO CITY COUNCIL COMPENSATION AS REQUIRED BY CITY COUNCIL RULES AND PROCEDURES, SECTION (B)(9) (File No. 0720-20)

Staff Recommendation: None (**Mayor Sam Abed and Council Member Michael Morasco**)

Mayor Abed and Councilmember Morasco led the discussion.

COUNCIL ACTION: Directed staff to prepare appropriate paperwork and place the item on a future agenda

FUTURE AGENDA

17. 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

Lisa Prazeau, Escondido, presented slides and indicated the public works yard should not be moved for a ballpark/technology park.

COUNCIL MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

Councilmember Gallo wished everyone a Merry Christmas, Happy New Year and played a Christmas Carol on his tie.

Councilmember Morasco reported on his humanitarian mission to Turkey.

Councilmember Waldron met with the City lobbyists in Sacramento and wished everyone Merry Christmas and Happy Hanukah.

Councilmember Diaz reported the River Park met and she would be the Chair next year. She also mentioned the passing of John Van Doren of the North County Times.

Mayor Abed indicated the Mayors' meetings on Prosperity On Purpose was moving forward.

ADJOURNMENT

Mayor Abed adjourned the meeting at 10:50 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Christopher W. McKinney, Director of Utilities
SUBJECT: Notice of Completion for the Secondary Clarifiers Rehabilitation Project

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012 – 09 authorizing the Director of Utilities to file a Notice of Completion for the Secondary Clarifiers Rehabilitation Project.

FISCAL ANALYSIS:

Final construction cost was \$473,550. The City of San Diego will reimburse the City of Escondido 29.0% of the cost of the project.

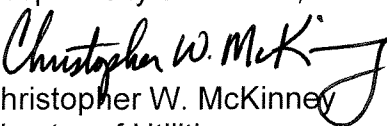
PREVIOUS ACTION:

On August 10, 2011, Council approved the bid award of \$443,700 to Stanek ("Stanek") Constructors Incorporated of Escondido with Resolution 2011-109 for the Secondary Clarifiers Rehabilitation Project (the "Project") at the Hale Avenue Resource Recovery Facility. On December 8, 2010 the procurement of the replacement mechanical equipment installed by Stanek for the secondary clarifiers was approved by Council in the amount of \$406,516 with Resolution 2010-178.

BACKGROUND:

This Project rebuilt the mechanical components of two clarifiers built in 1984. The clarifiers had been in continuous operation for 27 years, and had reached the end of their reliable service. The contract was bid with mechanical parts procured by the City. Necessary changes to make the new equipment fit the old concrete tanks were made, and account for the increase in construction costs. The new mechanical parts provide for an improved center column sludge withdrawal system to match existing.

Respectfully submitted,


Christopher W. McKinney
Director of Utilities



Neil Greenwood
Utilities Construction Project Manager

RESOLUTION NO. 2012-09

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING FILING A NOTICE OF
COMPLETION FOR THE SECONDARY
CLARIFIERS REHABILITATION PROJECT

WHEREAS, the two 1984 Secondary Clarifiers at the Hale Avenue Resource Recovery Facility provide essential wastewater treatment service; and

WHEREAS, the Secondary Clarifiers Rehabilitation Project completely rebuilt the mechanical components to extend the useful life of the clarifiers; and

WHEREAS, authorized representatives from the City of Escondido declared work performed under this contract to be completed as of November 25, 2011; and

WHEREAS, the City of Escondido Staff and the Director of Utilities deems the filing of the Notice of Completion to be valid and recommends approval; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to approve the filing of the Notice of Completion;

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

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the Director of Utilities.
3. That the City Council of the City of Escondido hereby approve the request to file Notice of Completion for the Secondary Clarifiers Rehabilitation Project.



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ file No. _____

Ord No. _____

Agenda Item No.: 5
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Jim Maher, Chief of Police
SUBJECT: FY 2011-12 State of California Citizens' Options for Public Safety (COPS) Program Grant

RECOMMENDATION:

It is requested that Council accept a FY 2011-12 Citizens' Options for Public Safety (COPS) Program Grant in an amount up to \$275,534, approve grant expenditures consistent with guidelines in AB 1913 and authorize the Chief of Police to 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.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds will be used to pay salary and overhead expenses for temporary part-time employees.

PREVIOUS ACTION:

On November 17, 2010, City Council approved use of FY 2010-11 COPS Program funding. On December 9, 2009 City Council approved use of FY 2009-10 COPS Program funding. On February 18, 2009 City Council approved use of FY 2008-09 COPS Program funding.

BACKGROUND:

Existing law establishes Supplemental Law Enforcement Services Funds and requires monies from these funds to be allocated to counties and cities for purposes of the Citizens' Options for Public Safety (COPS) Program. In September 2000, the California State Legislature chaptered AB 1913, the Schiff-Cardenas Crime Prevention Act of 2000, which increased appropriations for these funds and established new formulas for State Citizens' Options for Public Safety (COPS) allocations.

As a result of these actions, the City of Escondido will receive a FY 2011-12 COPS Grant. Exact total amounts available to each jurisdiction are currently unknown; however, the anticipated maximum amount to be allocated to the Escondido Police Department is \$275,534. Due to the uncertainty of the funding level and the continued possibility of a statewide reallocation of funds, as was

experienced in Fiscal Year 2010-11, the State has recommended that each city adopt a conservative spending plan and if necessary, amend that plan later in the year when more information is available. The minimum award per jurisdiction is \$100,000.

According to the law, COPS funds may only be spent to provide front-line law enforcement services, which include anti-gang, crime prevention and juvenile justice programs. They may not supplant existing funding and they must supplement law enforcement services.

Government Code Section 30061 requires that Supplemental Local Law Enforcement Fund monies allocated to counties must be deposited in a Supplemental Law Enforcement Services Fund (SLESF). Cities who receive SLESF allocations must deposit them in their own SLESF prior to expending funds. SLESF allocations may not be intermingled with other city funds and they must draw interest until spent. The City of Escondido established a SLESF account in 1996 and has maintained it since that time for COPS grant allocations.

Cities that receive SLESF allocations must submit an approved expenditure plan to the County Supplemental Law Enforcement Oversight Committee. The Police Department has examined needs for law enforcement services in the community and recommends to use this year's COPS allocation to fund salary and benefits for temporary part-time positions that, due to budget constraints, have been reduced or eliminated from the General Fund Budget. Positions funded by the allocation may include cold case investigators, data entry technicians, custody transport officers, range masters, polygraphers, a 290 (Sex Registrant) coordinator, an alarm & DUI coordinator, a background investigator, a forensic technician, a property and evidence technician, a department specialist in the Internal Affairs Unit, a department specialist in the Traffic Division, and department specialists in the Administration Division.

If approved, the \$275,534 expenditure plan, which includes salaries and benefit expenses for temporary part-time employees, will enhance front-line law enforcement and benefit public safety programs within the community.

Respectfully submitted,



Jim Maher
Chief of Police

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Jim Maher, Chief of Police

SUBJECT: FY 2011 Operation Stonegarden Grant

RECOMMENDATION:

It is requested that Council authorize the Escondido Police Department to accept FY 2011 Operation Stonegarden grant funds in the amount of \$69,695 from the California Emergency Management Agency through the County of San Diego, authorize the Chief of Police to submit grant documents on behalf of the City and approve budget adjustments needed for overtime expenses.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds will be used to pay overtime expenses.

PREVIOUS ACTION:

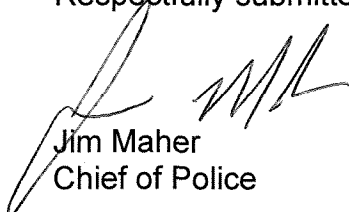
On January 26, 2011, Council accepted a FY 2010 Operation Stonegarden Grant in the amount of \$276,521 to pay overtime expenses and make one-time equipment purchases.

BACKGROUND:

The Escondido Police Department has received a \$69,695 FY 2011 Operation Stonegarden Grant from the California Emergency Management Agency. Consistent with grant guidelines, funds will be used to enhance law enforcement preparedness and operational readiness in support of the U. S. Department of Homeland Security, Bureau of Customs and Border Protection efforts in the region to improve border security. The Department proposes to use grant funds to pay overtime and vehicle mileage expenses for multi-disciplinary crime suppression operations. This grant will provide operational funding to enforce local and state laws within the agency's jurisdiction to target human trafficking, narcotics trafficking and weapons trafficking. Grant funds will not be used to enforce immigration laws on behalf of Customs and Border Protection/Border Patrol.

Your action today to accept grant funds and authorize staff to submit grant documents will support crime prevention and suppression in the City of Escondido.

Respectfully submitted,


Jim Maher
Chief of Police



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Jim Maher, Chief of Police

SUBJECT: CARE Youth Project Grant

RECOMMENDATION:

It is requested that Council accept \$39,500 in funds from the Escondido Union School District's CARE Youth Project Grant, approve grant expenditures consistent with guidelines, and authorize the Chief of Police to submit grant documents on behalf of the City and staff to establish budgets to spend grant funds.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds will be used to pay program expenses incurred by the City to include salary, overhead, cell phone, mileage and equipment costs.

PREVIOUS ACTION:

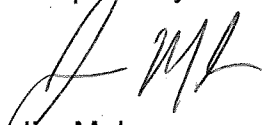
On March 10, 2010, Council accepted the CARE Youth Project Grant and its first year funding in the amount of \$39,500 for salary, overhead, and cell phone service for a part-time EPD Reserve Officer.

BACKGROUND:

The Escondido Union School District (EUSD) received a three year CARE Youth Project Grant in 2010, and FY 2011-12 is the second year of the grant period. Funds were received from the Safe Schools/Healthy Students Initiative (SS/HS), a federal program designed to prevent violence and substance abuse among our nation's youth, schools and communities. The grant will provide \$39,500 per year to fund salary, overhead, and cell phone service for a part-time EPD Reserve officer assigned to work with EUSD to prevent gang violence in elementary and middle schools.

Your action today to accept grant funds and authorize staff to submit grant documents will allow the Police Department to assign a Reserve Officer to work with EUSD to prevent youth violence and substance abuse in Escondido schools and communities.

Respectfully submitted,


Jim Maher
Police Chief

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Jim Maher, Chief of Police
SUBJECT: FY 2011-12 Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Mini-Grant

RECOMMENDATION:

It is requested that Council authorize the Escondido Police Department to accept a FY 2011-12 Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Mini-Grant in the amount of \$7,500, authorize the Chief of Police to submit grant documents on behalf of the City and approve budget adjustments needed for overtime expenses.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds will be used to pay overtime expenses.

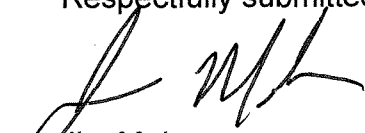
PREVIOUS ACTION:

None.

BACKGROUND:

The Escondido Police Department has received a \$7,500 FY 2011-12 Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Mini-Grant. The grant will provide funding for overtime and overhead for operations related to alcohol sales to minors and to enhance local efforts to reduce alcohol-related problems in the community.

Respectfully submitted,



Jim Maher
Chief of Police



CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Jennifer K. McCain, Assistant City Attorney
SUBJECT: City Council and Mayoral Compensation and Benefits

RECOMMENDATION:

Adopt Ordinance No. 2012-04 to amend Section 2-28 (a) of the Escondido Municipal Code to increase the salary schedule for the City Council Members to \$1,569.06 per month; adopt Ordinance No. 2012-05 to amend Section 2-28 (b) of the Escondido Municipal Code to update the current salary for the Mayor; and adopt Resolution No. 2012-10 to reduce paying and reporting the value of Employer Member Paid Contributions (EMPC) from four percent (4%) to zero percent (0%) effective December 1, 2012 for elected officials.

FISCAL ANALYSIS:

Adoption of the salary adjustment would result in an annual increase to the General Fund budget commensurate with any salary adjustment.

DISCUSSION/PREVIOUS ACTION:

At the City Council meeting on December 14, 2011, the Council requested an Ordinance that would increase Council salary by 6% to be effective after the November 2012 municipal election. The City Council has not taken a raise since 2008. In fact, on January 7, 2009, the City Council took action to voluntarily return 5% of their salary to the City for a one year period. The 6% salary increase agreed to by the Council on December 14, 2011, was based on the City Council's loss of two benefits: (1) payment of the CalPERS employer paid member contributions and (2) the annual \$300 payment for physical exams. With regards to the payment of the CalPERS employer paid member contributions, the Councilmembers agreed to pay the full percentage of CalPERS member contributions with a salary adjustment to offset this new obligation. This is consistent with the unclassified clerical, technical, and management employees and is in support of the Council's continued commitment to achieving pension reform. (Previously on August 10, 2011, the City Council voted unanimously to reduce the City's contribution to the CalPERS member contributions for elected officials to four percent (4%) and to defer the remainder to the decision on council salary adjustments.) Likewise, the City Council decided to no longer receive the annual \$300 for physical exams effective January 1, 2012.

Since the Council last considered this item on December 14, 2011, significant developments in redevelopment law further reduce the City Council's monthly salary by \$300 per month, representing the amount Councilmembers receive for sitting as the Community Development Commission (CDC). By way of background, the City of Escondido has a redevelopment agency, which was created by ordinance in 1984. The redevelopment agency is governed by a Community Development Commission authorized by Health and Safety Code Section 34110. Section 34120(a) permits the legislative body to appoint itself as the Commission, which was accomplished in Escondido by means of Ordinance No. 85-2. Ordinance No. 85-51, adopted by the City Council in August 1985, set the salary for service on the Community Development Commission at 50% of the salary established for the City Council, payable at the same time and in the same manner as Council salaries.

Effective January 1, 2006, Assembly Bill 11 limited the compensation which a City Council can pay to its Community Development Commission. Pursuant to Health and Safety Code Section 34130.5, the amount of salary payable for service on the Community Development Commission, including duties as a Housing Authority, was statutorily capped at \$300 per month.

On December 29, 2011, the California Supreme in California Redevelopment Association, et al., v. Ana Matosantos, et al., Supreme Court Case No. S194861, upheld AB 1X 26 barring redevelopment agencies from engaging in new business and providing for their wind-up and dissolution. Since redevelopment agencies will cease to exist effective February 1, 2012, the CDC monthly pay of \$300 will likely be eliminated in the near future. Notwithstanding this fact, substantial work lies ahead for the Mayor and City Council as critical decisions need to be made and duties fulfilled as a successor agency is put in place. In light of the work ahead, staff recommends that the City Council consider an additional salary increase to compensate for the additional duties and the \$300 per month loss in CDC pay.

The subject of salaries for City Council members is controlled by California Government Code Sections 36516 and 36516.5. Under Section 36516(c) any salary increases must be adopted by ordinance, and cannot exceed 5% for each calendar year calculated from the operative date of the last increase. Amounts paid by the city for retirement, health and welfare are not included in these computations, provided the same benefits are available and paid by the city for its employees. Future, automatic increases are not permitted. Salary increases for Council members, regardless of when adopted, cannot take effect until one or more members commences a new term of office.

The last ordinance adopted by the City Council pertaining to salaries was Ordinance No. 2007-14, which amended Section 2-28(a) of the Escondido Municipal Code and increased the compensation of City Council members to \$1,255.25 per month. Since this last increase was effective after the election in November 2008, pursuant to Government Code Section 36516(c), any salary increases must be adopted by ordinance and cannot exceed 5% for each calendar year calculated from the operative date of the last increase. Thus, the City Council has the option of increasing the salary by 25% to account for each of the five years from the last increase in 2008 to the next election in 2012.

Starting with a base amount of \$1,255.25, a 25% increase would yield a maximum authorized salary of \$1,569.06. By adopting Ordinance No. 2012-04, this salary adjustment will increase to \$1,569.06 per month and be effective on the date the City Council members to be elected at the 2012 regular municipal election are sworn into office.

Pursuant to Escondido Municipal Code Section 2-28(b), the Mayor's salary would increase "by the same percentage set forth in any ordinance adopted which provides for City Council salaries." To update the Escondido Municipal Code to reflect the Mayor's current salary, it is recommended that the City Council also adopt Ordinance No. 2012-05. Further, to fully implement the reduction of the CalPERS employer paid member contributions for elected officials from four percent (4%) to zero percent (0%) effective December 2012, it is recommended that the City Council approves Resolution No. 2012-10.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer K. McCain". The signature is fluid and cursive, with a large initial "J" and "M".

Jennifer K. McCain
Assistant City Attorney

ORDINANCE NO. 2012-04 R

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING SECTION 2-28 OF THE
ESCONDIDO MUNICIPAL CODE, AMENDING
THE SALARY SCHEDULE FOR THE CITY
COUNCIL MEMBERS

WHEREAS, the last adjustment of the salary of the City Council was effective following the 2008 Regular Municipal Election pursuant to Ordinance No. 2007-14; and

WHEREAS, Section 36516 of the Government Code permits annual 5% increases in Council salaries provided that the effective date of an adjustment in the salaries of the City Council Members must be delayed until one or more Council Members commences a new term of office; and

WHEREAS, the current salary for City Council Members is \$1,255.25 per month, as set by Escondido Municipal Code Section 2-28.

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

SECTION 1. That the above recitations are true.

SECTION 2. Section 2-28 of the Escondido Municipal Code is hereby amended to read as follows:

Section 2-28. Compensation of Members.

- (a) Effective on the date the City Council members to be elected at the 2012 Regular Municipal Election are sworn into office, the members of the City Council shall receive a monthly salary of \$1,569.06 per month in

accordance with the provisions of Section 36516 of the Government Code.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional 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 hereof.

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, in accordance with Government Code section 36933, 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.

ORDINANCE NO. 2012-05

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING SECTION 2-28 OF THE
ESCONDIDO MUNICIPAL CODE TO AMEND
THE SALARY SCHEDULE FOR THE MAYOR

WHEREAS, the voters of the City of Escondido passed an initiative measure in 1988 which makes the office of mayor an elected position, and passed another initiative measure in 1996 making the term of the directly elected mayor four years; and

WHEREAS, California Government Code Section 36516.1 provides that a directly elected mayor may have an additional salary in an amount set by Ordinance of the City Council; and

WHEREAS, the City Council determined that such an Ordinance was appropriate and adopted Ordinance No. 2003-12(R) on April 9, 2003, amending Escondido Municipal Code Section 2-28 to add paragraph (b); and

WHEREAS, the current monthly salary for the Mayor is \$2,288.00, as set by Escondido Municipal Code Section 2-28(b) and salary increases authorized by Ordinance No. 2007-14, effective following the 2008 Regular Municipal Election.

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

SECTION 1. The above findings and determinations are hereby adopted as true and correct.

SECTION 2. Section 2-28 of the Escondido Municipal Code is hereby amended to add paragraph (b) as follows:

Section 2-28. Compensation of Members.

- (b) In addition to the salary provided for council members in paragraph (a), the Mayor of the City of Escondido shall receive a monthly salary of \$2,288.00, in accordance with the provisions of Section 36516.1 of the California Government Code. The salary provided by this paragraph shall increase by the same percentage set forth in any ordinance adopted which provides for City Council salaries.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional 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 hereof.

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, in accordance with Government Code Section 36933, 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.

RESOLUTION NO. 2012-10

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
FOR PAYING AND REPORTING THE VALUE
OF EMPLOYER PAID MEMBER
CONTRIBUTIONS (GOVERNMENT CODE
SECTION 20636(c)(4)) FOR ELECTED
OFFICIALS

WHEREAS, the Escondido City Council has the authority to implement Government Code Section 20636(c)(4) pursuant to Section 20691; and

WHEREAS, the City previously had a written labor policy or agreement which specifically provided for the inclusion of normal member contributions paid by the employer on behalf of the members as special compensation; and

WHEREAS, effective June 25, 2000, the City Council approved Resolution No. 2000-145 to elect to pay seven percent (7%) of employees' compensation Earnable as Employer Paid Member Contributions and report the same Percent (value) of compensation earnable as special compensation for Elected Officials; and

WHEREAS, effective August 7, 2011, the City Council approved Resolution No. 2011-115R for paying and reporting the value of Employer Paid Member Contributions (EPMC) for elected officials to reduce paying and reporting the value of Employer Paid Member Contributions (EPMC) from seven percent (7%) to four percent (4%); and

WHEREAS, a required step in the procedure to reduce the paying and reporting of the value of Employer Paid Member Contributions is the adoption by the City Council of a Resolution to reduce paying and reporting the value of Employer Paid Member Contributions (EPMC) from four percent (4%) to zero percent (0%); and

WHEREAS, the following is a statement of the reporting compensation to CalPERS as it relates to Elected Officials:

This change shall apply as follows:

The City of Escondido elects to pay zero percent (0%) of employees' compensation earnable as Employer Paid Member Contributions and report the same percent (value) of compensation earnable as special compensation. This shall apply to all Elected Officials.

The effective date of this Resolution shall be December 1, 2012.

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

1. That the above recitations are true.
2. The City Council elects to pay zero percent (0%) of employee's compensation earnable as Employer Paid Member Contributions (EPMC) and report the same Percent (value) of compensation earnable as special compensation for all Elected Officials.

ORDINANCE NO. 2012-01

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MODIFICATION TO THE
MASTER DEVELOPMENT PLAN TO AMEND
THE LIST OF PERMITTED USES TO ALLOW
A HEALTH CLUB/GYMNASIUM AND OTHER
APPROPRIATE USES FOR THE
COMMERCIAL COMPONENT OF THE
CENTRE CITY MIXED-USE VILLAGE
(URBANA)

PLANNING CASE NO. PHG 11-0037

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

SECTION 1. That proper notice of a public hearing has been given and a
public hearing has been held before the City Council on this issue and that the City
Council has considered the proposal, the staff report, the Notice of Exemption, and any
public testimony presented at the hearing.

SECTION 2. That pursuant to the provisions of the Business Enhancement
Zone, Article 69 of the Escondido Zoning Code, the City Council Economic
Development Subcommittee approved a request for expedited processing of the Master
Development Plan on November 29, 2011.

SECTION 3. That the City Council has reviewed the Statement of Exemption
prepared for the project in conformance with CEQA Section 15301, Class 1, "Existing
Facilities," and has determined that all environmental issues associated with the project

ORDINANCE NO. 2012-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A LEASE AMENDMENT AND RELATED DOCUMENTS TO PROVIDE AN OPTION TO EXTEND THE GROUND LEASE FOR THE WESTFIELD/NORTH COUNTY FAIR SHOPPING CENTER FOR AN ADDITIONAL FIFTEEN YEARS

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

SECTION 1. This Ordinance is being adopted for the purpose of authorizing the Mayor and City Clerk to execute, on behalf of the City, a lease amendment and related documents for the Westfield/North County Shopping Center, which is located on land owned by the City. The City has held a public hearing in compliance with California Civil Code Section 719 and California Government Code Section 37380, notice of which has been provided pursuant to Government Code Section 6066 in the North County Times, which is a newspaper of general circulation in the City of Escondido. The City Council has considered the proposal, the staff report, the Notice of Exemption under the California Environmental Quality Act, and any public testimony presented at the hearing.

SECTION 2. There currently exists a ground lease between the City and Developer/Lessee which was authorized by Resolution 81-13 and executed on February 2, 1981 for a period of 55 years. The lease has since been amended three

*A COMPLETE COPY OF THIS ORDINANCE
IS ON FILE IN THE OFFICE OF
THE CITY CLERK FOR YOUR REVIEW.*

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 12
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Barbara J. Redlitz, Director of Community Development
SUBJECT: Specific Plan Amendment (PHG 11-0010)

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval on December 13, 2011 (Vote 7-0).

STAFF RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-08 approving an amendment to the Palos Vista Specific Plan to allow a modification to an existing AT&T wireless communication facility.

PROJECT DESCRIPTION:

An Amendment to the Palos Vista Specific Plan to remove an existing 35-foot-high AT&T wireless communication facility designed to resemble a broadleaf tree and replace it with a new, 35-foot-high simulated pine tree to accommodate up to twelve, eight-foot-high panel antennas. The existing simulated tree currently contains six, six-foot-high panel antennas. The larger/additional antennas are requested to support AT&T's new 4G network.

LOCATION:

Lot G-G-1 of Tract No. 683, southwest of the main entry gate to the Palos Vista/Escondido Highlands planned development along Woodland Heights Glen (APN 187-720-23), adjacent to the Vallecitos Water District water tank. The approximately 67+-acre open-space lot is within the 979-acre Palos Vista Specific Plan (SP 87-01, known as Escondido Highlands).

FISCAL ANALYSIS:

None

GENERAL PLAN ANALYSIS:

The General Plan land-use designation on the site is SPA 1, which calls for the area to be developed with residential uses and open space areas. The proposed amendment to the Palos Vista SPA would allow a wireless facility on this specific site within the open space area. This would be consistent with General Plan Policy III (Page VIII-4) regarding Plan Description for Specific Plan Area 1, which states: "The development plan is based on an analysis identifying the most appropriate areas for

development.” The project site is within an area that previously has been disturbed with major utilities to serve the surrounding area; wireless facilities previously have been approved and developed on the subject site; adequate access is provided to the site with a paved road; and the project would not result in a loss of sensitive habitat since it would be situated in a previously developed area. The proposed project would be designed to integrate into the existing built environment, to the extent feasible for this type of facility, in conformance with the Wireless Facilities Guidelines.

ENVIRONMENTAL REVIEW:

The proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Section 15303, “New Small Facilities or Structures.” A Notice of Exemption was prepared for the proposed project. In staff’s opinion, the request does not have the potential for causing a significant effect on the environment due to the relatively small size of the facility and would be located within a previously disturbed area. The subject lease area does not contain any sensitive vegetation, nor would the project encroach into native vegetation areas.

BACKGROUND:

An Amendment to the Palos Vista Specific Plan originally was approved by the City Council in 2006 (City File No. 2006-20-SPA) to construct the existing AT&T wireless communication facility. The site currently contains several other wireless communication facilities including Sprint, Nextel, Cricket and T-Mobile. An Amendment to the Specific Plan is required since wireless facilities are not listed as a permitted use within the open space areas of the Palos Vista Specific Plan. The proposed amendment would be specific to this request only, and would not add general language to the existing Specific Plan to allow other wireless communication facilities as a permitted or conditionally permitted use.

PUBLIC COMMENT:

No one from the public spoke at the Planning Commission hearing and staff has not received any correspondence expressing concern regarding the proposed facility. The project also was routed to several of the “California Native American Tribes” for early consultation in conformance with Senate Bill 18. None of the Tribes expressed any concerns regarding the proposed project. The Pala Band of Mission Indians requested to be kept informed regarding the project and they were included in the public hearing notices for the project.

PLANNING COMMISSION:

The Planning Commission considered the proposed project on December 13, 2011 and recommended approval of the project. The Commission’s discussion regarding the request was brief and they did not raise any issues regarding the proposed project.

DISCUSSION:

AT&T proposes to remove their existing 35-foot-high wireless facility that currently contains six, six-foot-high panel antennas and replace it with a new, 35-foot-high faux tree to accommodate twelve, eight-foot-high panel antennas. The top of the branches would extend up to five feet above the top of the antenna panels (up to 40 feet) to provide a more natural appearance. The applicant indicated the

new pole is necessary to structurally support the additional antennas. The new tree would be located in front of the existing tree, which would be removed. The existing tree is one of the earlier faux tree models, and the proposed new tree would appear much more realistic in appearance and provide better coverage/screening of the panels since the number of branches could be increased. The applicant feels the newer tree design would properly screen the longer panels and therefore would be appropriate for this open-space site. The Design Review Board discussed the appropriateness of the project on October 27, 2011, and recommended approval of the design (vote 6-1, Bell voting no).

Operation of the facility would generate radio frequency electromagnetic emissions (RF radiation) and the Federal Communication Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public and occupational exposures to RF energy fields. A RF study was prepared for the project by EBI Consulting to determine whether the proposed communication facility complies with the FCC Radio Frequency Safety Guidelines. The report indicated there are no modeled areas on any accessible ground-level walking/working areas related to the proposed AT&T antennas that exceed the FCC occupational or general public exposure limits. Access to the site by the general public is limited since the paved access road to the site is gated at the Woodland Parkway entrance.

Staff feels the proposed facility would be in conformance with the Wireless Facilities Guidelines since the antennas would be incorporated into a simulated tree, which is a stealthy design and would be in context with the surrounding open space setting and other simulated trees on the site. The proposed eight-foot-high antenna panels would be screened within the branches of the tree and covered in appropriate faux leaf materials. There also are other mature trees located on the site to provide the appropriate context, and the height of the tree would be consistent with the height limits within the SPA.

Respectfully submitted,



Barbara Redlitz
Director of Community Development



Jay Paul
Associate Planner



PLANNING COMMISSION

Agenda Item No.: G.1
Date: December 13, 2011

CASE NUMBER: PHG 11-0010
APPLICANT: Technology Associates (for AT&T)
LOCATION: Lot G-G-1 of Tract No. 683, Woodland Heights Glen (APN 187-720-23)
TYPE OF PROJECT: Specific Plan Amendment

PROJECT DESCRIPTION: An Amendment to the Palos Vista Specific Plan to replace a 35-foot-high wireless communication facility designed to resemble a tree with a new 35-foot-high simulated tree in order to accommodate twelve, eight-foot-high panel antennas.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: SPA #1

ZONING: SP-Palos Vista Specific Plan

BACKGROUND/SUMMARY OF ISSUES

An Amendment to the Palos Vista Specific Plan was approved by the City Council in 2006 (City File No. 2006-20-SPA) to construct the existing AT&T wireless communication facility. The 35-foot-high simulated tree is located on an approximately 67+-acre open-space lot within the 979-acre Palos Vista Specific Plan (SP 87-01, known as Escondido Highlands). The existing AT&T facility was designed to accommodate up to six, six-foot-high panel antennas, and is proposed to be removed. The new structure would consist of a 35-foot-high simulated pine tree (40 feet to top of branches) that is designed to accommodate up to twelve, eight-foot-high panel antennas and associated radio equipment. Any additional electrical equipment would be located within the existing masonry block equipment enclosure. The additional antennas are requested to support AT&T's new 4G network. The site currently contains several other wireless communication facilities including Sprint, Nextel, Cricket and T-Mobile. An Amendment to the Specific Plan is required since wireless facilities are not listed as a permitted use within the open space areas of the Palos Vista Specific Plan. The proposed amendment would be specific to this request only, and would not add general language to the existing Specific Plan to allow other wireless communication facilities as a permitted or conditionally permitted use.

LEGAL REQUIREMENTS: In 1996, the U.S. Congress added a section to the Communications Act of 1934 to promote the expansion of personal wireless communications service, adding section 332(c)(7). This section preserves local zoning authority over the "placement, construction, and modification" of wireless facilities, while imposing certain federal requirements. Specifically, Section 332(c)(7) requires that state or local government decisions regarding wireless service facilities must not: 1) unreasonably discriminate between one cellular provider and another; or 2) prohibit or have the effect of prohibiting the provision of personal wireless services; or 3) be founded on "the environmental effects of radio frequency (RF) emissions *to the extent that such facilities comply* with the FCC's regulations" (emphasis added).

In summary, once the Commission is satisfied the project's RF emissions are within the federal thresholds, then the review must be based on otherwise applicable local zoning criteria. A denial of a proposed facility must not run afoul of the federal restrictions set forth as 1), 2) and 3) above.


Staff feels that the issues are as follow:

1. Whether the design and location of the proposed facility is appropriate for the site and consistent with the Wireless Facility Guidelines.

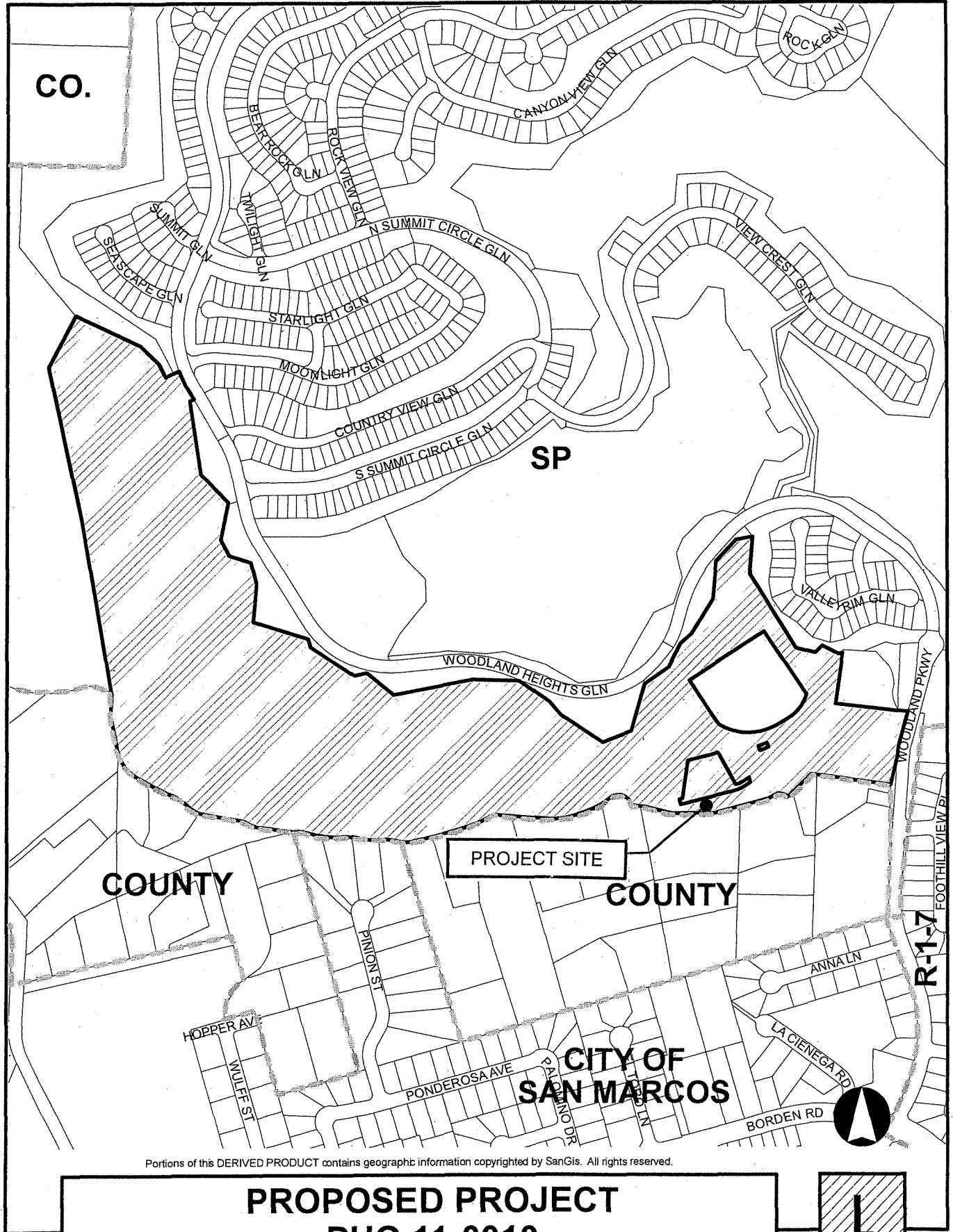
REASONS FOR STAFF RECOMMENDATION

1. The proposed facility would be consistent with the Communication Antennas Ordinance since the antennas would be incorporated into a simulated tree, which is a stealthy design and would be in context with the surrounding open space setting and other simulated trees on the site. The facility would not result in any adverse individual or cumulative visual impacts; is located on a large open-space lot; blends in with the surrounding built environment; and would be in conformance with FCC emission standards.
2. Staff feels the proposed facility would not result in a potential health hazards to nearby residents since the Radio Frequency (RF) study prepared for the proposed project indicates the facility would be within maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) standards.

Respectfully submitted,

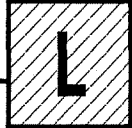


Jay Paul
Associate Planner



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**PROPOSED PROJECT
PHG 11-0010**



LOCATION/ZONING

CO.

SPA 1

COUNTY

COUNTY

CITY OF SAN MARCOS

U1

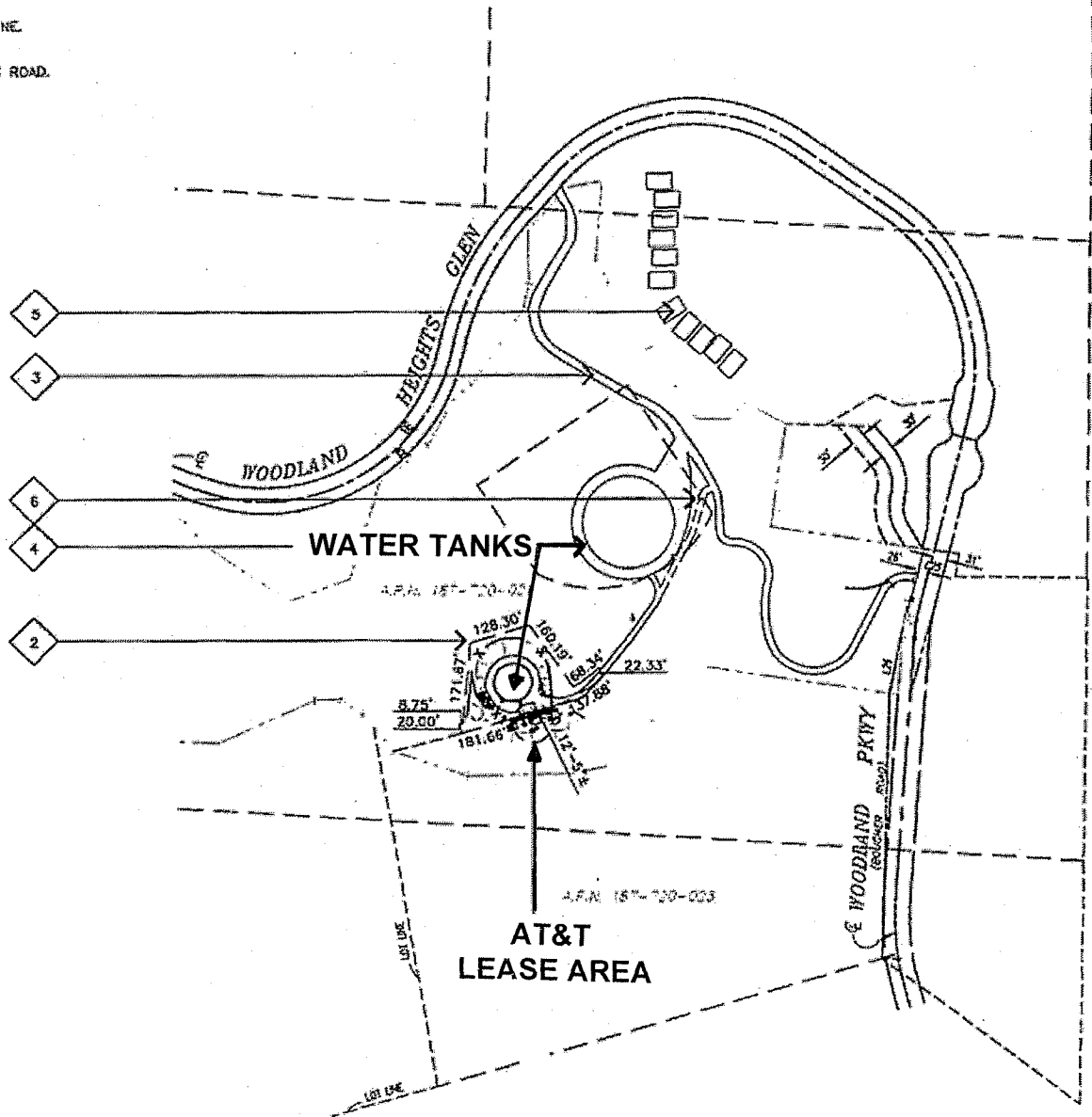
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**PROPOSED PROJECT
PHG 11-0010**



SITE PLAN KEYNOTES

- 1 (E) AT&T LEASE AREA; SEE DETAIL 1/A-0.
- 2 (E) PROPERTY LINE.
- 3 ASPHALT ACCESS ROAD.
- 4 WATER TANK.
- 5 RESIDENTIAL.
- 6 GATE.



SITE PLAN

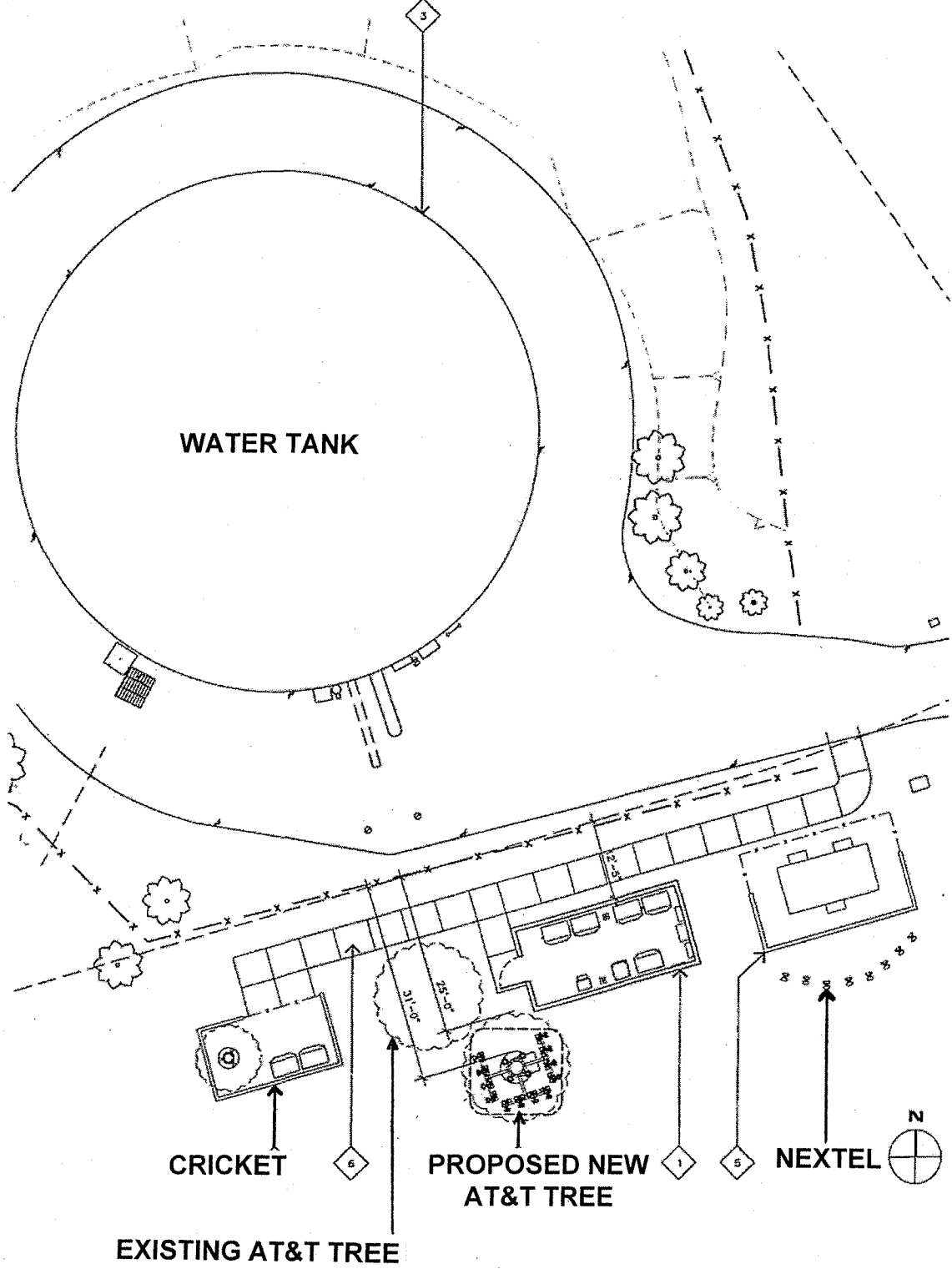
**PROPOSED PROJECT
PHG 10-0010**



SITE PLAN

ENLARGED SITE PLAN KEYNOTES

- 1 (E) AT&T EQUIPMENT ENCLOSURE; SEE SHEET A-1.
- 2 (H) AT&T ANTENNAS MOUNTED ON (H) MONOBROADLEAF; SEE DETAIL 1/A-3.
- 3 (E) WATER TANK.
- 4 (E) OTHER CARRIER ANTENNAS ON STEEL PIPES.
- 5 (E) CRICKET EQUIPMENT ENCLOSURES.
- 6 (E) CONCRETE WALK.
- 7 (E) MONOBROADLEAF; TO BE REMOVED.



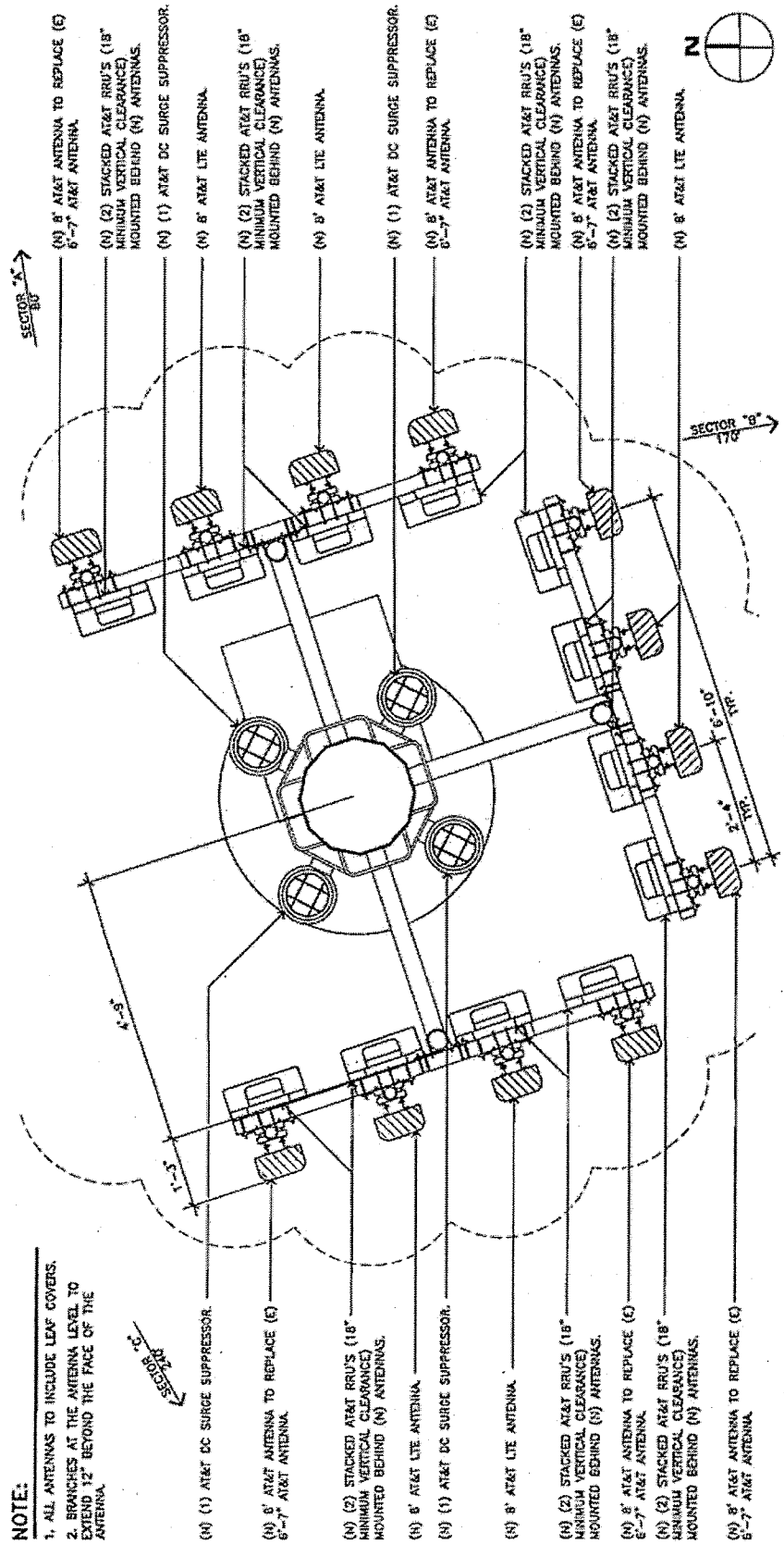
**PROPOSED PROJECT
PHG 10-0010**



PROPOSED PROJECT PHG 10-0010



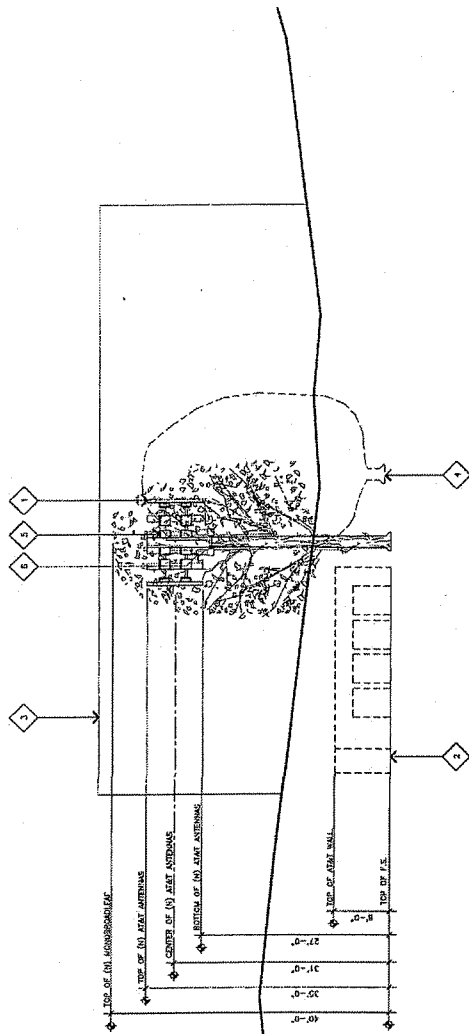
SITE PLAN



ANTENNA PLAN

ELEVATION KEYNOTES

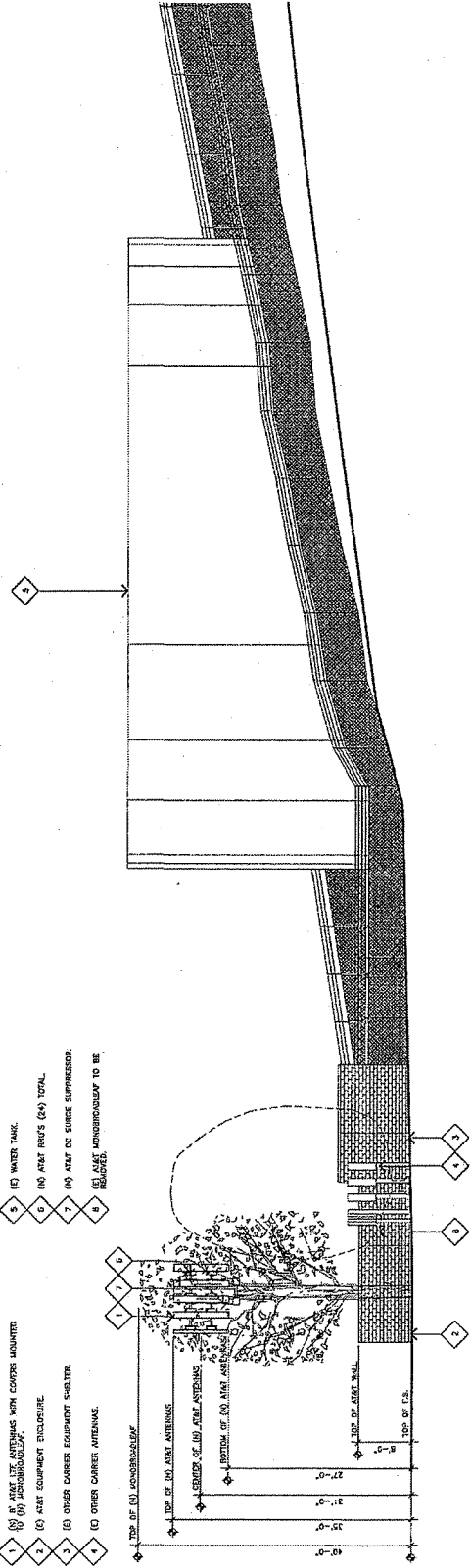
- 1 (N) 8' AIR-TITE ANTENNAS WITH COVERS MOUNTED TO SUBROCKGROUND.
- 2 (E) AIR-T EQUIPMENT ENCLOSURE.
- 3 (C) WATER TANK.
- 4 (C) AIR-T MICROCHANNELS TO BE REMOVED.
- 5 (N) AIR-T BRU'S (24) TOTAL.
- 6 (N) AIR-T DC SURGE SUPPRESSOR.



NORTH ELEVATION

ELEVATION KEYNOTES

- 1 (N) 8' AIR-TITE ANTENNAS WITH COVERS MOUNTED TO SUBROCKGROUND.
- 2 (E) AIR-T EQUIPMENT ENCLOSURE.
- 3 (E) OTHER CARRIER EQUIPMENT SHELTER.
- 4 (C) OTHER CARRIER ANTENNAS.
- 5 (C) WATER TANK.
- 6 (N) AIR-T BRU'S (24) TOTAL.
- 7 (N) AIR-T DC SURGE SUPPRESSOR.
- 8 (C) AIR-T MICROCHANNELS TO BE REMOVED.



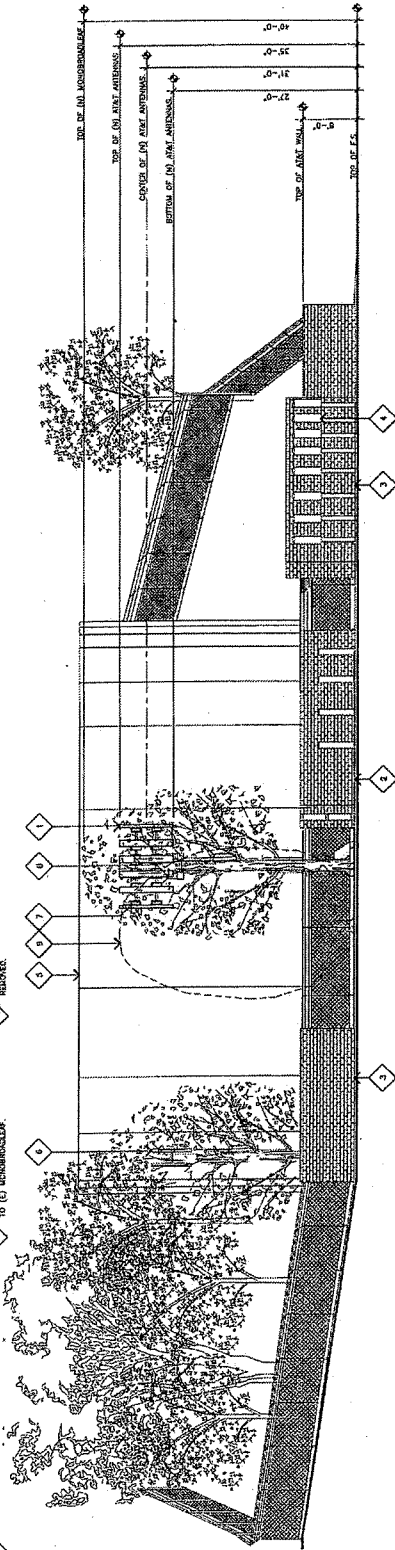
EAST ELEVATION

**PROPOSED PROJECT
PHG 10-0010**



ELEVATION KEYNOTES

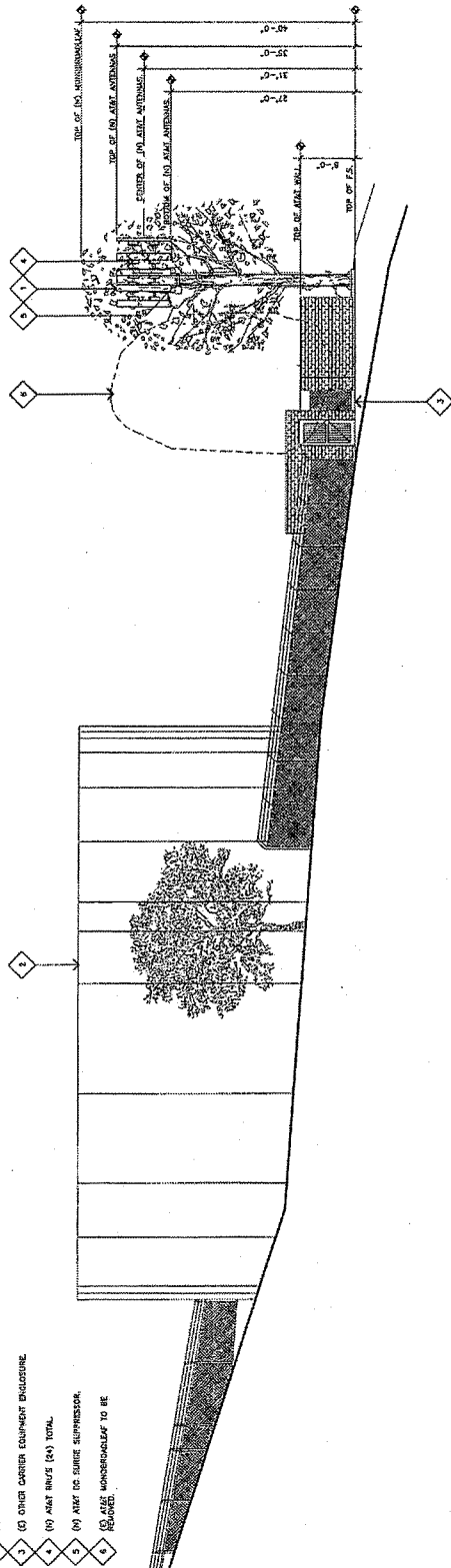
- 1 (M) ANTENNA ENCLOSURES WITH COVERS MOUNTED TO STRUCTURE
- 2 (C) ANTENNA EQUIPMENT ENCLOSURE
- 3 (T) OTHER CARRIER EQUIPMENT ENCLOSURE
- 4 (O) OTHER CARRIER ANTENNAS
- 5 (W) WIND TANK
- 6 (D) OTHER CARRIER ANTENNAS MOUNTED TO STRUCTURE
- 7 (M) ANTENNA (M) TOTAL
- 8 (S) ANTENNA SURGE SUPPRESSOR
- 9 (M) ANTENNA MONITORING/LEAF TO BE REMOVED



SOUTH ELEVATION

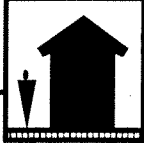
ELEVATION KEYNOTES

- 1 (M) ANTENNA ENCLOSURES WITH COVERS MOUNTED TO STRUCTURE
- 2 (W) WIND TANK
- 3 (O) OTHER CARRIER EQUIPMENT ENCLOSURE
- 4 (M) ANTENNA (M) TOTAL
- 5 (S) ANTENNA SURGE SUPPRESSOR
- 6 (M) ANTENNA MONITORING/LEAF TO BE REMOVED



WEST ELEVATION

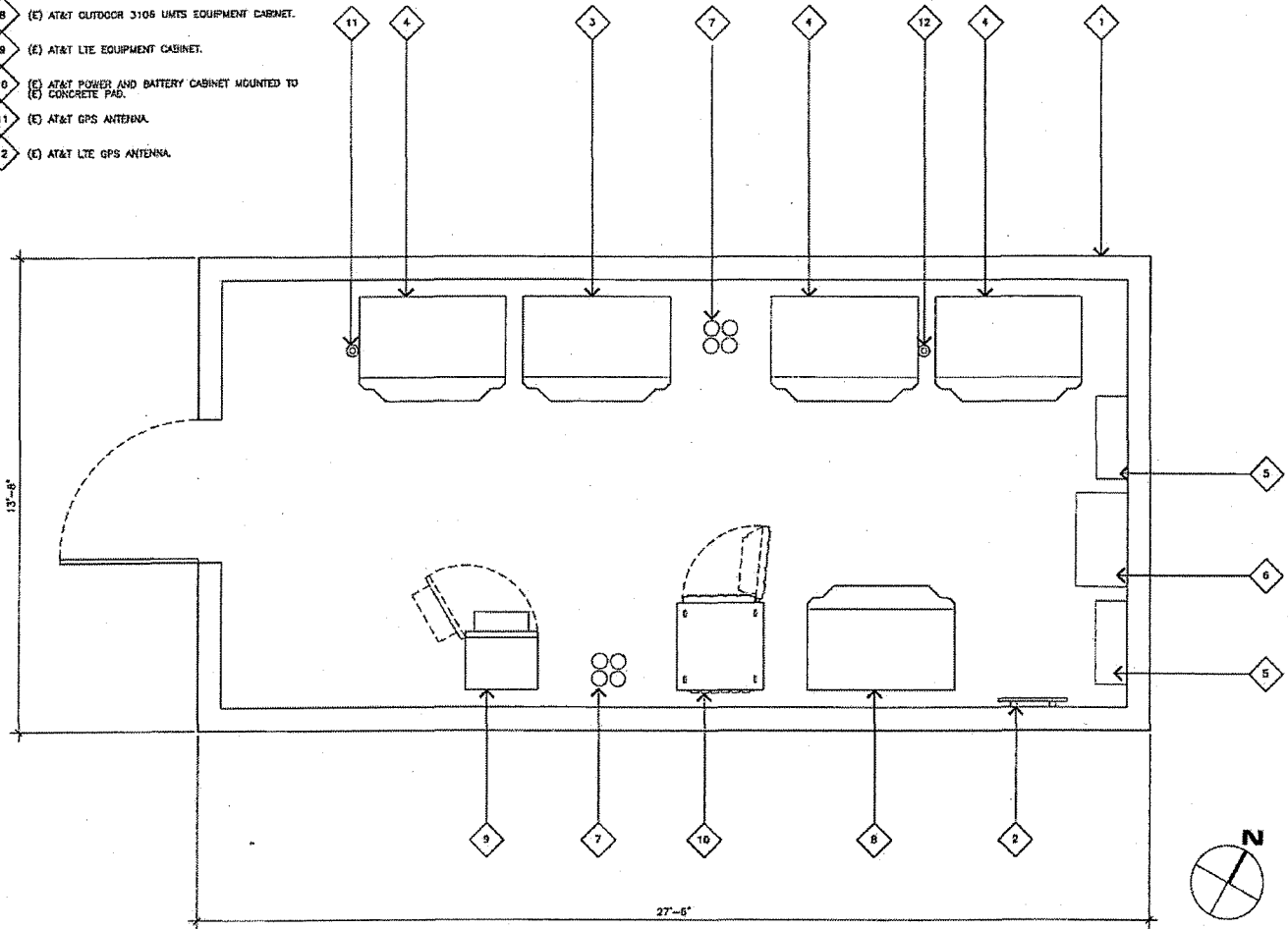
**PROPOSED PROJECT
PHG 10-0010**



ELEVATIONS

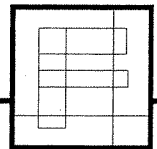
EQUIPMENT PLAN KEYNOTES

- 1 (E) AT&T 8'-0" HIGH CMU WALL ENCLOSURE.
- 2 (E) AT&T MGB.
- 3 (E) AT&T OUTDOOR 3108 UNITS EQUIPMENT CABINET WITH BBU.
- 4 (E) AT&T 2106 EQUIPMENT CABINET WITH BBU.
- 5 (E) AT&T ELECTRICAL PANEL MOUNTED TO (E) BLOCK WALL.
- 6 (E) AT&T FIBER CABINET MOUNTED TO (E) BLOCK WALL.
- 7 (E) AT&T COAX CABLE STUB-UPS.
- 8 (E) AT&T OUTDOOR 3106 UNITS EQUIPMENT CABINET.
- 9 (E) AT&T LTE EQUIPMENT CABINET.
- 10 (E) AT&T POWER AND BATTERY CABINET MOUNTED TO (E) CONCRETE PAD.
- 11 (E) AT&T GPS ANTENNA.
- 12 (E) AT&T LTE GPS ANTENNA.



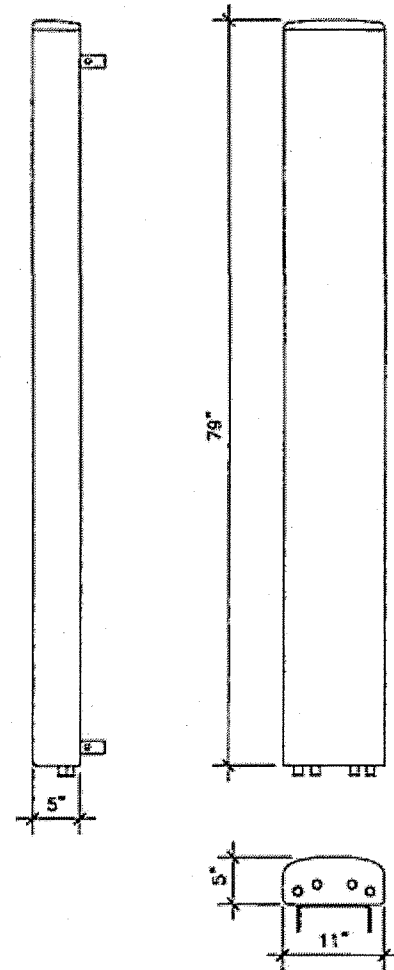
EQUIPMENT PLAN

**PROPOSED PROJECT
PHG 10-0010**



FLOOR PLAN

ANTENNA COLOR:	LIGHT GREY
DIMENSIONS, HxWxD:	2033x280x125mm (6'7"x11"x5")
WEIGHT, WITH PRE-MOUNTED BRACKETS:	44 lbs
WIND LOAD, FRONTAL/LATERAL/REAR SIDE 42 m/s, Cd=1.0 (N):	628
CONNECTOR:	(4) 7/16 DIN FEMALE



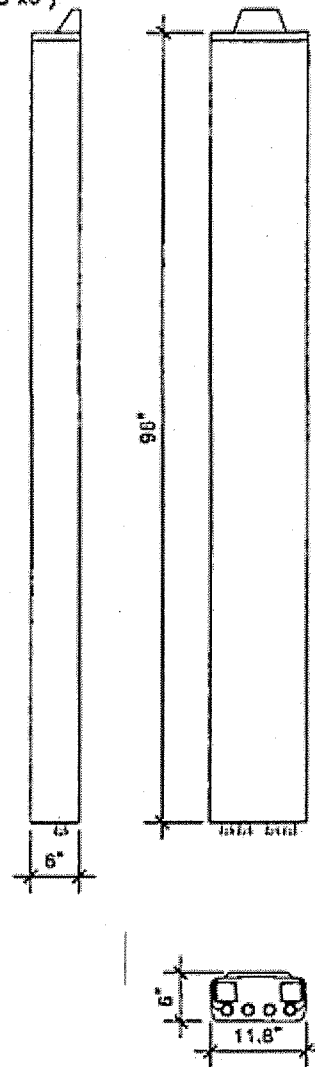
PER RFDS DATED 02/06/10

(E) ANTENNA SPECIFICATION

**PROPOSED PROJECT
PHG 10-0010**

DETAILS

ANTENNA MATERIAL: GRP
 ANTENNA COLOR: LIGHT GREY
 DIMENSIONS, HxWxD: 2438x300x152mm (96"x11.8"x6")
 WEIGHT: 61.7 lbs
 WIND LOAD, FRONTAL/LATERAL/REAR
 286 lbf/ 61 lbf/ 335 lbf
 CONNECTOR: 7/16 DIN FEMALE



(N) ANTENNA SPECIFICATIONS

PROPOSED PROJECT
PHG 10-0010

DETAILS

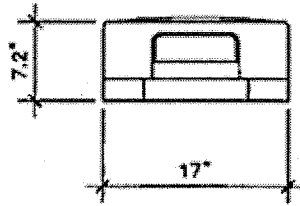
RRU COLOR: LIGHT GRAY

DIMENSIONS, HxWxD: (17"x17.8"x7.2")

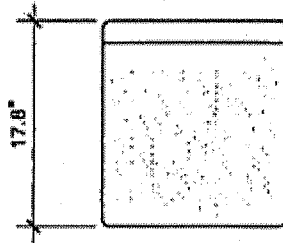
WEIGHT, WITH PRE-MOUNTED BRACKETS: 55 lbs

WIND LOAD, FRONTAL/LATERAL/REAR
SIDE 149.8 mph, Cd=1: N/A lbs

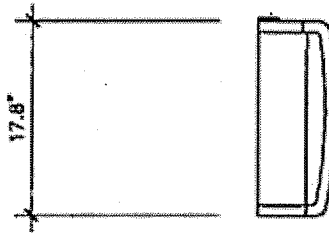
CONNECTOR: (4) 1/2 DIN FEMALE



TOP VIEW



FRONT VIEW



SIDE VIEW

RRU CABINET

**PROPOSED PROJECT
PHG 10-0010**

DETAILS

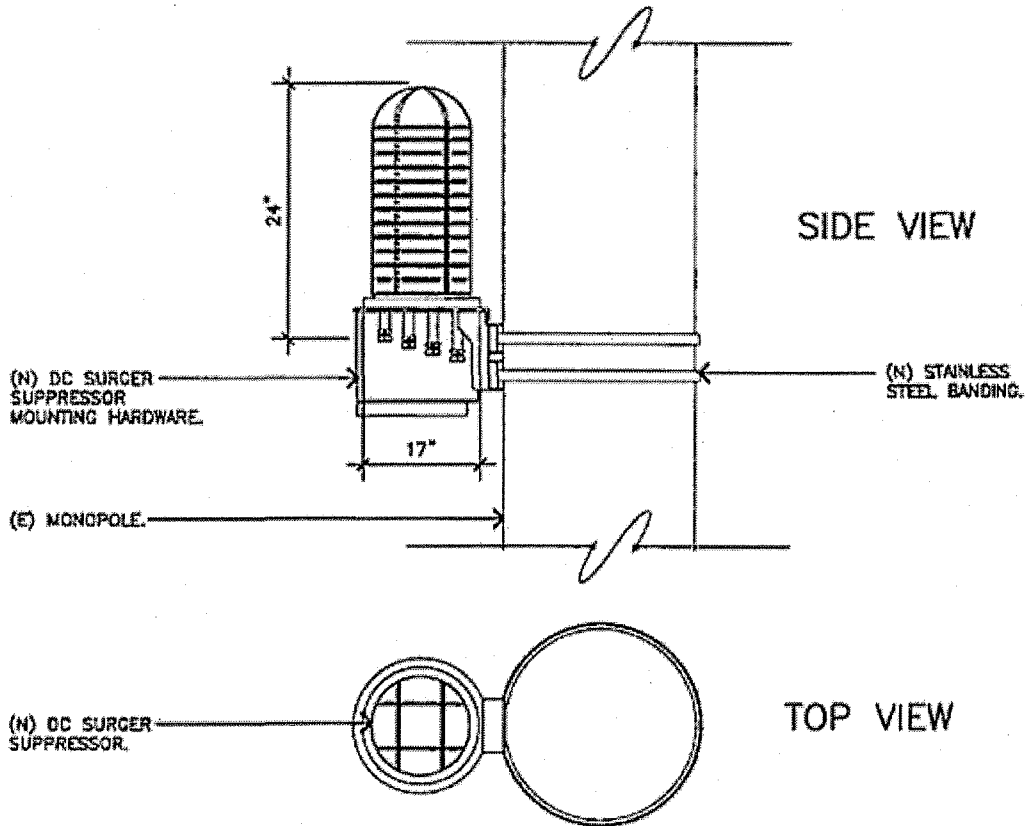
SURGE SUPPRESSOR COLOR: LIGHT GRAY

DIMENSIONS, HxWxD: (10"φ x 24")

WEIGHT, WITH PRE-MOUNTED BRACKETS: 32.8 lbs

WIND LOAD, FRONTAL/LATERAL/REAR
SIDE 149.8 mph, Cd=1: N/A lbs

CONNECTOR: (4) 1/2 DIN FEMALE



DC SURGE SUPPRESSOR

**PROPOSED PROJECT
PHG 10-0010**

DETAILS

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH - SPA 1 (Palos Vista Specific Plan) / A 35-foot-high Vallecitos Water District water tank is located immediately north of the subject site. Native vegetation within the open space area of the development is located further north. Views of the proposed simulated tree from the nearest homes to the north and northeast within the Palos Vista development generally would be limited due to the existing topography, height of the water tank, existing vegetation, and distance from the residences.

SOUTH - County Residential Zoning / Single-family residential homes on estate sized lots are located south of the subject site at a significantly lower elevation. Native vegetation is located on the lower slopes, and more ornamental type landscaping and tall mature trees (typically eucalyptus and oaks) are located on the residential properties. The existing wireless facility is visible from the homes to the south, and further views to the south and southeast.

EAST - R-1-7 zoning (Single-Family Residential, 7,000 SF min. lot size) / Single-family residential homes are located southeast of the site within the County jurisdiction at a lower elevation than the project site. Single-family homes also are located on the eastern side of Woodland Parkway within the City. The site is visible from some views to the east.

WEST - SPA 1 / (Palos Vista Specific Plan) / Open space property is located immediately west of the facility on the hillside terrain. Native vegetation covers most of the open space area. Single-family homes located within the county are located further west and southwest at a lower elevation. Views of the site from the west generally are obscured by topography and/or large mature trees. The site is visible from some views to the southwest.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service - The Police Department expressed no concern regarding the proposed project and their ability to provide service to the site.
2. Effect on Fire Service - The Fire Department indicated that adequate services can be provided to the site and the proposed project would not impact levels of service.
3. Traffic - The Engineering Department indicated the project would not have any impacts to existing traffic or circulation within the area.
4. Utilities - The Engineering Department indicated the project would not have any impacts to any existing City utilities. Water service to the site is provided by the Vallecitos Municipal Water District.
5. Drainage - The Engineering Department determined the project would not materially degrade the levels of service of the existing drainage facilities.

C. ENVIRONMENTAL STATUS

1. The proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Section 15303, "New Small Facilities or Structures." A Notice of Exemption was prepared for the proposed project. In staff's opinion, the request does not have the potential for causing a significant effect on the environment due to the relatively small size of the facility and would be located within a previously disturbed area. The site contains several other wireless communication facilities and a Vallecitos above-ground water tank is adjacent to the west. The subject lease area does not contain any sensitive vegetation, nor would the project encroach into native vegetation areas.
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval. Staff feels the proposed facility would not result in a potential health hazard to

nearby residents since the Radio Frequency (RF) study prepared for the proposed project indicates the facility would be within maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) guidelines. The property is gated and public access is restricted.

3. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs within the proposed development area or will be directly impacted/removed by the proposed project.

D. GENERAL PLAN ANALYSIS

General Plan - The General Plan land-use designation on the site is SPA 1, which calls for the area to be developed with residential uses and open space areas. The proposed amendment to the Palos Vista SPA would allow a wireless facility on this specific site within the open space area. This would be consistent with General Plan Policy III (Page VIII-4) regarding Plan Description for Specific Plan Area 1, which states: "The development plan is based on an analysis identifying the most appropriate areas for development." The project site is within an area that previously has been disturbed with major utilities to service the surrounding area (Vallecitos water tanks) and other wireless facilities previously have been developed on the subject site. Adequate access is provided to the site with a paved road and the project would not result in a loss of sensitive habitat.

E. PROJECT ANALYSIS

Appropriateness of the Proposed Design and Whether the Proposed Wireless Facility Would Be in Conformance with the Communication Antennas Ordinance

AT&T proposes to remove their existing 35-foot-high wireless facility that currently contains six, six-foot-high panel antennas and replace it with a 35-foot-high faux tree to accommodate twelve, eight-foot-high panel antennas. The top of the branches would extend up to five feet above the top of the antenna panels (up to 40 feet) to provide a more natural appearance. The applicant indicated the new pole is necessary to structurally support the additional antennas. The new tree would be located in front of the existing tree, which would be removed. The existing tree is one of the earlier faux tree models, and the proposed new tree would appear much more realistic in appearance and provide better coverage/screening of the panels since the number of branches could be increased. The site is visible from residences to the south and southeast and several design options were discussed with the applicant to ensure the larger panels could be properly integrated into a new tree, which included reducing the size of the antennas from eight feet in height to six feet in height; reducing the number of antennas from twelve to nine; and also whether a faux broadleaf tree could adequately screen the taller antennas or should a faux pine tree be used. Although the six-foot-high antennas would be adequate to support the proposed 4G upgrade, AT&T prefers the eight-foot-high antennas since they would provide a much better coverage over a longer distance, and has provided a coverage map comparing the two sizes of antennas (attached). The applicant also feels the newer tree design would properly screen the longer panels and therefore would be appropriate for this open-space site.

The Design Review Board discussed the appropriateness of the project on October 27, 2011, and recommended approval of the design (vote 6-1, Bell voting no). The majority of the Board members felt the eight-foot-high antennas would be appropriate for the simulated tree due to its distance from surrounding views and the quality of the newer trees. Some of the board members felt a simulated pine tree should be used due to its ability to further screen antenna panels, but the board members also indicated that due to the distance from adjacent views, a simulated broadleaf or pine tree would be appropriate. The existing simulated trees on the site are the broadleaf variety and the existing mature trees are eucalyptus and pepper trees. Staff feels that due to the length and number of the new antennas, a pine tree should be used since they can more effectively screen the panels and also seem to have less maintenance and fading issues than the broadleaf trees. In addition, the pine tree would be able to blend into the surrounding environment and would not appear out of place with the existing types of broadleaf trees due to its distance from nearby residences. The applicant supports the use of the pine tree design.

Staff feels the proposed facilities would be in conformance with the Wireless Facilities guidelines since the antennas would be incorporated into a simulated tree, which is a stealthy design and would be in context with the surrounding open space setting and other simulated trees on the site. The proposed eight-foot-high antenna panels would be screened within the branches of the tree and covered in appropriate faux leaf materials. There also are other mature trees located on the site to provide the appropriate context, and the height of the tree would be consistent with the height limits within the SPA. Only minor ground disturbance is required to provide the appropriate foundation for the new facility, which would not impact any native vegetation or cultural resources. The facility also would be in conformance with FCC emission standards.

Conformance with FCC Emission Requirements

Operation of the facility would generate radio frequency electromagnetic emissions (RF radiation) and the Federal Communication Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public and occupational exposures to RF energy fields. The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupation/controlled exposure limits (for workers) and general public/uncontrolled exposure limits (for the general public). A RF study was prepared for the project by EBI Consulting to determine whether the proposed communication facility complies with the FCC Radio Frequency Safety guidelines. The study assumes a worst case scenario with the facility operating at maximum capacity, and compares the figures to existing standards. Due to the existing communication facilities on the site, actual measurements were conducted to establish a baseline for a cumulative analysis. A copy of the study has been attached with this report. The report indicated there are no modeled areas on any accessible ground-level walking/working areas related to the proposed AT&T antennas that exceed the FCC occupational or general public exposure limits. In addition, there are no measured areas on any accessible ground or working/walking areas that exceed the FCC occupational or general public exposure limits. At the nearest walking/working surfaces to the AT&T antennas, the predicted maximum power density generated by the AT&T antennas is approximately 4.2 percent of the FCCs general public limit (0.84 percent of the FCCs occupational limit). The predicted composite exposure level from all carriers on the site is approximately 62 percent of the FCCs general public limit (12.40 percent of the occupational limit). Access to the site by the general public is limited since the paved access road to the site is gated at the Woodland Parkway entrance. The proposed antennas also would be elevated approximately 27 feet above ground level, and would require workers to be elevated to antenna level to access the panels. Therefore, the antennas are not accessible to the general public.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The subject lease area is relatively flat and has been previously cleared and graded to accommodate two existing above-ground water tanks, and access road, and other wireless communication facilities. No sensitive animal species or significant habitat areas are known to be present within the proposed lease/improvements area(s). The development area contains a variety of mature trees, including eucalyptus and California Pepper. Native and non-native vegetation surrounds the site on the steeper slope areas.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 67+ acres
2. Pole Height: Approx. 35' to top of antennas, and 40' top of branches
3. Antennas:
 - Existing: Six, 6'-7"-high panel antennas.
 - Proposed: Twelve, 8'-high panel antennasAntennas painted dark green to blend in with the simulated tree and covered in "sock" material to match branches/leaves.
4. Power Density: AT&T- 4.2% of the FCC General Public Limit for Maximum Public Exposure (MPE). Cumulative from all carriers – approx. 62%
5. Radio Units and Surge Protectors: 24 stacked Remote Radio Units (RUs) 17.8" H x 17.8" W x 7.2" D
4 Surge Protectors 24" tall x 17" circumference
Additional Dual Band Tower Mounted Amplifier Units (TMAs) 13.9" H x 6.7" W x 5.4" mounted behind the panel antennas may be added, but are not shown on the plans.

All units painted to blend in with the simulated tree
6. Equipment: Existing equipment and equipment building painted green.
7. Hours of Operation
Wireless Facility: 24 hours, unmanned

Other Wireless Facilities:

- | | |
|-----------------|--|
| 96-18-CUP | Sprint: (formally Cox PCS): Six panel antennas mounted onto six, 19.5-foot-high poles |
| 2000-17-SPA/CUP | Nextel: Eight panel antennas mounted onto eight, 12-foot-high poles. |
| 2006-20-SPA | AT&T (formally Cingular): 35-foot-high faux broad-leaf tree with up to six panel antennas. |
| 2006-24-CUP | Cricket: 35-foot-high faux broad-leaf tree with up to three panel antennas. |
| 2007-07-SPA | T-Mobile: 35-foot-high faux broad-leaf tree supporting up to nine panel antennas. |
| PHG 09-0032 | Clearwire: Move two of the existing Nextel antennas onto the two vacant poles, and install two new Clearwire rectangular antennas onto two of the support poles. Clearwire also would install two round directional antenna onto two of the existing poles below their new rectangular antennas and also mount an additional round antenna onto the block equipment enclosure for a total of five new Clearwire antennas and six Nextel antennas. Project never was implemented and the CUP and building permit has expired. |

EXHIBIT "A"
FINDINGS OF FACT
PHG 11-0010

Conditional Use Permit

1. General Plan Residential Policy B2.1 (page II-17) states that residential neighborhoods shall be protected from the encroachment of incompatible activities which may have a negative impact on the residential living environment. Granting this Amendment to the Palos Vista Specific Plan to allow a personal wireless communication facility on the subject property would not conflict with this policy and would be based on sound principles of land use since the use is in response to services required by the community and the facility would enhance communication services in the city without posing a health threat to the surrounding area. The proposed simulated tree would replace an older existing simulated tree, and the panels would be appropriately integrated into the design of the tree. Any additional ground equipment would be located within an existing equipment enclosure. The proposed antennas and equipment enclosure area would not adversely affect the current operation of the site, or any future uses of the site in conformance with the underlying Specific Plan Open Space land-use category or zoning. The facility also would not result in a potential health hazard to nearby residents since the facility would be within MPE (maximum permissible exposure) limits as indicated in the radio frequency analysis prepared for the project. The proposed facility would be in compliance with the City's Wireless Facility Guidelines, as discussed in the Planning Commission staff report dated December 13, 2011.
2. The proposed personal wireless communication facility would be located within the Specific Plan zone. The proposed facility would not result in a substantial alteration of the present or planned land use since the site is zoned open space and there are several other wireless communication facilities located on the site. The project site and adjacent property currently is developed with two large above ground water tanks, support buildings, paved access road and several other wireless communication facilities. The proposal would not cause deterioration of bordering land uses or result in any adverse visual impacts since the antennas/facility are designed to integrate into the built environment with the use of a simulated tree. The proposed antenna panels would be screened within the branches of the trees and covered in appropriate faux leaf materials. There also are other mature trees located on the site to provide the appropriate context. The height of the tree would be consistent with the height limits within the SPA. Only minor ground disturbance is required to provide the appropriate foundation for the new facility. The existing equipment enclosure is painted to blend in with the adjacent hillside vegetation and colors.
3. The proposed personal wireless communication facility would not be hazardous to the health of nearby residents since the radio frequency (RF) analysis prepared for the project concluded the maximum operation levels of radiation for the facility would be within the MPE (Maximum Permissible Exposure) limit established by FCC requirements. The proposed equipment would be secured within a locked enclosure area.
4. The proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Section 15303, "New Small Facilities or Structures" A Notice of Exemption was prepared for the proposed project. The request does not have the potential for causing a significant effect on the environment due to the relatively small size of the facility and it would be located within a previously disturbed area. The site contains several other wireless communication facilities and a Vallecitos above-ground water tank is adjacent to the west. The subject lease area does not contain any sensitive vegetation, nor would the project encroach into native vegetation areas, nor would the project impact any cultural or archaeological sites.
5. The proposed Amendment to the Palos Vista Specific Plan has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and the Wireless Facility Guidelines, and would not result in a negative impact to the adjacent neighborhood for the reasons stated above and detailed in the Planning Commission staff report and radio frequency analysis.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG 11-0010

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief.
2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
3. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
4. The facility shall be subject to all relevant conditions of previous city approvals for this wireless facility, unless specifically amended by this use permit.
5. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
6. As proposed, the design, color and materials of the proposed facilities shall be in accordance with the staff report, exhibits and the project's Details of Request, including the following to the satisfaction of the Planning Division and include the following, which shall be clearly indicated on the building plans:
 - a. All details of the proposed tree shall be clearly shown on the building plans, including the number and length of the branches. An appropriate number of branches shall be incorporated into the design to provide for a full looking tree, with sufficient density to adequately screen the panels, to the satisfaction of the Planning Division.
 - b. The central pole shall be clad with a realistic looking bark covering to match the type of simulated tree selected.
 - c. All panel antennas shall be clad with the appropriate "sock" with a dense amount of materials. The actual detail or spec. shall be indicated on the plans.
 - d. The number and placement of branches shall provide a natural tree silhouette and the branches shall extend an appropriate distance past the antennas to provide appropriate screening. This shall be indicated on the plans.
7. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47) and the exhibits included in the staff report(s), to the satisfaction of the Planning Division. Appropriate signs providing notice, caution or warning, and other necessary markings, shall be placed at the main site access point(s) and other locations, as may be required, in order to alert maintenance or other workers approaching the antennas to the presence of RF transmissions and to take precautions to avoid exposures in excess of FCC limits. The requirement for the appropriate signage/notice shall be indicated on the building plans.
8. AT&T or any subsequent operator/lease holder of the wireless facility agrees to investigate any complaints related to possible interference with electronic equipment in the surrounding area to determine the cause of the interference. Any interference shall be resolved in a timely manner to the satisfaction of the Director of Community Development. If the facility is determined to be the cause of the electronic interference, AT&T shall solve the problem in a timely manner to the satisfaction of the complainant and the Director of Community Development. In addition, any interference with public safety communications shall be corrected immediately, to the satisfaction of the City of Escondido.
9. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
10. If requested by the City of Escondido, AT&T, or any subsequent operator/lease holder of the facilities shall permit co-location of other wireless providers on its facility (subject to City of Escondido Approval) if it can be demonstrated that there would be no adverse effect on the existing facilities/operations.

11. AT&T shall select an independent third party consultant to conduct actual power density measurements of the facility within 90 days after installation and under full operation of the facility. The results of the study shall be submitted to the Director of Community Development so that the theoretical power density study can be compared to the actual output to ensure compliance with FCC requirements.
12. AT&T or any subsequent operator/lease holder of the wireless facility shall be responsible for all on-going maintenance of the facility, including the antennas and supporting equipment to ensure the condition of the facility does not appear weathered. Any required landscaping shall be permanently maintained in a flourishing manner. Any required irrigation shall be maintained in fully operational condition.
13. All communication facilities on the site shall be promptly removed upon non use of the facilities, to the satisfaction of the Planning Division and Building Department.
14. Any permanent, temporary or stand-by emergency generators must be in conformance with the City's Ordinance and regulations regarding electric generating facilities.
15. All new utilities and utility runs shall be underground.
16. No additional antennas or expansion of this facility shall be permitted without a modification of the Conditional Use Permit and a public hearing before the Planning Commission. Minor changes within the approved size and design parameters may be permitted by the Director of Community Development.
17. Any proposed private security gates shall provide rapid reliable access by means of a key box to provide immediate access for firefighting purposes.
18. The Conditional Use Permit shall be null and void if not utilized within twelve months of the effective date of approval, as determined by the Planning Division.
19. This Conditional Use Permit only is for AT&T equipment on the existing facility located on the site. The number of antennas approved by this Conditional Use Permit shall be used solely for AT&T and not transferred or subleased to any other carriers unless approved by the City.
20. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Conditional Use Permit upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
21. A copy of these Conditions of Approval shall be submitted with the submittal of the building plans indicating compliance with all of the Conditions and Details of Request and exhibits contained in the Planning Commission staff report.
22. Prior to final of the building permit and operation of the facility, any graffiti on the facility shall be shall be removed or painted over to match the existing structures. Any required landscaping of the original approval shall be replaced if missing or dead. Irrigation shall be repaired as necessary.
23. The building plans shall include a site plan that delineates the areas adjacent to the facility that contain native habitat, with a note indicating that none of the natural habitat is to be disturbed. The plans also shall include the installation of an appropriate sign on the site (and location and of the sign) that indicates this restriction during all construction activities.
24. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). The applicant shall remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable) a check payable to the "San Diego County Clerk" in the amount of \$50.00. In accordance with California Environmental Quality Act (CEQA) section 15062, the filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.



CITY OF ESCONDIDO
 PLANNING DIVISION
 201 NORTH BROADWAY
 ESCONDIDO, CA 92025-2798
 (760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
 Attn: Linda Kesian
 P.O. Box 121750
 San Diego, CA 92112-1750

From: City of Escondido
 201 North Broadway
 Escondido, CA 92025

Project Title/Case No.: PHG 11-0010 (AT&T Wireless)

Project Location - Specific: Lot G-G-1 of Tract No. 683, Woodland Heights Glen (APN 187-720-23)
 addressed as 1901 Woodland Parkway

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project: An Amendment to the Palos Vista Specific Plan replace the older, 35-foot-high wireless communication facility designed to resemble a tree with a new 35-foot-high simulated tree in order to accommodate twelve, eight-foot-high panel antennas and associated radio and electrical equipment. The existing faux tree would be removed.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project

Name Franklin Orozco (TAIC) rep. for AT&T Telephone (619) 632-2569
 Address 5473 Kearny Villa Road, Suite 300 San Diego, CA 92123

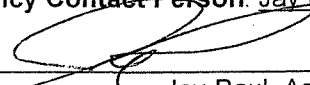
Private entity School district Local public agency State agency Other special district

Exempt Status: Categorical Exemption. Section 15303, "New Small Facilities or Structures."

Reasons why project is exempt:

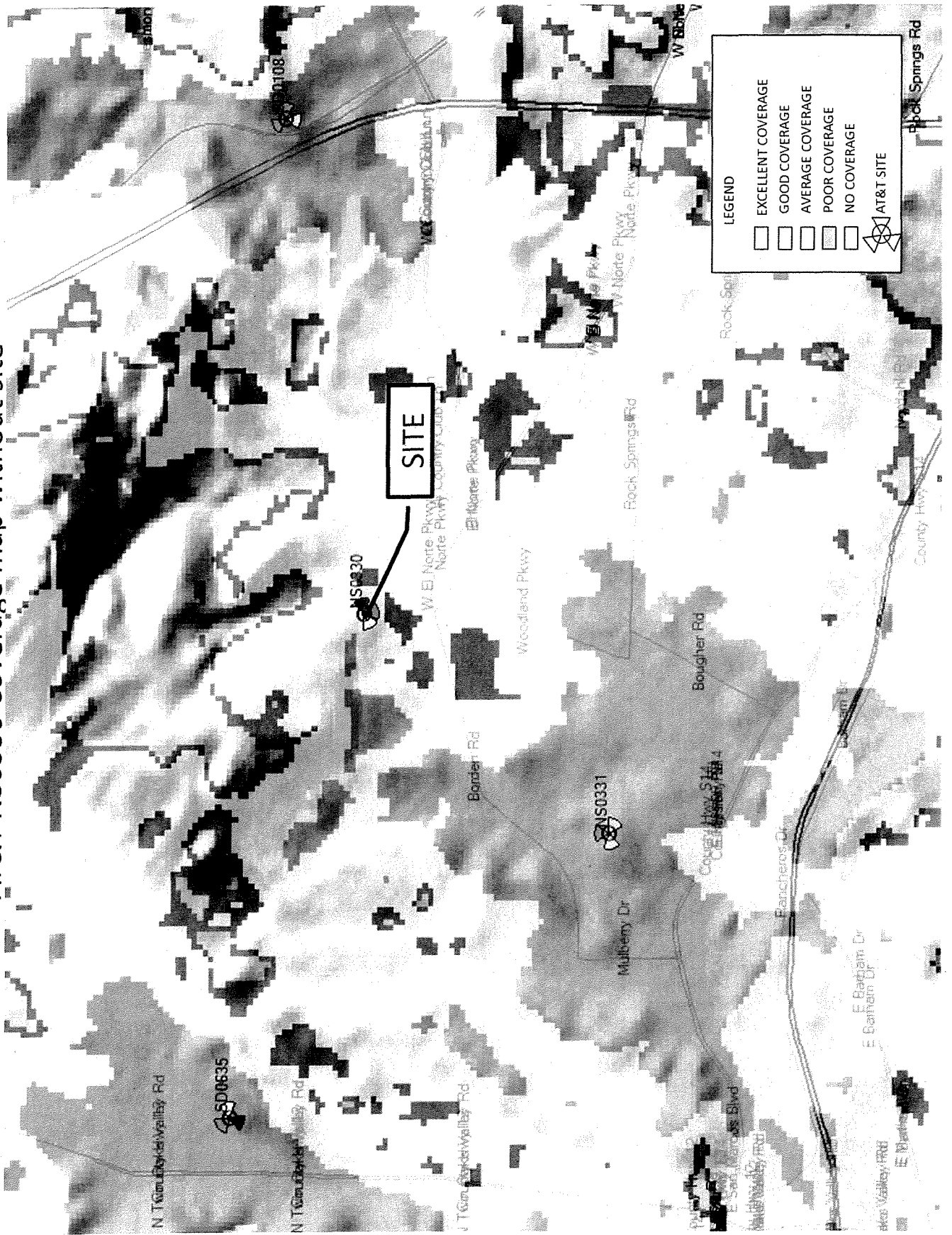
1. The proposed facility would be consistent with the Communication Antennas Ordinance since the antennas would be incorporated into a simulated tree, which is a stealthy design and would be in context with the surrounding open space setting and other simulated trees on the site. The facility would not result in any adverse individual or cumulative visual impacts; is located on a large open-space lot; blends in with the surrounding built environment; and would be in conformance with FCC emission standards.
2. The size of the proposed facility is relatively small in area and the new facility would replace an existing facility that would be removed from the site. No significant grading or removal of native vegetation is proposed or required. All service and access to the proposed wireless facility are available and would be in conformance with local standards.
3. The proposed facility would not be hazardous to the health of nearby residents or the general public since the facility would be within maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) standards.

Lead Agency Contact Person: Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature:  November 11, 2011
 Jay Paul, Associate Planner Date

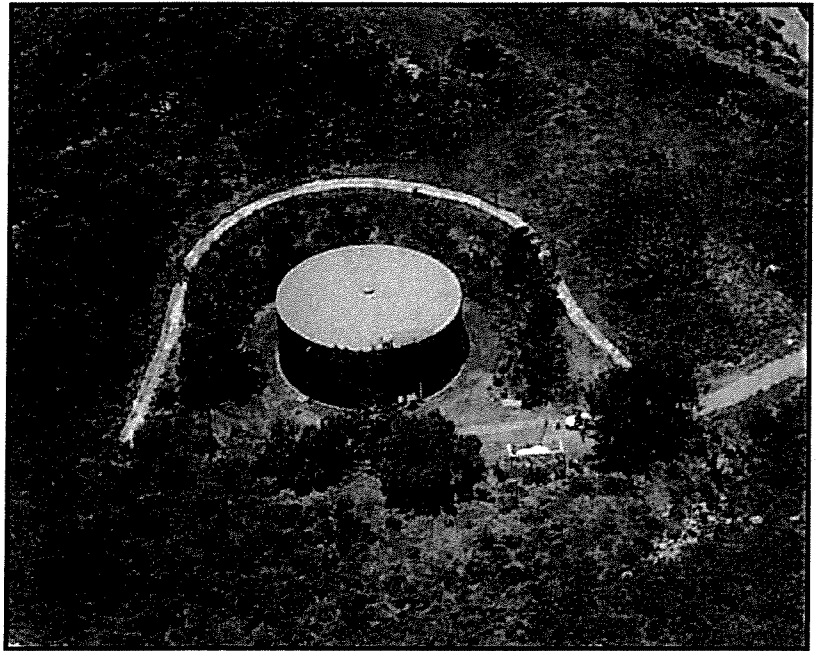
Signed by Lead Agency Date received for filing at OPR: N/A
 Signed by Applicant

AT&T NS0330 Coverage map without site



Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report

Prepared for:
AT&T Mobility, LLC
c/o Black & Veatch Corporation
9820 Willow Creek Road Suite
310
San Diego, CA 92131



Caspr # 3601003051
USID# 87926
Site No. NS0330
Escondido Highlands
1901-7/8 Woodland Parkway
Escondido, California 9206
San Diego County
33.160750; -117.131494 NAD83
Site Type: monotree

EBI Project No. 62111837
November 29, 2011

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APPENDICES

Appendix A	Personnel Certifications
Appendix B	Antenna Inventory
Appendix C	RoofView® Export File
Appendix D	RoofView® Graphic
Appendix E	Compliance/Signage Plan
Appendix F	Site Photographs
Appendix G	Site Plan with Monitoring Results
Appendix H	Site Survey Data

EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by AT&T Mobility, LLC to conduct radio frequency electromagnetic (RF-EME) monitoring and modeling for AT&T Site NS0330 located at 1901-7/8 Woodland Parkway in Escondido, California to determine RF-EME exposure levels from proposed AT&T wireless communications equipment at this site. As described in greater detail in Section 2.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME monitoring and modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

EBI field personnel visited this site on September 26, 2011. This report contains a detailed summary of the RF EME analysis for the site, including the following:

- Antenna Inventory
- Site Plan with antenna locations
- Antenna inventory with relevant parameters for theoretical modeling
- Graphical representation of theoretical MPE fields based on modeling
- Graphical representation of recommended signage and/or barriers
- Site Photographs
- Graphic representation of on-site monitoring results

This document addresses the compliance of AT&T's transmitting facilities independently and in relation to all collocated facilities at the site.

Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

As presented in the sections below, based on worst-case predictive modeling, there are no modeled areas on any accessible ground-level walking/working surface related to the AT&T proposed antennas that exceed the FCC's occupational or general public exposure limits at this site.

Additionally, based on the FCC criteria, there are no measured areas on any accessible ground walking/working surface related to the existing site conditions that exceed the FCC's occupational or general public exposure limits at this site.

AT&T Recommended Signage/Compliance Plan

AT&T's RF Exposure Policy guidance, dated October 4, 2010, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Site compliance recommendations have been developed based upon protocols presented in AT&T's RF Exposure Policy guidance document, dated October 4, 2010, additional guidance provided by AT&T, EBI's understanding of FCC and OSHA requirements, and common industry practice. Barrier locations have been identified (when required) based on guidance presented in AT&T's RF Exposure Policy guidance document, dated October 4, 2010. The following signage is recommended at this site:

- Green INFO 1 sign posted at the base of the monotree.
- Yellow CAUTION sign posted at the base of the monotree.

The signage proposed for installation at this site complies with AT&T's RF Exposure Policy and therefore complies with FCC and OSHA requirements. Barriers are not recommended on this site. More detailed information concerning site compliance recommendations is presented in Section 5.0 and Appendix E of this report.

1.0 SITE DESCRIPTION

This project involves the proposed installation of up to twelve (12) wireless telecommunication antennas on a monotree in Escondido, California. There are three sectors (A, B and C) proposed at the site. The current plans for the site include four (4) proposed antennas per sector, a total of twelve (12) antennas to be installed on the site. To be conservative, modeling was performed assuming a full build-out of four (4) antennas per sector. In each sector, there is assumed to be one UMTS antenna in two bands of the 850 MHz and two bands of the 1900 MHz frequencies; two LTE antennas in each sector transmitting in the 700 MHz frequency. The remaining antenna is assumed to be transmitting in the GSM 850 MHz and GSM 1900 MHz frequencies. The Sector A antennas will be oriented 80° from true north. The Sector B antennas will be oriented 170° from true north. The Sector C antennas will be oriented 240° from true north. The bottoms of the antennas will be 27 feet above ground level. Appendix B presents an antenna inventory for the site.

Access to this site is accomplished by approaching the unsecured monotree at ground level. However, the monotree is located within the larger secured water tank compound. The water tank compound access gate is locked and, as such, the general public is unable to access the monotree. In addition, workers must be elevated to antenna level to access them, so these antennas are not accessible to the general public.

EBI conducted a site visit on September 26, 2011. At the time of the site visit, T-Mobile, Sprint, Nextel and Cricket were present on nearby towers and poles. Measurements were taken at the ground to record existing RF-EME levels resulting from these antennas prior to the installation of AT&T's equipment. These other carriers were also included in the modeling analysis using elevations collected on site and assumed parameters. However, an omni antenna associated with an unknown carrier on the water tank approximately 50 feet north of the AT&T monotree was not included in the modeling analysis because the antenna attributes could not be identified during the site survey. Appendix F contains site photos taken on September 26, 2011 during the on-site survey. Appendix G presents a site plan indicating monitoring and antenna locations. Appendix H contains climate and site observations recorded during the site visit.

2.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see

below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General public/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table I and Figure I (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

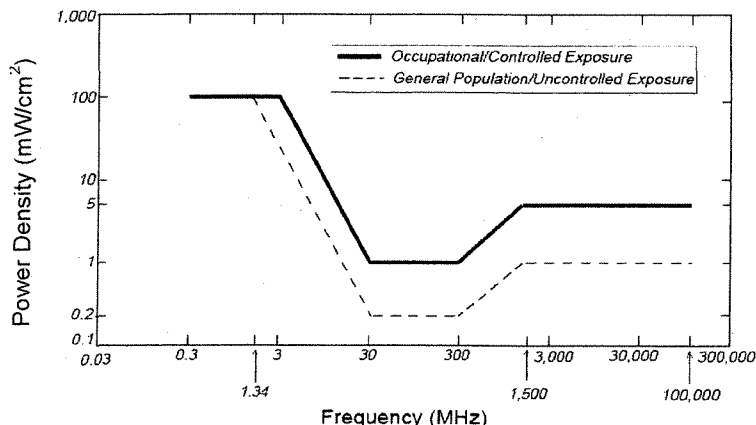
The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm²). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm²) and an uncontrolled MPE of 1 mW/cm² for equipment operating in the 1900 MHz frequency range. For the AT&T equipment operating at 850 MHz, the FCC's occupational MPE is 2.83 mW/cm² and an uncontrolled MPE of 0.57 mW/cm². For the AT&T equipment operating at 700 MHz, the FCC's occupational MPE is 2.33 mW/cm² and an uncontrolled MPE of 0.47 mW/cm². These limits are considered protective of these populations.

Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)

* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)
 Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Cellular Telephone	870 MHz	2.90 mW/cm ²	0.58 mW/cm ²
Specialized Mobile Radio	855 MHz	2.85 mW/cm ²	0.57 mW/cm ²
Most Restrictive Freq. Range	30-300 MHz	1.00 mW/cm ²	0.20 mW/cm ²

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by AT&T in this area operate within a frequency range of 700-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

3.0 AT&T RF EXPOSURE POLICY REQUIREMENTS

AT&T's RF Exposure Policy guidance, dated October 4, 2010, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and

3. All sites must have any necessary signage and barriers installed.

Pursuant to this guidance, an RF site survey has been completed for this site. The results of the site survey are summarized below in Section 6.0 and in Appendices B, F, G, and H. Worst-case predictive modeling was also performed for the site. This modeling is described below in Section 4.0. Lastly, based on the modeling and survey data, EBI has produced a Compliance Plan for this site that outlines the recommended signage and barriers. The recommended Compliance Plan for this site is described in Section 5.0.

4.0 WORST-CASE PREDICTIVE MODELING

In accordance with AT&T's RF Exposure policy, EBI performed theoretical modeling using RoofView® software to estimate the worst-case power density at the site ground-level resulting from operation of the antennas. RoofView® is a widely-used predictive modeling program that has been developed by Richard Tell Associates to predict both near field and far field RF power density values for roof-top and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

For this report, EBI utilized antenna and power data provided by AT&T, and compared the resultant worst-case MPE levels to the FCC's occupational/controlled exposure limits outlined in OET Bulletin 65. The assumptions used in the modeling are based upon information provided by AT&T, data collected during the site survey and information gathered from other sources. T-Mobile, Sprint, Nextel and Cricket antennas were present on nearby towers and poles. Information about these antennas was included in the modeling analysis.

Based on worst-case predictive modeling, there are no modeled areas on any accessible ground-level walking/working surface related to the proposed AT&T antennas that exceed the FCC's occupational or general public exposure limits at this site.

At the nearest walking/working surfaces to the AT&T antennas, the predicted maximum power density generated by the AT&T antennas is approximately 4.20 percent of the FCC's general public limit (0.84 percent of the FCC's occupational limit). The predicted composite exposure level from all carriers on this site is approximately 62.00 percent of the FCC's general public limit (12.40 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

There are no modeled areas on the ground that exceed the FCC's limits for general public or occupational exposure in front of the other carrier antennas.

The inputs used in the modeling are summarized in the RoofView® export file presented in Appendix C. A graphical representation of the RoofView® modeling results is presented in Appendix D. It should be noted that RoofView is not suitable for modeling microwave dish antennas; however, these units are designed for point-to-point operations at the elevations of the installed equipment rather than ground level coverage. Based on AT&T's RF Exposure Policy guidance, dated October 4, 2010, microwave antennas are considered compliant if they are higher than 20 feet above any accessible walking/working surface. All microwaves on site, if any, are considered compliant and were not included in the modeling analysis.

RECOMMENDED SIGNAGE/COMPLIANCE PLAN

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. As presented in the AT&T guidance document, the signs must:

- Be posted at a conspicuous point;
- Be posted at the appropriate locations;
- Be readily visible; and
- Make the reader aware of the potential risks prior to entering the affected area.

The table below presents the signs that may be used for AT&T installations.

Informational Signs		Alerting Signs	
	INFO 1		NOTICE
	INFO 2		CAUTION
	INFO 3		WARNING
	INFO 4		

Based upon protocols presented in AT&T's RF Exposure Policy guidance document, dated October 4, 2010, and additional guidance provided by AT&T, the following signage is recommended and has been installed on the site:

Recommended Signage:

- Green INFO I sign posted at the base of the monotree.
- Yellow CAUTION sign posted at the base of the monotree.

Signage Installed at the Site:

- Green INFO I sign posted at the base of the monotree.
- Yellow CAUTION sign posted at the base of the monotree.

No barriers are required for this site. Barriers may consist of rope, chain, or fencing. Painted stripes should only be used as a last resort. The signage and any barriers are graphically represented in the Signage Plan presented in Appendix E.

5.0 SITE AND VICINITY SURVEY

EBI performed a ground level RF-EME survey on September 26, 2011. The antenna inventory (based upon the site survey) and site photos taken from ground level are presented in Appendices F and G, respectively.

Monitoring was performed using a Narda NBM-550 Electromagnetic Radiation Survey Meter, Serial #B-1124 with a Narda EA5091 Shaped Probe with a frequency range of 300kHz-50 GHz. The meter was last calibrated on September 3, 2011. This meter was programmed to measure the total power density for all electromagnetic radiation within the 300kHz-50GHz frequency range and report the power density as a percent of the FCC's controlled MPE. During this survey, no spatially averaged readings above 0.8535% of the FCC's occupational MPE (4.2675% of the general public MPE) were encountered on any ground surface. A site plan depicting monitoring locations and measurements of power density can be found in Appendix G. Appendix H contains notes from the site survey.

At the time of the site survey, it was noted that there was a green "INFO I" sign and a yellow "Notice to Workers" sign located on the base of the monotree and on the AT&T equipment enclosure indicating the presence of RF emitting equipment at the site. As described in Section 5.0, additional signage is recommended in order to comply with AT&T guidance.

6.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for the proposed AT&T telecommunications equipment at the site located at 1901-7/8 Woodland Parkway in Escondido, California.

EBI has conducted theoretical modeling to estimate the worst-case power density from AT&T antennas and other carriers' antennas to document potential MPE levels at this location and ensure that site control measures are adequate to meet FCC and OSHA requirements, as well as AT&T's corporate RF safety policies. As presented in the preceding sections, based on worst-case predictive modeling, there are no modeled exposures on any accessible ground-level walking/working surface related to proposed equipment in the area that exceed the FCC's occupational and general public exposure limits at this site. As such, the proposed AT&T project is in compliance with FCC rules and regulations.

Additionally, based on the FCC criteria, there are no measured areas on any accessible ground-level walking/working surface related to the existing site conditions that exceed the FCC's occupational and general public exposure limits at this site.

Signage is recommended and has been installed at the site as presented in Section 5.0 and Appendix E. Posting of the signage brings the site into compliance with FCC rules and regulations and AT&T's corporate RF safety policies.

7.0 LIMITATIONS

This report was prepared for the use of AT&T Mobility, LLC. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information collected during the site survey and provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

Appendix A

Certifications

Field Personnel Certification

I, Don Perez, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified "occupational" under the FCC regulations.
- I am familiar with the FCC rules and regulations as well as OSHA regulations both in general and as they apply to RF-EME exposure.
- I have been trained in the proper use of the RF-EME measurement equipment, and have successfully completed EBI training in the policies and procedures for site survey protocols.
- All information collected during the site survey and contained in this report is true and accurate to the best of my knowledge and based on the data gathered.



Preparer Certification

I, Jos Schorr, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified "occupational" under the FCC regulations.
- I am familiar with the FCC rules and regulations as well as OSHA regulations both in general and as they apply to RF-EME exposure.
- I have been trained in on the procedures outlined in AT&T's RF Exposure Policy guidance (dated 10/04/10) and on RF-EME modeling using RoofView® modeling software.
- I have reviewed the data collected during the site survey and provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.



Appendix B

Antenna Inventory

Antenna Number	Operator	Antenna Type	TX Freq (MHz)	ERP (Watts)	Gain (dBd)	Model	Azimuth (deg.)	Length (ft)	Horizontal Beamwidth (Deg.)	X	Y	Z
ATT A1	AT&T	Panel	LTE 700	250	14.25	Kathrein 80010766	80	8	68	56	63	27
ATT A2	AT&T	Panel	GSM 850	125	14.65	Kathrein 80010766	80	8	65	57	61	27
ATT A2	AT&T	Panel	GSM 1900	250	16.35	Kathrein 80010766	80	8	62	57	61	27
ATT A3	AT&T	Panel	UMTS 850	250	14.65	Kathrein 80010766	80	8	65	58	59	27
ATT A3	AT&T	Panel	UMTS 1900	250	16.35	Kathrein 80010766	80	8	62	58	59	27
ATT A3	AT&T	Panel	UMTS 850	250	14.65	Kathrein 80010766	80	8	65	58	59	27
ATT A3	AT&T	Panel	UMTS 1900	250	16.35	Kathrein 80010766	80	8	62	58	59	27
ATT A4	AT&T	Panel	LTE 700	250	14.25	Kathrein 80010766	80	8	68	59	57	27
ATT B1	AT&T	Panel	LTE 700	250	14.25	Kathrein 80010766	170	8	68	57	54	27
ATT B2	AT&T	Panel	GSM 850	250	14.65	Kathrein 80010766	170	8	65	55	53	27
ATT B2	AT&T	Panel	GSM 1900	375	16.35	Kathrein 80010766	170	8	62	55	53	27
ATT B3	AT&T	Panel	UMTS 850	250	14.65	Kathrein 80010766	170	8	65	53	52	27
ATT B3	AT&T	Panel	UMTS 1900	250	16.35	Kathrein 80010766	170	8	62	53	52	27
ATT B3	AT&T	Panel	UMTS 850	250	14.65	Kathrein 80010766	170	8	65	53	52	27
ATT B3	AT&T	Panel	UMTS 1900	250	16.35	Kathrein 80010766	170	8	62	53	52	27
ATT B4	AT&T	Panel	LTE 700	250	14.25	Kathrein 80010766	170	8	68	51	51	27
ATT C1	AT&T	Panel	LTE 700	250	14.25	Kathrein 80010766	240	8	68	48	53	27
ATT C2	AT&T	Panel	GSM 850	250	14.65	Kathrein 80010766	240	8	65	47	55	27
ATT C2	AT&T	Panel	GSM 1900	250	16.35	Kathrein 80010766	240	8	62	47	55	27

Antenna Number	Operator	Antenna Type	TX Freq (MHz)	ERP (Watts)	Gain (dBd)	Model	Azimuth (deg.)	Length (ft)	Horizontal Beamwidth (Deg.)	X	Y	Z
ATT C3	AT&T	Panel	UMTS 850	250	14.65	Kathrein 80010766	240	8	65	46	57	27
ATT C3	AT&T	Panel	UMTS 1900	250	16.35	Kathrein 80010766	240	8	62	46	57	27
ATT C3	AT&T	Panel	UMTS 850	250	14.65	Kathrein 80010766	240	8	65	46	57	27
ATT C3	AT&T	Panel	UMTS 1900	250	16.35	Kathrein 80010766	240	8	62	46	57	27
ATT C4	AT&T	Panel	LTE 700	250	14.25	Kathrein 80010766	240	8	68	45	60	27
CRK A1	Cricket	Panel	1900	243	16	Unknown	70	6	65	16	28	28.5
CRK B1	Cricket	Panel	1900	243	16	Unknown	160	6	65	14	24	28.5
CRK C1	Cricket	Panel	1900	243	16	Unknown	250	6	65	12	26	28.5
NXT A1	Nextel	Panel	850	242	12	Unknown	120	4	90	135	68	7
NXT A2	Nextel	Panel	850	242	12	Unknown	120	4	90	132	64	7
NXT A3	Nextel	Panel	850	242	12	Unknown	120	4	90	129	60	7
NXT B1	Nextel	Panel	850	242	12	Unknown	230	4	90	106	55	7
NXT B2	Nextel	Panel	850	242	12	Unknown	230	4	90	101	56	7
NXT B3	Nextel	Panel	850	242	12	Unknown	230	4	90	96	57	7
TMO A1	T-Mobile	Panel	1900	81	16	Unknown	70	5	65	151	140	28.5
TMO A2	T-Mobile	Panel	1900	81	16	Unknown	70	5	65	153	135	28.5
TMO A3	T-Mobile	Panel	1900	81	16	Unknown	70	5	65	155	130	28.5
TMO B1	T-Mobile	Panel	1900	81	16	Unknown	160	5	65	157	124	28.5
TMO B2	T-Mobile	Panel	1900	81	16	Unknown	160	5	65	152	121	28.5

Antenna Number	Operator	Antenna Type	TX Freq (MHz)	ERP (Watts)	Gain (dBd)	Model	Azimuth (deg.)	Length (ft)	Horizontal Beamwidth (Deg.)	X	Y	Z
TMO B3	T-Mobile	Panel	1900	81	16	Unknown	160	5	65	147	118	28.5
TMO C1	T-Mobile	Panel	1900	81	16	Unknown	250	5	65	141	122	28.5
TMO C2	T-Mobile	Panel	1900	81	16	Unknown	250	5	65	140	127	28.5
TMO C3	T-Mobile	Panel	1900	81	16	Unknown	250	5	65	139	133	28.5
SPT A1	Sprint	Panel	1900	122	16	Unknown	120	4.5	65	194	199	5.5
SPT A2	Sprint	Panel	1900	122	16	Unknown	120	4.5	65	174	195	5.5
SPT B1	Sprint	Panel	1900	122	16	Unknown	230	4.5	65	126	166	5.5
SPT B2	Sprint	Panel	1900	122	16	Unknown	230	4.5	65	104	168	5.5
UNK3 A1	Unknown 3	Omni	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	NA	NA	Unk

1. Note that EBI uses an assumed set of antenna specifications and powers for unknown and other carrier antennas for modeling purposes.
2. Note there are only 4 AT&T antennas per sector at this site. For clarity, the different frequencies for each antenna are entered on different lines.

Appendix C
Roofview® Export File

Map, Settings, Antenna, and Symbol Data Table . Exported from workbook -> RoofView 4.15.xls

Done on 11/29/2011 at 9:20:07 AM.

Use this format to prepare other data sets for the RoofView workbook file.

You may use as many rows in this TOP header as you wish.

The critical point are the cells in COLUMN ONE that read 'Start...' (eg. StartMapDefinition)

If used, these (4) headers are required to be spelled exactly, as one word (eg. StartMapDefinition)

The very next row will be considered the start of that data block

The first row of the data block can be a header (as shown below), but this is optional.

When building a text file for import, Add the Map info first, then the Antenna data, followed by the symbol data.

All rows above the first marker line 'Start...' will be ignored, no matter how many there are.

This area is for you use for documentation.

End of help comments.

You can place as much text here as you wish as long as you don't place it below

the Start Map Definition row below the blue line.

You may insert more rows using the Insert menu.

Should you need additional lines to document your project, simply insert additional rows

by highlighting the row number adjacent to the blue line below and then clicking on the Insert menu

and selecting rows.

Roof Max X Map Max Y Map Max X Y Offset X Offset mber of An envelope
200 210 210 0 0 1 \$21:\$HB\$221:\$HB\$220

Standard 4

Method 2

Uptime Scale Factor Low Thr Trans Count Low Color Coax Len Coax Type Mid Color Other Loss Hi Thr Input Power Hi Color Calc Power

(MHz) 1 1 100 1 500 4 5000 2

Over Color Mig Model Ap-Ht Mult p Ht Method 1.5

1

210 210 0 0 1 \$21:\$HB\$221:\$HB\$220

Method 2

Uptime Scale Factor Low Thr Trans Count Low Color Coax Len Coax Type Mid Color Other Loss Hi Thr Input Power Hi Color Calc Power

(MHz) 1 1 100 1 500 4 5000 2

Over Color Mig Model Ap-Ht Mult p Ht Method 1.5

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Method 2

Uptime Scale Factor Low Thr Trans Count Low Color Coax Len Coax Type Mid Color Other Loss Hi Thr Input Power Hi Color Calc Power

(MHz) 1 1 100 1 500 4 5000 2

Over Color Mig Model Ap-Ht Mult p Ht Method 1.5

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210 210 0 0 1 \$21:\$HB\$221:\$HB\$220

Method 2

Uptime Scale Factor Low Thr Trans Count Low Color Coax Len Coax Type Mid Color Other Loss Hi Thr Input Power Hi Color Calc Power

(MHz) 1 1 100 1 500 4 5000 2

Over Color Mig Model Ap-Ht Mult p Ht Method 1.5

1

210 210 0 0 1 \$21:\$HB\$221:\$HB\$220

Method 2

Uptime Scale Factor Low Thr Trans Count Low Color Coax Len Coax Type Mid Color Other Loss Hi Thr Input Power Hi Color Calc Power

(MHz) 1 1 100 1 500 4 5000 2

Over Color Mig Model Ap-Ht Mult p Ht Method 1.5

1

210 210 0 0 1 \$21:\$HB\$221:\$HB\$220

Method 2

Uptime Scale Factor Low Thr Trans Count Low Color Coax Len Coax Type Mid Color Other Loss Hi Thr Input Power Hi Color Calc Power

(MHz) 1 1 100 1 500 4 5000 2

Over Color Mig Model Ap-Ht Mult p Ht Method 1.5

1

210 210 0 0 1 \$21:\$HB\$221:\$HB\$220

Method 2

Uptime Scale Factor Low Thr Trans Count Low Color Coax Len Coax Type Mid Color Other Loss Hi Thr Input Power Hi Color Calc Power

(MHz) 1 1 100 1 500 4 5000 2

Over Color Mig Model Ap-Ht Mult p Ht Method 1.5

1

210 210 0 0 1 \$21:\$HB\$221:\$HB\$220

List Of Areas

\$K\$21:\$HB\$220

ID	Name	Freq	Uptime	Scale Factor	Low Thr	Trans Count	Low Color	Coax Len	Coax Type	Mid Color	Other Loss	Hi Thr	Input Power	Hi Color	Calc Power	Over Color	Mig	Model	Ap-Ht	Mult	p	Ht Method	(ft)	Z	(ft)	Type	Aper	(ft)	dBd	Gain	BWdth	Pt-Dir	Uptime Profile	flag
ATT A1	LTE	700	1	15.4093334	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	15.40933358	Kathrein	80010766	56	63	27	56	1.5	1	27	8	8	14.25	14.25	68:80	68:80	ON			
ATT A2	GSM	850	1	7.026739624	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	7.026739624	Kathrein	80010766	57	61	27	57	1.5	1	27	8	8	14.65	14.65	65:80	65:80	ON			
ATT A2	GSM	1900	2	4.750659	2	2	5000	4	5000	2	3	1.5	80010766	Kathrein	9.501318065	Kathrein	80010766	57	61	27	57	1.5	1	27	8	8	16.35	16.35	62:80	62:80	ON			
ATT A3	UMTS	850	1	14.05347925	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	14.05347925	Kathrein	80010766	58	59	27	58	1.5	1	27	8	8	14.65	14.65	65:80	65:80	ON			
ATT A3	UMTS	1900	1	9.5013181	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	9.501318065	Kathrein	80010766	58	59	27	58	1.5	1	27	8	8	16.35	16.35	62:80	62:80	ON			
ATT A3	UMTS	850	1	14.05347925	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	14.05347925	Kathrein	80010766	58	59	27	58	1.5	1	27	8	8	14.65	14.65	65:80	65:80	ON			
ATT A3	UMTS	1900	1	9.5013181	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	9.501318065	Kathrein	80010766	58	59	27	58	1.5	1	27	8	8	16.35	16.35	62:80	62:80	ON			
ATT A4	LTE	700	1	15.4093334	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	15.40933358	Kathrein	80010766	59	57	27	59	1.5	1	27	8	8	14.25	14.25	68:80	68:80	ON			
ATT B1	LTE	700	1	15.4093334	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	15.40933358	Kathrein	80010766	55	53	27	55	1.5	1	27	8	8	14.65	14.65	65:170	65:170	ON			
ATT B2	GSM	850	2	7.026739624	2	2	5000	4	5000	2	3	1.5	80010766	Kathrein	7.026739624	Kathrein	80010766	55	53	27	55	1.5	1	27	8	8	16.35	16.35	62:170	62:170	ON			
ATT B2	GSM	1900	3	4.750659	3	3	5000	4	5000	2	3	1.5	80010766	Kathrein	9.501318065	Kathrein	80010766	55	53	27	55	1.5	1	27	8	8	14.65	14.65	65:170	65:170	ON			
ATT B3	UMTS	850	1	14.05347925	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	14.05347925	Kathrein	80010766	53	52	27	53	1.5	1	27	8	8	16.35	16.35	62:170	62:170	ON			
ATT B3	UMTS	1900	1	9.5013181	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	9.501318065	Kathrein	80010766	53	52	27	53	1.5	1	27	8	8	14.65	14.65	65:170	65:170	ON			
ATT B3	UMTS	850	1	14.05347925	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	14.05347925	Kathrein	80010766	53	52	27	53	1.5	1	27	8	8	16.35	16.35	62:170	62:170	ON			
ATT B3	UMTS	1900	1	9.5013181	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	9.501318065	Kathrein	80010766	53	52	27	53	1.5	1	27	8	8	14.65	14.65	65:170	65:170	ON			
ATT B4	LTE	700	1	15.4093334	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	15.40933358	Kathrein	80010766	51	51	27	51	1.5	1	27	8	8	14.25	14.25	68:170	68:170	ON			
ATT C1	LTE	700	1	15.4093334	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	15.40933358	Kathrein	80010766	48	48	27	48	1.5	1	27	8	8	14.25	14.25	68:240	68:240	ON			
ATT C2	GSM	850	2	7.026739624	2	2	5000	4	5000	2	3	1.5	80010766	Kathrein	7.026739624	Kathrein	80010766	47	55	27	47	1.5	1	27	8	8	14.65	14.65	65:240	65:240	ON			
ATT C2	GSM	1900	2	4.750659	2	2	5000	4	5000	2	3	1.5	80010766	Kathrein	9.501318065	Kathrein	80010766	47	55	27	47	1.5	1	27	8	8	16.35	16.35	62:240	62:240	ON			
ATT C3	UMTS	850	1	14.05347925	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	14.05347925	Kathrein	80010766	46	57	27	46	1.5	1	27	8	8	14.65	14.65	65:240	65:240	ON			
ATT C3	UMTS	1900	1	9.5013181	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	9.501318065	Kathrein	80010766	46	57	27	46	1.5	1	27	8	8	16.35	16.35	62:240	62:240	ON			
ATT C3	UMTS	850	1	14.05347925	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	14.05347925	Kathrein	80010766	46	57	27	46	1.5	1	27	8	8	14.65	14.65	65:240	65:240	ON			
ATT C3	UMTS	1900	1	9.5013181	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	9.501318065	Kathrein	80010766	46	57	27	46	1.5	1	27	8	8	16.35	16.35	62:240	62:240	ON			
ATT C4	LTE	700	1	15.4093334	1	1	5000	4	5000	2	3	1.5	80010766	Kathrein	15.40933358	Kathrein	80010766	45	60	27	45	1.5	1	27	8	8	14.25	14.25	68:240	68:240	ON			
CRK A1	Cricket	1900	20	20	1	1	5000	4	5000	2	3	1.5	Unknown	Unknown	10.02374467	Unknown	Unknown	16	28	28.5	16	1.5	1	28.5	6	6	16	16	65:160	65:160	ON			
CRK B1	Cricket	1900	20	20	1	1	5000	4	5000	2	3	1.5	Unknown	Unknown	10.02374467	Unknown	Unknown	14	24	28.5	14	1.5	1	28.5	6	6	16	16	65:250	65:250	ON			
CRK C1	Cricket	1900	20	20	1	1	5000	4	5000	2	3	1.5	Unknown	Unknown	10.02374467	Unknown	Unknown	12	26	28.5	12	1.5	1	28.5	6	6	16	16	65:250	65:250	ON			

NXT A1	NXT A2	NXT A3	NXT B1	NXT B2	NXT B3	TMO A1	TMO A2	TMO A3	TMO B1	TMO B2	TMO B3	TMO C1	TMO C2	TMO C3	SPT A1	SPT A2	SPT B1	SPT B2
Nextel	Nextel	Nextel	Nextel	Nextel	Nextel	T-Mobile	T-Mobile	T-Mobile	T-Mobile	T-Mobile	T-Mobile	T-Mobile	T-Mobile	T-Mobile	Sprint	Sprint	Sprint	Sprint
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
50	50	50	50	50	50	6.67	6.67	6.67	6.67	6.67	6.67	6.67	6.67	6.67	10	10	10	10
Roof X	Roof X	Roof X	Roof X	Roof X	Roof X	Roof Y	Roof Y	Roof Y	Roof Y	Roof Y	Roof Y	Roof Y	Roof Y	Roof Y	Roof X	Roof X	Roof X	Roof X
5	5	5	5	5	5	35	35	35	35	35	35	35	35	35	5	5	5	5
Sym	Sym	Sym	Sym	Sym	Sym	AC Unit	AC Unit	AC Unit	AC Unit	AC Unit	AC Unit	AC Unit	AC Unit	AC Unit	Roof Access	Roof Access	Roof Access	Roof Access
14	14	14	14	14	14	5	5	5	5	5	5	5	5	5	20	20	20	20
45	45	45	45	45	45	20	20	20	20	20	20	20	20	20	Ladder	Ladder	Ladder	Ladder
45	45	45	45	45	45	20	20	20	20	20	20	20	20	20	Ladder	Ladder	Ladder	Ladder
1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
25.05956168	25.05956168	25.05956168	25.05956168	25.05956168	25.05956168	3.342918848	3.342918848	3.342918848	3.342918848	3.342918848	3.342918848	3.342918848	3.342918848	3.342918848	5.011872336	5.011872336	5.011872336	5.011872336
Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
135	132	129	106	101	96	151	153	155	157	171	147	141	122	133	199	174	126	104
68	64	60	55	56	57	140	135	130	124	118	122	127	133	199	195	166	168	168
7	7	7	7	7	7	28.5	28.5	28.5	28.5	28.5	28.5	28.5	28.5	28.5	5.5	5.5	5.5	5.5
4	4	4	4	4	4	5	5	5	5	5	5	5	5	5	4.5	4.5	4.5	4.5
12	12	12	12	12	12	16	16	16	16	16	16	16	16	16	16	16	16	16
90;120	90;120	90;120	90;230	90;230	90;230	65;70	65;70	65;160	65;160	65;160	65;160	65;250	65;250	65;250	65;120	65;120	65;230	65;230
ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*	ON*

Map Label notes for this table only:

- AC Unit
- Roof Access
- Roof X
- Roof Y
- Ladder

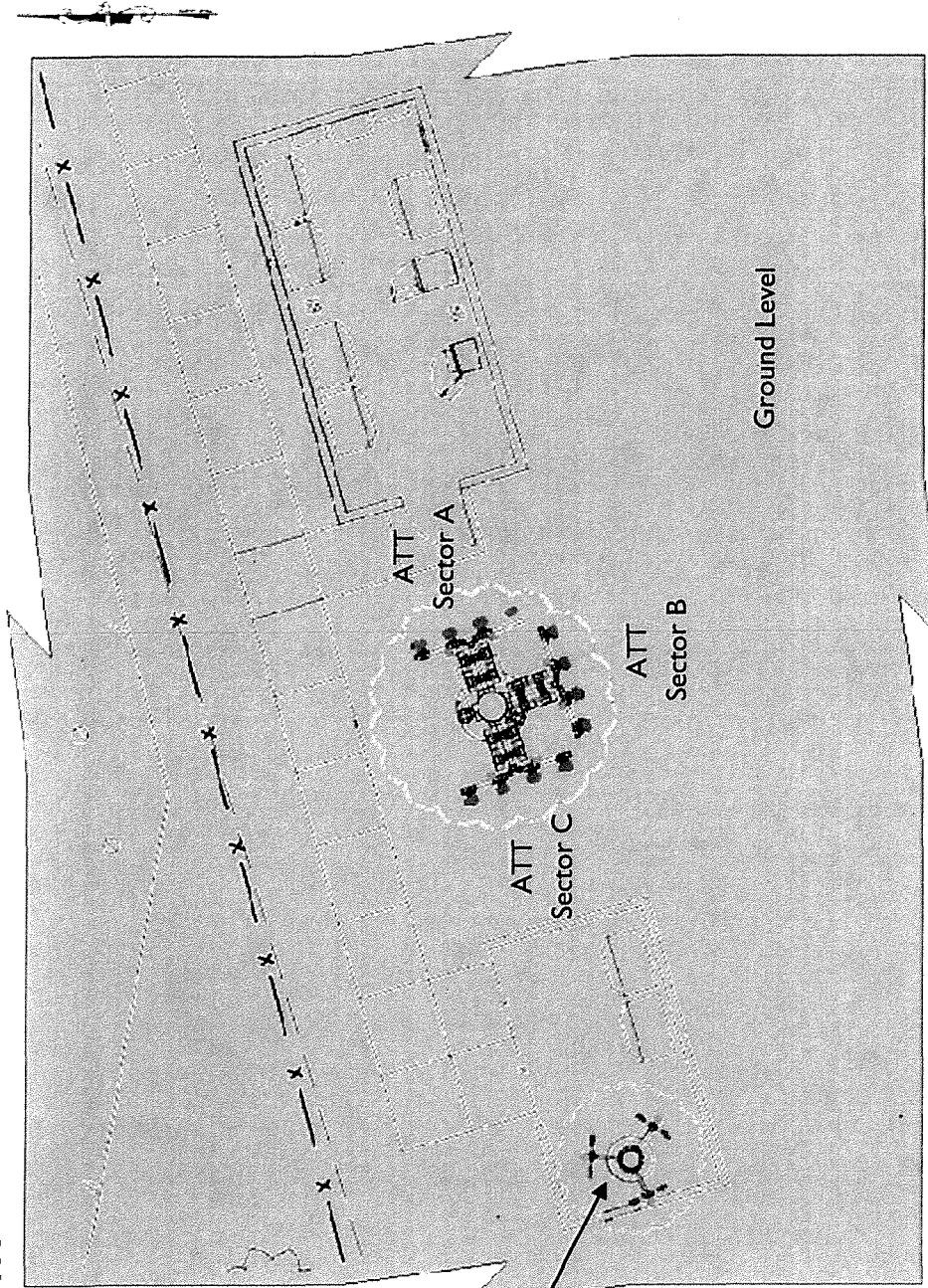
Appendix D

Roofview ® Graphics

% of FCC Public Exposure Limit

- Exposure Level $\geq 5,000$
- 500 < Exposure Level ≤ 5000
- 100 < Exposure Level ≤ 500
- Exposure Level ≤ 100

***Ground Level Simulation**

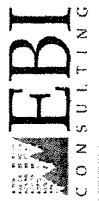


For clarity, most of the other carrier antennas are not shown since they are outside of the immediate vicinity of the AT&T tower.



- AT&T Antennas
- Other Carrier Antennas

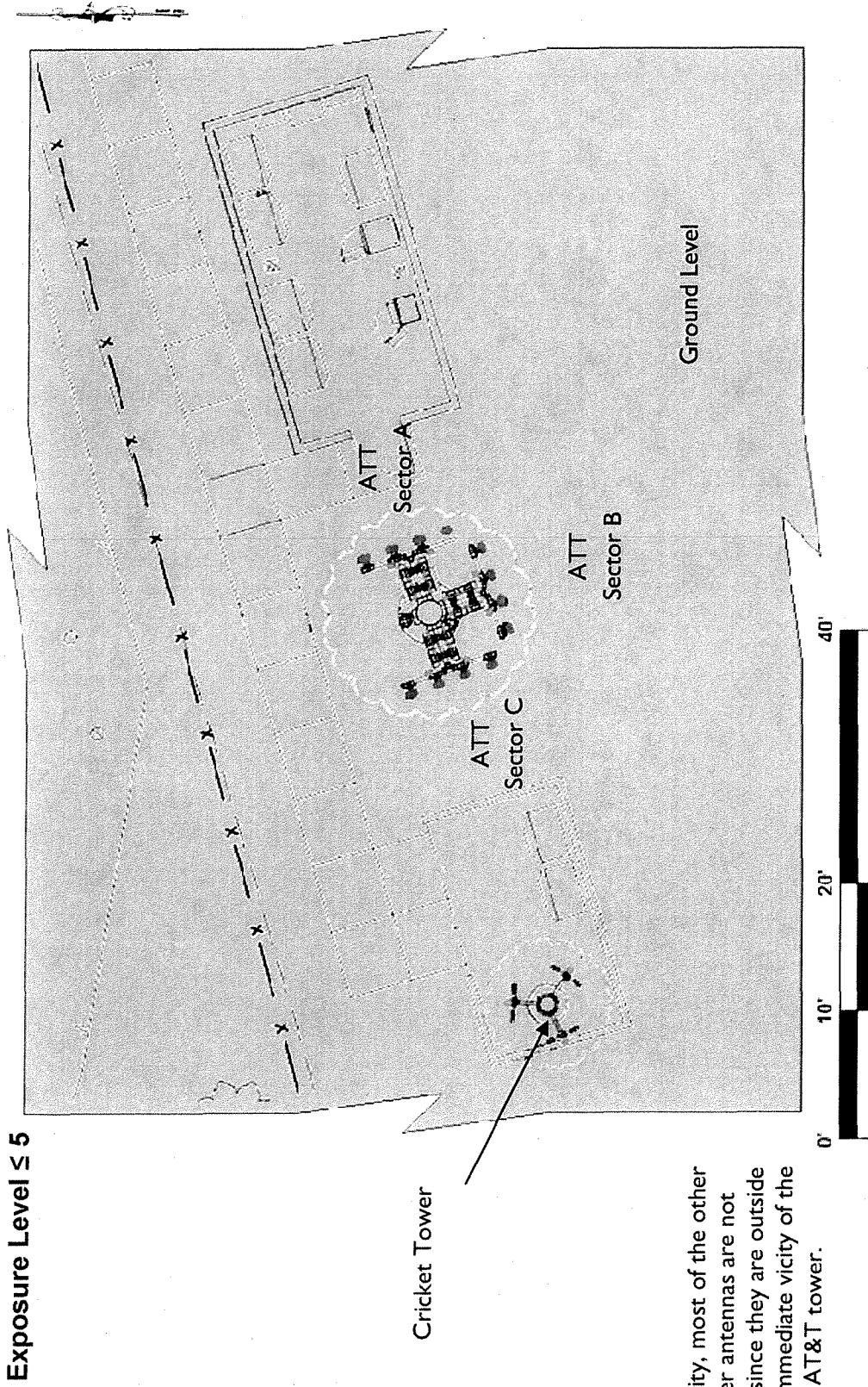


Roofview: Composite Exposure Levels
 Facility Operator: AT&T Mobility
 Site Name: Escondido Highlands
 AT&T Site Number: NS0330
 USID Number: 87926
 Report Date: 11-29-11



% of FCC Public Exposure Limit

-  Exposure Level > 5
-  Exposure Level ≤ 5



For clarity, most of the other carrier antennas are not shown since they are outside of the immediate vicinity of the AT&T tower.

Note that the areas shown in purple, where AT&T antennas contribute more than 5% of the FCC's general exposure MPE limit, do not overlap the areas in front of other carrier antennas that exceed the FCC's general exposure MPE limit (as shown in Figure 1). Under FCC regulations, AT&T is therefore not responsible for any predicted exceedances of these other carrier antennas.



-  AT&T Antennas
-  Other Carrier Antennas

Figure 2.
Roofview: AT&T Exposure Levels
 Facility Operator: AT&T Mobility
 Site Name: Escondido Highlands
 AT&T Site Number: NS0330
 USID Number: 87926
 Report Date: 11-29-11

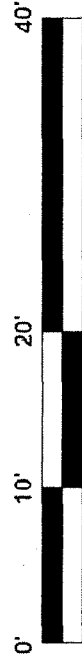
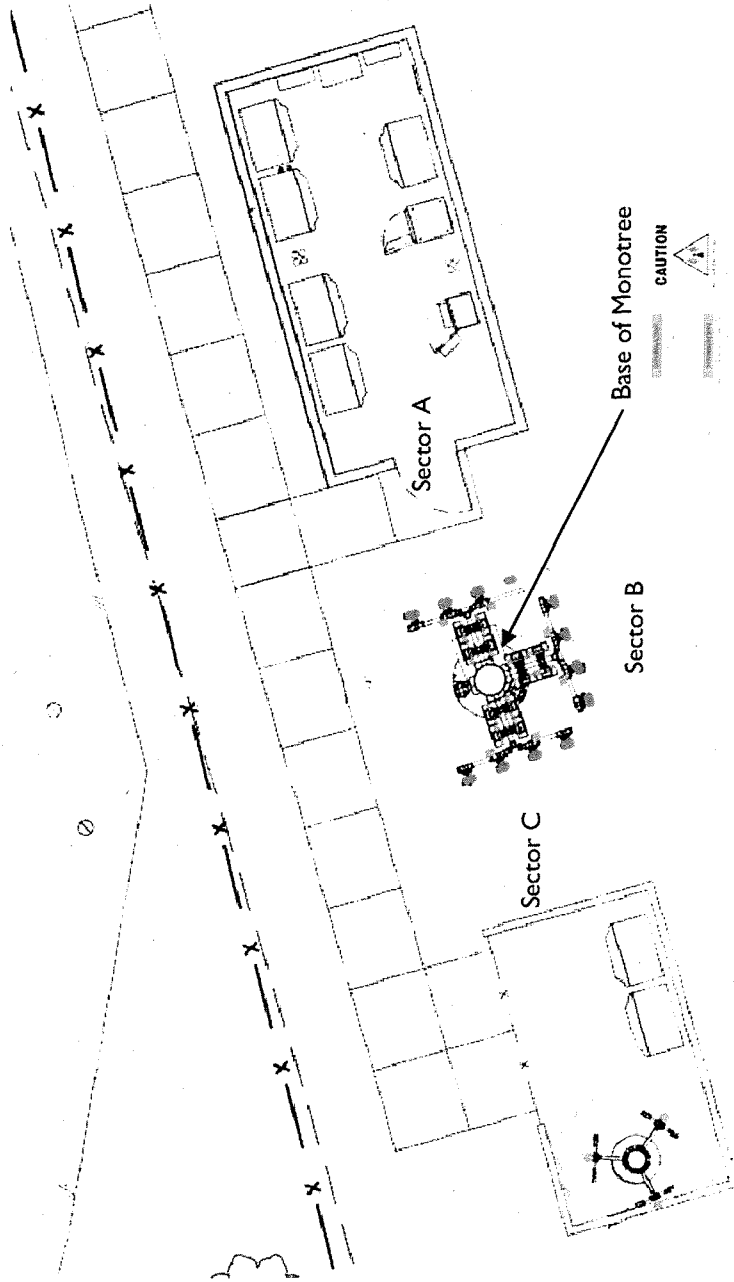


Appendix E

Compliance/Signage Plan

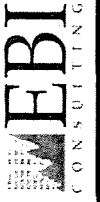
AT&T Antennas

Other Carrier Antennas



Sign Identification Legend	
	Denotes AT&T Informational Sign 1
	Denotes AT&T Informational Sign 2
	Denotes AT&T Informational Sign 3
	Denotes AT&T Informational Sign 4
	Denotes AT&T NOTICE Sign
	Denotes AT&T CAUTION Sign
	Denotes AT&T WARNING Sign

Compliance/Signage Plan
 Facility Operator: AT&T Mobility
 Site Name: Escondido Highlands
 AT&T Site Number: NS0330
 USID Number: 87926
 Report Date: 11-29-11

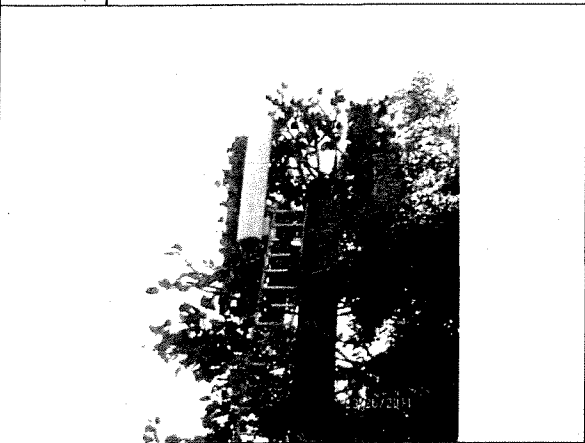


Appendix F

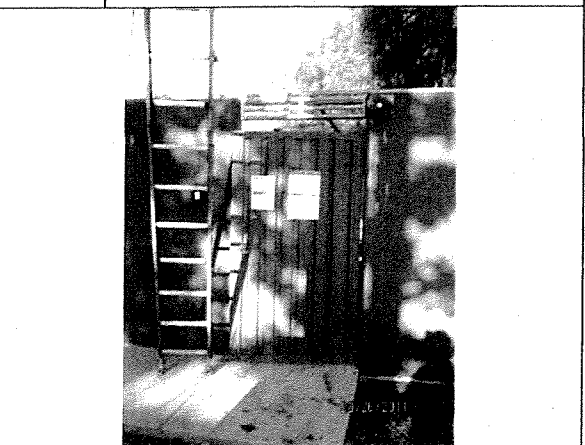
Site Photographs



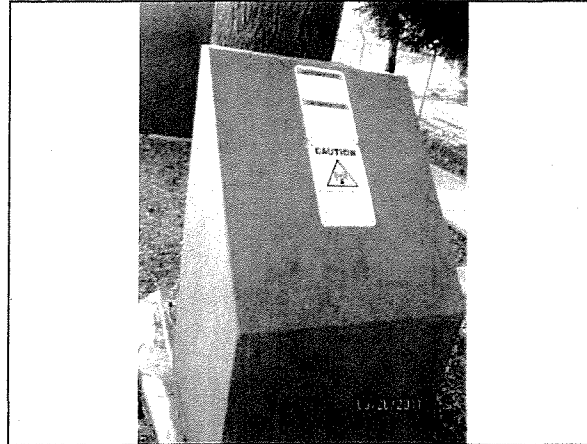
1. View west-southwest; overview of Sprint and AT&T facilities.



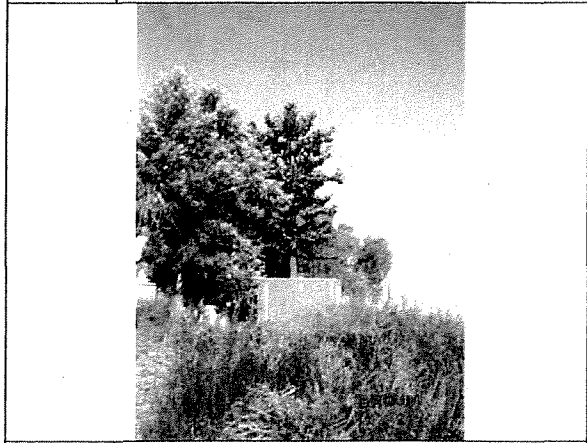
2. View west-southwest and up toward AT&T antennas.



3. AT&T equipment shelter door.



4. Detail of signage at base of AT&T tower.



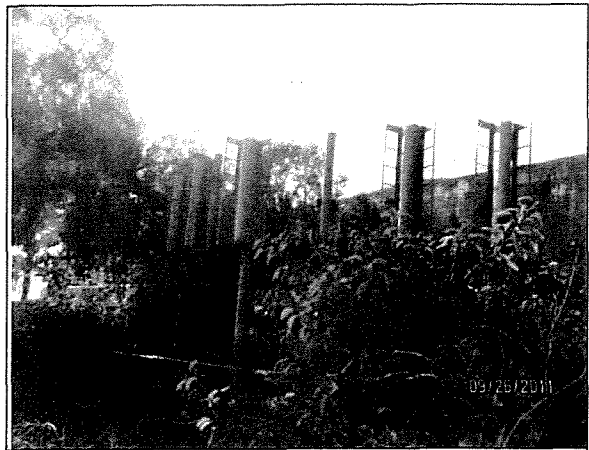
5. View east toward Cricket tower located to the west of the AT&T tower.



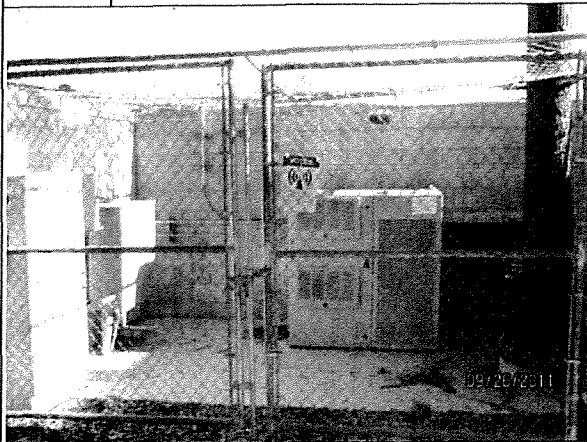
6. View south and up toward antennas on Cricket tower located to the west of the AT&T tower.



7. View south and up toward antennas on Cricket tower located to the west of the AT&T tower.



10. View west-northwest toward Nextel sector A and B antennas.



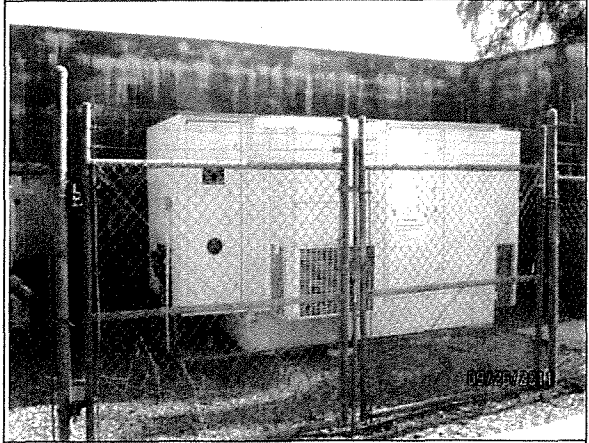
8. Unknown carrier equipment located west to the AT&T tower.



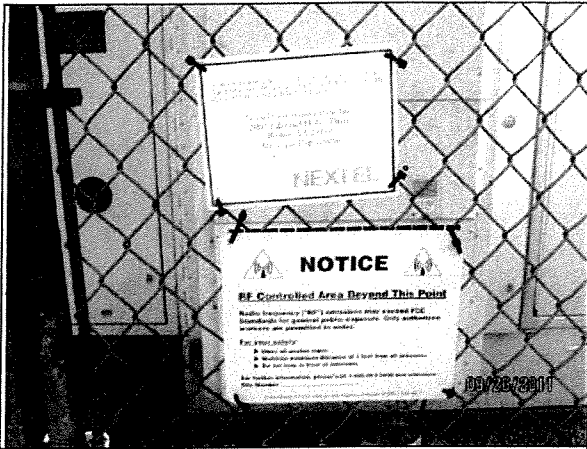
11. Detail of signage near Nextel antennas.



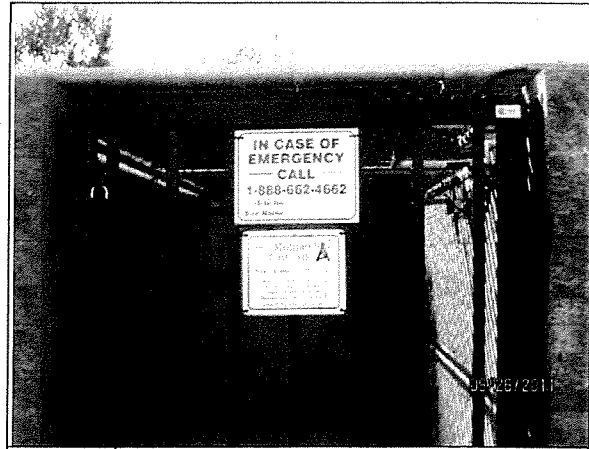
9. View east toward Nextel sector B antennas.



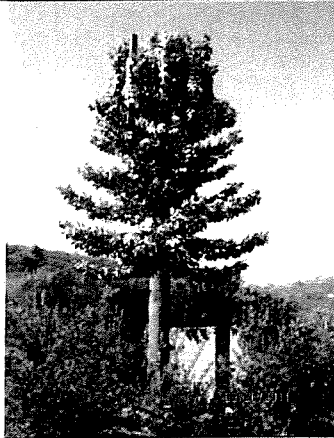
12. Nextel equipment enclosure.



13. Detail of signage on Nextel enclosure.



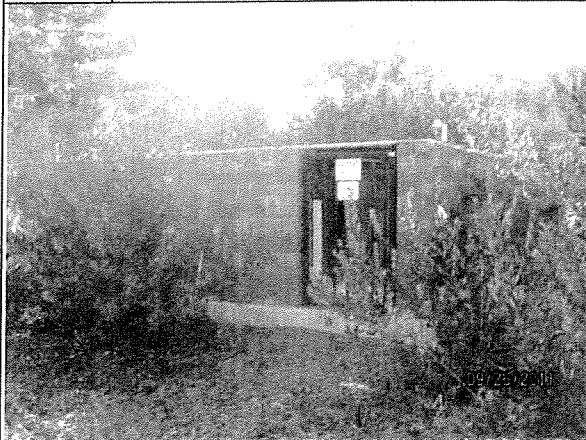
16. Detail of signage on T-Mobile equipment enclosure.



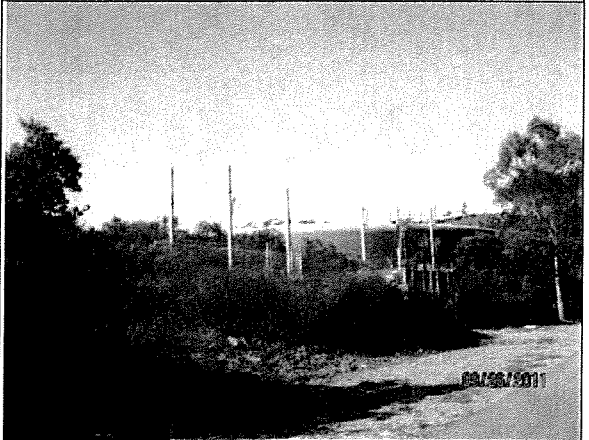
14. View north toward T-Mobile tower.



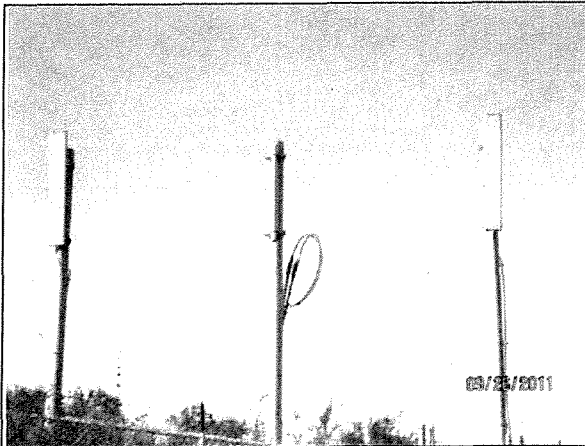
17. View north and up toward T-Mobile antennas.



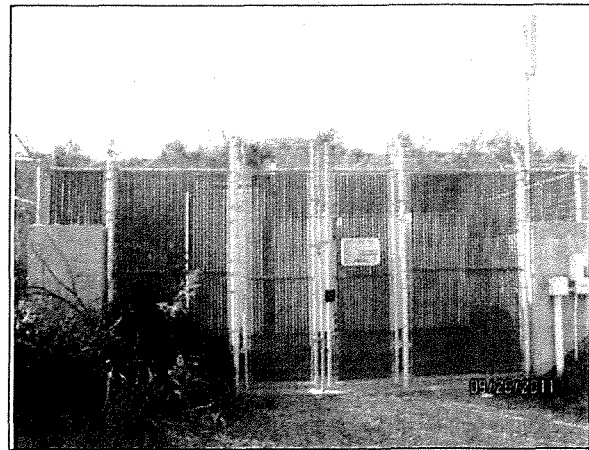
15. View north-northwest toward T-Mobile equipment enclosure.



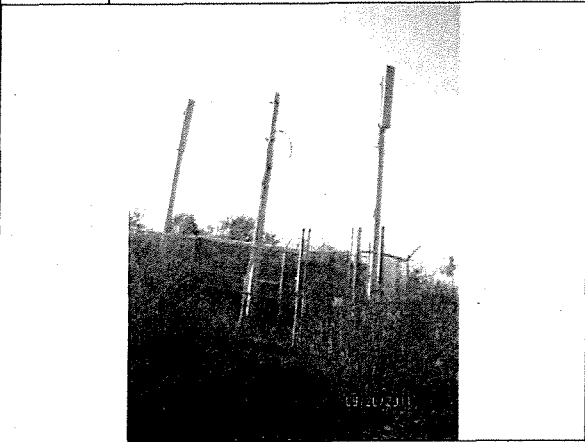
18. View north toward Sprint antennas.



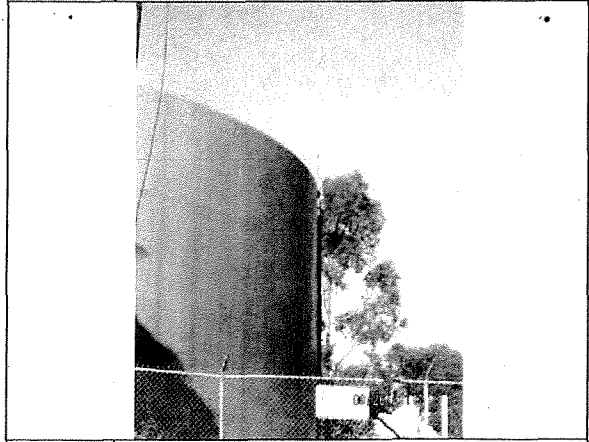
19. View north toward Sprint sector B antennas.



22. View north toward Sprint equipment enclosure.



20. View northwest toward Sprint sector A antennas.



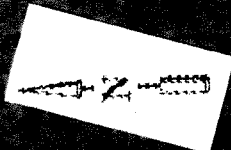
23. View northeast toward Omni antenna mounted to water tank.



21. Detail of signage on Sprint sector A antennas.

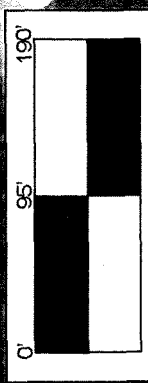
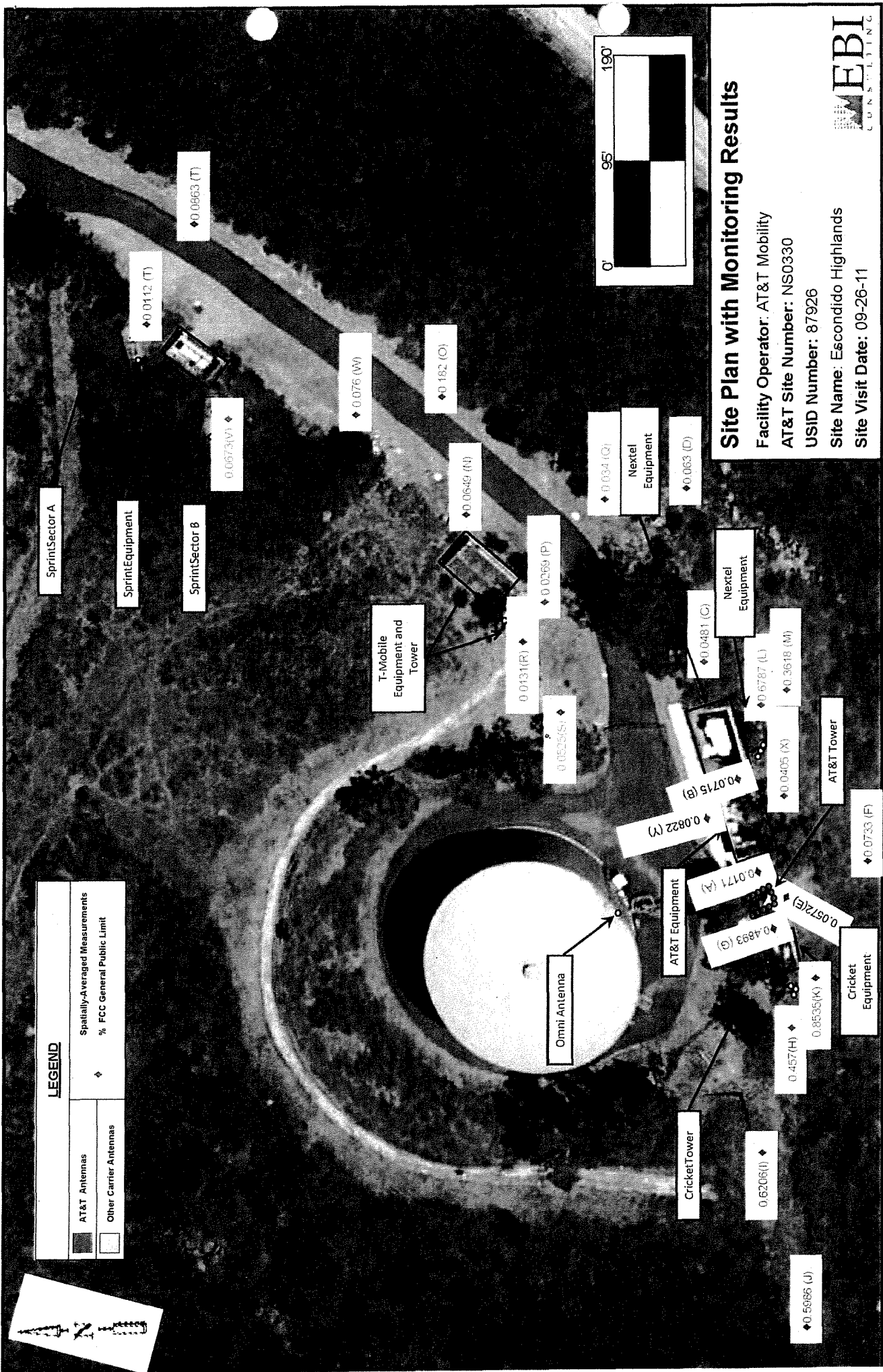
Appendix G

Site Plan with Monitoring Locations



LEGEND

	AT&T Antennas
	Other Carrier Antennas
	Spatially-Averaged Measurements % FCC General Public Limit



Site Plan with Monitoring Results

Facility Operator: AT&T Mobility
 AT&T Site Number: NS0330
 USID Number: 87926
 Site Name: Escondido Highlands
 Site Visit Date: 09-26-11



Appendix H

Site Survey Data

Surveyor Name	Don Perez	Site Visit Date	09- 26-11
---------------	------------------	-----------------	-----------

Site Information	
Escondido Highlands 1901-7/8 Woodland Parkway Escondido, California 9206	San Diego County Site Coordinates (NAD83): 33.160750; -117.131494

MONITOR INFORMATION		PROBE INFORMATION	
Monitor Model #	NBM-550	Probe Model #	EA 5091
Monitor Serial #	B-1124	Probe Serial #	01077
Calibration Date	9/3/2011	Calibration Date	3/2/2010
Next Recommended Calibration Date	9/3/2012	Next Recommended Calibration Date	3/2/2012

CLIMATE INFORMATION	
Temperature (°F)	80
Sunny/Overcast/Cloudy	Sunny
Windy/Mild Breeze/No Wind	Mild Breeze
Rainy/Drizzle/Foggy/Snowy	None
Other Noteworthy weather factors that might influence readings	N/A

ACCESS INFORMATION	
Type of facility:	Tower within a water tank compound
Contact Information:	Hector Manmano. AT&T Mobility, HM7772@att.com
Property Owner and Contact Number	Not available
M-RFSC Name	N/A
Who manages Access (e.g. security, landlord, no one)	No one
How is access managed? (locks, sign-in, etc)	Locks
Ease of access, in general (e.g. ease of breaching any access physical controls)	Difficult

RESOLUTION NO. 2012-08

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING AN AMENDMENT TO THE
PALOS VISTA SPECIFIC PLAN TO ALLOW A
WIRELESS COMMUNICATION FACILITY
FOR AT&T

Case No. PHG 11-0010

WHEREAS, on December 13, 2011, the Planning Commission considered and recommended approval of an Amendment to the Palos Vista Specific Plan (Resolution No. 5949) to remove an existing AT&T wireless communication facility and replace the older simulated tree with a new simulated tree to accommodate additional panel antennas. The new structure would consist of a 35-foot-high simulated tree (up to 40 feet to top of branches) that is designed to accommodate up to twelve, approximately eight-foot-high panel antennas and associated radio equipment. Any additional electrical support equipment would be located within the existing masonry block equipment enclosure. The project site is located on approximately 67 acres of open-space land (Lot G-G-1 of Tract 683, towards the southwestern area of Woodland Heights Glen (APN 187-720-23), more particularly described in Exhibit "C," attached and incorporated by this reference; and

WHEREAS, this City Council has reviewed the request for the Amendment to the Specific Plan, and has reviewed and considered the environmental review (Notice of Exemption in compliance with CEQA Section 15303, Class 3, New Construction or Conversion of Small Structures) prepared for the project, and has determined the project would not have any significant impacts to the environment; and

WHEREAS, Ordinance No. 78-2 enacted pursuant to Section 65974 of the California Government Code and pertaining to the dedication of land and fees for school facilities has been adopted by the City of Escondido; and

WHEREAS, this City Council has considered the request, the staff report, the recommendations of the Planning Commission, the Design Review Board and appropriate agencies, and public testimony presented at the Council hearing and incorporates by reference the findings/factors made in the Council report; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said Amendment to the Specific Plan for AT&T, as reflected in the details of request contained in the staff report(s), and on plans and documents on file in the office of the City Clerk and Planning Division.

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 has reviewed and considered the environmental review prepared for the project, the staff reports, and has heard and considered testimony given at the public hearing, and certifies the project would not result in any significant impacts to the environment.
3. That the Factors to be Considered, attached as Exhibit "A," incorporated by this reference, were made by said Council.
4. That upon consideration of the Factors, all material in the staff report (a copy of which is on file in the Planning Division), public testimony presented at the

hearing, and all other oral and written evidence on this project, this City Council approves the Amendment to the Palos Vista Specific Plan (Case No. PHG 11-0010) as reflected on plans and documents on file in the office of the City Clerk and Planning Division, and subject to Conditions of Approval set forth as Exhibit "B," attached and incorporated by this reference.

5. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Public Works Departments. The project also is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

6. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution, and any such protest must be in a manner that complies with Section 66020.

EXHIBIT "A"
FACTORS TO BE CONSIDERED
PHG 11-0010

Specific Plan Amendment

1. General Plan Residential Policy B2.1 (page II-17) states that residential neighborhoods shall be protected from the encroachment of incompatible activities which may have a negative impact on the residential living environment. Granting this Amendment to the Palos Vista Specific Plan to allow a personal wireless communication facility on the subject property would not conflict with this policy and would be based on sound principles of land use since the use is in response to services required by the community and the facility would enhance communication services in the city without posing a health threat to the surrounding area. The proposed simulated tree would replace an older existing simulated tree, and the panels would be appropriately integrated into the design of the tree. Any additional ground equipment would be located within an existing equipment enclosure. The proposed antennas and equipment enclosure area would not adversely affect the current operation of the site, or any future uses of the site in conformance with the underlying Specific Plan Open Space land-use category or zoning. The facility also would not result in a potential health hazard to nearby residents since the facility would be within MPE (maximum permissible exposure) limits as indicated in the radio frequency analysis prepared for the project. The proposed facility would be in compliance with the City's Wireless Facility Guidelines, as discussed in the Planning Commission staff report dated December 13, 2011.
2. The proposed personal wireless communication facility would be located within the Specific Plan zone. The proposed facility would not result in a substantial alteration of the present or planned land use since the site is zoned open space and there are several other wireless communication facilities located on the site. The project site and adjacent property currently is developed with two large above ground water tanks, support buildings, paved access road and several other wireless communication facilities. The proposal would not cause deterioration of bordering land uses or result in any adverse visual impacts since the antennas/facility are designed to integrate into the built environment with the use of a simulated tree. The proposed antenna panels would be screened within the branches of the trees and covered in appropriate faux leaf materials. There also are other mature trees located on the site to provide the appropriate context. The height of the tree would be consistent with the height limits within the SPA. Only minor ground disturbance is required to provide the appropriate foundation for the new facility. The existing equipment enclosure is painted to blend in with the adjacent hillside vegetation and colors.
3. The proposed personal wireless communication facility would not be hazardous to the health of nearby residents since the radio frequency (RF) analysis prepared for the project concluded the maximum operation levels of radiation for the facility would be within the MPE (Maximum Permissible Exposure) limit established by FCC requirements. The proposed equipment would be secured within a locked enclosure area.
4. The proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Section 15303, "New Small Facilities or Structures" A Notice of Exemption was prepared for the proposed project. The request does not have the potential for causing a significant effect on the environment due to the relatively small size of the facility and it would be located within a previously disturbed area. The site contains several other wireless communication facilities and a Vallecitos above-ground water tank is adjacent to the west. The subject lease area does not contain any sensitive vegetation, nor would the project encroach into native vegetation areas, nor would the project impact any cultural or archaeological sites.
5. The proposed Amendment to the Palos Vista Specific Plan has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and the Wireless Facility Guidelines, and would not result in a negative impact to the adjacent neighborhood for the reasons stated above and detailed in the Planning Commission staff report and radio frequency analysis.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG 11-0010

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief.
2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
3. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
4. The facility shall be subject to all relevant conditions of previous city approvals for this wireless facility, unless specifically amended by this use permit.
5. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
6. As proposed, the design, color and materials of the proposed facilities shall be in accordance with the staff report, exhibits and the project's Details of Request, including the following to the satisfaction of the Planning Division and include the following, which shall be clearly indicated on the building plans:
 - a. All details of the proposed tree shall be clearly shown on the building plans, including the number and length of the branches. An appropriate number of branches shall be incorporated into the design to provide for a full looking tree, with sufficient density to adequately screen the panels, to the satisfaction of the Planning Division.
 - b. The central pole shall be clad with a realistic looking bark covering to match the type of simulated tree selected.
 - c. All panel antennas shall be clad with the appropriate "sock" with a dense amount of materials. The actual detail or spec. shall be indicated on the plans.
 - d. The number and placement of branches shall provide a natural tree silhouette and the branches shall extend an appropriate distance past the antennas to provide appropriate screening. This shall be indicated on the plans.
7. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47) and the exhibits included in the staff report(s), to the satisfaction of the Planning Division. Appropriate signs providing notice, caution or warning, and other necessary markings, shall be placed at the main site access point(s) and other locations, as may be required, in order to alert maintenance or other workers approaching the antennas to the presence of RF transmissions and to take precautions to avoid exposures in excess of FCC limits. The requirement for the appropriate signage/notice shall be indicated on the building plans.
8. AT&T or any subsequent operator/lease holder of the wireless facility agrees to investigate any complaints related to possible interference with electronic equipment in the surrounding area to determine the cause of the interference. Any interference shall be resolved in a timely manner to the satisfaction of the Director of Community Development. If the facility is determined to be the cause of the electronic interference, AT&T shall solve the problem in a timely manner to the satisfaction of the complainant and the Director of Community Development. In addition, any interference with public safety communications shall be corrected immediately, to the satisfaction of the City of Escondido.
9. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).

10. If requested by the City of Escondido, AT&T, or any subsequent operator/lease holder of the facilities shall permit co-location of other wireless providers on its facility (subject to City of Escondido Approval) if it can be demonstrated that there would be no adverse effect on the existing facilities/operations.
11. AT&T shall select an independent third party consultant to conduct actual power density measurements of the facility within 90 days after installation and under full operation of the facility. The results of the study shall be submitted to the Director of Community Development so that the theoretical power density study can be compared to the actual output to ensure compliance with FCC requirements.
12. AT&T or any subsequent operator/lease holder of the wireless facility shall be responsible for all on-going maintenance of the facility, including the antennas and supporting equipment to ensure the condition of the facility does not appear weathered. Any required landscaping shall be permanently maintained in a flourishing manner. Any required irrigation shall be maintained in fully operational condition.
13. All communication facilities on the site shall be promptly removed upon non use of the facilities, to the satisfaction of the Planning Division and Building Department.
14. Any permanent, temporary or stand-by emergency generators must be in conformance with the City's Ordinance and regulations regarding electric generating facilities.
15. All new utilities and utility runs shall be underground.
16. No additional antennas or expansion of this facility shall be permitted without an Amendment to the Specific Plan and a public hearing before the Planning Commission. Minor changes within the approved size and design parameters may be permitted by the Director of Community Development.
17. Any proposed private security gates shall provide rapid reliable access by means of a key box to provide immediate access for firefighting purposes.
18. The Specific Plan Amendment shall be null and void if not utilized within twelve months of the effective date of approval, as determined by the Planning Division.
19. This Specific Plan Amendment only is for AT&T equipment to be located on the site. The number of antennas approved by this Specific Plan Amendment shall be used solely for AT&T and not transferred or subleased to any other carriers unless approved by the City.
20. This item may be referred back to the City Council upon recommendation of the Director of Community Development for review and possible revocation or modification of the Amendment to the Specific Plan upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
21. A copy of these Conditions of Approval shall be submitted with the submittal of the building plans indicating compliance with all of the Conditions and Details of Request and exhibits contained in the Planning Commission staff report.
22. Prior to final of the building permit and operation of the facility, any graffiti on the facility shall be shall be removed or painted over to match the existing structures. Any required landscaping of the original approval shall be replaced if missing or dead. Irrigation shall be repaired as necessary.
23. The building plans shall include a site plan that delineates the areas adjacent to the facility that contain native habitat, with a note indicating that none of the natural habitat is to be disturbed. The plans also shall include the installation of an appropriate sign on the site (and location and of the sign) that indicates this restriction during all construction activities.

24. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). The applicant shall remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable) a check payable to the "San Diego County Clerk" in the amount of \$50.00. In accordance with California Environmental Quality Act (CEQA) section 15062, the filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.

EXHIBIT "C"

LEGAL DESCRIPTION

PHG 11-0010

Lot G-G-1 of Escondido Tract No. 683-H, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 12615, filed in the Office of the County Recorder of San Diego County, April 26, 1990.

APN 187-720-23

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 13
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Barbara J. Redlitz, Director of Community Development
SUBJECT: Conditional Use Permit and Zone Change for Escondido Fire Station No. 4
(PHG 11-0017)

STAFF RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-05 and introduce Ordinance No. 2012-03 approving a Conditional Use Permit for the reconstruction of an approximately 5,963 SF, single-story fire station (Fire Station No. 4) for the Escondido Fire Department in conjunction with a Zone Change to apply the Public Safety Facilities Overlay Zone to the approximately one-acre site located in Kit Carson Park.

PLANNING COMMISSION RECOMMENDATION:

On December 13, 2011, the Planning Commission voted 6-0 (Commissioner McQuead absent) to recommend approval of the proposed Conditional Use Permit and Zone Change.

PROJECT DESCRIPTION:

A Conditional Use Permit for the reconstruction of an approximately 5,963 SF, single-story fire station (Fire Station No. 4) for the Escondido Fire Department in conjunction with a Zone Change to apply the Public Safety Facilities Overlay Zone to the approximately one-acre site located in Kit Carson Park. The existing fire station is currently vacant and would be partially demolished and enlarged to include three apparatus bays for emergency response vehicles, living quarters, equipment/gear storage and an exercise room. Access into the site would continue to be provided from the park entrance road that is part of a signalized intersection with Bear Valley Parkway. Ten employee parking spaces are proposed on the southern part of the site along with an emergency generator and hose drying rack, all of which would be located within a fenced area.

LOCATION:

The 0.99-acre site is located in Kit Carson Park on the southeastern corner of the intersection of Bear Valley Parkway and the park access road directly across from Mary Lane, addressed as 3301 Bear Valley Parkway.

FISCAL ANALYSIS:

On March 9, 2011, the Fire Department presented to Council a financing plan to fund the reconstruction project by utilizing the projected sale of Fire Station No. 3 for \$340,000, Public Facilities Fess of \$1.83 million, closed capital project of \$150,700, and the Building Maintenance Fund of \$78,000, for a total of \$2.40 million. The former Fire Station No. 3 site (2165 Village Road) is currently in escrow for less than the amount anticipated.

On January 11, 2012, the City Council authorized a loan for an additional \$465,000 from the Public Facility Fund to cover unavoidable cost overruns that persist even though the Fire Department, general contractor and architect had worked to reduce the size of the station by almost 2,200 SF and scaled back on the architecture and interior finishes.

GENERAL PLAN ANALYSIS:

The General Plan land-use designation on the subject site is Public Lands/Parks, which is generally applied to large publicly-owned lands, parks, water treatment facilities and other governmental structures other than schools. The proposed Public Safety Facilities Overlay Zone would permit a public safety facility in an Open Space zone, subject to issuance of a Conditional Use Permit. Fire Policy B1.6 of the Escondido General Plan states that the City shall undertake a systematic capital improvements program for Fire Department facilities to ensure a minimum of seven fire stations are in place prior to General Plan buildout. The policy further states that future fire stations shall be sized and staffed with facilities, services and equipment to meet current and anticipated needs.

ENVIRONMENTAL REVIEW:

The proposal is exempt from the requirements of the California Environmental Quality Act in conformance with CEQA Section 15302, "Replacement or Reconstruction of Existing Facilities" and CEQA Section 15061(b)(3), "General Rule." A Notice of Exemption was issued on December 8, 2011. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.

BACKGROUND:

In May of 2010, a severe mold outbreak forced the Escondido Fire Department to close Fire Station No. 4 in Kit Carson Park. Fire crews and equipment were moved about 3½ miles away to Fire Station No. 5 on Felicita Road. The relocation to Fire Station No. 5 had a negative effect on response times in the Station No. 4 service area and led to the search for a temporary station location nearer to the closed Fire Station No. 4. The following month, the City Council approved a lease agreement with the Oakmont (Aegis) residential care facility to allow Fire Station No. 4 crews and equipment to temporarily utilize one of their duplex "casita" units located on the corner of Bear Valley Parkway and Canyon Road. The beneficial agreement allowed the temporary station to stay in the neighborhood on the site that had been generating the most calls for service. That temporary arrangement ended last July when the Oakmont ownership elected not to renew its lease with the City. Fire Station No. 4

crews and apparatus, including an engine and brush unit, are now temporarily located at Fire Station No. 6 on Del Dios Road.

The current situation is less than optimal in having the Station No. 4 crews located outside of their response area. Working within a well-defined budget, the Fire Department has developed a mold remediation and reconstruction program to modernize and expand Station No. 4 to better serve the current and future needs of employees and the community.

The project also includes a Zone Change to apply the Public Safety Facilities (PSF) Overlay Zone to the site. The Overlay provides standards and procedures for development of Police Department and Fire Department facilities throughout the City. It allows those facilities to be located in any zone in the City, subject to issuance of a Conditional Use Permit. Development standards can vary from the underlying zoning standards if needed to meet community needs and ensure the efficient operation of the facility.

PLANNING COMMISSION RECOMMENDATION AND SUMMARY:

On December 13, 2011, the Planning Commission voted 6-0 (Commissioner McQuead absent) to recommend approval of the proposed Conditional Use Permit and Zone Change. The commissioners felt the location and design of the new station was appropriate and focused their comments primarily on traffic issues. A couple of commissioners noted the substandard level of service (LOS F) on Bear Valley Parkway and questioned whether that was a cause of concern for the Fire Department. Staff noted that the department had successfully operated from the site for many years, and that reconstruction of the Fire Station would not add more vehicle trips to the street.

PUBLIC COMMENT:

There was no testimony from the public at the Planning Commission hearing and staff has not received any letters or phone calls regarding the proposed project.

DISCUSSION:

Approximately 2,000 SF of the existing station including the two apparatus bays would remain and be incorporated into the new fire station. The existing living quarters area would be demolished and replaced with an additional apparatus bay and new, expanded living quarters. The proposed single-story fire station would have approximately 5,963 SF of floor area including three apparatus bays for emergency response vehicles with metal, sectional roll-up doors on the front of the station and metal coiling doors on the back, living quarters for up to five emergency personnel, equipment/gear storage and an exercise room. All access into the site would be from the Kit Carson Park driveway directly opposite Mary Lane. Emergency response vehicles would exit directly to the signalized intersection of the park driveway and Bear Valley Parkway and return via the park driveway to the fire station driveway located approximately 250 feet back from the park entrance. Ten employee parking spaces are proposed on the southern portion of the site along with a stand-by emergency generator and a hose drying rack. Two public parking spaces would be located in front of the station. Overall building height for the proposed facility would remain approximately 29 feet to the top of the existing hose tower that will be incorporated into the new station.

The site is located within a 243-acre regional park in an area substantially developed with active recreational uses including ball fields, roller hockey and soccer arenas, and a skate park. The San Pasqual High School campus and a religious facility are located directly across the street and the nearest residence is approximately 700 feet to the north. Although the proposed fire station would be larger than the current station building, it would still be smaller than most nearby structures and facilities. Building materials and colors would consist of a tan exterior stucco, dark brown wood trim and doors, and olive green metal apparatus bay doors. On November 10, 2011, the Design Review Board voted unanimously to approve the proposed facility and accepted the design of the station as compatible with surrounding development. A condition of approval was added at their request to require the addition of another stucco color of a slightly different shade.

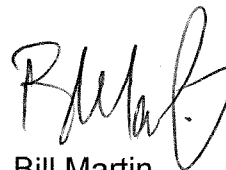
Community protection and safety are essential community services. The Public Safety Facilities (PSF) Overlay Zone has been implemented to provide standards and procedures for the development of Police Department and Fire Department facilities throughout the City. The need to place these facilities within the areas they serve often results in the placement of public safety facilities in a variety of different zoning designations, each with specific development standards that may or may not accommodate public safety needs. The PSF Overlay Zone allows the placement of Police Department and Fire Department facilities in any residential, commercial, industrial, open space or specific plan zoning designation, subject to the issuance of a Conditional Use Permit. Development standards could vary from the underlying zoning standards if needed to meet community needs and ensure the efficient operation of the facility. All requested departures from the underlying zoning are specified in the Conditional Use Permit for each facility, and findings for approval have been developed to ensure the design of the facility has taken into consideration the scale and architectural context of the neighborhood or business district in which the facility is located.

The proposed reconstruction of Fire Station No. 4 includes a request for a Zone Change to place the Public Facilities Safety Facilities Overlay Zone on the project site. The site is located within Kit Carson Park and is zoned Open Space-Parks (OS-P), which does not permit or conditionally permit the development of fire stations. However, the site currently is developed with Fire Station No. 4, which was constructed in 1978. The Overlay Zone would allow the new fire station to be constructed on the site and eliminate the legal non-conforming status of the existing facility. The new building would be consistent with the underlying OS-P setback standards, but a minor setback deviation would be needed for the location of the two public parking spaces in front of the station. Both the Planning Commission and staff feel the location of the parking spaces is appropriate because the park driveway does not generate a substantial amount of traffic, vehicular circulation through the area would not be affected and adequate back-up distance can be provided from the parking spaces.

Respectfully Submitted,



Barbara J. Redlitz
Director of Community Development



Bill Martin
Principal Planner

Planning Commission Minutes 12/13/11

LOCATION: Lot G-G-1 of Tract No. 683, addressed as 1901 Woodland Heights Glen (APN 187-720-23)

Jay Paul, Associate Planner, referenced the staff report and noted staff's issue was whether the design and location of the proposed facility is appropriate for the site and consistent with the Wireless Facility Guidelines. Staff recommended approval based on the following: 1) The proposed facility would be consistent with the Communication Antennas Ordinance since the antennas would be incorporated into a simulated tree, which is a stealthy design and would be in context with the surrounding open space setting and other simulated trees on the site. The facility would not result in any adverse individual or cumulative visual impacts; is located on a large open-space lot; blends in with the surrounding built environment; and would be in conformance with FCC emission standards; and 2) Staff felt the proposed facility would not result in potential health hazards to nearby residents since the Radio Frequency (RF) study prepared for the proposed project indicates the facility would be within maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) standards.

Commissioner Winton asked if the City boundary could be included on the wireless coverage maps.

Discussion ensued regarding a clarification of the RF calculations.

Franklyn Morasco, AT&T representative, concurred with staff's recommendation.

ACTION:

Moved by Commissioner Campbell, seconded by Commissioner Winton, to approve staff's recommendation. Motion carried unanimously. (6-0)

2. CONDITIONAL USE PERMIT AND ZONE CHANGE – PHG 11-0017:

REQUEST: A Conditional Use Permit for the reconstruction of an approximately 5,421 SF, single-story fire station (Fire Station No. 4) for the Escondido Fire Department in conjunction with a Zone Change to apply the Public Safety Facilities Overlay Zone to the approximately one-acre site located in Kit Carson Park. The existing fire station is currently vacant and would be partially demolished and enlarged to include three apparatus bays for emergency response vehicles, living quarters, equipment/gear storage and an exercise room. Access into the site would continue to be provided from the park road that is part of a signalized intersection with Bear Valley Parkway. Ten employee parking spaces are proposed on the southern part of the site along with an emergency generator and hose drying rack, all of which would be located within a fenced area.

LOCATION: The 0.99-acre site is located in Kit Carson Park on the southeastern corner of the intersection of Bear Valley Parkway and the park access road directly across from Mary Lane, addressed as 3301 Bear Valley Parkway.

Bill Martin, Principal Planner, referenced the staff report and noted staff issues were whether the design of the proposed fire station is compatible with surrounding development, and the appropriateness of applying the Public Safety Facilities (PSF) Overlay Zone to the site. Staff recommended approval based on the following: 1) The reconstruction and expansion of Fire Station No. 4 was necessary to remediate the current mold problem and meet the ongoing and future demand for fire services throughout the City. The new facility would provide adequate parking and access and would substantially conform to the required development standards of the OS-P zone. One minor setback deviation would be needed for the two public parking spaces in front of the station. Although the fire station would nearly double in size, the mass, scale and height of the new fire station would be compatible with the character and scale of the various Kit Carson Park recreational buildings directly behind the station and the high school campus and religious facility across Bear Valley Parkway to the east. The proposed exterior materials and colors for the facility also would be consistent with other structures located in the park; and 2) The City had an obligation to provide a sufficient number of public safety facilities in all areas of the City. The Public Safety Facilities (PSF) Overlay Zone comprehensively addresses the need to provide such facilities in each zone by providing flexibility in the development standards that were tailored to the specific underlying zoning designation. Although a fire station currently exists on the site, the underlying Open Space zone did not allow the development of a fire station. Applying the PSF Overlay Zone to the subject site would allow the reconstruction of the fire station within the Open Space (OS-P) zone, and also allow a minor deviation from the OS-P development standards to accommodate all of the on-site physical and operational needs of the Fire Department without adversely affecting adjacent properties. Staff feels implementation of the PSF Overlay Zone was a more comprehensive method to deal with the unique needs of this essential service facility while still providing discretionary oversight through the Conditional Use Permit process.

Chairman Caster questioned whether the Fire Department was concerned with the level of service on Bear Valley Parkway being LOS "F." Mr. Martin replied in the negative and noted the reconstructed station would not generate more traffic than previously occurred.

Commissioner Yerkes and Fire Division Chief Russ Knowles discussed the traffic patterns during peak periods on Bear Valley Parkway when the emergency vehicles were exiting the station.

ACTION:

Moved by Commissioner Winton, seconded by Commissioner Weber, to approve staff's recommendation. Motion carried unanimously. (6-0)

CURRENT BUSINESS:

1. Report on the effectiveness of the new light shields installed on the athletic field lights at Calvin Christian High School (PHG 08-0018).

Mr. Martin provided the update and noted that the shields had been installed and had effectively reduced light and glare in the adjacent neighborhood. He noted that he had spoken to one of the concerned neighbors the night he was inspecting the lights and that she agreed the situation had improved. Planning staff had informed the Code Enforcement Division that the violations had been corrected and the case could be closed. He stated that no further action on the part of the Planning Commission was recommended.

Mark Meumelaar, Escondido, President of the School Board at Calvin Christian, stated that they had conducted some independent testing of the lighting by a third party and found the levels to be below the required levels from the CUP.

The Planning Commission concurred to take no further action.

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS:

Commissioner Winton and Mr. Martin discussed what version of the minutes was posted on the City's website.

ADJOURNMENT:

Chairman Caster adjourned the meeting at 7:36 p.m. The next meeting was scheduled for January 10, 2012, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

Bill Martin, Secretary to the Escondido
Planning Commission

Ty Paulson, Minutes Clerk

PLANNING COMMISSION

Agenda Item No.: G.2
Date: December 13, 2011

CASE NUMBER: PHG 11-0017

APPLICANT: City of Escondido

LOCATION: The 0.99-acre site is located in Kit Carson Park on the southeastern corner of the intersection of Bear Valley Parkway and the park access road directly across from Mary Lane, addressed as 3301 Bear Valley Parkway.

TYPE OF PROJECT: Conditional Use Permit and Zone Change

PROJECT DESCRIPTION: A Conditional Use Permit for the reconstruction of an approximately 5,421 SF, single-story fire station (Fire Station No. 4) for the Escondido Fire Department in conjunction with a Zone Change to apply the Public Safety Facilities Overlay Zone to the approximately one-acre site located in Kit Carson Park. The existing fire station is currently vacant and would be partially demolished and enlarged to include three apparatus bays for emergency response vehicles, living quarters, equipment/gear storage and an exercise room. Access into the site would continue to be provided from the park entrance road that is part of a signalized intersection with Bear Valley Parkway. Ten employee parking spaces are proposed on the southern part of the site along with an emergency generator and hose drying rack, all of which would be located within a fenced area.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: Public Lands/Parks

ZONING: OS-P (Open Space – Parks)

BACKGROUND/SUMMARY OF ISSUES: Several years ago, the City of Escondido completed a program to upgrade Fire Station No. 1 and construct three new neighborhood fire stations and a combined Police Department and Fire Department headquarters facility on Centre City Parkway. The relocation of Fire Station No. 3 from Village Road to Nutmeg Street and the construction of Fire Station No. 6 on Del Dios Road and Fire Station No. 7 on Ash Street were undertaken to enhance emergency services and reduce response times. The construction program was financed through a successful bond measure that did not allocate any money to the city's other three fire stations, including Fire Station No. 4 in Kit Carson Park.

In May of 2010, a severe mold outbreak forced the Escondido Fire Department to close Fire Station No. 4 in Kit Carson Park. Fire crews and equipment were moved about 3½ miles away to Fire Station No. 5 on Felicita Road. The relocation to Fire Station No. 5 had a negative effect on response times in the Station No. 4 service area and led to the search for a temporary station location nearer to the closed Fire Station No. 4. The following month, the City Council approved a lease agreement with the Aegis (Oakmont) residential care facility to allow Fire Station No. 4 crews and equipment to temporarily utilize one of their duplex "casita" units located on the corner of Bear Valley Parkway and Canyon Road. The Planning Commission subsequently approved a CUP for the temporary site and the Station No. 4 crews and equipment were relocated back into their service area. The beneficial agreement allowed the temporary station to stay in the neighborhood on the site that had been generating the most calls for service. That temporary arrangement ended last July when the Oakmont ownership elected not to renew its lease with the City. Fire Station No. 4 crews and apparatus, including an engine and brush unit, are now temporarily located at Fire Station No. 6 on Del Dios Road.

Although Fire Station No. 6 is physically suitable for Station No. 4 crews, the situation is less than optimal in having the Station No. 4 crews located outside of their response area. Working within a well-defined budget, the Fire Department

has developed a mold remediation and reconstruction program to modernize and expand Station No. 4 to better serve the current and future needs of employees and the community.

The project also includes a Zone Change to apply the Public Safety Facilities (PSF) Overlay Zone to the site. The Overlay provides standards and procedures for development of Police Department and Fire Department facilities throughout the City. It allows those facilities to be located in any zone in the City, subject to issuance of a Conditional Use Permit. Development standards can vary from the underlying zoning standards if needed to meet community needs and ensure the efficient operation of the facility.

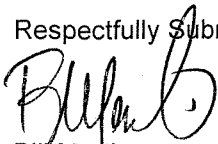
Staff feels that the issues are as follow:

1. Whether the design of the proposed fire station is compatible with surrounding development.
2. The appropriateness of applying the Public Safety Facilities (PSF) Overlay Zone to the site.

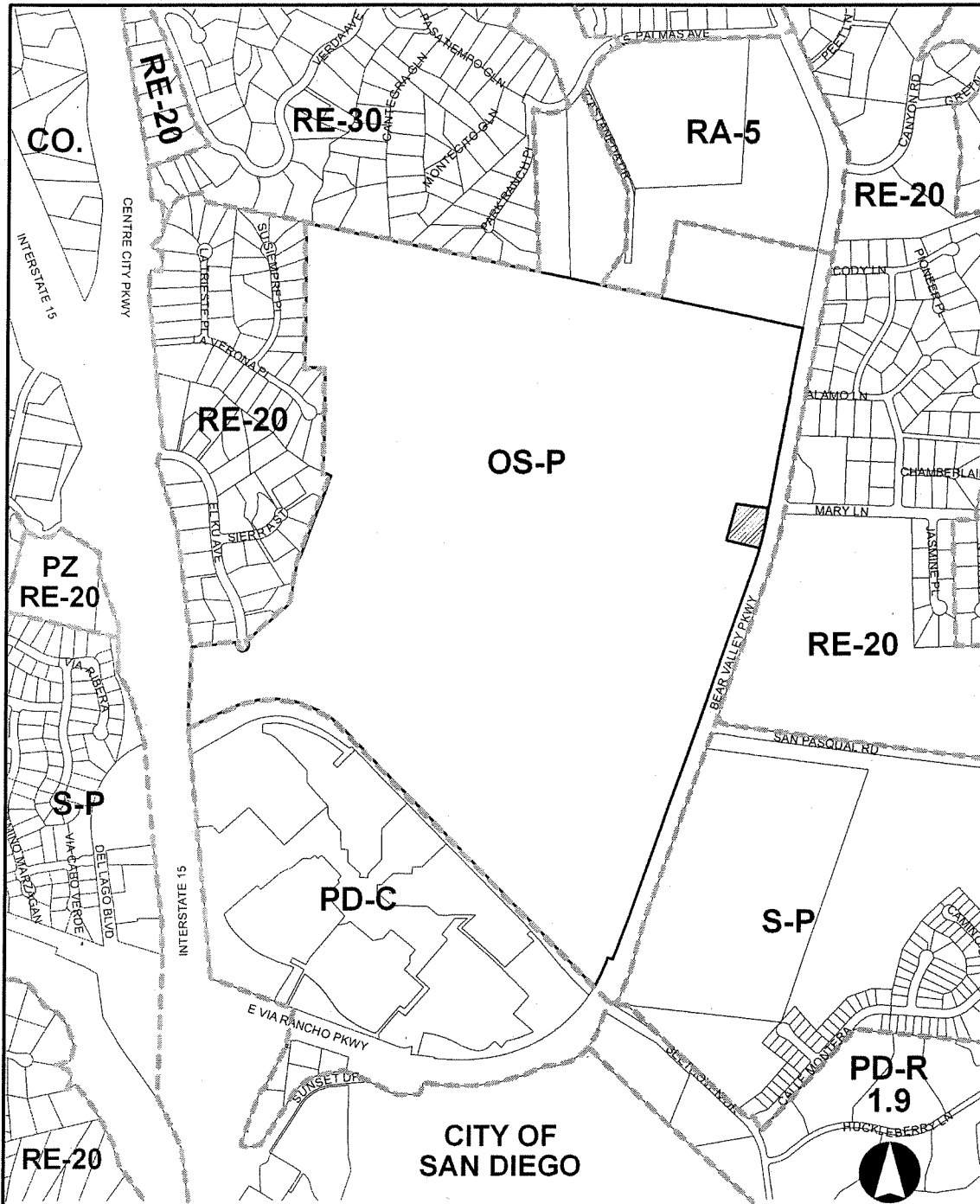
REASONS FOR STAFF RECOMMENDATION:

1. The reconstruction and expansion of Fire Station No. 4 is necessary to remediate the current mold problem and meet the ongoing and future demand for fire services throughout the City. The new facility would provide adequate parking and access and would substantially conform with the required development standards of the OS-P zone. One minor setback deviation would be needed for the two public parking spaces in front of the station. Although the fire station would nearly double in size, the mass, scale and height of the new fire station would be compatible with the character and scale of the various Kit Carson Park recreational buildings directly behind the station and the high school campus and religious facility across Bear Valley Parkway to the east. The proposed exterior materials and colors for the facility also would be consistent with other structures located in the park.
2. The City has an obligation to provide a sufficient number of public safety facilities in all areas of the City. The Public Safety Facilities (PSF) Overlay Zone comprehensively addresses the need to provide such facilities in each zone by providing flexibility in the development standards that are tailored to the specific underlying zoning designation. Although a fire station currently exists on the site, the underlying Open Space zone does not allow the development of a fire station. Applying the PSF Overlay Zone to the subject site would allow the reconstruction of the fire station within the Open Space (OS-P) zone, and also allow a minor deviation from the OS-P development standards to accommodate all of the on-site physical and operational needs of the Fire Department without adversely affecting adjacent properties. Staff feels implementation of the of the PSF Overlay Zone is a more comprehensive method to deal with the unique needs of this essential service facility while still providing discretionary oversight through the Conditional Use Permit process.

Respectfully Submitted,

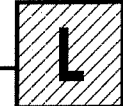


Bill Martin
Principal Planner

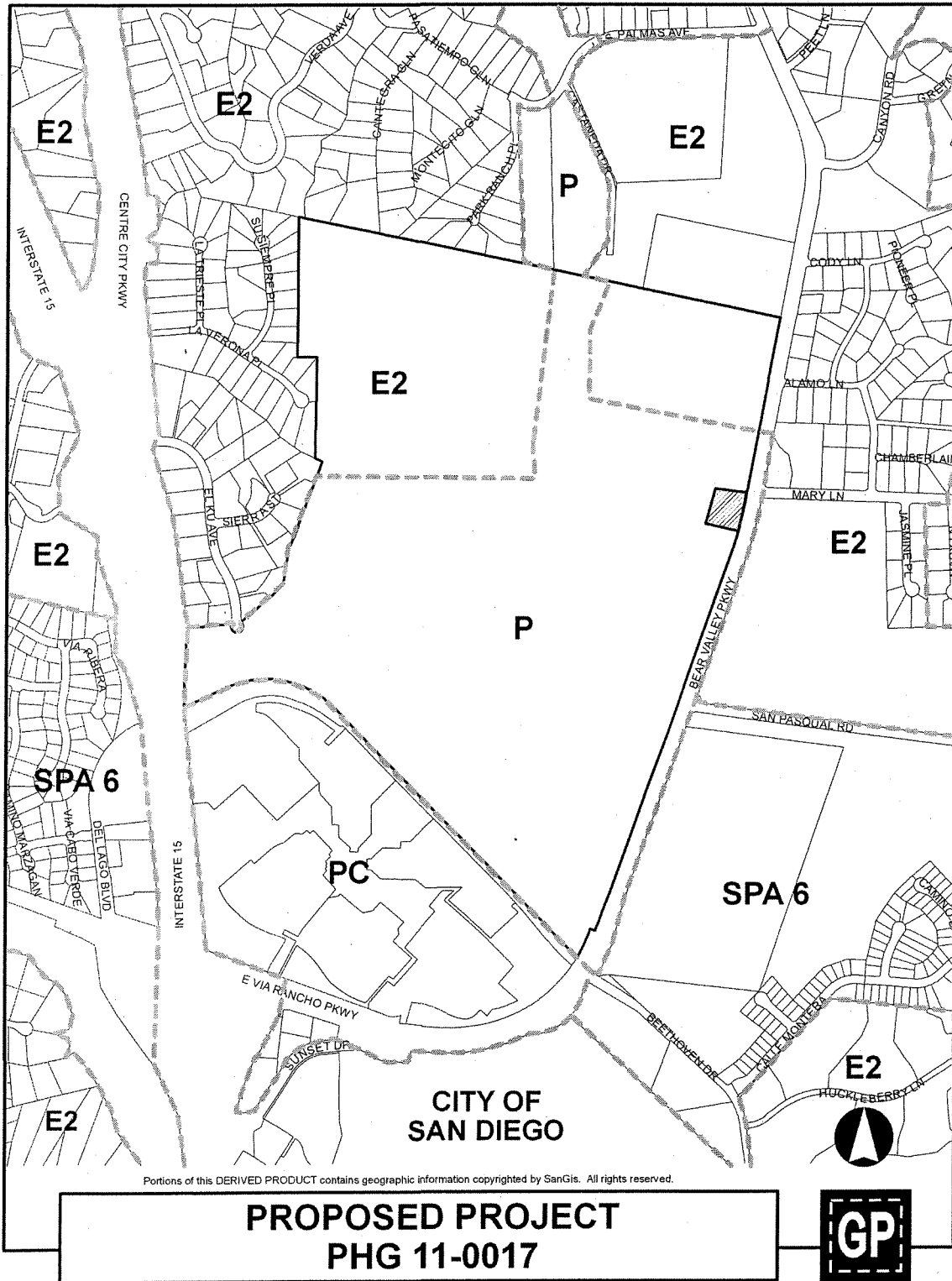


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**PROPOSED PROJECT
PHG 11-0017**



LOCATION/ZONING



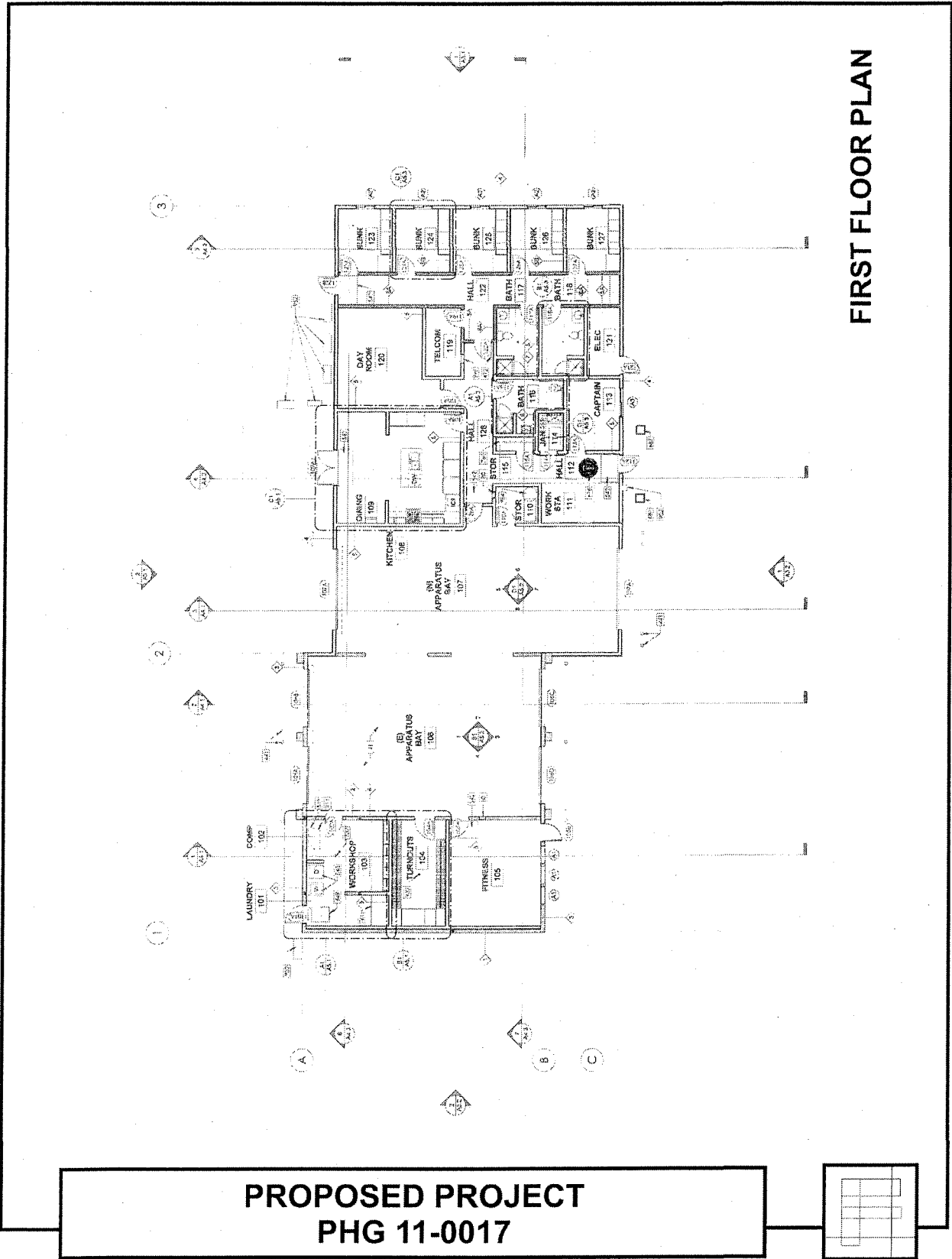


SITE PLAN

**PROPOSED PROJECT
PHG 11-0017**

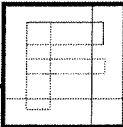


SITE PLAN

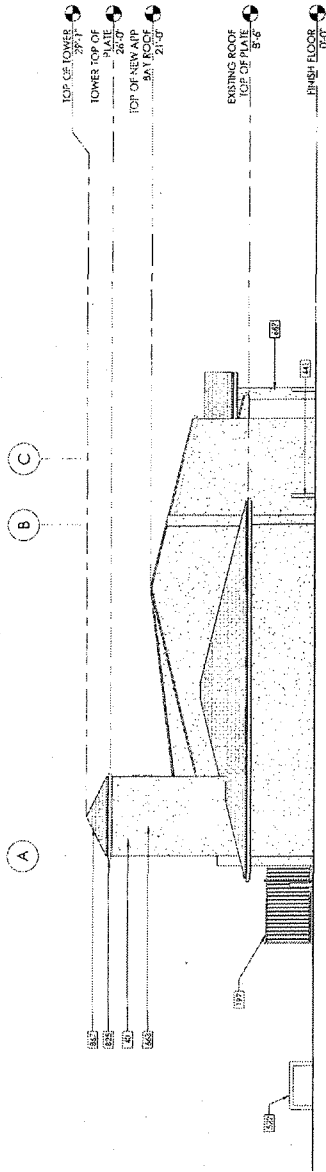


FIRST FLOOR PLAN

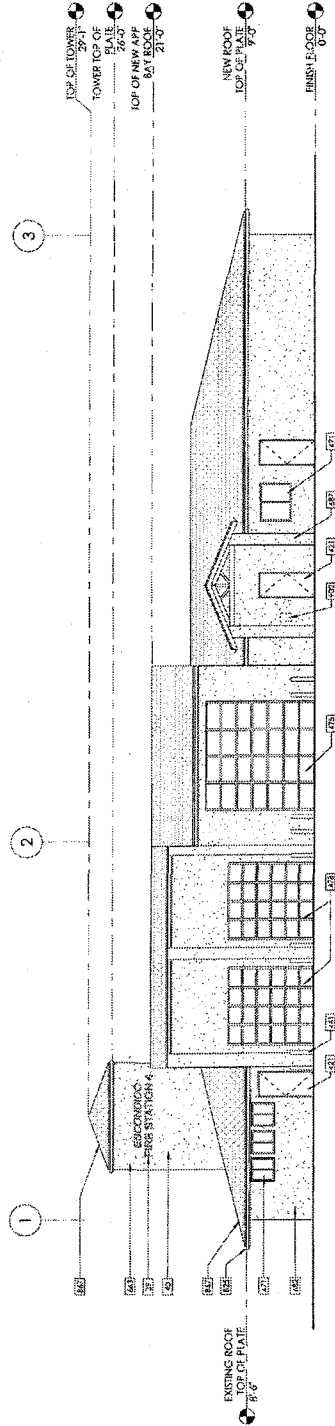
PROPOSED PROJECT
PHG 11-0017



FLOOR PLAN

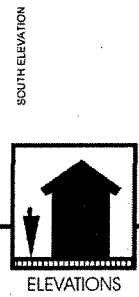


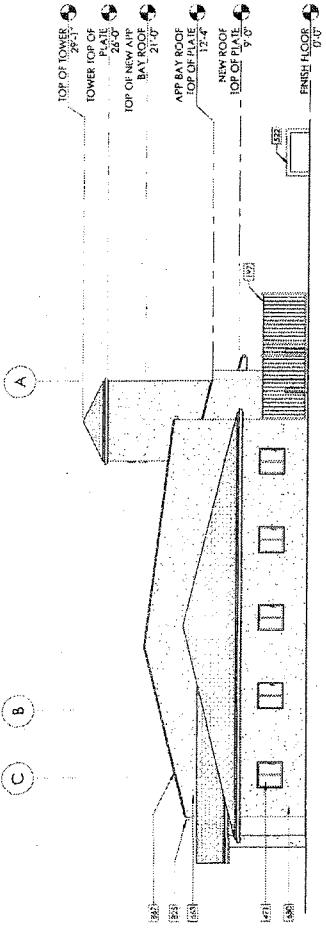
WEST ELEVATION



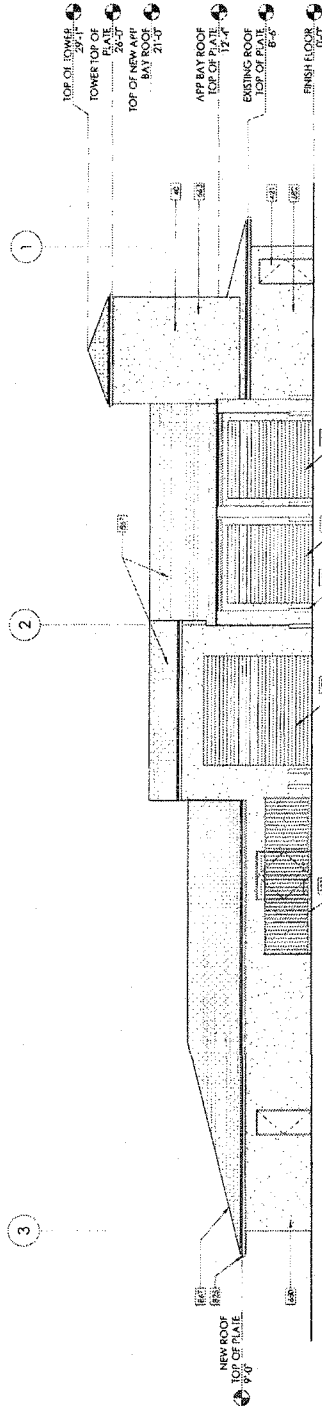
SOUTH ELEVATION

**PROPOSED PROJECT
 PHG 11-0017**





EAST ELEVATION

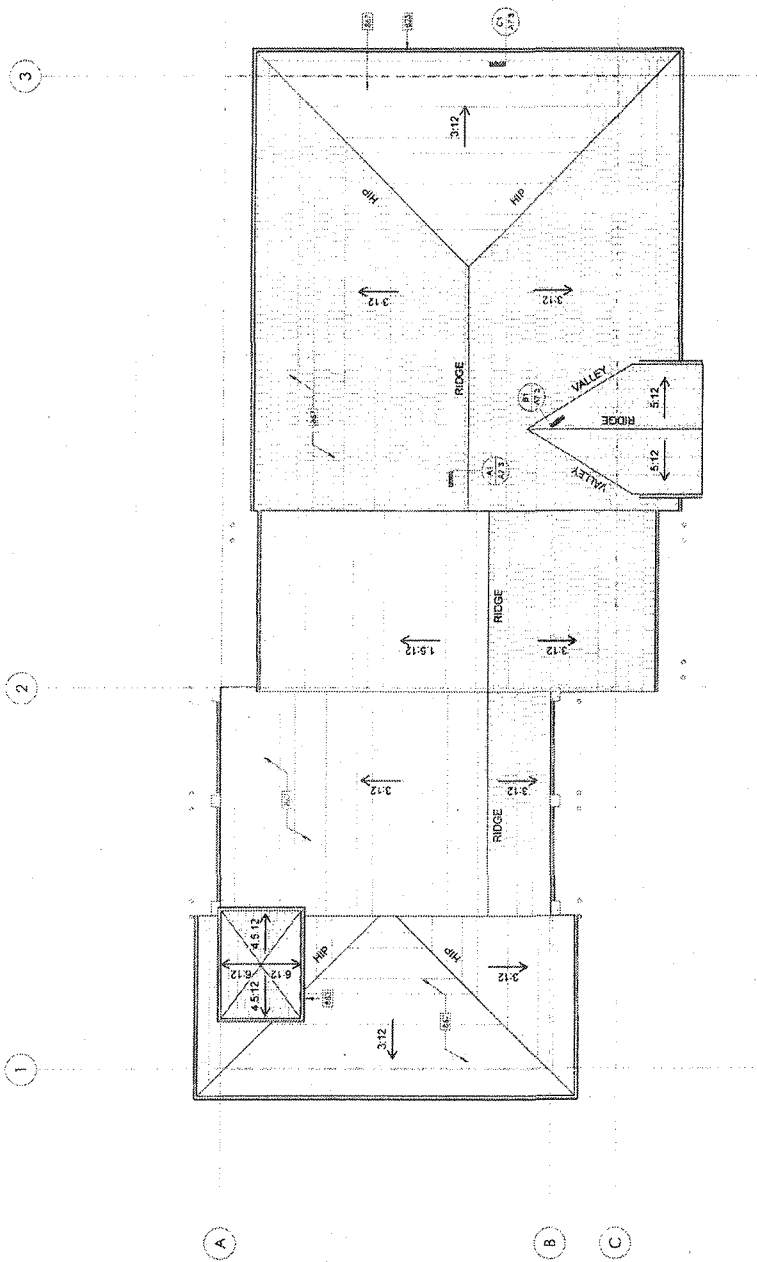


NORTH ELEVATION

**PROPOSED PROJECT
 PHG 11-0017**

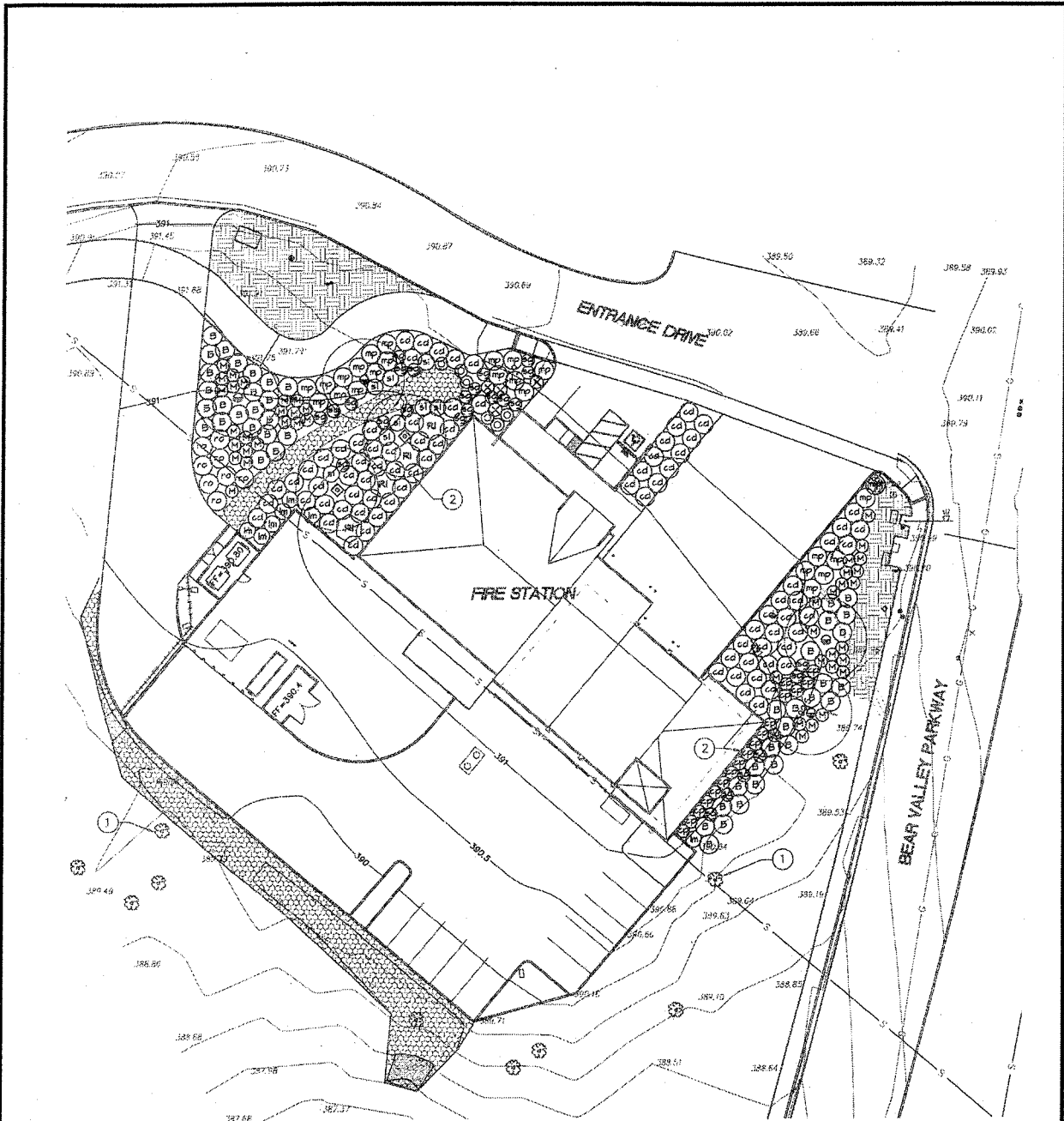


ROOF PLAN



**PROPOSED PROJECT
PHG 11-0017**





LANDSCAPE PLAN

**PROPOSED PROJECT
PHG 11-0017**



LANDSCAPE PLAN

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH - OS-P (Open Space – Park) zoning/ Across the Kit Carson Park entry driveway is the Kit Carson Park Amphitheatre, natural vegetation areas and a portion of a disc golf course.

SOUTH - OS-P zoning/ South of the fire station is additional park acreage including the softball and soccer fields.

EAST - RE-20 (Residential Estates – 20,000 SF minimum lot size) zoning/ San Pasqual High School is located directly across Bear Valley Parkway from the fire station.

WEST - OS-P zoning/ Located within Kit Carson Park just west of the fire station is the Escondido Sports Center with two full-size roller hockey arenas, one full-size soccer arena and one mini soccer arena both with artificial turf, a 22,000 SF skate park, pro shop and snack bar.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – The Police Department has expressed no concern regarding their ability to provide service to the site.
2. Effect on Fire Service – Reopening Fire Station No. 4 would enhance safety services in the southern and southeastern parts of the City which are now temporarily serviced by Station No. 5 on Felicita Road and Station No. 6 on Del Dios Road. The reconstruction and reopening of Station No. 4 would allow the crews and equipment to once again be stationed within their service area resulting in enhanced response times. The Escondido Fire Department has indicated that fire sprinklers would be installed in the station building.
3. Traffic – The fire station will continue to take access from the park driveway near the intersection with Bear Valley Parkway, which is classified as a Major Road (110' r.o.w.) in the Circulation Element of the Escondido General Plan. Bear Valley Parkway operates at a Level of Service "F" under existing four-lane improvement conditions with approximately 37,800 average daily trips (ADT's). The Draft EIR for the General Plan Update indicates the Year 2035 level of service is expected to remain at LOS F even with improvements to a six-lane Super Major Road. Although the street currently operates at a failing level of service, the proposed project would not adversely affect traffic volumes or the existing level of service because no additional ADT's are anticipated over those that were generated prior to the station temporarily closing. The station will resume functioning with three employees per shift that will likely generate less than 30 ADT. Those trips have already been factored in to the counts and service levels for the area.
4. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjoining street or within Kit Carson Park. An existing sewer main parallels the back side of the station building approximately three feet away from the building wall. All new construction from the large apparatus bay to the west will be shifted approximately five feet further north to avoid inappropriately surcharging and/or damaging the pipeline. The project does not materially degrade the levels of service of the public sewer and water system.
5. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. A drainage course located several hundred yards to the west would not be affected by the proposed development. Runoff from the project will be directed into a series of BMP treatment swales and/or detention basins and/or inlet filter systems to separate targeted pollutants from the runoff before it leaves the site. The project does not materially degrade the levels of service of the existing drainage facilities.

C. ENVIRONMENTAL STATUS

1. The proposal is exempt from the requirements of the California Environmental Quality Act in conformance with CEQA Section 15302, "Replacement or Reconstruction of Existing Facilities" and CEQA Section 15061(b)(3), "General Rule." A Notice of Exemption was issued on December 8, 2011.
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.
3. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs on-site or will be impacted by the proposed development.

D. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The General Plan land-use designation on the subject site is Public Lands/Parks, which is generally applied to large publicly-owned lands, parks, water treatment facilities and other governmental structures other than schools. The proposed Public Safety Facilities Overlay Zone would permit a public safety facility in an Open Space zone, subject to issuance of a Conditional Use Permit. Fire Policy B1.6 of the Escondido General Plan states that the City shall undertake a systematic capital improvements program for Fire Department facilities to ensure a minimum of seven fire stations are in place prior to General Plan buildout. The policy further states that future fire stations shall be sized and staffed with facilities, services and equipment to meet current and anticipated needs.

Whether the Design of the Proposed Fire Station is Compatible with Surrounding Development

The 0.99-acre site is developed with a 2,856 SF single-story fire station building that includes two apparatus bays for emergency response vehicles. The 33-year old station has been vacant for the past 19 months following the discovery of mold. While the mold outbreak presented a hardship in having to relocate the fire crews and their equipment, it also presented an opportunity to reconstruct and expand the city's smallest fire station with something more suitable to meet current and future operational needs. The Fire Department in coordination with their architect and contractor have been engaged in developing a new design that can effectively meet their needs and limited budget, while presenting a facility that is well integrated into the surrounding community.

Approximately 2,000 SF of the existing station including the two apparatus bays would remain and be incorporated into the new fire station. The existing living quarters area would be demolished and replaced with an additional apparatus bay and new, expanded living quarters. The proposed single-story fire station would have approximately 5,421 SF of floor area including three apparatus bays for emergency response vehicles with metal, sectional roll-up doors on the front of the station and metal coiling doors on the back, living quarters for up to five emergency personnel, equipment/gear storage and an exercise room. All access into the site would be from the Kit Carson Park driveway directly opposite Mary Lane. Emergency response vehicles would exit directly to the signalized intersection of the park driveway and Bear Valley Parkway and return via the park driveway to the fire station driveway located approximately 250 feet back from the park entrance. Ten employee parking spaces are proposed on the southern portion of the site along with a stand-by emergency generator and a hose drying rack. Two public parking spaces would be located in front of the station. Overall building height for the proposed facility would remain approximately 29 feet to the top of the existing hose tower that will be incorporated into the new station.

The site is located within a 243-acre regional park in an area substantially developed with active recreational uses including ball fields, roller hockey and soccer arenas, and a skate park. The San Pasqual High School campus and a religious facility are located directly across the street and the nearest residence is approximately 700 feet to the north. Although the proposed fire station would be larger than the current station building, it would still be smaller than most nearby structures and facilities. Building materials and colors would consist of a tan exterior stucco, dark brown wood trim and doors, and olive green metal apparatus bay doors. On November 10, 2011, the Design Review Board voted

unanimously to approve the proposed facility and accepted the design of the station as compatible with surrounding development, but suggested the stucco color was somewhat monochromatic and the building appearance could benefit from the introduction of another stucco color of a slightly different shade. A condition of approval has been added to reflect the DRB direction.

Appropriateness of Applying the Public Safety Facilities (PSF) Overlay Zone to the Site

Community protection and safety are essential community services. The Public Safety Facilities (PSF) Overlay Zone has been implemented to provide standards and procedures for the development of Police Department and Fire Department facilities throughout the City. The need to place these facilities within the areas they serve often results in the placement of public safety facilities in a variety of different zoning designations, each with specific development standards that may or may not accommodate public safety needs. The PSF Overlay Zone allows the placement of Police Department and Fire Department facilities in any residential, commercial, industrial, open space or specific plan zoning designation, subject to the issuance of a Conditional Use Permit. Development standards could vary from the underlying zoning standards if needed to meet community needs and ensure the efficient operation of the facility. All requested departures from the underlying zoning are specified in the Conditional Use Permit for each facility, and findings for approval have been developed to ensure the design of the facility has taken into consideration the scale and architectural context of the neighborhood or business district in which the facility is located.

The proposed reconstruction of Fire Station No. 4 includes a request for a Zone Change to place the Public Facilities Safety Facilities Overlay Zone on the project site. The site is located within Kit Carson Park and is zoned Open Space-Parks (OS-P), which does not permit or conditionally permit the development of fire stations. However, the site currently is developed with Fire Station No. 4, which was constructed in 1978. The area is characterized by active recreational facilities in the park and a large public high school campus and church facility across the street. The Overlay Zone would allow the new fire station to be constructed on the site and eliminate the legal non-conforming status of the existing facility. The new building would be consistent with the underlying OS-P setback standards, but a minor setback deviation would be needed for the location of the public parking spaces as discussed below. The OS-P zone does not have any other established development standards other than setbacks.

There are no specific requirements in the Parking Ordinance for a fire station or similar use. Therefore, the amount of parking proposed is based on the anticipated operational use of the facility and potential visitor needs. Twelve parking spaces would be provided on the site including two visitor spaces. Staff feels the number of parking spaces proposed is more than sufficient to accommodate the three employees on any one shift, plus any additional city staff on site and visitors. Deviations from the underlying setback standards are requested for the two public parking spaces in front of the station. These spaces would be located approximately six feet from the edge of the park driveway that provides access to the station. While technically the edge of the park driveway is not a lot line from which a setback is required, a conservative approach is utilized here because the physical condition of having parking in front of the building taking access from the park road gives the appearance that the building is located on a corner lot. Public parking is necessary in front of the building to provide the shortest path of travel for accessibility standards and to accommodate the rare occasion when a citizen may come to the station seeking emergency services. Staff feels the location of the parking spaces is appropriate because the park driveway does not generate a substantial amount of traffic, vehicular circulation through the area would not be affected and adequate back-up distance can be provided from the parking spaces. No nearby properties would be affected by the proposed deviation from setback requirements for the parking spaces.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The approximately one-acre Fire Station No. 4 site is level and is located right at the entry to Kit Carson Park from Bear Valley Parkway. The existing facility on the site includes the vacant fire station building, parking and driveways and associated landscaping. There are several large eucalyptus trees behind the building that will be removed to accommodate the new apparatus return driveway. No areas of native vegetation exist on the site.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 0.99 acre site within a 243-acre park
2. Building Size:
Existing: 2,856 SF
Proposed: 5,421 SF
3. Building Use: Three apparatus bays, dormitory rooms for up to five employees, exercise room, kitchen, dining area, day room, locker/turnout room, workshop and laundry room.
4. Hours of Operation: 24 hours/day, seven days/week
5. Number of Employees: Three employees per shift, including one Captain, one Engineer, and one Firefighter/Paramedic.
6. Parking: 10 staff spaces
2 visitor spaces
12 total
7. Building Color/Materials: Tan stucco walls with dark brown trim and doors. Brown composition shingle roof. Olive green apparatus bay roll-up doors. Brown wood truss at public/office entry door.
8. Walls/Fencing: A six-foot-high wrought iron fence would enclose the fire station operations area directly behind the building and a 24-foot wide gate would be provided across the apparatus return and employee driveway.
9. Landscaping: Landscape materials are drought tolerant and similar to those typically found in parks and residential areas including African sumac and Brisbane box trees in the open areas on either side of the station. Shrubs include a mix of cotoneaster, myoporum, New Zealand flax, coyote bush, rockrose and others. Bio-filtration for storm water runoff is through low-flow swales planted in dwarf mat rush. No turf is proposed.
10. Grading: Proposed grading would generally be limited to preparing a pad for the building expansion and ensuring surface drainage discharges to the south of the site. The site is expected to have a balance of cut and fill with a maximum of three feet of fall from the high point on the northern side of the site by the park driveway to the low point on the southern side of the site. Slopes would generally be less than two-feet high and limited to a small drainage swale behind the employee parking area. No grading exemptions are proposed.

11. Building Height:

Top of Existing Tower:	29-1" (to remain)
Top of New Apparatus Bay:	21'

C. CODE COMPLIANCE ANALYSIS

1. Setbacks:

In the OS-P zone, minimum yard requirements along each property boundary are required to be consistent with the yard requirements of the zone of the adjacent lot along each boundary. Only the north and east setbacks are shown here due to the extreme distance from the project to the south and west property lines.

Front (north):	<u>Proposed</u>	<u>Adjacent RA-5 Standard</u>
	33 feet – bldg. to park road 6 feet – parking to park road	25 feet
Street Side (east):	<u>Proposed</u>	<u>Adjacent RE-20 Standard</u>
	30 feet – bldg.	10 feet

No other development standards are established for the OS-P zone.

EXHIBIT "A"
FINDINGS OF FACT and
FACTORS TO BE CONSIDERED
PHG 11-0017

Zone Change

1. The public health, safety and welfare would not be adversely affected by the proposed Zone Change to apply the Public Safety Facilities Overlay Zone on the site, since the underlying Open Space zoning would remain the same and a fire station has existed in the same location for at least 33 years. In addition, the reconstructed building will meet all the setback requirements of the underlying zone and only a limited departure is needed for the two public parking spaces in front of the building that will encroach into the front yard setback measured from the edge of the park driveway. This setback reduction will have no effect on vehicular circulation through the park or any nearby private properties.
2. The site is physically suitable for the uses permitted by the proposed zone, since the site is fairly level, requiring only minor grading, and the expanded facility can be accommodated on the site without affecting other properties, traffic circulation or vehicle sight distance.
3. The uses permitted by the proposed zone would not be detrimental to surrounding properties since the underlying Open Space zoning would remain the same and a fire station has existed on the site for at least 33 years. Although the proposed fire station will be larger than the currently vacant building, it is expected that operations will resume as they existed in the past with the same staffing levels and the same number of apparatus for the foreseeable future.
4. The proposed Zone Change to add the Public Safety Facilities Overlay Zone to the existing OS-P zoning designation would be consistent with Public Lands/Parks designation and the policies in the General Plan, since the underlying zoning designation, which is consistent with the General Plan, would remain. The overlay would reestablish a public safety facility on a site deemed essential for the provision of community safety services, subject to a Conditional Use Permit.
5. The proposed Zone Change would not conflict with any specific plans since there are no specific plans affecting this property.

Conditional Use Permit

1. Granting the proposed Conditional Use Permit would be based upon sound principles of land use and in response to services required by the community, since it has been determined that a fire station is needed in the subject area of the City in order to continue to provide efficient and effective safety services. The proposed facility is compatible with the surrounding neighborhood since it utilizes similar colors and materials as other structures and facilities in Kit Carson Park. In addition, the site is physically suitable to accommodate the expanded facility and the needs of employees and the public including adequate access, parking, and circulation.
2. Granting the proposed Conditional Use Permit would not cause deterioration of bordering land uses or create special problems for the area. The site has served as a fire station for many years and is located within a regional park that is developed with a variety of active recreational uses. The closest residences are across Bear Valley Parkway and local residents are accustomed to having a fire station in their neighborhood. The expanded fire station would generate roughly the same number of daily traffic trips as occurred prior to closure of the station last year. Fire Department policy would continue to limit the use of sirens to those times when necessary to clear traffic for emergency vehicles. The noise levels generated by the facility would be within the limits of the Noise Ordinance.
3. The proposed Conditional Use Permit has been considered in relationship to its effect on the community, and it has been determined that the proposed use would not have a negative impact. The proposed development is generally consistent with the active recreational uses in the park and the past use of the site and structure as a fire station. Remediation and expansion of the existing station building will allow Station No. 4 crews to once again be located within their response area to better serve the current and future needs of the community.

**CONDITIONS OF APPROVAL
PHG 11-0017
EXHIBIT "B"**

Planning Division Conditions

1. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
2. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
3. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code.
4. As proposed, ten employee parking spaces and two public parking spaces shall be provided in conjunction with this development. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards.
5. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
6. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, as well as any outstanding condition(s) of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
7. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures must be screened by landscaping as specified in the Landscape Ordinance. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
8. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits approved by the Design Review Board on November 10, 2011, and the exhibits and details in the staff report to the satisfaction of the Planning Division. As recommended by the DRB, one additional shade of the stucco color shall be provided to enhance the appearance of the structure.
9. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code).
10. All new utilities shall be underground.
11. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building.
12. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order

to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.

13. This CUP shall become null and void unless utilized within two years of the effective date of approval.
14. No exemptions from the Grading Ordinance are approved as part of this project. All proposed grading shall conform with the conceptual grading as shown on the Tentative Map.

Landscaping Conditions

1. Prior to occupancy, all perimeter and parking lot landscaping shall be installed. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
2. A minimum of 15 replacement trees shall be planted in the vicinity of the fire station to offset the loss of 15 trees that will occur during construction in accordance with the Tree Preservation Ordinance and to the satisfaction of the Planning Division.
3. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading or building permits, and shall be equivalent or superior to the concept plan attached as an exhibit to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
4. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
5. Details of project fencing and walls, including materials and colors, shall be provided on the landscape plans.

Building Division Conditions

1. Appropriate accessible paths of travel shall be required from the public way.
2. Verify acceptable egress at windows in bunk rooms.
3. Provide the following occupancy separation: 1 hour between B and S-2, and B to R to satisfaction of Building Official.

Engineering Division Conditions

Grading and Drainage

1. A site grading and drainage plan shall be prepared in accordance with the approved Water Quality Technical Report and to the satisfaction of the City Engineer. All site improvements shall be in accordance with the approved Site grading and drainage plan.

Sewer

1. The existing 8" PVC sewer main is in conflict with the proposed building. The proposed building shall be proposed at minimum of 5-feet away from the existing sewer main to allow for future repairs if required.
2. A new 6" sewer lateral shall be installed to serve the project.
3. All Sewer improvements shall be designed and constructed to the satisfaction of the Utilities Director.

Water

1. The existing potable water service lateral that runs from the existing water main in Bear Valley Parkway shall be utilized or abandoned as a part of this project.
2. All water improvements shall be designed and constructed to the satisfaction of the Utilities Director.



**CITY OF ESCONDIDO
 PLANNING DIVISION
 201 NORTH BROADWAY
 ESCONDIDO, CA 92025-2798
 (760) 839-4671**

Notice of Exemption

To: San Diego County Recorder's Office
 Attn: Linda Kesian
 P.O. Box 121750
 San Diego, CA 92112-1750

From: City of Escondido
 201 North Broadway
 Escondido, CA 92025

Project Title/Case No.: Reconstruction of Escondido Fire Station No. 4 – PHG 11-0017

Project Location - Specific: The 0.99-acre site is located in Kit Carson Park on the southeastern corner of the intersection of Bear Valley Parkway and the park access road directly across from Mary Lane, addressed as 3301 Bear Valley Parkway.

Project Location - City: Escondido **Project Location - County:** San Diego

Description of Project:

A Conditional Use Permit for the reconstruction of an approximately 5,421 SF, single-story fire station (Fire Station No. 4) for the Escondido Fire Department in conjunction with a Zone Change to apply the Public Safety Facilities Overlay Zone to the approximately one-acre site located in Kit Carson Park. The existing fire station is currently vacant and would be partially demolished and enlarged to include three apparatus bays for emergency response vehicles, living quarters, equipment/gear storage and an exercise room.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: City of Escondido Fire Department, Russ Knowles Telephone (760) 839-5402
 Address: 1163 N. Centre City Parkway, Escondido, CA 92025

Private entity School district Local public agency State agency Other special district

Exempt Status:

Categorical Exemption. CEQA Section 15302, "Replacement or Reconstruction of Existing Facilities" and CEQA Section 15061(b)(3), "General Rule."

Reasons why project is exempt:

1. The proposed reconstruction project is on the same site as the existing fire station and the new station will have the same purpose and operational characteristics as the former structure. The proposed zone change would allow a fire station to be reconstructed on the same site where one has existed for 33 years.
2. The project site has been completely disturbed and has no value as habitat for endangered, threatened or rare species.
3. The project would not result in any significant effects related to traffic, noise, air quality or water quality; and the site is adequately served by all required utilities and public services.
4. In staff's opinion the proposed development and zone change would not have the potential to cause an adverse impact on the environment. Therefore, the proposal is not subject to further CEQA review.

Lead Agency Contact Person: Bill Martin

Area Code/Telephone/Extension (760) 839-4557

Signature: 
 Bill Martin, Principal Planner

December 8, 2011
 Date

Signed by Lead Agency

Date received for filing at OPR:

RESOLUTION NO. 2012-05

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A CONDITIONAL USE PERMIT
FOR THE RECONSTRUCTION OF FIRE
STATION NO. 4 IN KIT CARSON PARK

Applicant: City of Escondido
Planning Case No. PHG 11-0017

WHEREAS, pursuant to Article 61 of the Escondido Zoning Code, the Planning Commission did, on December 13, 2011, consider, and by Resolution No. 5950, recommend approval of an application for a Conditional Use Permit for the reconstruction of an approximately 5,963 SF, single-story fire station (Fire Station No. 4) for the Escondido Fire Department in the OS-P (Open Space-Parks) and Public Safety Facility Overlay zones, on an approximately one-acre site located on the southeastern corner of the intersection of Bear Valley Parkway and the park access road directly across from Mary Lane, addressed as 3301 Bear Valley Parkway; and

WHEREAS, pursuant to the California Environmental Quality Regulations, a Notice of Exemption was issued on December 8, 2011, in conformance with CEQA Section 15302, "Replacement or Reconstruction of Existing Facilities" and CEQA Section 15061(b)(3), "General Rule;" and

WHEREAS, this City Council has reviewed the Notice of Exemption, the staff report, a copy of which is on file in the Planning Department, the recommendations of the Planning Commission and appropriate agencies; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said Conditional Use Permit;

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 on the basis of the above review and consideration this City Council makes the following findings of fact:
 - A. That the facilities to be constructed pursuant to the Conditional Use Permit are required by, and beneficial to, the community.
 - B. That issuance of this Conditional Use Permit will not result in a deterioration of bordering land uses or create special problems for the area in which it is located.
 - C. That issuance of this Conditional Use Permit will not adversely affect the community or neighborhood plan, if any, for the area in which it is located.
3. That, in view of the above findings and applicable law, the City Council approves said Conditional Use Permit (a copy is on file in the Planning Department) subject to the Conditions of Approval attached as Exhibit "A" and incorporated by this reference.

**CONDITIONS OF APPROVAL
PHG 11-0017**

Planning Division Conditions

1. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
2. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
3. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code.
4. As proposed, ten employee parking spaces and two public parking spaces shall be provided in conjunction with this development. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards.
5. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
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8. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits approved by the Design Review Board on November 10, 2011, and the exhibits and details in the staff report to the satisfaction of the Planning Division. As recommended by the DRB, one additional shade of the stucco color shall be provided to enhance the appearance of the structure.
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13. This CUP shall become null and void unless utilized within two years of the effective date of approval.
14. No exemptions from the Grading Ordinance are approved as part of this project. All proposed grading shall conform with the conceptual grading as shown on the Tentative Map.

Landscaping Conditions

1. Prior to occupancy, all perimeter and parking lot landscaping shall be installed. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
2. A minimum of 15 replacement trees shall be planted in the vicinity of the fire station to offset the loss of 15 trees that will occur during construction in accordance with the Tree Preservation Ordinance and to the satisfaction of the Planning Division.
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4. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
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1. Appropriate accessible paths of travel shall be required from the public way.
2. Verify acceptable egress at windows in bunk rooms.
3. Provide the following occupancy separation: 1 hour between B and S-2, and B to R to satisfaction of Building Official.

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Grading and Drainage

1. A site grading and drainage plan shall be prepared in accordance with the approved Water Quality Technical Report and to the satisfaction of the City Engineer. All site improvements shall be in accordance with the approved Site grading and drainage plan.

Sewer

1. The existing 8" PVC sewer main is in conflict with the proposed building. The proposed building shall be proposed at minimum of 5-feet away from the existing sewer main to allow for future repairs if required.
2. A new 6" sewer lateral shall be installed to serve the project.
3. All Sewer improvements shall be designed and constructed to the satisfaction of the Utilities Director.

Water

1. The existing potable water service lateral that runs from the existing water main in Bear Valley Parkway shall be utilized or abandoned as a part of this project.
2. All water improvements shall be designed and constructed to the satisfaction of the Utilities Director.

ORDINANCE 2012-03

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
REZONING THE ESCONDIDO FIRE
STATION NO. 4 SITE IN KIT CARSON PARK
TO PLACE THE SITE WITHIN THE PUBLIC
SAFETY FACILITIES OVERLAY ZONE

Planning Case No. PHG 11-0017

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

SECTION 1. That proper notices of a public hearing have been given and public
hearings have been held before the Planning Commission and City Council on this
issue.

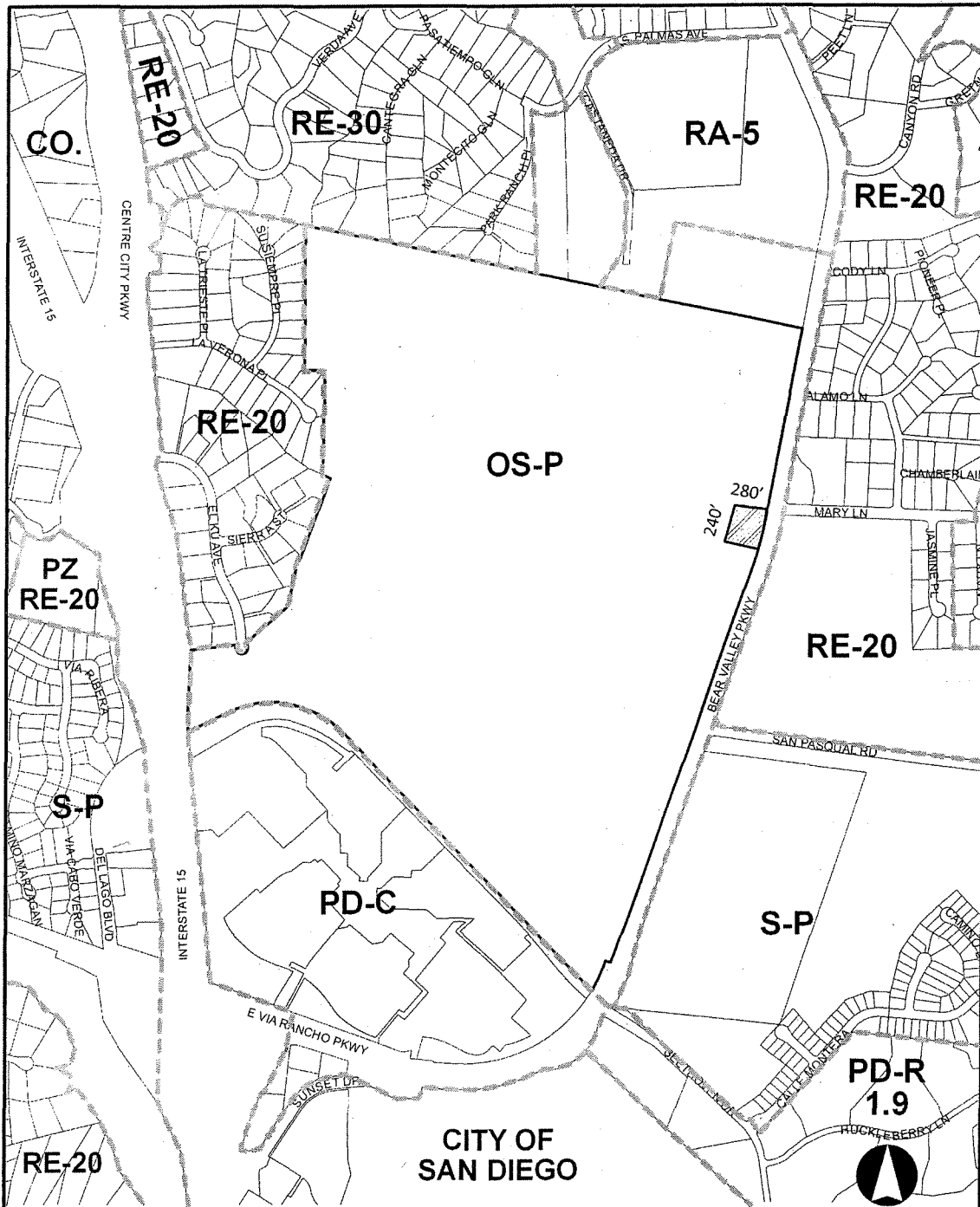
SECTION 2. That the City Council has reviewed and considered the Notice of
Exemption prepared for this project and has determined that all environmental issues
associated with the project have been addressed and no significant environmental
impacts will result from approving this project.

SECTION 3. That upon consideration of the staff report, Planning Commission
recommendation and all public testimony presented at the hearing held on this
amendment, this City Council finds that this Zone Change is consistent with the General
Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That the Zone District Map of the City of Escondido is hereby
amended by reclassifying the site for Escondido Fire Station No. 3 depicted on Exhibit

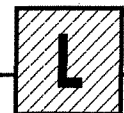
"A", attached to this Ordinance and incorporated by this reference, to add the Public Safety Facilities Overlay Zone designation.

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 prepared in accordance with Government Code Section 36933, 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.



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**PROPOSED PROJECT
PHG 11-0017**



LOCATION/ZONING

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 14

Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Jerry Van Leeuwen, Director of Community Services

SUBJECT: Kit Carson Park Proposal for Agreement with Stone Brewing for Exclusive Catering/Concession Operations at Adult Sports Center, Queen Califia Magical Garden and Amphitheater

RECOMMENDATION:

Provide direction to staff.

FISCAL ANALYSIS:

An initial contribution of \$125,000 will be provided by Stone Brewing for improvements to the adult sports complex. Additional revenues will come to the City based on gross revenues. Since this is a new operation, it is difficult to predict what additional revenue will be derived from the agreement.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

While not specifically called out in the Council Action Plan, this proposal will advance the Council's commitment to image and appearance goals and bring income to the recreation division.

PREVIOUS ACTION:

The Community Services Commission endorsed the proposal. Commissioner Pitcher was not supportive, expressing concern over the introduction of alcohol sales to a multi-user/family community park.

BACKGROUND:

Kit Carson Park ("KCP") has a variety of facilities located on the park grounds. These include an adult softball complex, a girls softball complex, little league fields, soccer/football fields, tennis courts, sports center, amphitheater, disc golf, playgrounds, picnic shelters and Queen Califia Magical Garden. The facilities are used extensively and some are in need of renovation. Current resources of the City are not available to make needed repairs and improvements. An Escondido based company, Stone Brewing ("Stone"), was contacted by City staff to explore Stone's interest to be a sponsor of facilities or programs located at KCP. Stone's response was more favorable than anticipated. They

submitted a proposal to improve the adult sports complex and to upgrade landscaping and the concessions building provided they could be the operator of the concessions. In addition, they expressed interest in providing catering services for social events at Queen Califia and at the amphitheater. Negotiations have been going on for several months and we are at a point to determine Council's interest to develop a formal agreement with Stone.

A major change in policy will be required to move forward with the agreement. Currently, alcohol sales or use are not permitted in the park without a license from ABC and adherence to prescribed operating practices. Very few permits of this type are requested or issued. However, users of the adult sports complex, particularly tournament players, are attracted to venues that offer alcohol sales in our region. These "competitors" have drawn and likely will continue to draw customers from KCP and thereby have a negative impact on City revenues and reduce the economic benefits of visitors and tourists who participate in the tournaments.

In addition to the Adult Softball Complex, Stone has also expressed interest in providing catering services, including beer and wine, at the Amphitheater. The amphitheater is in need of significant upgrades to be viable for larger concerts, social events, weddings, etc. Stone is interested to partner with the City to both program and operate the facility. If this element is of interest to the City Council, staff proposes to work with Stone to develop an agreement specific to that venue.

Finally, Stone has interest to provide catering support for the Queen Califia sculpture garden. In this case, rental revenues would go the Foundation. Staff believes Queen Califia would be a desirable venue for social events, weddings, etc. if this option is provided. The Foundation is agreeable to the request.

In preparation for this report, staff met formally and informally with community groups and user groups. In addition, a meeting was held by the Community Services Commission to receive community input. In all cases, the consensus was supportive of the proposal, provided it was limited to the specific venues suggested and that it would be well managed. Stone concurs with that perspective and is committed to providing safe, attractive and well managed facilities.

The primary concerns expressed in the meetings were risks associated with over consumption of alcohol such as impaired driving, fights and obnoxious behavior. Many felt these risks are greater in a park that concurrently serves adults, children and families. In addition, several felt it was not appropriate to bring alcohol into the park at all, noting that many of the competing facilities that offer softball tournaments are built almost exclusively for that purpose.

Respectfully submitted,



Jerry Van Leeuwen

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 15
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Rich Buquet, Neighborhood Services Manager
SUBJECT: Accept the Final Escondido Creek Master Plan and Authorize Staff to Seek and Acquire Grants to Continue Creek Revitalization.

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-11 accepting the final Escondido Creek Master Plan and authorizing staff to seek and acquire grant funding that will enable the City to continue revitalization of the Escondido Creek.

FISCAL ANALYSIS:

This action will have no impact on the General Fund. Grant funds, if awarded, will be used to pay project costs. Matching funds, if necessary, will be funded with Community Development Block Grant (CDBG) funds pending future City Council approval.

COUNCIL ACTION PLAN:

The revitalization of the Escondido Creek is consistent with the City Council Action Plan's image and Appearance priority.

PREVIOUS ACTION:

On October 28, 2009, City Council approved an amendment to the FY 2007-2008 Action Plan for CDBG funds to provide matching funds for a study conducted by Cal Poly Pomona architectural landscaping graduate students to revitalize the Escondido Creek area

On January 27, 2010, City Council approved Resolution No. 2010-13 authorizing a research agreement with Cal Poly Pomona Foundation, Inc. to create a comprehensive vision plan for the Escondido Creek Trail.

On January 26, 2011, City Council approved Resolution 2011-16 authorizing the filing of an application for Healthy Community Planning Grant funds through SANDAG.

BACKGROUND:

On April 29, 2011, The City of Escondido was awarded a Healthy Community Planning Grant in the amount of \$75,000 to be used for the Escondido Creek Master Plan.

On June 6, 2011, City of Escondido entered into a contract with Schmidt Design to develop the Escondido Creek Master Plan. The plan would be based on the comprehensive vision plan conducted by Cal Poly with the goal of connecting the residents of the underserved Mission Park neighborhood to resources, healthy food and healthcare facilities as well as to promote pedestrian and bicycle friendly neighborhoods.

Staff is recommending that council adopt Resolution No. 2012-11 accepting the final Escondido Creek Master Plan and authorizing staff to seek and acquire grants that will enable the city to continue revitalization of the Escondido Creek.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rich Buquet', with a long horizontal flourish extending to the right.

Rich Buquet
Neighborhood Services Manager

RESOLUTION NO. 2012-11

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO ACCEPTING THE
FINAL CREEK TRAIL MASTER PLANNING
REPORT AND AUTHORIZING STAFF TO
SEEK GRANTS AS APPROPRIATE FOR
DEVELOPMENT OF THE CREEK TRAIL

WHEREAS, the City of Escondido has a seven-mile Class 1 bike path route along the maintenance right-of-way of the Escondido flood control channel, commonly referred to as the "Escondido Creek Trail;" and

WHEREAS, the City contracted with the Schmidt Design Group to develop the Escondido Creek Trail Master Plan funded by Healthy Community grant funds; and

WHEREAS, the City Council has received and supports the objectives of the Creek Trail Master Plan; and

WHEREAS, the City Council wishes to seek any and all sources of funding for the Creek Trail;

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 of the City of Escondido accepts the final Escondido Creek Master Plan.
3. That the City Council of the City of Escondido authorizes the Director of Community Services or his designee to seek and acquire grants from any and all sources that will enable the City to revitalize the Escondido Creek Trail.

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 16
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey R. Epp, City Attorney

SUBJECT: Adopt Resolution 2012-16 to Serve as Successor Agency and Successor Housing Agency for Escondido Redevelopment Agency and Resolution 2012-17 Adopting a Schedule of Enforceable Obligations

RECOMMENDATION:

Now that the California Supreme Court has ruled in the matter of *California Redevelopment Association, et al. v. Matosantos, et al.* ("CRA litigation"), upholding the dissolution of redevelopment agencies statewide, it is recommended that the City Council adopt Resolution 2012-16 electing to serve as the Successor Agency to the Escondido Redevelopment Agency, the Successor Housing Agency and confirming the continued existence of the Escondido joint powers finance authority. Staff also recommends approval of Resolution 2012-17 adopting a schedule of enforceable obligations pursuant to Health and Safety Code Section 34169.

DISCUSSION:

Budget trailer companion bills known as Assembly Bill No. 1X 26 ("AB 1X 26") and Assembly Bill No. 1X 27 ("AB 1X 27") were passed by the California legislature on June 15, 2011 and were signed by the Governor on June 28, 2011. AB 1X 26 required that each redevelopment agency throughout the state be dissolved and during the interim period prohibited agencies from taking numerous actions, effective both immediately and retroactively. AB 1X 27 provided that a community could participate in a "Voluntary Alternative Redevelopment Program" ("VARP") to enable a redevelopment agency within that community to remain in existence.

The California Redevelopment Association, the League of California Cities and others filed a petition with the California Supreme Court ("Court") challenging AB 1X 26 and AB 1X 27 (*California Redevelopment Association, et al. v. Matosantos, et al.*) The Court issued its decision on December 29, 2011, in which it upheld the provisions of AB 1X 26, which dissolved redevelopment agencies statewide, and struck down AB 1X 27, which would have permitted the continued existence of redevelopment agencies under an alternative redevelopment program predicated on transfer of monies to the state.

The Court found that the legislature is vested with the authority to both create and terminate redevelopment agencies and thus had the ability to approve AB 1X 26. However, the Court found that the provisions of Proposition 22 precluded the state from requiring the transfer of redevelopment funds under AB 1X 27. It further found that the payments under the proposed VARP were not truly

“voluntary” because they were necessary for the continued existence of the agencies. The Court, which had issued a stay and modified stay during and after the CRA litigation, modified the deadlines set forth in AB 1X 26 by approximately the time period involved in the CRA litigation, which was four months in most cases.

The City of Escondido has a redevelopment agency, which was created by ordinance in 1984. The redevelopment agency is governed by a Community Development Commission authorized by Health and Safety Code Section 34110. Section 34120(a) permits the legislative body to appoint itself as the Commission, which was accomplished in Escondido by means of Ordinance No. 85-2.

However, under AB 1X 26, as of February 1, 2012, redevelopment agencies are dissolved. Redevelopment agency assets, including the existing Escondido Redevelopment Agency housing fund balance but excepting out other housing assets, will be transferred to the Successor Agency. The other Escondido Redevelopment Agency housing assets (exclusive of the existing RDA housing fund balance) will be transferred to the successor housing agency. The Escondido Redevelopment Agency is also required to prepare a preliminary draft of a Recognized Obligation Payment Schedule (“ROPS”) to be delivered to its Successor Agency. After February 1, 2012, the Successor Agency will be able to make payments only as they are listed on the Recognized Obligation Payment Schedule.

The property tax revenues related to the Escondido Redevelopment Agency will be placed in a “Redevelopment Property Tax Trust Fund” administered by the County auditor-controller, and expenditures from such Fund will be limited to those set forth on the ROPS. The Enforceable Obligations Payment Schedule has previously been approved by the City and posted on its website, and such Schedule will form the basis of the ROPS. The activities of the Successor Agency will be overseen by the Oversight Board.

Oversight Boards will be created for each redevelopment agency, and will have seven members. Two will be appointed by the County Board of Supervisors (one to be a member of the public), two by the Mayor, one by the County Superintendent of Education, one by the Chancellor of California Community Colleges, one by the largest special district taxing entity eligible to receive property tax revenues, and one employee from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the Successor Agency at the time of the appointment, appointed by the Mayor. The Director of the Department of Finance will have overarching ability to disapprove or modify actions taken by the Successor Agency and the Oversight Board.

If the City elects not to serve as its Successor Agency, another local agency (city, county, city and county, or special district in the county of the Escondido Redevelopment Agency) may elect to become the Successor Agency. The first local agency that submits a resolution evidencing its election to serve as the Successor Agency to the county auditor-controller shall serve such purpose. If no local agency makes such an election, a public body to be called a “Designated Local Authority” consisting of three county residents will be formed by the governor and will serve such functions.

January 25, 2012

Page 3

For those sponsoring communities that do not elect to serve as the successor housing agency, the functions and assets will be transferred to the local Housing Authority and, if there is no such Housing Authority, will be transferred to the Department of Housing and Community Development.

ENFORCEABLE OBLIGATIONS:

All assets, properties, contracts, leases, books and records, buildings, equipment and the existing Housing Fund balance of a former RDA will be transferred to the control of the successor agency on February 1, 2012, according to the Supreme Court's modified timeline.

A Successor Agency is required to make payments and perform other obligations due for Enforceable Obligations of the former RDA, which include:

- Bonds;
- Loans borrowed by the RDA (including amounts borrowed in past years from the Housing Fund);
- Payments required by federal or state government or for employee pension obligations
- Judgments or settlements; and
- Legally binding and enforceable agreements or contracts that are "not otherwise void as violating the debt limit or public policy" (at Oversight Board direction, a Successor Agency may terminate existing agreements and pay required compensation or remediation for such termination).

The Enforceable Obligation Schedule which is now finalized and will be adopted by Resolution 2012-17 also includes tax sharing agreements originally entered into at the time the redevelopment agency and project area were first adopted. These include agreements with the County of San Diego, the Rincon del Diablo Municipal Water District, the San Marcos School District, the Rincon Cemetery District, the Palomar-Pomerado Health District, and the Palomar Community College District. A comprehensive Revised and Restated Settlement Agreement between the Community Development Commission, the Escondido Union School District, the Escondido Union High School District and the San Diego County Superintendent of Schools is also included on the Enforceable Obligation Schedule.

HOUSING ISSUES:

The City may elect to retain the housing assets and functions previously performed by the redevelopment agency, retaining the rights, powers, assets, liabilities, duties and obligations associated with the housing activities of the agency. Electing to become the successor housing agency does bear some risk; it also bears benefit. Retaining control of the housing functions of the redevelopment agency retains local control over the assets, and monitoring to ensure that community standards are maintained in affordable developments. The housing assets of the agency consist of

\$10.4 million in individual loans and \$29.9 million in developer loans for affordable senior, family and transitional housing developments.

	Principle due as of 12/31/2011
Individual mobilehome rehab loans	\$2,484,956.58
Individual single family rehab loans	\$1,266,443.10
Individual First Time Homebuyer Loans (HOME Program)	\$5,171,235.00
Mobilehome Lot Program loans	\$773,648.34
Individual MPROP loans (Mountain Shadows, Escondido Views & Rancho Escondido	\$732,594.44
Las Casitas 1	\$170,000
Sunrise Place	\$282,110.91
Daybreak Grove	\$222,364.40
Orange Place Cooperative	\$400,000.00
15 th Avenue Cooperative *	\$160,000.00
Eucalyptus View Cooperative *	\$125,000.00
Las Casitas 2	\$122,000.00
Escondido Terraces *	\$1,871,000.00
Sonoma Court	\$800,000.00
Aster Street *	\$140,000.00
Emerald Gardens	\$250,000.00
Cobblestone Village *	\$2,090,635.00
Juniper Senior Housing	\$2,448,769.67
Serenity Village *	\$300,000.00
Hubbard House *	\$95,061.00
Hickory Heights (Habitat for Humanity) *	\$225,000.00
Milane Lane (Habitat for Humanity)	\$480,000.00
Via Robles	\$5,737,000.00
Orange Place Villas	\$200,000.00
Las Ventanas Village	\$3,000,000.00
The Crossings	\$9,495,999.72
Windsor Gardens	\$873,599.10

Repayments from these loans will be made to the successor housing agency according to the terms of each contract. Four developments have already begun to make repayments on their residual receipts loans. The Housing Division owns 39 mobile home lots, 33 of which have tenants. These tenants currently pay the cost of property management and maintenance of the lots. The CDC has also purchased two sites in the Mercado district. The successor housing agency will receive \$3,399,292 in repayments for advances made for ERAF payments.

The successor housing agency will be responsible for enforcing affordability covenants and perform related activities, including monitoring. Most of the developments subsidized by the CDC used a combination of redevelopment and federal (predominantly HOME) funds. Passing these responsibilities to another agency (presumably the County Housing Agency), will not relieve the City of the responsibility of monitoring these dual-funded projects. Preliminary reports suggest that future HOME budgets (and therefore HOME administrative funds) will be dramatically decreased. Monitoring software has been purchased on a five-year lease. Breaking these contracts could be expensive in both financially and in labor to do all federal monitoring. Any funding that the City can receive through the successor housing agency will help to offset reporting, monitoring, and administrative costs that cannot be eliminated. As many projects were dual funded, repayments from nine CDC loans (marked with * above) are earmarked to be HOME matched. If the Housing Department is not responsible for these loans, it may be difficult to receive these federally required match dollars.

The housing activities of the redevelopment agency have created some debt, predominantly four CalHFA loans. Repayments of these loans will total \$6,900,000 and are in FY 2013, FY 2015, and FY 2017. Approximately two-thirds of the funds needed to repay these loans have already been reserved.

Housing advocates have come to the conclusion that there is a deficit in the amount of affordable housing that must be built to comply with state redevelopment law and submit that AB 1X 26 must be interpreted to ensure fulfillment of all historic, unmet affordable housing development obligations as well. RHNA allocations have been established, creating goals for local affordable housing development. It is anticipated that advocates may advocate that cities must meet these obligations regardless of available funding. Becoming the successor housing agency will allow the City to receive any additional funds in order to meet these obligations if and when they become available.

FISCAL IMPACT:

If the City elects to serve as Successor Agency, the assets and liabilities of the Escondido Redevelopment Agency will be transferred to it as described above, for purposes of paying the Recognized Enforceable Obligations. The liability of any Successor Agency is the extent of the total sum of property tax revenues received pursuant to AB 1X 26 and the value of Escondido Redevelopment Agency assets transferred to it.

Respectfully submitted,



Jeffrey R. Epp
City Attorney

RESOLUTION NO. 2012-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AS THE SPONSORING COMMUNITY, ELECTING TO SERVE AS THE SUCCESSOR AGENCY TO THE ESCONDIDO REDEVELOPMENT AGENCY, ELECTING TO SERVE AS THE SUCCESSOR HOUSING AGENCY, AND CONFIRMING THE CONTINUED EXISTENCE OF THE ESCONDIDO JOINT POWERS FINANCING AUTHORITY

WHEREAS, Assembly Bills 1X 26 ("AB 1X 26") and 1X 27 ("AB 1X 27") were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 29, 2011, with AB 1X 26 providing for the dissolution of redevelopment agencies and AB 1X 27 providing for the continuation thereof by sponsoring communities making certain remittances under a so-called voluntary alternative redevelopment program under Health & Safety Code Section 34194; and

WHEREAS, the California Supreme Court ("Supreme Court") accepted original jurisdiction of the matter entitled *California Redevelopment Association, et al. v. Ana Matosantos, et al*, Supreme Court matter S194861 ("CRA litigation"), to review the legality of AB 1X 26 and AB 1X 27; and

WHEREAS, the Supreme Court issued its decision in the CRA litigation on December 29, 2011, in which it upheld the legality of AB 1X 26 and its dissolution of redevelopment agencies, and struck down AB 1X 27 and its provisions for the continuation of redevelopment agencies by their sponsoring communities, thus

obviating the election of the City of Escondido and other sponsoring communities to participate in such alternative redevelopment program; and

WHEREAS, in its CRA litigation opinion the California Supreme Court generally extended and modified the schedule of events and occurrences related to the dissolution of redevelopment agencies under AB 1X 26 by the time period involved in the CRA litigation, and otherwise terminated the stay on enforcement of such legislation; and

WHEREAS, a sponsoring community that does not wish to serve as the successor agency to the redevelopment agency it created must by resolution affirmatively opt out of serving as the successor agency pursuant to Health & Safety Code Section 34173(d)(1); and

WHEREAS, each sponsoring community must either elect to serve as the successor housing agency to its respective redevelopment agency or must designate a local housing authority to serve as the successor housing agency pursuant to Health & Safety Code Section 34176; and

WHEREAS, pursuant to AB 1X 26, as modified by the California Supreme Court's opinion in the CRA litigation, redevelopment agencies will be dissolved as of February 1, 2012; and

WHEREAS, the City of Escondido and the Escondido Community Development Commission acted in 1991 to form the Escondido Joint Powers Financing Authority, and

such authority will continue in existence by virtue of this resolution assuming successor entity authority; and

WHEREAS, it is the intention of the City Council of the City of Escondido to serve as the successor agency to the Escondido Redevelopment Agency, to serve as the successor housing agency to the Escondido Redevelopment Agency, to validate and confirm the ongoing existence of the Escondido Joint Powers Financing Authority, and to make such elections in a format and forum available to the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, RESOLVES AS FOLLOWS:

1. Given the Supreme Court's decision in the CRA litigation, as the legislative body of the Sponsoring Community, the City Council of the City of Escondido hereby elects to serve as the successor agency to the Escondido Redevelopment Agency, and also elects to serve as the successor housing agency to the Escondido Redevelopment Agency. Pursuant to Health & Safety Code Section 34178, the City affirms and validates the continued existence of the Escondido Joint Powers Financing Authority.

2. In the event of superseding legislation approved by the State, a final determination of a court of competent jurisdiction, or any other legal action that has the effect of rescinding, reversing or otherwise obviating the dissolution of the Escondido Redevelopment Agency, this Resolution shall be of no further force and effect as of the date of such superseding legislation.

RESOLUTION NO. 2012-17

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AS THE SUCCESSOR AGENCY TO THE
ESCONDIDO REDEVELOPMENT AGENCY
ADOPTING A SCHEDULE OF
ENFORCEABLE OBLIGATIONS PURSUANT
TO HEALTH AND SAFETY CODE SECTION
34169

WHEREAS, pursuant to authorizing Resolution No. 2012-16, the City Council of the City of Escondido elected to serve as the successor agency and successor housing agency to the Escondido Redevelopment Agency; and

WHEREAS, pursuant to Health and Safety Code Section 34177, successor agencies are required to make payments due for enforceable obligations until a Recognized Obligation Payment Schedule ("ROPS") becomes operative; and

WHEREAS, pursuant to Health and Safety Code Section 34169, an Enforceable Obligation Payment Schedule ("EOPS") must be adopted that lists all of the obligations that are enforceable within the meaning of Health and Safety Code Section 34167(d); and

WHEREAS, it is the intention of the City Council of the City of Escondido as the successor agency to the Escondido Redevelopment Agency to adopt the EOPS so that the successor agency may continue to make payments due for enforceable obligations until a ROPS becomes operative.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ESCONDIDO,
CALIFORNIA, RESOLVES AS FOLLOWS:

1. That the above recitations are true.
2. That the City Council, as the successor agency to the Escondido
Redevelopment Agency, hereby adopts the EOPS that is attached hereto
as Exhibit "A" and incorporated by this reference.

REVISED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169

Escondido Redevelopment Agency
Escondido Redevelopment Project

Name of Redevelopment Agency
Project Area(s)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Source of Funds	Payments by month					Total	
						Jul-2011	Aug	Sept	Oct	Nov		Dec-2011
1) 1992 Revenue & Cap. Appr. Bonds ²	Bank of New York	Bond Payment	4,480,000	0	RPTF							
2) 2001 Lease Revenue Bonds ¹	Bank of New York	Bond Payment	0	2,627,730	RPTF			2,627,730				2,627,730
3) 2007A Lease Revenue Bonds ¹	Bank of New York	Bond Payment	41,112,900	5,615,400	RPTF			4,870,650				4,870,650
4) 2007B Lease Revenue Bonds ¹	Bank of New York	Bond Payment	17,225,211	2,422,057	RPTF			2,081,962				2,081,962
5) Bond Expense	Bank of New York	Bond Trustee Admin Fees	0	17,976	RPTF			5,976				5,976
6) Loan Repayment to General Fund ³	City of Escondido	Program Administration	14,052,810	0	RPTF			0				0
7) Loan Repayment to Traffic Impact Fund ³	City of Escondido	Capital Improvement	975,484	0	RPTF			0				0
8) Loan Repayment to Housing Set Aside Fund ³	City of Escondido	ERAF Payments	3,399,292	0	RPTF			0				0
9) Governing Board Costs	Members of the Governing Board	Administration	0	10,654	RPTF		1,522	1,522	1,522	1,522	1,522	7,610
10) Employee Costs	Employees of City of Escondido	Administration	0	515,136	RPTF			0				0
11) Audit Fees	Auditors to be determined	Settlement Agreement Obligation	0	20,000	RPTF			0				0
12) Property Tax Admin Fee	County of San Diego	Tax Increment Administration	0	295,367	RPTF		2,580	15,401	12,873	1,238	7,318	7,318
13) Consulting Services	Diane Hadfield	Administration	0	13,818	RPTF			0				3,818
14) Consulting Services	BBC Environmental	Ballpark Project/Business Park Projects	0	61,808	RPTF			15,401				28,274
15) Consulting Services	Keyser Marston	Ballpark Project/Business Park Projects	0	50,000	RPTF			0				0
16) Consulting Services	CB Urban Development	Ballpark Project/Business Park Projects	0	6,475	RPTF			6,475				6,475
17) Consulting Services	Stradling	Ballpark Project/Business Park Projects	0	6,160	RPTF			1,935				6,160
18) CalHFA Loans	CalHFA	Affordable Housing Projects	6,930,000	0	LMHF			0				0
19) NSP Reimbursement	Developers to be determined	Affordable Housing Projects	0	786,000	LMHF			0				786,000
20) Housing Employee Costs	Employees of Housing	Administration	0	647,360	LMHF		53,947	53,947	53,947	53,947	53,947	323,682
21) Housing Operations	City of Escondido	Administration	0	537,165	LMHF		44,764	44,764	44,764	44,764	44,764	288,584
22) El Norte Apartments	Community Housing Works	Redevelopment Projects	2,744,565	1,955,595	LMHF			0				0
23) Low-Mid Housing	Various Individuals	Loans & Subsidies	0	1,605,000	LMHF		133,750	133,750	133,750	133,750	133,750	802,500
24) Mobilhome Park Operations	City of Escondido	Administration	0	32,675	Other		2,723	2,723	2,723	2,723	2,723	16,338
25)												0
26)												0
27)												0
28)												0
29)												0
30)												0
31)												0
Totals - This Page			90,900,262	17,226,376			235,184	9,846,835	249,579	237,944	1,030,024	11,843,077
Totals - Page 2			0	0			0	0	0	0	0	0
Totals - Page 3			0	0			0	0	0	0	0	0
Totals - Page 4			0	0			0	0	0	0	0	0
Totals - Other Obligations			470,068,442	9,133,791			0	0	5,478,155	262,228	1,114,467	6,854,850
Grand total - All Pages			560,968,704	26,360,167			235,184	9,846,835	5,727,734	500,172	2,144,491	18,697,927

Source of Funds:

RPTF - Redevelopment Property Tax Trust Fund
LMHF - Low and Moderate Income Housing Fund
Other

Notes:
1 Lease reimbursement agreement between City of Escondido and CDC of the City of Escondido
2 Reimbursement agreement with Palomar College
3 Cooperation Agreement dated February 26th, 1988

REVISED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169

Name of Redevelopment Agency:
Project Area(s):

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Source of Funds	Payments by month					Total	
						Jan-2012	Feb	Mar	Apr	May		Jun-2012
1) 1992 Revenue & Cap. Appr. Bonds ²	Bank of New York	Bond Payment	4,480,000	0	RPTF							
2) 2001 Lease Revenue Bonds	Bank of New York	Bond Payment	0	2,627,730	RPTF			744,750				744,750
3) 2007A Lease Revenue Bonds ¹	Bank of New York	Bond Payment	41,112,900	5,815,400	RPTF							5,815,400
4) 2007B Lease Revenue Bonds ¹	Bank of New York	Bond Payment	17,225,211	2,422,057	RPTF			340,085				340,085
5) Bond Expense	Bank of New York	Bond Trustee Admin Fees	0	17,976	RPTF	3,000	3,450	5,550				12,000
6) Loan Repayment to General Fund ³	City of Escondido	Program Administration	14,032,810	0	RPTF							0
7) Loan Repayment to Traffic Impact Fund ³	City of Escondido	Capital Improvements	975,484	0	RPTF							0
8) Loan Repayment to Housing Set Aside Fund ³	City of Escondido	ERAF Payments	3,399,292	0	RPTF							0
9) Governing Board Costs	Members of the Governing Board	Administration	0	10,854	RPTF	1,520	1,520					3,040
10) Employee Costs	Employees of City of Escondido	Administration	0	515,136	RPTF	85,856	85,856	85,856	85,856	85,856		515,136
11) Audit Fees	Auditors to be determined	Settlement Agreement Obligation	0	20,000	RPTF				20,000			20,000
12) Property Tax Admin Fee	County of San Diego	Tax Increment Administration	0	295,367	RPTF			5,000				288,049
13) Consulting Services	Diane Haddad	Administration	0	13,818	RPTF							13,818
14) Consulting Services	BBC Environmental	Ballpark Project/Business Park Project	0	61,608	RPTF			33,534				33,534
15) Consulting Services	Keyser Marston	Ballpark Project/Business Park Project	0	50,000	RPTF			50,000				50,000
16) Consulting Services	CE Urban Development	Ballpark Project/Business Park Project	0	6,475	RPTF							6,475
17) Consulting Services	Stradling	Ballpark Project/Business Park Project	0	6,160	RPTF							6,160
18) CalHFA Loans	CalHFA	Affordable Housing Projects	6,930,000	0	LMHF							0
19) NSP Reimbursement	Developers to be determined	Affordable Housing Projects	0	786,000	LMHF							786,000
20) Housing Employee Costs	Employees of Housing	Administration	0	647,360	LMHF	53,947	53,947	53,947	53,947	53,947		323,679
21) Housing Operations	City of Escondido	Administration	0	537,165	LMHF	44,764	44,764	44,764	44,764	44,764		268,584
22) EI Norte Apartments	Community Housing Works	Redevelopment Projects	2,744,565	1,955,595	LMHF	1,152,141	526,622	274,832				1,955,595
23) Low-Moet Housing	Various Individuals	Loans & Subsidies	0	1,805,000	LMHF	133,750	133,750	133,750	133,750	133,750		802,500
24) Mobilhome Park Operations	City of Escondido	Administration	0	32,675	Other	2,723	2,723	2,723	2,723	2,723		16,837
25)												0
26)												0
27)												0
28)												0
29)												0
30)												0
31)												0
Totals - This Page			90,900,262	17,226,376		325,560	1,566,665	1,945,057	883,921	321,040	341,036	5,383,299
Totals - Page 2			0	0		0	0	0	0	0	0	0
Totals - Page 3			0	0		0	0	0	0	0	0	0
Totals - Page 4			0	0		0	0	0	0	0	0	0
Totals - Other Obligations			470,068,442	9,133,791		360,563	65,557	461,114	950,575	295,006	146,126	2,278,941
Grand total - All Pages			560,968,704	26,360,167		686,123	1,632,242	2,406,171	1,834,496	616,046	487,162	7,662,240

Source of Funds:

- RPTF - Redevelopment Property Tax Trust Fund
- LMHF - Low and Moderate Income Housing Fund
- Other

¹ Lease reimbursement agreement between City of Escondido and CDC of the City of Escondido
² Reimbursement agreement with Palomar College
³ Cooperation Agreement dated February 26th, 1988

REVISED OTHER OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34167 and 34169

Name of Redevelopment Agency: Escondido Redevelopment Agency
Project Area(s): Escondido Redevelopment Project

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Source of Funds	Payments by month						Total
						Jul-2011	Aug	Sept	Oct	Nov	Dec-2011	
1) Pass Through Agreement	County of San Diego	Payments per 33401	165,787,777	3,277,845	RPTF							
2) Pass Through Agreement	North County Cemetery District	Payments per 33401	1,144,036	47,666	RPTF					262,228	1,114,467	1,376,695
3) Pass Through Agreement	Rincon Del Diablo Municipal Water District	Payments per 33401	4,321	123	RPTF							0
4) Statutory Payments	City of Escondido	Payments per 33607	8,156,148	313,698	RPTF							0
5) Statutory Payments	Resource Conservation District of Greater San Diego County	Payments per 33607	7,722	297	RPTF							0
6) Statutory Payments	Vallejos Water District	Payments per 33607	11,154	429	RPTF							0
7) Statutory Payments	San Diego County Water Authority	Payments per 33607	189,618	7,293	RPTF							0
8) Statutory Payments	Metropolitan Water District	Payments per 33607	215,358	8,283	RPTF							0
9) Pass Through Agreement	Palomar Pomerado Health	Payments per Settlement Agreement	8,837,977	128,786	RPTF				128,786			128,786
10) Pass Through Agreement	San Marcos Unified School District	Payments per Settlement Agreement	2,019,021	29,421	RPTF				29,421			29,421
11) Pass Through Agreement	Palomar Community College	Payments per Settlement Agreement	23,580,638	343,616	RPTF				343,616			343,616
12) Pass Through Agreement	Escondido Elementary School District	Payments per Settlement Agreement	141,088,256	2,699,093	RPTF				2,699,093			2,699,093
13) Pass Through Agreement	Escondido Union High School District	Payments per Settlement Agreement	107,561,961	2,057,978	RPTF				2,057,978			2,057,978
14) Pass Through Agreement	San Diego County Superintendent of Schools	Payments per Settlement Agreement	11,464,455	219,261	RPTF				219,261			219,261
15)				0					0			0
16)				0					0			0
17)				0					0			0
18)				0					0			0
19)				0					0			0
20)				0					0			0
21)				0					0			0
22)				0					0			0
23)				0					0			0
24)				0					0			0
25)				0					0			0
26)				0					0			0
27)				0					0			0
28)				0					0			0
Totals - Other Obligations			470,068,442	9,133,791		0	0	0	5,478,155	262,228	1,114,467	6,854,350

Source of Funds:
RPTF - Redevelopment Property Tax Trust Fund
LMHF - Low and Moderate Income Housing Fund
Other

REVISED OTHER OBLIGATION PAYMENT SCHEDULE
 Per AB 26 - Section 34167 and 34169

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Source of Funds	Payments by month						Total
						Jan-2012	Feb	Mar	Apr	May	Jun-2012	
1) Pass Through Agreement	County of San Diego	Payments per 33401	165,787,777	3,277,845	RPTF	360,563	65,557	131,114	950,575	295,006	98,335	1,901,150
2) Pass Through Agreement	North County Cemetery District	Payments per 33401	1,144,036	47,668	RPTF						47,668	47,668
3) Pass Through Agreement	Rincon Del Diablo Municipal Water District	Payments per 33401	4,321	123	RPTF						123	123
4) Statutory Payments	City of Escondido	Payments per 33607	8,156,148	313,698	RPTF			313,698				313,698
5) Statutory Payments	Resource Conservation District of Greater San Diego County	Payments per 33607	7,722	297	RPTF			297				297
6) Statutory Payments	Vallecitos Water District	Payments per 33607	11,154	429	RPTF			429				429
7) Statutory Payments	San Diego County Water Authority	Payments per 33607	189,618	7,293	RPTF			7,293				7,293
8) Statutory Payments	Metropolitan Water District	Payments per 33607	215,358	8,283	RPTF			8,283				8,283
9) Pass Through Agreement	Piomas Pomerado Health	Payments per Settlement Agreement	8,837,977	128,786	RPTF							128,786
10) Pass Through Agreement	San Marcos Unified School District	Payments per Settlement Agreement	2,019,021	29,421	RPTF							29,421
11) Pass Through Agreement	Palomar Community College	Payments per Settlement Agreement	23,580,638	343,616	RPTF							343,616
12) Pass Through Agreement	Escondido Elementary School District	Payments per Settlement Agreement	141,088,256	2,699,093	RPTF							2,699,093
13) Pass Through Agreement	Escondido Union High School District	Payments per Settlement Agreement	107,561,961	2,057,978	RPTF							2,057,978
14) Pass Through Agreement	San Diego County Superintendent of Schools	Payments per Settlement Agreement	11,464,455	219,261	RPTF							219,261
15)												0
16)												0
17)												0
18)												0
19)												0
20)												0
21)												0
22)												0
23)												0
24)												0
25)												0
26)												0
27)												0
28)												0
Totals - Other Obligations						360,563	65,557	461,114	950,575	295,006	146,126	2,778,941

Source of Funds:
 RPTF - Redevelopment Property Tax Trust Fund
 LM/HF - Low and Moderate Income Housing Fund
 Other

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 17
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Gilbert Rojas, Director of Finance
SUBJECT: Issuance of Revenue Bonds for Water System Improvements

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-13 and that the Escondido Joint Powers Financing Authority adopt Resolution No. EJPFA 2012-01 authorizing the Issuance of not to exceed \$41,000,000 Principal Amount of Revenue Bonds (Water System Financing), Series 2012 and approving certain documents and authorizing certain actions including modifying the FY 2011/12 Water CIP budget to reflect the projects listed within this Bond Issue.

FISCAL ANALYSIS:

The City Council approved the Fiscal Year 2012/13 Capital Improvement Program which included certain projects that the funding source was Revenue Bonds. It has been determined issuing bonds is the fairest and the best way to pay for these water projects. Staff is proposing that the Fiscal Year 2011/12 CIP Budget be changed to add two new projects and modify the amounts on other projects. A reconciliation of the old and new projects is attached to this staff report. In addition to Bonding for \$20 million dollars in "new money" to finance new projects we are also proposing to refund the remaining amounts from the \$25.7 million dollar Certificates of Participation, Series A and the \$9.1 million dollar Certificates of Participation Series 2002 A. The refunding of these bonds will save the Water Fund a net present value amount of approximately \$2,400,000 over the life of the Bonds. It also provides a \$360,000 savings to the Water Enterprise budget. This savings will be absorbed by the debt service on the "new money" debt. The new bonds will be paid back over 30 years and the City is promising the purchaser of these bonds that the Water Fund revenues will be at least sufficient to yield during each Fiscal Year Net Revenues equal to 120% of the Debt Service. The Debt Service for this issue will be included in the Water Fund Budget. The principal financing documents approved by the Resolution 2012-13 and EJPFA 2012-01 are as follows:

- 1) Trust Indenture (provides for the terms of the Bonds and related City payment obligations)
- 2) Installment Purchase Agreement (provides for parity pledge of Water System Revenues, net of O&M)
- 3) Assignment Agreement
- 4) Bond Purchase Agreement (provides for sale of the Bond's to the Underwriter)
- 5) Continuing Disclosure Certificate (provides for City's ongoing continuing disclosure duties)

- 6) Escrow Agreement (provides for payoff of refunded bonds)

A copy of each of these documents has been placed in the City Council Reading File.

PREVIOUS ACTION:

On May 25, 2011 a City Council workshop was held that addressed the process of issuing Bonds to construct large projects that benefit the public over a number of years. On June 15, 2011 the City Council approved the Capital Improvement Program that cited the proposed funding source as Bonds for certain Water Capital improvements.

BACKGROUND:

Staff is proposing to fund the following projects with this proposed Bond Issue.

- 1) Buildings to relocate the Water Distribution Staff (\$4.2 million dollars)
- 2) Water Line – Cemetery Area (5 million dollars)
- 3) Vista Verde Reservoir (2 million dollars)
- 4) Lake Wohlford Dam Project (1 million dollars)
- 5) WTP Onsite Chlorine Generation (6.5 million dollars)
- 6) Lindley Reservoir Replacement (1.5 million dollars)

In addition, 10.1 million dollars will be used to refund the 2000A Certificates of Participation serviced by the Water Fund due to favorable interest rates that will yield savings to the Water Fund.

Respectfully submitted,



Gilbert Rojas
Director of Finance

FY 2011-2012 Bond Funded Projects

Water Projects	Original Uses Per CIP Doc	Bond Funded Projects
704912 Lake Wohlford Dam	\$1,000,000	\$1,000,000
704201 Lindley Reservoir Replacement	700,000	1,500,000
701201 Vista Verde Reservoir	500,000	2,000,000
700101 Water Distribution Staff Move		4,200,000
704901 Water Line-Cemetary Area	5,000,000	5,000,000
701001 WTP Onsite Chlorine Generation		6,500,000
Total	\$7,200,000	\$20,200,000

RESOLUTION NO. 2012-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$41,000,000 PRINCIPAL AMOUNT OF REVENUE BONDS (WATER SYSTEM FINANCING) SERIES 2012 AND APPROVING CERTAIN DOCUMENTS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH (WATER SYSTEM)

WHEREAS, the City Council (the "City Council") of the City of Escondido (the "City") has determined to acquire and construct certain local water system resource supply and distribution improvements consisting of replacement of existing facilities and other water enterprise capital improvement projects of the City (the "2012 Project"), more particularly described in the Installment Purchase Agreement (identified below) and subject to adjustment as described therein; and

WHEREAS, the City has previously entered into an Installment Purchase Agreement with the Authority dated as of February 1, 2000 (the "2000 Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, Series 2000A related thereto (the "2000 Certificates") to finance and refinance certain water system capital improvements (the "2000 Project"); and

WHEREAS, a portion of the 2000 Certificates in the original principal amount of approximately \$5,500,000 (the "Wastewater Portion") relate to certain recycled water distribution lines the financial responsibility for which has been undertaken by the wastewater system; and

WHEREAS, the City has previously entered into an Installment Purchase Agreement with the Authority dated as of July 1, 2002 (the "2002 Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, Series 2002A related thereto (the "2002 Certificates") to finance certain water system capital improvements (the "2002 Project" and, together with the 2000 Project and the 2012 Project, the "Projects"); and

WHEREAS, the City has previously entered into an Installment Purchase Agreement with the Authority dated as of September 1, 2007 (the "2007 Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, Series 2007A related thereto (the "2007 Certificates") to finance certain water system capital improvements and to refinance a portion of the 2000 Project and the 2000 Certificates; and

WHEREAS, the remaining portion of the 2000 Certificates in the principal amount of approximately \$9,830,000 may be refinanced at this time with significant interest rate savings; and

WHEREAS, it is possible the remaining portion of the 2002 Certificates in the principal amount of approximately \$8,585,000 may also be refinanced at this time with significant interest rate savings, subject to market conditions; and

WHEREAS, in order to accomplish the financing of the 2012 Project, the refinancing of the remaining un-refinanced portion of the 2000 Project and the 2002 Project (but only to the extent provided in Section 4 below), the City and the Authority desire to enter into that certain Installment Purchase Agreement, by and between the City and the Authority (the "2012 Installment Purchase Agreement"), the form of which

has been presented to this City Council at the meeting at which this Resolution has been adopted; and

WHEREAS, the Board of Directors (the "Board") of the Escondido Joint Powers Financing Authority has approved the Authority's participation in the financing and refinancing of the Projects through the execution and delivery of an installment purchase agreement, indenture of trust and assignment agreement; and

WHEREAS, pursuant to the 2012 Installment Purchase Agreement, the Authority will agree to acquire and sell to the City the Projects, all of which are within the City of Escondido or on property within the control of the City of Escondido; and

WHEREAS, the City's obligations under the 2012 Installment Purchase Agreement will be on a parity with its obligations under the 2002 Installment Purchase Agreement and the 2007 Installment Purchase Agreement, such that its obligation to make Installment Payments from Net Revenues of the Water System (as such terms are defined in the 2012 Installment Purchase Agreement) will be on a parity with its obligation to make remaining 2002 Installment Payments and 2007 Installment Payments from Revenues; and

WHEREAS, the Installment Payments to be made by the City under the 2012 Installment Purchase Agreement will be assigned by the Authority to the Trustee (as defined below) for the benefit of the owners of those certain Revenue Bonds (Water System Financing), Series 2012 (the "Bonds") to be executed and delivered by the Authority pursuant to an Indenture of Trust, by and among The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), and the Authority (the

“Indenture”), the form of which has been presented to this City Council at the meeting at which this Resolution has been adopted; and

WHEREAS, the 2012 Installment Purchase Agreement and the City’s obligation to make Installment Payments thereunder will constitute a parity contract obligation under the 2002 Installment Purchase Agreement, 2007 Installment Purchase Agreement (and the 2002 Installment Purchase Agreement to the extent not refinanced); and

WHEREAS, the City Council desires to consent to the assignment of certain of the Authority’s rights, title and interest in and to the Installment Purchase Agreement, including the right to receive such Installment Payments from the City, to the Trustee pursuant to an Assignment Agreement, between the Authority and the Trustee (the “Assignment Agreement”), the form of which has been presented to this City Council at the meeting at which this Resolution has been adopted; and

WHEREAS, the City will cause the 2012 Project to be constructed and improved pursuant to the 2012 Installment Purchase Agreement; and

WHEREAS, the City will provide for prepayment of the remaining portion of the 2000 Installment Purchase Agreement and the refunding and defeasance of the remaining portion of the 2000 Certificates from the proceeds of the Bonds and pursuant to the terms of an escrow agreement with the Trustee (the “Escrow Agreement”), the form of which has been presented to this City Council at the meeting at which this Resolution has been adopted; and

WHEREAS, the City Council desires to approve the form of a Bond Purchase Agreement (the “Purchase Contract”), by and between the City, the Authority and Stifel,

Nicolaus & Company Incorporated dba Stone & Youngberg, a Division of Stifel Nicolaus (the "Purchaser"), pursuant to which the Purchaser will agree to buy the Bonds on the terms and conditions set forth therein, the form of which has been presented to this City Council at the meeting at which this Resolution has been adopted; and

WHEREAS, the City Council desires to approve the form of a Preliminary Official Statement relating to the Bonds (the "Preliminary Official Statement") to be distributed to potential investors, for the purposes of facilitating the sale of the Bonds at the lowest feasible interest rate, the form of which has been presented to this City Council at the meeting at which this Resolution has been adopted; and

WHEREAS, the City Council desires to approve the form of a Continuing Disclosure Certificate (the "Disclosure Agreement") between the City and the Trustee, the form of which has been presented to this City Council at the meeting at which the Resolution has been adopted;

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

SECTION 1. This City Council hereby consents to the issuance of the Bonds by the Authority in an aggregate amount of not to exceed \$41,000,000 in accordance with the terms and provisions of the Indenture, with the exact principal amount to be that determined necessary by the City Manager or the Finance Director to finance the 2012 Project and refinance the portion of the 2002 Project which is presently refundable in accordance with Section 4 below. The proceeds of the Bonds shall be expended to finance and refinance the Projects and to pay the costs of issuance of the Bonds.

SECTION 2. The Bank of New York Mellon Trust Company, N.A. is hereby appointed as Trustee on behalf of the owners of the Bonds, with the duties and powers of such Trustee as set forth in the Indenture.

SECTION 3. The forms of the 2012 Installment Purchase Agreement, the Indenture, the Escrow Agreement, the Disclosure Agreement and the Assignment Agreement presented at this meeting are hereby approved. Each and any of the Mayor, the City Manager, the Finance Director and the City Clerk is hereby authorized for and in the name of the City to execute the Installment Purchase Agreement, the Disclosure Agreement, the Indenture and the Escrow Agreement in substantially the forms hereby approved, with such additions thereto and changes therein as are recommended or approved by Stradling Yocca Carlson & Rauth, a Professional Corporation, as Special Counsel to the City ("Special Counsel"), or the City Attorney and the officer or officers executing the same, including all changes necessary to reflect the purchase of bond insurance as described in Section 4 below. Approval of such changes shall be conclusively evidenced by the execution and delivery of the foregoing documents by one or more of the authorized officers identified above. The Mayor, the City Manager, the Finance Director and the City Clerk each is hereby authorized to execute, acknowledge and deliver any and all documents required to consummate the transactions contemplated by the 2012 Installment Purchase Agreement, the Disclosure Agreement, the Indenture, the Assignment Agreement, the Escrow Agreement and the Purchase Contract described below.

SECTION 4. The form of the Purchase Contract presented at this meeting and the sale of the Bonds pursuant thereto are hereby approved, and each and any of the

Mayor, the City Manager and the Finance Director is hereby authorized to evidence the City's acceptance of the terms and provisions of the Purchase Contract by executing and delivering the Purchase Contract in the form presented to the City at this meeting, with such additions thereto and changes therein as are recommended or approved by Special Counsel or the City Attorney and the officers executing the same. Approval of such additions and changes shall be conclusively evidenced by the execution and delivery of the Purchase Contract; provided, however, that the Purchase Contract shall be signed only (i) if the aggregate principal amount of the Bonds does not exceed \$41,000,000, (ii) the true interest cost of the Bonds does not exceed 6.0% and the expected term of the Installment Purchase Agreement does not exceed 32 years (exclusive of any fractional years) and (iii) the Purchaser's discount (exclusive of original issue discount and any bond insurance premium) with respect to the Bonds does not exceed six-tenths of one percent (.60%) of the aggregate principal amount of the Bonds. Additionally, Bonds shall be executed and delivered to prepay the 2002 Certificates only if the net present value savings from the prepayment of the 2002 Certificates is at least 5.00%, as determined by the City. The City's execution of the Purchase Contract to be conclusive evidence of such determination and approved by this City Council of such Purchase Contract. The Finance Director, or his designee, is authorized to reject any terms presented by the Purchaser if determined not to be in the best interest of the City and is further authorized to evaluate whether the purchase of municipal bond insurance for the Bonds will result in a net savings to the City and if so to arrange for the purchase such municipal bond insurance. Additionally, in the event the prepayment of the 2002 Certificates meets the savings threshold above, City staff

and legal counsel are hereby directed to revise the legal documents approved hereby and Preliminary Official Statement (or Official Statement) to include references to the prepayment of the 2002 Certificates and otherwise cause such documents to reflect the prepayment and to prepare, execute and deliver an escrow agreement in a form substantially similar to the escrow agreement and providing for the prepayment of the 2002 Certificates.

SECTION 5. The form of the Preliminary Official Statement presented at this meeting is hereby approved, and the Preliminary Official Statement may be distributed to prospective purchasers in the form so approved, together with such additions thereto and changes therein as are determined necessary by the Finance Director, or his designee, to make such Preliminary Official Statement final as of its date for purposes of Rule 15c2-12 of the Securities and Exchange Commission. Each and any of the Mayor and the City Manager is hereby authorized to execute a final Official Statement in the form of the Preliminary Official Statement, together with such changes as are determined necessary by the Finance Director, or his designee, and the officer executing the same to make such Official Statement complete and accurate as of its date. The Purchaser is further authorized to distribute the final Official Statement for the Bonds to the purchasers thereof upon its execution by an officer of the City as described above. The City Manager, the Finance Director and their written designees are hereby authorized and directed to take whatever steps are necessary to comply with the requirements of Rule 15c2-12 applicable to the Bonds following their execution and delivery.

SECTION 6. The Mayor, the City Manager, the Finance Director and the City Clerk are hereby authorized, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary and advisable in order to consummate the sale and delivery of the Bonds and otherwise effectuate the purposes of this Resolution, and such actions previously taken by such officers are hereby ratified and confirmed. Each of the above-referenced officials is hereby authorized to solicit bids from municipal bond insurers, to select an insurer to provide municipal insurance with respect to Bonds and a debt service reserve policy, if applicable, and to execute and negotiate any agreements necessary in connection with the procurement of such insurance or reserve policy, provided that such insurance provide debt service savings or other benefits to the proposed transaction, as determined by the City. The City's execution of an insurance commitment to be conclusive evidence of such determination. Each of the above-referenced officers is hereby authorized to direct Special Counsel and/or the City Attorney to make any necessary revisions to the legal documents and Preliminary Official Statement to effectuate the procurement of municipal bond insurance and/or a reserve fund policy. In the event the Mayor is unavailable or unable to execute and deliver any of the above-referenced documents, any other member of the City Council may validly execute and deliver such document, and, in the event the City Clerk is unavailable or unable to execute and deliver any of the above-referenced documents, any deputy clerk may validly execute and deliver such document in her place. Expenditures of net proceeds of the Bonds for the Projects shall be subject to compliance by the City with all legal and other conditions precedent thereto.

RESOLUTION NO. EJPFA-2012-01

RESOLUTION OF THE ESCONDIDO JOINT
POWERS FINANCING AUTHORITY
AUTHORIZING THE ISSUANCE OF NOT TO
EXCEED \$41,000,000 PRINCIPAL AMOUNT
OF REVENUE BONDS (WATER SYSTEM
FINANCING), SERIES 2012, AND
APPROVING CERTAIN DOCUMENTS AND
AUTHORIZING CERTAIN ACTIONS IN
CONNECTION THEREWITH (WATER
SYSTEM)

WHEREAS, the City of Escondido (the "City") and the Community Development Commission of the City of Escondido (the "Commission") have heretofore entered into a Joint Exercise of Powers Agreement, dated as of November 20, 1991, establishing the Escondido Joint Powers Financing Authority (the "Authority") for the purpose of, among other things, providing financing and refinancing for public capital improvements of the City and the Commission; and

WHEREAS, the Authority is a joint powers agency organized and existing under the laws of the State of California with the authority to assist in the financing of the acquisition of certain local water system public capital improvements and to reimburse the City for certain expenses incurred in connection therewith on behalf of the City, and in the refunding of the City's or Authority's bonds and obligations; and

WHEREAS, the City Council of the City has determined to acquire and construct certain local water system resource supply and distribution improvements consisting of replacement of existing facilities and other water enterprise capital improvement projects of the City (the "2012 Project"), more particularly described in the Installment Purchase Agreement (identified below) and subject to adjustment as described therein; and

WHEREAS, the City has previously entered into an Installment Purchase Agreement with the Authority dated as of February 1, 2000 (the "2000 Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, Series 2000A related thereto (the "2000 Certificates") to finance and refinance certain water system capital improvements (the "2000 Project"); and

WHEREAS, a portion of the 2000 Certificates in the original principal amount of approximately \$5,500,000 (the "Wastewater Portion") relate to certain recycled water distribution lines the financial responsibility for which has been undertaken by the wastewater system (the "2000 Project"); and

WHEREAS, the City has also previously entered into an Installment Purchase Agreement with the Authority dated as of July 1, 2002 (the "2002 Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, Series 2002A related thereto (the "2002 Certificates") to finance certain water system capital improvements (the "2002 Project" and, together with the 2000 Project and the 2012 Project, the "Projects"); and

WHEREAS, the City has also previously entered into an Installment Purchase Agreement with the Authority dated as of September 1, 2007 (the "2007 Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, Series 2007A related thereto (the "2007 Certificates") to finance certain water system capital improvements and refinance a portion of the 2000 Project and the 2000 Certificates; and

WHEREAS, the remaining portion of the 2000 Certificates in the principal amount of approximately \$9,830,000 may be refinanced at this time with significant interest rate savings; and

WHEREAS, it is possible the remaining portion of the 2002 Certificates in the principal amount of approximately \$8,585,000 may also be refinanced at this time with significant interest rate savings, subject to market conditions; and

WHEREAS, in order to accomplish the financing of the 2012 Project and the refinancing of a portion of the 2000 Project and the 2002 Project (but only to the extent provided in Section 4 below), the City and the Authority desire to enter into that certain Installment Purchase Agreement, by and between the City and the Authority (the "2012 Installment Purchase Agreement"), to be dated as of February 1, 2012, the form of which has been presented to the Authority for approval; and

WHEREAS, pursuant to the 2012 Installment Purchase Agreement, the Authority will agree to acquire and sell to the City the Projects, all of which are within the City of Escondido or on property within the control of the City of Escondido; and

WHEREAS, pursuant to the Installment Purchase Agreement, the City purchases the projects identified therein with Installment Payments (the "Installment Payments") payable from Net Revenues of the Water System, as defined therein; and

WHEREAS, the City's obligations under the Installment Purchase Agreement to make Installment Payments from Net Revenues will be on a parity with its obligation to make remaining 2007 Installment Payments (and 2002 Installment Payments to the extent not refinanced) from Net Revenues; and

WHEREAS, the Authority desires to assign certain rights under the Installment Purchase Agreement, including its right to receive such Installment Payments from the City, to The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee") pursuant to an Assignment Agreement between the Authority and the Trustee (the "Assignment Agreement") and the Authority will issue its certain Revenue Bonds (Water System Financing), Series 2012 (the "Bonds") pursuant to an Indenture of Trust (the "Indenture") by and between the Trustee and the Authority, the forms of which have been presented to the Authority for approval; and

WHEREAS, the Authority will cause the City to construct and improve the 2012 Project pursuant to the Installment Purchase Agreement; and

WHEREAS, the City will provide for prepayment of the remaining portion of the 2000 Installment Purchase Agreement and the refunding and defeasance of the remaining portion of the 2000 Certificates from the proceeds of the Bonds and pursuant to the terms of an escrow agreement with the Trustee ("Escrow Agreement") the form of which has been presented to the Authority for approval; and

WHEREAS, there has been presented to the Authority for approval the form of a Bond Purchase Agreement (the "Purchase Contract") to be entered into by the Authority, the City and Stifel, Nicolaus & Company Incorporated dba Stone & Youngberg, a Division of Stifel Nicolaus (the "Purchaser") pursuant to which the Purchaser will agree to buy the Bonds on the terms and conditions set forth therein; and

WHEREAS, there has been presented to the Authority for approval the form of a Preliminary Official Statement to be delivered to prospective purchasers of the Bonds; and

NOW, THEREFORE, the City Council of the City of Escondido, acting as the Commissioners of the Escondido Joint Powers Financing Authority does hereby resolve, determine and order as follows:

SECTION 1. Each of the foregoing recitals is true and correct.

SECTION 2. In order to facilitate the financing and refinancing of the Projects, the Authority has determined that it would be in the best interests of the Authority, the City and the citizens of the community and result in significant public benefits within the meaning of Government Code Section 6586(a)-(d), inclusive, to authorize and the Authority hereby authorizes the issuance of the Bonds in an aggregate principal amount not to exceed \$41,000,000 in accordance with the terms and provisions of the Indenture. The proceeds of the Bonds shall be expended to finance or refinance the Projects, to prepay the remaining outstanding 2000 Certificates and 2000 Installment Purchase Agreement (and the outstanding 2002 Certificates and the 2002 Installment Purchase Agreement to the extent provided pursuant to Section 4 below), and to provide for payment of the costs of the issuance of the Bonds.

SECTION 3. The Authority hereby approves the appointment by the City of The Bank of New York Mellon Trust Company, N.A., to act as Trustee on behalf of the owners of the Bonds, with the duties and powers of the Trustee as set forth in the Indenture.

SECTION 4. (a) The forms of the Purchase Contract, Escrow Agreement, Installment Purchase Agreement, the Indenture and the Assignment Agreement presented at this meeting are hereby approved. Each and any of the Chairman, the Vice Chairman, Executive Director (which shall be the City Manager of the City), Auditor and Treasurer and Secretary (the "Authorized Officers") of the Authority are hereby authorized to execute, acknowledge and deliver any and all documents required to consummate the transactions contemplated by the Purchase Contract, Escrow Agreement, Installment Purchase Agreement, Indenture and the Assignment Agreement and this Resolution. Each and any of the Authorized Officers of the Authority are hereby authorized for and in the name of the Authority to execute and deliver and the Secretary is hereby authorized and directed to attest, Installment Purchase Agreement, the Indenture and the Assignment Agreement in substantially the forms hereby approved, with such additions thereto and changes therein as (i) are necessary to reflect the purchase of bond insurance for the Bonds, if so purchased at the City's election, or if the funding of a reserve fund deposit or purchase of a reserve surety policy is necessary to the rating for the Bonds or (ii) as are recommended or approved by Stradling Yocca Carlson & Rauth, as Special Counsel to the City ("Special Counsel"), and Authority Counsel and approved by the officer or officers executing the same, such approval to be conclusively evidenced by the execution and delivery thereof.

(b) In addition, each and any of the Authorized Officers of the Authority are hereby authorized for and in the name of the Authority to execute and deliver and the Secretary is hereby authorized and directed to attest, the Purchase Contract in

substantially the form hereby approved, with such additions thereto and changes therein as may be approved by the Authorized Officer executing the same, provided: (i) the aggregate principal amount of the Bonds does not exceed \$41,000,000, (ii) the true interest cost of the Bonds does not exceed 6.0% and the discount paid to the Purchaser (exclusive of original issue discount and any bond insurance premium) with respect to the Bonds does not exceed six-tenths of one percent (.60%) of the aggregate principal amount of the Bonds. Additionally, Bonds shall be issued to prepay the 2002 Certificates only if the net present value savings from the prepayment of the 2002 Certificates is at least 5.00%, as determined by the City, the Authorized Officer's execution of the Purchase Contract to be conclusive evidence of the approval thereof in accordance with this Resolution. In the event the prepayment of the 2002 Certificates meets the savings of the approved threshold described above, Authority staff and legal counsel are hereby directed to revise the legal documents and Preliminary Official Statement (or Official Statement) approved hereby to include the reference to the prepayment of the 2002 Certificates and otherwise cause such documents to reflect the prepayment and to prepare, execute and deliver an escrow agreement substantially similar to the escrow agreement providing for the prepayment of the 2002 Certificates.

SECTION 5. The form of the Bonds as set forth in the Indenture (as the Indenture may be modified pursuant to the preceding section hereof) is hereby approved.

SECTION 6. The form of the Preliminary Official Statement presented herewith is hereby approved, subject to such changes as the City Attorney may approve, and as may be approved by the City Manager prior to the distribution thereof. The Authority

consents to the distribution by the City of a Preliminary Official Statement to prospective purchasers of the Bonds in the form deemed final by the City for purposes of Rule 15c2-12 of the Securities and Exchange Commission and to the preparation of a final Official Statement in substantially the form of the Preliminary Official Statement, with such additions thereto and changes therein as are recommended or approved by the City Attorney, and approved by the officer or officers executing the same on behalf of the City.

SECTION 7. The Authorized Officers and other officers of the Authority are hereby authorized, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary and advisable in order to consummate the issuance of the Bonds and otherwise effectuate the purposes of this Resolution and such actions previously taken by such officers are hereby ratified. The City is hereby authorized to solicit bids from municipal bond insurers, to select an insurer to provide municipal insurance with respect to Bonds and a debt service reserve policy, if applicable, and to execute and negotiate any agreements necessary in connection with the procurement of such insurance or reserve policy, provided that such insurance provide debt service savings or other benefits to the proposed transaction, as determined by the City, the City's execution of an insurance commitment to be conclusive evidence of such determination. Each of the above-referenced officers is hereby authorized to direct Special Counsel and/or the City Attorney to make any necessary revisions to the legal documents and Preliminary Official Statement to effectuate the procurement of municipal bond insurance and/or a funded reserve fund surety bond insurance reserve policy.

SECTION 8. In the event an Authorized Officer is unavailable or unable to execute and deliver any of the above-referenced documents, any other member of the Board of the Authority may validly execute and deliver such documents, and any documents required to be signed by the Secretary may be signed by any deputy secretary.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 18

Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Gilbert Rojas, Director of Finance
SUBJECT: Issuance of Revenue Bonds for Wastewater System Improvements

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-14 and that the Escondido Joint Powers Financing Authority adopt Resolution No. EJPFA 2012-02 authorizing the issuance of not to exceed \$35,000,000 Principal Amount of Revenue Bonds (Wastewater System Financing), Series 2012 and approving certain documents and authorizing certain actions including modifying the FY 2011/12 Wastewater CIP budget to reflect the projects listed within this Bond Issue.

FISCAL ANALYSIS:

The City Council approved the Fiscal Year 2012/13 Capital Improvement Program which included certain projects that the funding source was Revenue Bonds. It has been determined issuing bonds is the fairest and the best way to pay for these wastewater projects. Staff is proposing that the Fiscal Year 2011/12 CIP Budget be changed to add new projects and modify the amounts on the other projects. A reconciliation of the old and the new projects is attached to this staff report. The Bonds will be paid back over 30 years. The Debt Service for this issue will be included in the Wastewater Fund Budget. The principal financing documents approved by Resolution 2012-14 and EJPFA 2012-01 are as follows:

- 1) Trust Indenture (provides for the terms of the Bonds and related City payment obligations)
- 2) Installment Purchase Agreement (provides for parity pledge of Wastewater System Revenues, net of O&M)
- 3) Assignment Agreement
- 4) Bond Purchase Agreement (provides for sale of the Bond's to the Underwriter)
- 5) Continuing Disclosure Certificate (provides for City's ongoing continuing disclosure duties)
- 6) Escrow Agreement (provides for payoff of refunded bonds)

A copy of each of these documents has been placed in the City Council Reading File.

PREVIOUS ACTION:

On May 25, 2011 a City Council workshop was held that addressed the process of issuing bonds to construct large projects that benefit the public over a number of years. On June 15, 2011 the City


Council approved the Capital Improvement Program that cited the proposed funding source as Bond financing for certain Wastewater Capital Improvements.

BACKGROUND:

Staff is proposing to fund the following projects with this proposed Bond Issue.

- 1) Primary Building Upgrade (5 million dollars)
- 2) HARRF Odor Control (3.5 million dollars)
- 3) HARRF Influent Pump Station (6 million dollars)
- 4) HARRF Expansion Phase 3 - Ops. Building (2 million dollars)
- 5) Evaluation – West Side Lift Station (3.5million dollars)
- 6) Recycled Water Easterly Main Extension (3.5 million dollars)
- 7) Recycled Water Easterly Main Tank and Pump Station (2 million dollars)

Respectfully submitted,



Gilbert Rojas
Director of Finance

FY 2011-2012 Bond Funded Projects

Wastewater Projects	Original Uses Per CIP	Bond Funded Projects
808810 Evaluation - West Side Lift Station		\$ 3,500,000
804201 HARRF Expansion Phase III-Ops Bldg		2,000,000
804001 HARRF Influent Pump Station	\$3,700,000	6,000,000
801812 HARRF Odor Control		3,500,000
801101 Primary Building Upgrade		5,000,000
801201 RW Easterly Main Extension	6,905,000	3,500,000
New RW Easterly Main Tank & Pump Stn		2,000,000
Total	\$10,605,000	\$ 25,500,000

RESOLUTION NO. 2012-14 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$39,000,000 PRINCIPAL AMOUNT OF REVENUE BONDS (WASTEWATER SYSTEM FINANCING) SERIES 2012 AND APPROVING CERTAIN DOCUMENTS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH (WASTEWATER SYSTEM)

WHEREAS, the City Council (the "City Council") of the City of Escondido (the "City") has determined to acquire and construct certain local wastewater system collection and treatment improvements consisting of replacement of existing facilities and other wastewater enterprise capital improvement projects of the City (the "2012 Project"), more particularly described in the Installment Purchase Agreement (identified below) and subject to adjustment as described therein; and

WHEREAS, the City has previously entered into an Installment Purchase Agreement with the Authority dated as of February 1, 2000 (the "2000 Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, Series 2000A related thereto (the "2000 Certificates") to finance and refinance certain water system capital improvements; and

WHEREAS, a portion of the 2000 Certificates in the original principal amount of approximately \$5,500,000 (the "Wastewater Portion") relate to certain recycled water distribution lines the financial responsibility for which has been undertaken by the wastewater system (the "2000 Project" and, together with the 2012 Project, the "Projects"); and

WHEREAS, the City has previously entered into an Installment Purchase Agreement with the Authority dated as of December 1, 2004 (the "2004A Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, (1996 Wastewater Refunding Project) Series 2004A related thereto (the "2004 Certificates") to refinance certain wastewater system capital improvements; and

WHEREAS, the City has previously entered into an Installment Purchase Agreement with the Authority dated as of December 1, 2004 (the "2004B Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, (2004 Wastewater Projects) Series 2004B related thereto (the "2004B Certificates") to finance certain wastewater system capital improvements; and

WHEREAS, in order to accomplish the financing of the 2012 Project and the refinancing of the 2000 Project, the City and the Authority desire to enter into that certain Installment Purchase Agreement, by and between the City and the Authority (the "2012 Installment Purchase Agreement"), the form of which has been presented to this City Council at the meeting at which this Resolution has been adopted; and

WHEREAS, the Board of Directors (the "Board") of the Escondido Joint Powers Financing Authority has approved the Authority's participation in the financing and refinancing of the Projects through the execution and delivery of an installment purchase agreement, indenture of trust and assignment agreement; and

WHEREAS, pursuant to the 2012 Installment Purchase Agreement, the Authority will agree to acquire and sell to the City the Projects, all of which are within the City of Escondido or on property within the control of the City of Escondido; and

WHEREAS, the City's obligations under the 2012 Installment Purchase Agreement will be on a parity with its obligations under the 2004A Installment Purchase Agreement and the 2004B Installment Purchase Agreement and certain other loan obligations ("State Loans"), such that its obligation to make Installment Payments from Net Revenues of the Wastewater System (as such terms are defined in the 2012 Installment Purchase Agreement) will be on a parity with its obligation to make remaining 2004B Installment Payments, 2004B Installment Payments and State Loans payments from Revenues; and

WHEREAS, the Installment Payments to be made by the City under the 2012 Installment Purchase Agreement will be assigned by the Authority to the Trustee (as defined below) for the benefit of the owners of those certain Revenue Bonds (Wastewater System Financing), Series 2012 (the "Bonds") to be executed and delivered by the Authority pursuant to an Indenture of Trust, by and among The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), and the Authority (the "Indenture"), the form of which has been presented to this City Council at the meeting at which this Resolution has been adopted; and

WHEREAS, the 2012 Installment Purchase Agreement and the City's obligation to make Installment Payments thereunder will constitute a parity contract obligation

under the 2004A Installment Purchase Agreement and the 2004B Installment Purchase Agreement, among other parity obligations; and

WHEREAS, the City Council desires to consent to the assignment of certain of the Authority's rights, title and interest in and to the Installment Purchase Agreement, including the right to receive such Installment Payments from the City, to the Trustee pursuant to an Assignment Agreement, between the Authority and the Trustee (the "Assignment Agreement"), the form of which has been presented to this City Council at the meeting at which this Resolution has been adopted; and

WHEREAS, the City will cause the 2012 Project to be constructed and improved pursuant to the 2012 Installment Purchase Agreement; and

WHEREAS, the City will provide for prepayment of the wastewater portion of the 2000 Installment Purchase Agreement and the refunding and defeasance of the wastewater portion of the 2000 Certificates from the proceeds of the Bonds and pursuant to the terms of an escrow agreement with the Trustee (the "Escrow Agreement"), the form of which has been presented to this City Council at the meeting at which the Resolution has been adopted; and

WHEREAS, the City Council desires to approve the form of a Bond Purchase Agreement (the "Purchase Contract"), by and between the City, the Authority and Stifel, Nicolaus & Company Incorporated dba Stone & Youngberg, a Division of Stifel Nicolaus (the "Purchaser"), pursuant to which the Purchaser will agree to buy the Bonds on the terms and conditions set forth therein, the form of which has been presented to this City Council at the meeting at which this Resolution has been adopted; and

WHEREAS, the City Council desires to approve the form of a Continuing Disclosure Certificate (the "Disclosure Agreement") between the City and the Trustee, the form of which has been presented to this City Council at the meeting at which the Resolution has been adopted; and

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

SECTION 1. This City Council hereby consents to the issuance of the Bonds by the Authority in an aggregate amount of not to exceed \$39,000,000 in accordance with the terms and provisions of the Indenture, with the exact principal amount to be that determined necessary by the City Manager or the Finance Director to finance the 2012 Project and refinance the portion of the 2000 Project which is presently refundable. The proceeds of the Bonds shall be expended to finance and refinance the Projects, and to pay the costs of issuance of the Bonds.

SECTION 2. The Bank of New York Mellon Trust Company, N.A. is hereby appointed as Trustee on behalf of the owners of the Bonds, with the duties and powers of such Trustee as set forth in the Trust Agreement.

SECTION 3. The forms of the 2012 Installment Purchase Agreement, the Trust Agreement, the Escrow Agreement, the Disclosure Agreement and the Assignment Agreement presented at this meeting are hereby approved. Each and any of the Mayor, the City Manager, the Finance Director and the City Clerk is hereby authorized for and in the name of the City to execute the Installment Purchase Agreement, the Disclosure Agreement, the Trust Agreement and the Escrow Agreement in substantially the forms

hereby approved, with such additions thereto and changes therein as are recommended or approved by Stradling Yocca Carlson & Rauth, a Professional Corporation, as Special Counsel to the City ("Special Counsel"), or the City Attorney and the officer or officers executing the same, including all changes necessary to reflect the purchase of bond insurance as described in Section 4 below. Approval of such changes shall be conclusively evidenced by the execution and delivery of the foregoing documents by one or more of the authorized officers identified above. The Mayor, the City Manager, the Finance Director and the City Clerk each is hereby authorized to execute, acknowledge and deliver any and all documents required to consummate the transactions contemplated by the 2012 Installment Purchase Agreement, the Disclosure Agreement, the Trust Agreement, the Assignment Agreement, the Escrow Agreement and the Purchase Contract described below.

SECTION 4. The form of the Purchase Contract presented at this meeting and the sale of the Bonds pursuant thereto are hereby approved, and each and any of the Mayor, the City Manager and the Finance Director is hereby authorized to evidence the City's acceptance of the terms and provisions of the Purchase Contract by executing and delivering the Purchase Contract in the form presented to the City at this meeting, with such additions thereto and changes therein as are recommended or approved by Special Counsel or the City Attorney and the officers executing the same. Approval of such additions and changes shall be conclusively evidenced by the execution and delivery of the Purchase Contract; provided, however, that the Purchase Contract shall be signed only (i) if the aggregate principal amount of the Bonds does not exceed \$39,000,000, (ii) the true interest cost of the Bonds does not exceed 6.0% and the

expected term of the Installment Purchase Agreement does not exceed 32 years (exclusive of any fractional years) and (iii) the Purchaser's discount (exclusive of original issue discount and any bond insurance premium) with respect to the Bonds does not exceed six-tenths of one percent (.60%) of the aggregate principal amount of the Bonds, the City's execution of the Purchase Contract to be conclusive evidence of such determination and approval by this City Council of such Purchase Contract. The Finance Director, or his designee, is authorized to reject any terms presented by the Purchaser if determined not to be in the best interest of the City and is further authorized to evaluate whether the purchase of municipal bond insurance for the Bonds will result in a net savings to the City and if so to arrange for the purchase such municipal bond insurance. Execution of the Purchase Agreement shall be further subject to approval by the City Council of a Preliminary Official Statement relating to the Bonds.

SECTION 5. The Mayor, the City Manager, the Finance Director and the City Clerk are hereby authorized, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary and advisable in order to consummate the sale and delivery of the Bonds and otherwise effectuate the purposes of this Resolution, and such actions previously taken by such officers are hereby ratified and confirmed. Each of the above-referenced officials is hereby authorized to solicit bids from municipal bond insurers, to select an insurer to provide municipal insurance with respect to Bonds and a debt service reserve policy, if applicable, and to execute and negotiate any agreements necessary in connection with the procurement of such insurance or reserve policy, provided that such insurance

provide debt service savings or other benefits to the proposed transaction, as determined by the City. The City's execution of an insurance commitment to be conclusive evidence of such determination. Each of the above-referenced officers is hereby authorized to direct Special Counsel and/or the City Attorney to make any necessary revisions to the legal documents to effectuate the procurement of municipal bond insurance and/or a reserve fund policy. In the event the Mayor is unavailable or unable to execute and deliver any of the above-referenced documents, any other member of the City Council may validly execute and deliver such document, and, in the event the City Clerk is unavailable or unable to execute and deliver any of the above-referenced documents, any deputy clerk may validly execute and deliver such document in her place. Expenditures of net proceeds of the Bonds for the Projects shall be subject to compliance by the City with all legal and other conditions precedent thereto.

SECTION 6. This Resolution shall take effect from and after its date of adoption.

RESOLUTION NO. EJPFA- 2012-02 R

RESOLUTION OF THE ESCONDIDO JOINT
POWERS FINANCING AUTHORITY
AUTHORIZING THE ISSUANCE OF NOT TO
EXCEED \$39,000,000 PRINCIPAL AMOUNT
OF REVENUE BONDS (WASTEWATER
SYSTEM FINANCING), SERIES 2012, AND
APPROVING CERTAIN DOCUMENTS AND
AUTHORIZING CERTAIN ACTIONS IN
CONNECTION THEREWITH (WASTEWATER
SYSTEM)

WHEREAS, the City of Escondido (the "City") and the Community Development Commission of the City of Escondido (the "Commission") have heretofore entered into a Joint Exercise of Powers Agreement, dated as of November 20, 1991, establishing the Escondido Joint Powers Financing Authority (the "Authority") for the purpose of, among other things, providing financing and refinancing for public capital improvements of the City and the Commission; and

WHEREAS, the Authority is a joint powers agency organized and existing under the laws of the State of California with the authority to assist in the financing of the acquisition of certain local wastewater system public capital improvements and to reimburse the City for certain expenses incurred in connection therewith on behalf of the City, and in the refunding of the City's or Authority's bonds and obligations; and

WHEREAS, the City Council of the City has determined to acquire and construct certain local wastewater system collection and treatment improvements consisting of replacement and improvement of existing facilities and other wastewater enterprise capital improvement projects of the City (the "2012 Project"), more particularly

described in the Installment Purchase Agreement (identified below) and subject to adjustment as described therein; and

WHEREAS, the City has previously entered into an Installment Purchase Agreement with the Authority dated as of February 1, 2000 (the "2000 Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, Series 2000A related thereto (the "2000 Certificates") to finance and refinance certain water system capital improvements; and

WHEREAS, a portion of the 2000 Certificates in the original principal amount of approximately \$5,500,000 (the "Wastewater Portion") relate to certain recycled water distribution lines the financial responsibility for which has been undertaken by the wastewater system (the "2000 Project" and, together with the 2012 Project, the "Projects"); and

WHEREAS, the City has previously entered into an Installment Purchase Agreement with the Authority dated as of December 1, 2004 (the "2004A Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, (1996 Wastewater Refunding Project) Series 2004A related thereto (the "2004A Certificates") to refinance certain wastewater system capital improvements; and

WHEREAS, the City has previously entered into an Installment Purchase Agreement with the Authority dated as of December 1, 2004 (the "2004B Installment Purchase Agreement"), and caused to be executed and delivered certain Revenue Certificates of Participation, (2004 Wastewater Projects) Series 2004B(Taxable) related

thereto (the "2004B Certificates") to finance certain wastewater system capital improvements; and

WHEREAS, the remaining portion of the 2000 Certificates in the principal amount of approximately \$9,830,000, including the Wastewater Portion may be refinanced at this time with significant interest rate savings; and

WHEREAS, in order to accomplish the financing of the 2012 Project and the refinancing of the Wastewater portion of the 2000 Project, the City and the Authority desire to enter into that certain Installment Purchase Agreement, by and between the City and the Authority (the "2012 Installment Purchase Agreement"), to be dated as of February 1, 2012, the form of which has been presented to the Authority for approval; and

WHEREAS, pursuant to the 2012 Installment Purchase Agreement, the Authority will agree to acquire and sell to the City the Projects, all of which are within the City of Escondido or on property within the control of the City of Escondido; and

WHEREAS, pursuant to the Installment Purchase Agreement, the City purchases the projects identified therein with Installment Payments (the "Installment Payments") payable from Net Revenues of the Wastewater System, as defined therein; and

WHEREAS, the City's obligations under the Installment Purchase Agreement to make Installment Payments from Net Revenues will be on a parity with its obligations under the 2004A Installment Purchase Agreement and the 2004B Installment Purchase

Agreement and certain other loan obligations (“State Loans”), such that its obligation to make Installment Payments from Net Revenues of the Wastewater System (as such terms are defined in the 2012 Installment Purchase Agreement) will be on a parity with its obligation to make remaining 2004B Installment Payments, 2004B Installment Payments and State Loans payments from Revenues; and

WHEREAS, the Authority desires to assign certain rights under the Installment Purchase Agreement, including its right to receive such Installment Payments from the City, to The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”) pursuant to an Assignment Agreement between the Authority and the Trustee (the “Assignment Agreement”) and the Authority will issue its certain Revenue Bonds (Wastewater System Financing), Series 2012 (the “Bonds”) pursuant to an Indenture of Trust (the “Indenture”) by and between the Trustee and the Authority, the forms of which have been presented to the Authority for approval; and

WHEREAS, the Authority will cause the City to construct and improve the 2012 Project pursuant to the Installment Purchase Agreement; and

WHEREAS, the City will provide for prepayment of the remaining portion of the 2000 Installment Purchase Agreement and the refunding and defeasance of the Wastewater Portion of the 2000 Certificates from the proceeds of the Bonds and pursuant to the terms of an escrow agreement with the Trustee (“Escrow Agreement”) the form of which have been presented to the Authority for approval; and

WHEREAS, there has been presented to the Authority for approval the form of a Bond Purchase Agreement (the “Purchase Contract”) to be entered into by the

Authority, the City and Stifel, Nicolaus & Company Incorporated dba Stone & Youngberg, a Division of Stifel Nicolaus (the "Purchaser") pursuant to which the Purchaser will agree to buy the Bonds on the terms and conditions set forth therein; and

NOW, THEREFORE, the City Council of the City of Escondido, acting as the Commissioners of the Escondido Joint Powers Financing Authority does hereby resolve, determine and order as follows:

SECTION 1. Each of the foregoing recitals is true and correct.

SECTION 2. In order to facilitate the financing of the Projects, the Authority has determined that it would be in the best interests of the Authority, the City and the citizens of the community and result in significant public benefits within the meaning of Government Code Section 6586(a)-(d), inclusive, to authorize and the Authority hereby authorizes the issuance of the Bonds in an aggregate principal amount not to exceed \$39,000,000 in accordance with the terms and provisions of the Indenture. The proceeds of the Bonds shall be expended to finance or refinance the Projects and to prepay the remaining outstanding 2000 Certificates and 2000 Installment Purchase Agreement and to provide for payment of the costs of the issuance of the Bonds.

SECTION 3. The Authority hereby approves the appointment by the City of The Bank of New York Mellon Trust Company, N.A., to act as Trustee on behalf of the owners of the Bonds, with the duties and powers of the Trustee as set forth in the Indenture.

SECTION 4. (a) The forms of the Purchase Contract, Escrow Agreement, Installment Purchase Agreement, the Indenture and the Assignment Agreement presented at this meeting are hereby approved. Each and any of the Chairman, the Vice Chairman, Executive Director (which shall be the City Manager of the City), Auditor and Treasurer and Secretary (the "Authorized Officers") of the Authority are hereby authorized to execute, acknowledge and deliver any and all documents required to consummate the transactions contemplated by the Purchase Contract, Escrow Agreement, Installment Purchase Agreement, Indenture and the Assignment Agreement and this Resolution. Each and any of the Authorized Officers of the Authority are hereby authorized for and in the name of the Authority to execute and deliver and the Secretary is hereby authorized and directed to attest, Installment Purchase Agreement, the Indenture and the Assignment Agreement in substantially the forms hereby approved, with such additions thereto and changes therein as (i) are necessary to reflect the purchase of bond insurance for the Bonds, if so purchased at the City's election, or if the funding of a reserve fund deposit or purchase of a reserve surety policy is necessary to the rating for the Bonds or (ii) as are recommended or approved by Stradling Yocca Carlson & Rauth, as Special Counsel to the City ("Special Counsel"), and Authority Counsel and approved by the officer or officers executing the same, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 5. (b) In addition, each and any of the Authorized Officers of the Authority are hereby authorized for and in the name of the Authority to execute and deliver and the Secretary is hereby authorized and directed to attest, the Purchase

Contract in substantially the form hereby approved, with such additions thereto and changes therein as may be approved by the Authorized Officer executing the same, provided: (i) the aggregate principal amount of the Bonds does not exceed \$39,000,000, (ii) the true interest cost of the Bonds does not exceed 6.0% and the discount paid to the Purchaser (exclusive of original issue discount and any bond insurance premium) with respect to the Bonds does not exceed six-tenths of one percent (.60%) of the aggregate principal amount of the Bonds. Execution of the Purchase Agreement shall be further subject to approval by the Board of a Preliminary Official Statement relating to the Bonds.

SECTION 6. The form of the Bonds as set forth in the Indenture (as the Indenture may be modified pursuant to the preceding section hereof) is hereby approved.

SECTION 7. The Authorized Officers and other officers of the Authority are hereby authorized, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary and advisable in order to consummate the issuance of the Bonds and otherwise effectuate the purposes of this Resolution and such actions previously taken by such officers are hereby ratified. The City is hereby authorized to solicit bids from municipal bond insurers, to select an insurer to provide municipal insurance with respect to Bonds and a debt service reserve policy, if applicable, and to execute and negotiate any agreements necessary in connection with the procurement of such insurance or reserve policy, provided that such insurance provide debt service savings or other benefits to the proposed transaction, as determined by the City, the City's execution of an insurance commitment

to be conclusive evidence of such determination. Each of the above-referenced officers is hereby authorized to direct Special Counsel and/or the City Attorney to make any necessary revisions to the legal documents and Preliminary Official Statement to effectuate the procurement of municipal bond insurance and/or a funded reserve fund surety bond insurance reserve policy.

SECTION 8. In the event an Authorized Officer is unavailable or unable to execute and deliver any of the above-referenced documents, any other member of the Board of the Authority may validly execute and deliver such documents, and any documents required to be signed by the Secretary may be signed by any deputy secretary.

SECTION 9. This Resolution shall take effect from and after its date of adoption.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 19
Date: January 25, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Joyce Masterson, Assistant to the City Manager

SUBJECT: 2011-2012 City Council Action Plan Update

RECOMMENDATION:

It is requested that Council receive and file the 2011-2012 City Council Action Plan update and provide direction on potential adjustments to the document.

FISCAL ANALYSIS:

None

PREVIOUS ACTION:

The City Council approved the 2011-2012 City Council Action Plan on September 14, 2011.

BACKGROUND:

The City Council Action Plan represents the City Council's collective vision for Escondido's future and the key strategies that will be used to achieve that vision. It is developed biennially following a workshop where key policy goals are identified and discussed.

Attached to this staff report is a written status report that lists anticipated completion dates for each item, as well as brief information about items that already have been completed. The purpose of this workshop is to update the City Council on the progress being made in achieving its goals, as well as to receive feedback on the timing of anticipated completion dates and any other adjustments that Council might wish to make to the Action Plan.

Staff has identified two additional items that Council may want to include under the Economic Development section of the Action Plan. They are:

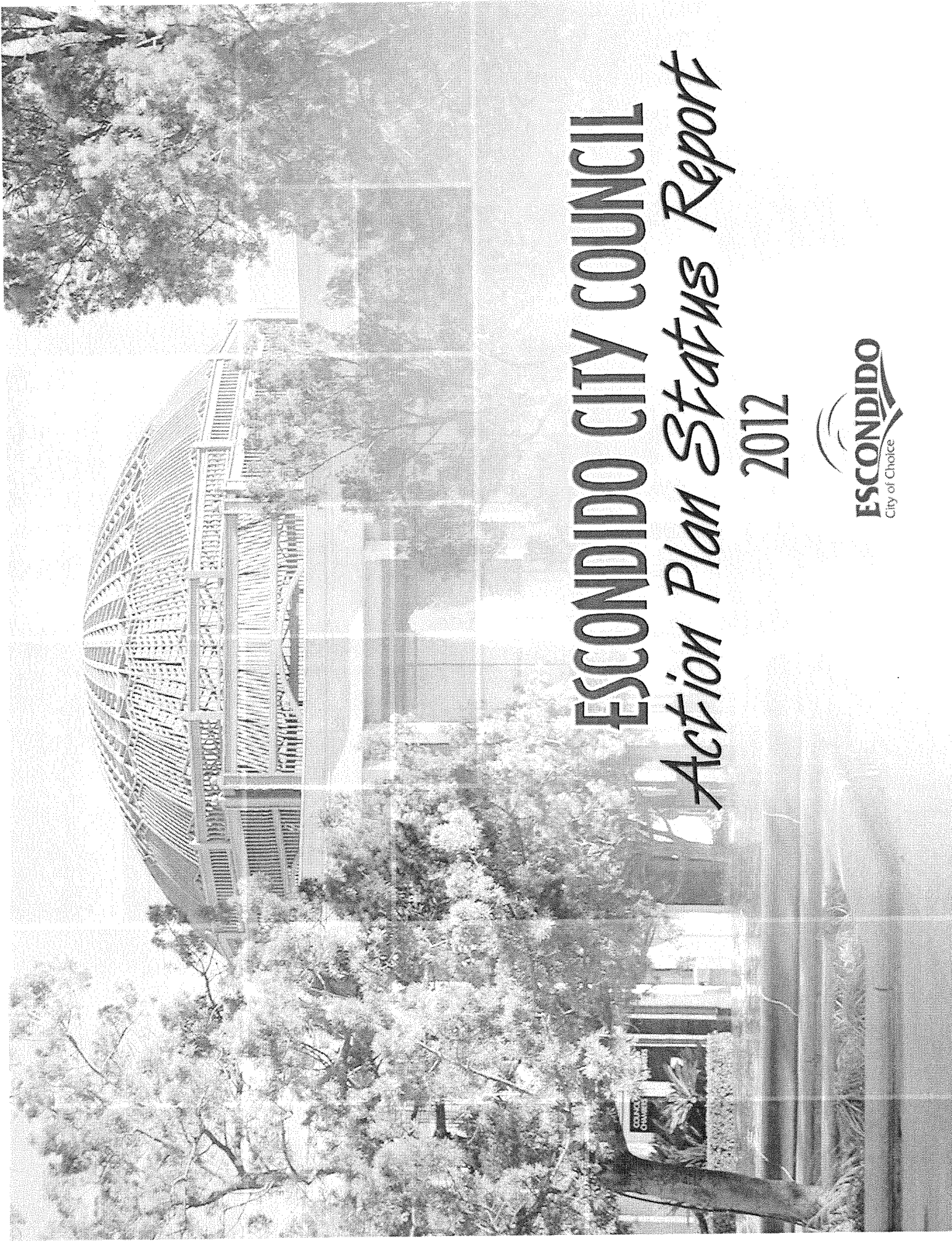
1. Explore strategies to encourage the growth of the local wine industry (Anticipated completion date of November 2012)
2. Revise Municipal Code (Chapter 23) regarding the methodology for determining mandatory off-site improvements and utility undergrounding requirements, to establish a fair and equitable requirement based on the construction cost and/or value of the proposed work. (Anticipated completion date of October 2012)

Status Report Council Action Plan
January 25, 2012
Page 2

Respectfully submitted,

A handwritten signature in black ink that reads "Joyce Masterson". The signature is written in a cursive, flowing style.

Joyce Masterson
Assistant to the City Manager



ESCONDIDO CITY COUNCIL

Action Plan Status Report

2012



Introduction

The City Council Action Plan represents the City Council's collective vision for Escondido's future and the key strategies that will be used to achieve that vision. It is developed biennially following a workshop where key policy goals are identified and discussed.

The priorities categories for the 2011-2012 Council Action Plan were identified by the City Council at its February 2, 2011 workshop and were: (in alphabetical order)

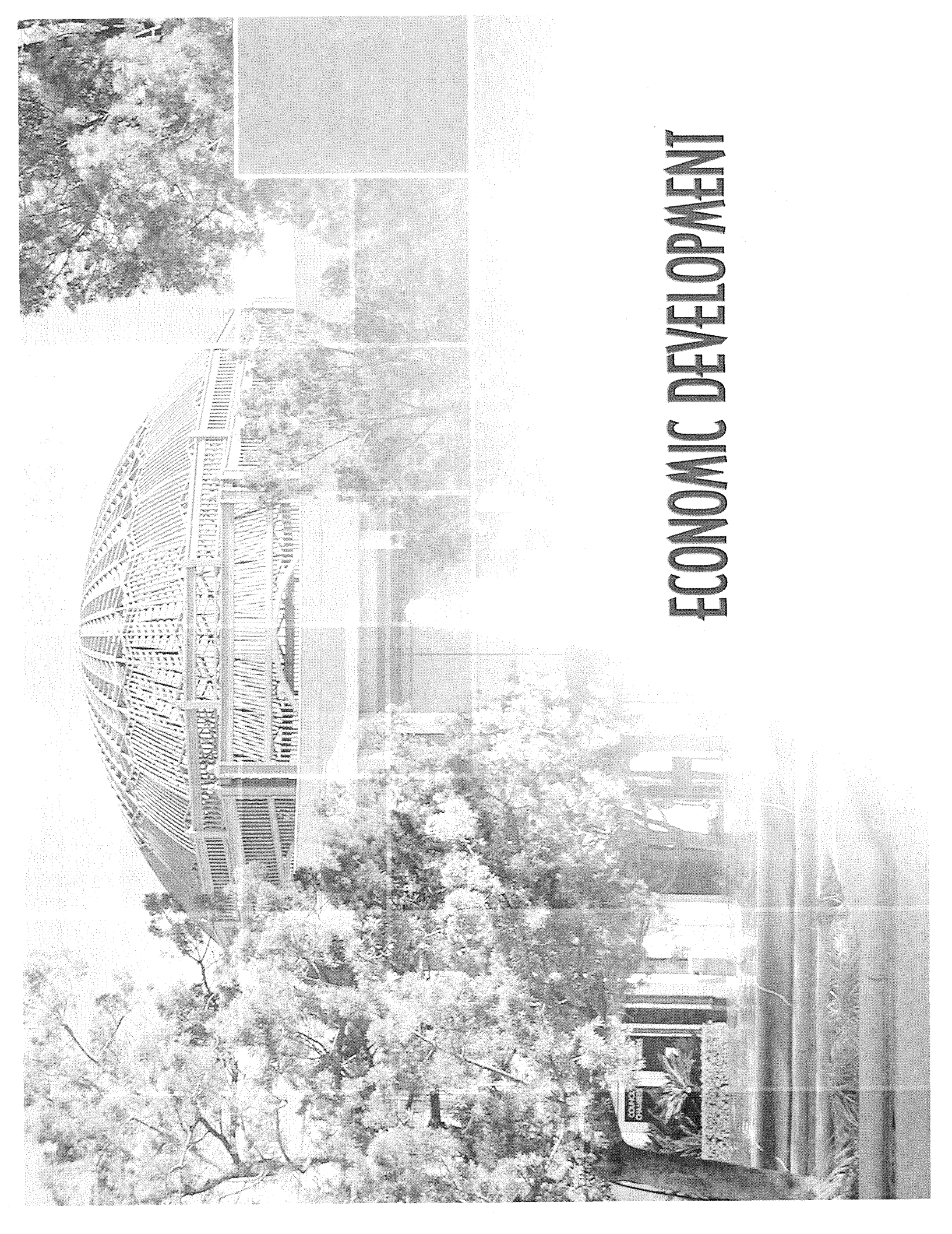
- Economic Development
- Embrace Diversity & Community Outreach
- Financial Stability
- Image and Appearance

Responsibility for developing and overseeing each of those categories was assigned to the following individuals:

- Sheryl Bennett (Embrace Diversity & Community Outreach)
- Joyce Masterson (Economic Development)
- Barbara Redlitz (Image and Appearance)
- Gil Rojas (Financial Stability)

Specific information pertaining to the current reality in those areas, as well as strategies to achieve the City Council's goals and evaluation measures, were presented to the City Council over the course of several months. Final approval of the document was given on September 14, 2011.

A workshop on the status of the Council Action Plan will be held twice a year to keep the City Council apprised of the progress being made to achieve stated goals, provide greater flexibility to changing needs and finances, and to elevate the public's interest and attention to the action plan.



ECONOMIC DEVELOPMENT

City Council Action Plan 2011-2012

Economic Development

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
<p>Create business / employment land to stimulate the creation of jobs and improve median income</p>	<p>1. Contract with a consultant to build upon the draft Economic Development element of the General Plan to create a comprehensive economic development plan for Escondido that includes baselines of existing jobs and types of properties available.</p>	<p>December 2011</p>	<p>Adoption of an Economic Development Plan Jobs created, jobs retained, average salaries</p>	<p>Completed. Council awarded contract on 12/14/11 Final plan to be completed May 2012</p>
	<p>2a. Work with Rincon Water Board to reduce barriers to business development in Escondido.</p>	<p>June 2012</p>	<p>Jobs created, jobs retained</p>	
	<p>2b. Update master plan for water and sewer infrastructure and establish a list of priorities. 2c. Purchase land in I-15/Felicita corridor needed to construct pump station for subsequent development.</p>	<p>June 2012 November 2012</p>	<p>Creation of priority list; jobs created Installation of infrastructure; jobs created</p>	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	<p>3a. Revise business license application to include mandatory information including the number of employees associated with the business in order to develop a baseline.</p> <p>3b. Explore new formula for business license fee.</p>	<p>December 2012</p> <p>July 2012</p>	<p>Jobs reported</p>	
	<p>4a. Authorize Mayor to lobby SANDAG for a more equitable distribution of future Target Household units that allocate a greater share to cities with fewer than the regional average. This would ensure that all communities shoulder a more proportionate share of Target Households.</p> <p>4b. Include language in the General Plan Housing element that will limit the number of Very Low and Low Income Housing units.</p>	<p>July 2011</p> <p>August 2011</p>	<p>Reduced percentage of Target Households allocated to Escondido</p>	<p>Completed</p> <p>Completed</p>
	<p>5. Eliminate parking requirements for new and expanding businesses in the core downtown area and Mercado District.</p>	<p>July 2011</p>	<p>Jobs created in downtown and Mercado</p>	<p>Completed</p>

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	<p>6. Analyze up to 450 additional acres to re-designate from residential to employment land.</p>	January 2012	Increased acreage; Jobs created; Standing among other North County cities	Completed. Draft General Plan and Draft Environmental Impact Report released Jan. 13, 2012 for 45-day public review period.
	<p>7. Re-assign existing staff to City Manager's Office to assist with Economic Development.</p>	July 2011	Customer feedback	Completed. Michelle Geller transferred July 1
Streamline Regulations	<p>1a. Expedite the permitting process for projects within priority areas (Ballpark District, I-15/Felicita, I-15/EI Norte Parkway, Citracado Parkway missing link).</p>	March 2012	Shorter Approval times	
	<p>1b. Consolidate Design Review Board with Planning Commission. Change criteria for Planning Commission to include design-professional applicants.</p>	December 2011		Completed
	<p>2a. Adopt master environmental document for each priority development area to streamline future CEQA review.</p>	November 2014	Adoption of Overlay zone	
	<p>2b .Update overlay area for South Escondido Boulevard.</p>	November 2014		
	<p>3a. Implement cost/benefit</p>	March 2012	Shorter review	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	<p>analysis in fire plan checks.</p> <p>3b. Schedule Fire Prevention staff at least 1 day a week at City Hall for Plan check and fire-related permits while exploring possible consolidation of fire plan check services at City Hall by Community Development Staff or outsourcing.</p> <p>3c. Analyze the process for final inspections of single family residences since both Building and Fire inspectors are on site, conducting a variety of different inspections, to determine if efficiencies can be found within the process.</p>	<p>October 2012</p> <p>April 2012</p>	<p>times, quicker permit issuance</p> <p>Customer Service feedback</p> <p>Faster response to customers</p>	
	<p>4. Upgrade the CRW TRAKIT software package with "eTRAKIT", "eMarkup", and "Mobile TRAK" to allow various online transactions including licenses, permits, payments, inspection requests, submission and markup of plans and the entry of data from the field.</p>	<p>June 2012 (Phase 1)</p> <p>September 2012 (Phase 2 if budgeted for FY 2012-13)</p>	<p>Business license volume increase and revenue</p> <p>Shorter review times</p>	
	<p>5a. Determine the appropriateness of retaining, reducing, or eliminating the current Public Art Fee and the</p>	<p>September 2012</p>	<p>Customer feedback</p>	

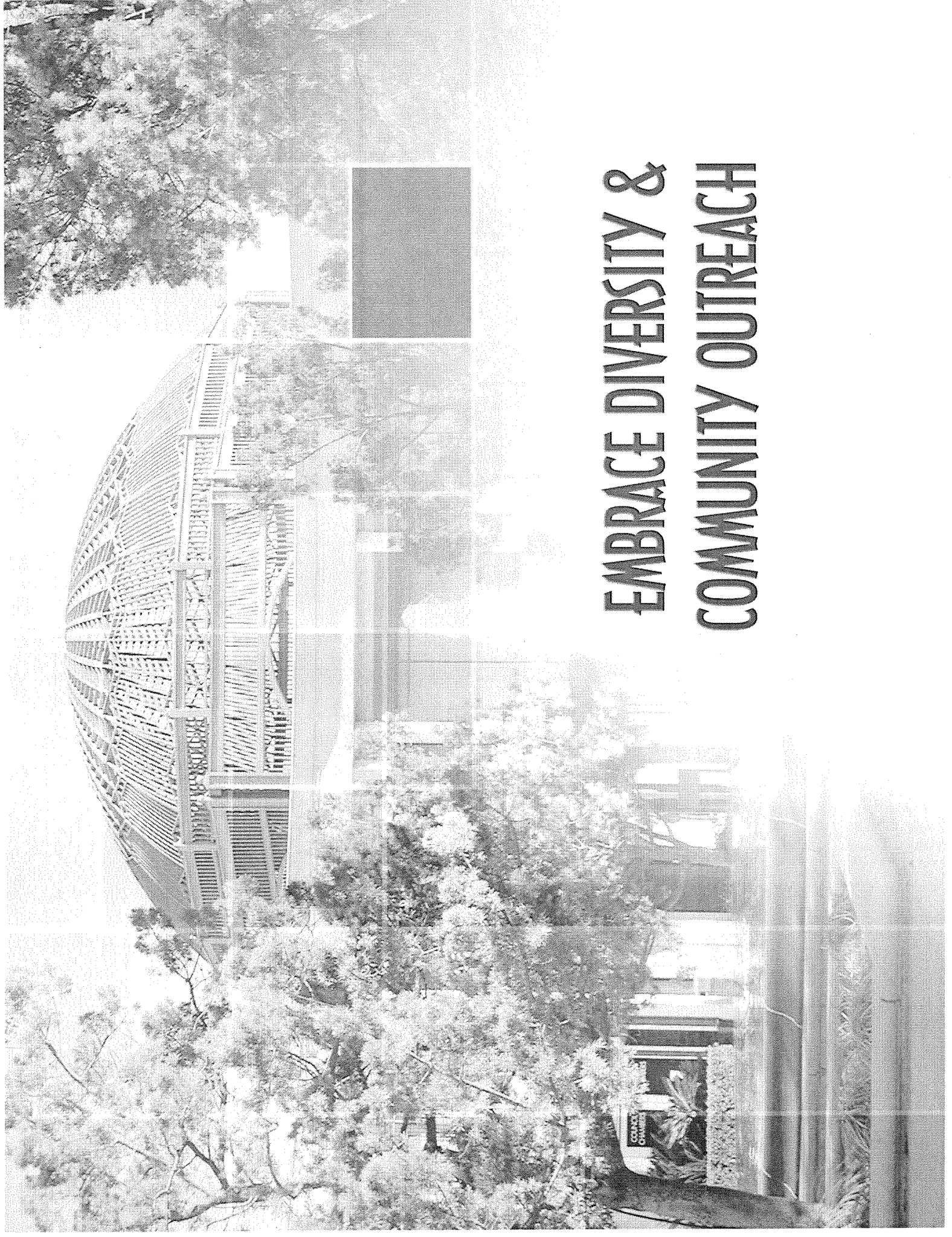
Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	Public Art Commission.			
	6. Hire a consultant to review and streamline the Zoning Code.	April 2013	Approved Streamlined Zoning Code	
Create Incentives	<p>1a. Re-evaluate existing Development Fees in other "Priority Areas" for possible reductions.</p> <p>1b. Create incentive to encourage the demolition of vacant buildings for which there has been no interest.</p> <p>2. Change City Policy to allow payment of Development Fees (not staff hard costs) prior to requesting Final Inspection rather than at permit issuance.</p> <p>3. Evaluate parking requirement for projects that incorporate transit-oriented design principles (i.e. pedestrian orientation, proximity to transit, inclusion of bicycle facilities,</p>	<p>April 2012</p> <p>June 2012</p> <p>April 2012</p> <p>November 2014</p>	<p>Additional living units in the Downtown District</p> <p>Expansion of existing business</p> <p>Increased sales tax generation from expanded, more-successful businesses</p> <p>Customer feedback</p> <p>Customer feedback</p>	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	etc.) as an incentive for reduced parking requirements.			
	<p>4a. Allow residential development along the creek trail frontage to install public recreational improvements (with a maintenance agreement) within the trail right of way and install permanent access onto the trail from their property in exchange for required on-site open space.</p> <p>4b. Allow commercial development along the creek trail frontage to install public recreational improvements (with a maintenance agreement) within the trail right of way and install permanent access onto the trail from their property in exchange for parking credits.</p>	<p>October 2012</p> <p>October 2012</p>	<p>Increased number of trail connections to adjacent properties.</p>	
	5a. Reinstate and fund the FPIP to provide matching grants for commercial property façade improvements.	November 2011	Dollar amount of private matching funds invested to enhance business appearance	Completed. Council approved \$500,000 on 11/16/11. Potential modifications to FPIP to be brought to Council in Feb. 2012

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
<p>Focus on image / outreach / marketing including proactive business recruitment by the City Council</p>	<p>1a. Recruit a corps of successful high-profile CEO's to participate in recruitment meetings with potential new business owners.</p> <p>1b. Develop business attraction "kits" for Councilmembers to provide accurate and consistent information to potential businesses.</p>	<p>March 2012</p> <p>March 2012</p>	<p>Site visits</p> <p>Number of kits distributed</p>	
	<p>2a. Refresh existing Economic Development web site to a more robust one directed at existing and prospective businesses, brokers and site selectors with companion written materials.</p> <p>2b. Develop subscription-based business retention /attraction E-newsletter.</p> <p>2c. Bolster the current on-line public art information with photos, electronic maps, and self-guided tour routes of existing art pieces that will attract visitors to the community who will visit the art displays and spend money at nearby restaurants and shops.</p>	<p>March 2012</p> <p>April 2012</p> <p>September 2012</p>	<p>Hits on web site</p> <p>Number of subscribers to E-newsletter</p>	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	<p>2d. Hold a commercial real estate brokers' symposium in partnership with the Chamber and regional partners to highlight available properties.</p>	<p>May 2012</p>	<p>Number of attendees</p>	

EMBRACE DIVERSITY & COMMUNITY OUTREACH



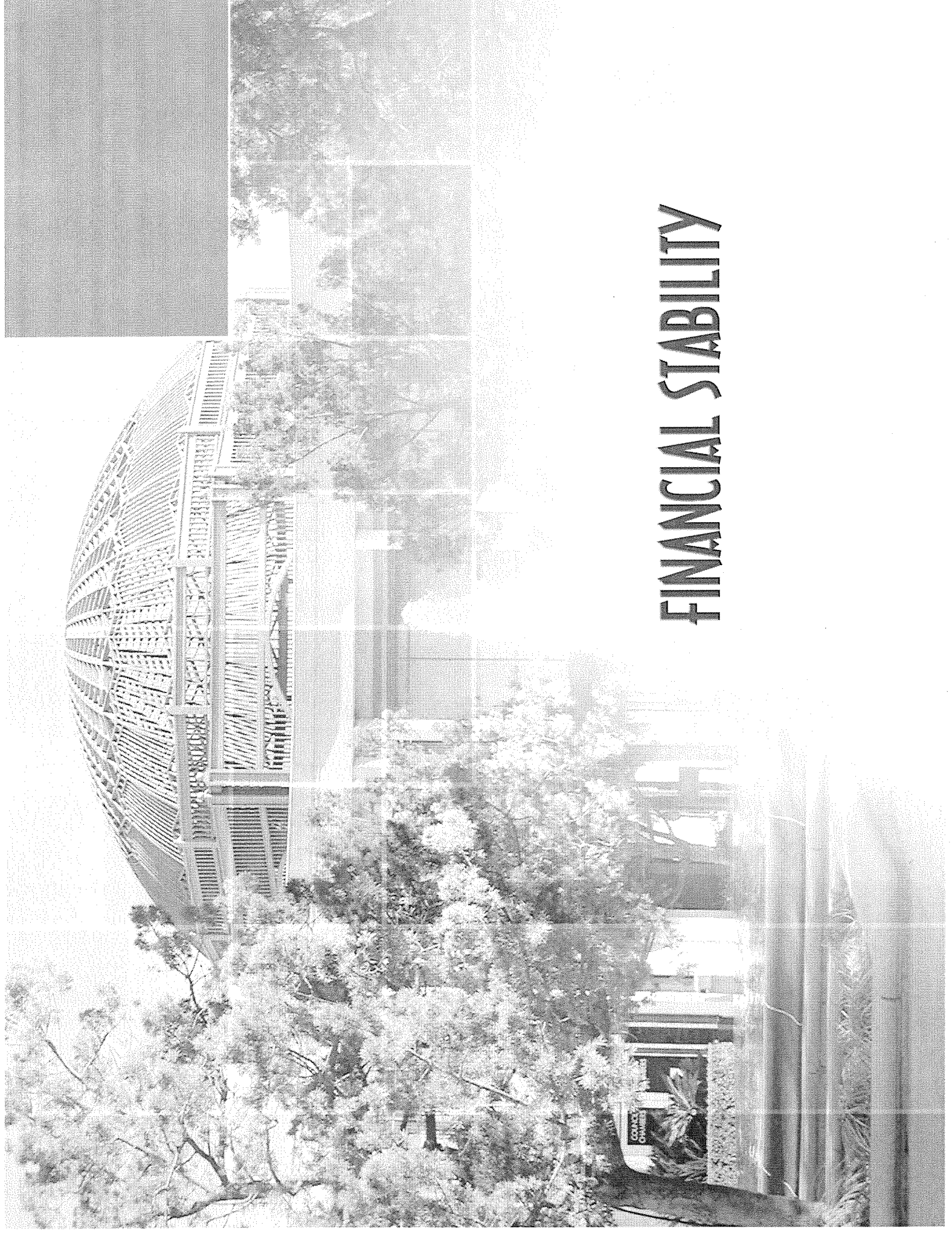
City Council Action Plan 2011-2012

Embrace Diversity and Community Outreach

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
Community Events Downtown	Add the following new events: 1. Sunrise Grape Day 5K – 9/10/11 2. 9/11 10 th Anniversary Remembrance Event – Partnership with the Center for the Arts 3. Partner with the Escondido History Center to bring additional activities to the Grape Day Festival that reflect our diverse community.	Sept. 10, 2011 Sept. 11, 2011 September 2012	Number of attendees at each event.	1. Completed. 369 Persons participated. Event was so successful it will be repeated next year. 2. Completed. Apprx. 1500 persons participated.

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
<p>Making things easier for residents to communicate with government</p>	<p>Increase opportunities for the community to provide input to City:</p> <ol style="list-style-type: none"> 1. Hold Mayor's Town Hall Meeting 2. Conduct community survey to obtain feedback from the residents on the methods they would like the City to use to share and receive information. Survey will be done via staff and City resources at a minimal cost. 3. Offer the public quarterly tours of City Hall and the Police & Fire HQ. 4. Expand City Sourced Application 5. Create "City" Facebook Page 	<p>July & Nov. 2011; May & Sept. 2012</p> <p>June 2012</p> <p>March 2012</p> <p>June 2012</p> <p>August 2011</p>	<p>Number of Attendees</p> <p>Responses from survey and analysis to the potential need for changes in communication methods.</p> <p>Number of Attendees</p> <p>Number of Referrals</p> <p>Number of followers</p>	<p>1. 2011 Town Hall meetings completed. Approximately 130 attended the July 2011 and 150 attended the November 2011 meeting.</p> <p>5. Completed. As of January 2012, there are 222 followers</p>
<p>Communication and Listening</p>	<p>Internal Customer Service</p> <ol style="list-style-type: none"> 1. Provide additional citywide customer service training 	<p>Managers: Feb. 2012; All employees: June 2012</p>	<p>Number of employees trained</p>	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	<p>2. Solicit feedback from customers on the quality of service they received from City staff.</p> <p>External Customer Service</p> <p>Purchase kiosk with online resources for customer to access information at City Hall</p>	<p>August 2012</p> <p>June 2012</p>	<p>Number of feedback forms received and quality of service measured.</p> <p>Number of utilizations</p>	



FINANCIAL STABILITY

CONTACT
OUR
OFFICE

City Council Action Plan 2011-2012

Financial Stability

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
Adopt balanced budget without using reserves	1a. Adopt a 2 year operating Budget.	July 2011	Adoption of a budget that does not use reserves	1a. Completed
	1b. Negotiate employee sharing pension costs	July 2012		1c. Completed
	1c. Close Branch Library	July 2011		1d. Completed
	1d. Conduct fiscal analysis of Recreation operations	July 2011		1e. Completed
	1e. Reduce funding for Center for the Arts	July 2011		1f. Completed
	1f. Reduce funding for outside agencies	July 2011		
Reform pension benefits to ensure they are affordable	1a. Increase employee contributions to their own pensions	July 2012	Approved revised contracts with each labor group	
	1b. Implement a two tiered pension system	July 2012	Implementation of a two tiered system	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
Focus on Core Service	<ol style="list-style-type: none"> 1. Fund \$525,200 for a Capital Improvement Program that will be used for implementation of the Records Management System 	July 2011	Implementation of Records Management System	Funding completed
	<ol style="list-style-type: none"> 2. Conduct an assessment of the City's delivery of fire services to ensure they are meeting the community's fire safety goals 	November 2012	Completion of assessment	
	<ol style="list-style-type: none"> 3. Repair 3-5% of total city streets each year with an emphasis on major roadways and on reducing the annual pothole/edge repair work required of in-house forces 	June 2012	"Lane" miles of streets improved to good or better condition per the Pavement Condition Index Number of pothole complaints/repairs	
Outsource city services where appropriate for cost savings and efficiency	<ol style="list-style-type: none"> 1. Systematically evaluate a minimum of five strategies for outsourcing 	March 2012	Dollar amount saved by outsourcing certain City services	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
<p>Maintain \$15-20 million in reserve</p>	<p>1. Develop a Reserve Policy for the General Fund based on cash flows during the first 6 months of the fiscal year and/or the average of 2 months of expenditures</p>	<p>October 2011</p>	<p>Adoption of Reserve Policy</p>	<p>Completed</p>

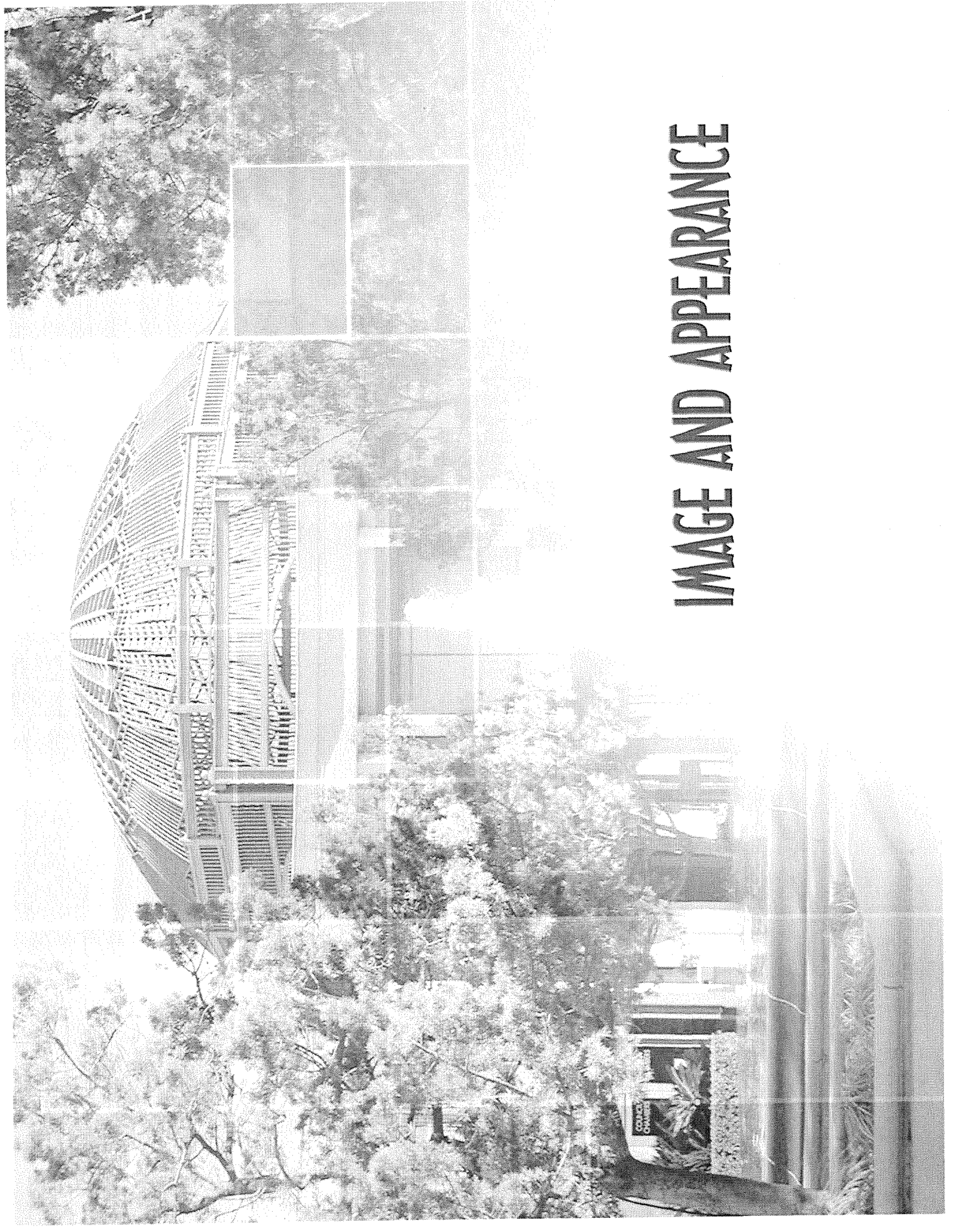


IMAGE AND APPEARANCE

City Council Action Plan 2011-2012

Image and Appearance

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
<p>Pro-active code enforcement (residential and commercial properties); implement existing ordinances; public education on violations</p>	<p>1a. Reinstate a modified version of the interdepartmental ACT to identify and monitor problem properties and attractive nuisances; anticipate "ripple effect"; and adjust resources accordingly.</p> <p>1b. Identify specific geographic areas of the city for methodical, proactive enforcement; give advance public education or notification, then target for concentrated enforcement, focusing on appearance violations.</p>	<p>April 2012</p> <p>August 2012</p>	<p>Quarterly reports from various departments and/or operations</p>	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	<p>1c. Establish reporting mechanisms to determine baselines and progress made by geographic or specific areas.</p> <p>1d. Develop additional public education information on reporting problems or finding solutions (i.e. website, handouts, etc.)</p>	<p>November 2012</p> <p>November 2012</p>		
	<p>2a. Train volunteers in all organized neighborhoods to report code violations; examine potential to use volunteers in other low and moderate income areas in the City.</p> <p>2b. Release periodic reminders encouraging all field personnel, inspectors, police volunteer patrols, and general City employees to report potential code violations.</p>	<p>April 2012</p> <p>February 2012</p>	<p>Quarterly reports from various departments</p> <p>Track volunteer numbers and hours</p>	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	2c. Work with the DBA, Chamber of Commerce, realtors, and other business and non-profit groups to encourage voluntary compliance.	April 2012		
	3. Appoint a representative from the City Appearance interdepartmental team and coordinate or resolve issues that may arise.	December 2011	Biannual report from City Appearance Committee	Completed
	4. Establish a re-inspection fee to encourage timely compliance.	December 2011	Adopt fee for non-responsive cases Number of cases requiring multiple inspections	Completed
	5. Develop protocol for working with regional organizations to resolve unsightly property maintenance issues at their facilities.	March 2012	Develop and maintain contact list Track response times	
	6a. Analyze City workforce to effectively maintain City property.	November 2012	Mid-year report on maintenance needs, concurrent with mid-year budget review	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	<p>6b. Develop an "Adopt-a-Lot" program for maintenance of public properties. Explore a corporate sponsorship program or other form of recognition as an incentive.</p> <p>6c. Co-sponsor community and corporate volunteerism, such as work days, coordinated through the City's Volunteer Coordinator.</p>	<p>January 2013</p> <p>January 2013</p>	<p>Establish policies and procedures for an "Adopt-a-Lot" program</p>	
	<p>7a. Use CDBG funds to:</p> <ul style="list-style-type: none"> • Expand Project NEAT program to all CDBG-eligible neighborhoods • Add Code Enforcement officer(s) for CDBG-eligible commercial properties • Conduct field survey of commercial property and identify high violations rates • Focus efforts in areas of high pedestrian use 	<p>June 2012</p> <p>November 2011</p> <p>June 2012</p> <p>June 2012</p>	<p>Number of cases with voluntary compliance;</p> <p>Number of cases referred to Code Enforcement;</p> <p>Number of cases referred to the City Attorney</p>	<p>Completed</p>

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	<p>7b. Develop an expanded marketing plan for Project NEAT. Identify and maintain key private citizen groups (realtors, service clubs, churches) to educate them regarding the importance of property maintenance issues</p>	<p>June 2012</p>	<p>Track and report new outlets used to market Project NEAT, and determine if new projects are generated by the use of these outlets</p>	
	<p>8. Develop standardized reports to track enforcement complaints, case-load, responsiveness, and trends using upgraded TRAKIT and Azteca software approved in the FY 2011-12 CIP budget.</p>	<p>June 2012</p>	<p>Quarterly reports regarding enforcement caseload and results Post results on website</p>	
	<p>9. Evaluate sign ordinance to address feather / temporary signs and murals.</p>	<p>April 2012</p>	<p>Adopt code amendment</p>	
	<p>10. Develop policy to address offers of special projects on City property, i.e., Eagle Scout projects, including procedures and identification of types of desirable projects and locations.</p>	<p>June 2012</p>	<p>Adopt policy</p>	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
	<p>11. Coordinate weed abatement enforcement efforts by Code Enforcement and Fire Department to ensure communication and provide consistent direction to property owner.</p>	<p>December 2011</p>	<p>Response time</p>	<p>Completed</p>
	<p>12. Purchase additional TRAKIT software (Mobile TRAK and CRM).</p>	<p>September 2012 (if approved in FY 2012-13 budget)</p>	<p>Response time</p>	

Goal	Strategy	Anticipated Completion Date	Evaluation Measures	Outcome
Urban Renewal, Overlays and Standards	<p>1. Explore strategies employed by other jurisdictions to address maintenance of vacant and foreclosed properties, and assess necessary resources for implementation as additional funding becomes available.</p>	December 2012	Summary Report	
	<p>2a. Expand scope of Zoning Code update to evaluate land use and development related code sections and guidelines to delete outdated provisions and amend codes as necessary to better support current enforcement goals and policies.</p> <p>2b. Eliminate City Council initiation of code amendments and authorize Planning staff to process as deemed necessary, in consultation with City Attorney.</p>	April 2013	Adoption of code amendments	Completed.



FUTURE CITY COUNCIL AGENDA ITEMS
January 19, 2012

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 THURSDAY, 1/12/12 (Due to MLK Holiday)
Staff Reports/Resos due by Noon on Tuesday 1/24/12

FEBRUARY 1, 2012
4:30 p.m.

	<p>CONSENT CALENDAR</p>
	<p>Escondido-Vista Water Treatment Plant onsite Chlorine Generation (C. McKinney)</p> <p><i>Amendment to the Consulting Agreement for the design of an upgrade to the disinfection system and electrical systems at the Escondido-Vista Water Treatment Plant, a budget adjustment to fund the work, and a sole source with Process Solutions Inc. for the 0.8% sodium hypochlorite generation equipment.</i></p>
	<p>Public Services Agreement for Public Art: Maple Street Pedestrian Plaza (R. Zaino)</p> <p><i>On December 14, 2011, City Council awarded a construction contract to LB Civil Construction to construct the Maple Street Pedestrian Plaza project. The project also includes several public art installations to be provided by Paul Hobson. This Public Services Agreement will compensate Mr. Hobson for his efforts. The funding of the public art associated with the Maple Street project was approved by City Council at the December 14 hearing.</i></p>
	<p>Parking Prohibition of Recreational Vehicles and Vehicles over 7 feet in Height From Parking on North Broadway, Pennsylvania Ave. and Woodward Ave. along Grape Day Park Vicinity (E. Domingue)</p> <p><i>Establish parking height limitation and posting of prohibition of vehicles over 7 feet in height in the vicinity of Grape Day Park.</i></p>
	<p>PUBLIC HEARINGS:</p>
	<p>Specific Plan Amendment for ERTC (PHG 11-0034) (B. Redlitz)</p> <p><i>An amendment to the ERTC Specific Plan is necessary to modify specific design standards.</i></p>
	<p>CURRENT BUSINESS</p>

	FEBRUARY 1, 2012 Continued
	WORKSHOP
	Draft General Plan, Downtown Specific Plan, Climate Action Plan, and Draft Environmental Impact Report (Case No. PHG 09-0020, PHG 10-0016) (B. Redlitz) <i>The purpose of this item is to review and receive direction on the proposed General Plan, Downtown Specific Plan, and Climate Action Plan. The Draft EIR is out for public review at this time. City Council adoption of the General Plan and certification of the EIR is anticipated prior to voter approval slated for the November 2012 election.</i>
	Future Agenda Items (D. Halverson)

Green Sheet Due by Noon on Monday 1/23/12
 Staff Reports/Resos due by Noon on Tuesday 1/31/12

FEBRUARY 8, 2012 State of the City Address 8:30 a.m. Center for the Arts, Escondido
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