

Council Meeting Agenda

MARCH 9, 2011

**CITY COUNCIL CHAMBERS ~ 3:30 P.M. & 4:30 P.M.
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	Marsha Whalen
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

March 9, 2011
3:30 p.m. MEETING

Escondido City Council
Community Development Commission

CALL TO ORDER

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

ORAL COMMUNICATIONS

At this time the public may comment on items not appearing on the agenda. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.)

CLOSED SESSION: (COUNCIL/CDC/RRB)

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

- a. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Escondido City Employee Benefit Association
Supervisory Bargaining Unit**
- b. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Escondido City Employee Association
Administrative/Clerical/Engineering (ACE) Bargaining Unit**
- c. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Maintenance & Operations, Teamsters Local 911**

ADJOURNMENT

**March 9, 2011
4:30 p.m. Meeting**

**Escondido City Council
Community Development Commission**

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: None Scheduled**
4. **FISCAL YEAR 2010 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) AND BUDGET ADJUSTMENT** – Request Council accept \$317,323 in Federal Grant funding from the Department of Homeland Security (DHS) for the FY 2010 State Homeland Security Grant Program (SHSGP); and request Council authorize the Fire Chief to execute all documents required for the management of this grant; and request Council authorize the necessary budget adjustment to establish new projects for tracking these grant funds.

Staff Recommendation: Approval (**Fire Department: Michael Lowry**)

5. **PURCHASE OF NEW WASTEWATER COLLECTION LINE TRUCK** – Request Council approve the purchase of one (1) new Line Truck from Dion International Trucks, LLC as a sole source provider in the amount of \$134,743.

Staff Recommendation: Approval (**Community Services/Fleet Services: Richard O'Donnell**)

RESOLUTION NO. 2011-27

6. **BID AWARD FOR NOTEBOOK LAPTOPS TO BE INSTALLED IN THE POLICE PATROL VEHICLES** – Request Council award the bid for Notebook Laptops to CDWG Government as the lowest responsive and responsible bidder in the amount of \$397,840.

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

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.)

PUBLIC HEARINGS

7. **REVIEW AND REAFFIRM COMMUNITY DEVELOPMENT PRIORITIES OF THE FISCAL YEAR 2010-2015 CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT(CDBG); APPROVAL OF AN ALLOCATION PROCESS FOR FISCAL YEAR 2010-2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS** – Request Council review and reaffirm the Community Development priorities of the Consolidated Plan for FY 2010-2015 for CDBG and approve an allocation process for FY 2011-2012 CDBG Funds for public service projects and programs.

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

CURRENT BUSINESS

8. **SANDAG BRIEFING – ESCONDIDO BUS RAPID TRANSIT ROUTE 350 PROJECT** – Request Council receive a briefing from SANDAG staff regarding the Escondido Bus Rapid Transit Route 350 Project.

Staff Recommendation: Receive and file: **(Engineering Services: Ed Domingue)**

9. **COOPERATIVE EMERGENCY MEDICAL SERVICES (EMS) MANAGEMENT AGREEMENT BETWEEN THE CITY OF ESCONDIDO AND THE CITY OF SAN MARCOS** – Request Council authorize the City Manager to complete the final negotiations and to execute a contract for cooperative EMS management functions between the City of Escondido and the City of San Marcos.

Staff Recommendation: Approval: **(Fire Department: Michael Lowry)**

RESOLUTION NO. 2011-34

10. **FIRE STATION #4, LOCATED AT 3301 BEAR VALLEY PARKWAY, RECONSTRUCTION, FINANCING PLAN AND BUDGET ADJUSTMENT** – Request Council approve the financing plan for the reconstruction of Fire Station #4 located at 3301 Bear Valley Parkway; and request Council authorize Fire Department Staff to enter into an agreement with the architect and begin the RFP process; and request Council approve the budget adjustment for increased rental fees to Aegis Senior Living in the amount of \$27,000 from Economic Uncertainty Reserves.

Staff Recommendation: Approval **(Fire Department: Michael Lowry)**

CURRENT BUSINESS - Continued

11. **GENERAL PLAN UPDATE STATUS AND CLIMATE ACTION PLAN (CASE NO.: PHG 09-0020, PHG 10-0016)** – Request Council endorse the General Plan land use study areas that have been refined based on a preliminary evaluation and market feasibility analysis.

Staff Recommendation: Direct staff to proceed with preparation of the Environmental Impact Report (EIR): **(Community Development/Planning: Barbara Redlitz)**

12. **TERMINATION OF THE CHARROS LEASE** – Request Council authorize staff to proceed with the termination of the Charros Association's lease to allow for the construction of a Water Distribution Division administration and operations building.

Staff Recommendation: Approval **(Utilities Department: Lori Vereker and City Manager's Office: Joyce Masterson)**

13. **CHARTER CITY PROPOSAL** – Request Council consider the subject of becoming a charter city.

Staff Recommendation: None **(Deputy Mayor Marie Waldron Council Member Ed Gallo)**

FUTURE AGENDA

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

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

ORAL COMMUNICATIONS

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COUNCILMEMBERS COMMITTEE REPORTS/COMMENTS/BRIEFING

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
March 16	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers
March 23	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers
March 30	No Meeting			
April 6	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers
April 13	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Comments are generally limited to 3 minutes.

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

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

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

- Online at <http://www.ci.escondido.ca.us/government/agendas/PublishedMeetings.htm>
- In the City Clerk's Office at City Hall
- In the Library (239 S. Kalmia) during regular business hours and
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

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

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and can be viewed the following Sunday and Monday evenings at 6:00 p.m. on Cox Cable. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, 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 and 4:30. (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 COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4
Date: March 9, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Michael Lowry, Fire Chief
SUBJECT: FY10 State Homeland Security Grant Program (SHSGP) Grant Acceptance

RECOMMENDATION:

It is requested that Council accept \$317,323 in funding from the Department of Homeland Security (DHS) for the FY10 State Homeland Security Grant Program (SHSGP). It is also requested that Council authorize the Fire Chief to execute, on behalf of the City, all documents required for the management of this grant and that Council approve the necessary budget adjustment to establish new projects for tracking of these grant funds.

FISCAL ANALYSIS:

The SHSGP is 100% federally funded. No matching funds are required and the City will be reimbursed for all expenditures. With Council approval, the City will receive a total of \$317,323 and funds will be used for the following items:

- \$45,151 – Strengthen Communications Capabilities: Funds in this category will be used to purchase portable and mobile radios and a rescue phone for Police and Fire first responders;
- \$175,214 – Strengthen Information Sharing, Collaboration Capabilities and Law Enforcement Investigations: Funds will be used for a high volume color printer and a plotter for the Emergency Operations Center (EOC), laptop computers, surveillance trackers and service, costs for part-time personnel to develop maps and to update pre-incident maps, and the EOC dispatch console including software and training costs.
- \$33,390 – Strengthen Citizen Preparedness & Participation: Funds will be used to continue support for Emergency Management activities and the Escondido CERT program.
- \$63,568 – Enhance Catastrophic Incident Planning and Response Capabilities: Funds will be used for self-contained breathing apparatus (SCBAs) cylinders, Personal Protective Equipment (PPE), flashlights and gunshot trauma kits.

PREVIOUS ACTION:

On May 14, 2003 Council authorized the Fire Chief to participate in the DHS Homeland Security Grant Program. Council has approved several previous items relating to the SHSGP. Under this multi-year grant program, Council has accepted funds from FY02 through FY09. The most recent Council action was taken on February 10, 2009 when Council authorized the acceptance of the FY09 SHSGP grant.

BACKGROUND:

The SHSGP is multi-year grant program. The City began receiving DHS grant funding in 2003 and funding has continued each subsequent year at varying levels. The FY10 SHSGP is a continuation of Federal funding from the DHS. Previous funding has been used to purchase items for Police and Fire first responders such as: Personal Protective Equipment (PPE), breathing apparatus, HazMat bags, boots, gloves, and suits, an Explosive Detection K-9, thermal imagers, chemical and radiological detection equipment, portable and mobile radios (for Police, Fire and Public Works), surveillance equipment for City Hall, and most recently for the Police/Fire Mobile Command Vehicle. In addition, funds have also been used for Emergency Operations Center (EOC) exercises and Emergency Management training and planning.

SUMMARY:

The SHSGP funds are intended to enhance first responder safety and readiness when responding to acts of terrorism as well as other natural or man-made disasters. Equipment and training provided with these grant funds are invaluable and will improve our ability to respond to numerous types of incidents, whether it be an act of terrorism, a major wildland fire or a building collapse caused by a major earthquake. Without these grants a significant amount of funding from the City's general fund would be required to meet the needs of these unique types of incidents. The FY10 SHSGP funds will be used to continue strengthening and sustaining the City's preparedness capabilities.

Respectfully submitted,



Michael Lowry
Fire Chief

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

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

TO: Honorable Mayor and Members of the City Council
FROM: Richard O'Donnell, Deputy Director of Maintenance & Operations
SUBJECT: Authorize the Purchase of Wastewater Collection Line Truck

RECOMMENDATION:

Staff recommends Council approve the purchase of one (1) new Wastewater Collection line truck from Dion International Trucks, LLC as a sole source, and adopt Resolution No. 2011-27.

FISCAL ANALYSIS:

This vehicle is to be used only for wastewater maintenance and will be purchased with Fleet Replacement funds. Sufficient funds have been budgeted for fiscal year 2010-11 in account number 5208-653-715. Dion International has provided us with a total price including sales tax of \$134,743.02.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding public health and safety, as it will be used to repair and maintain the City's wastewater collection system (sewer system).

BACKGROUND:

The Fleet Maintenance Division desires to purchase a new line truck to be used by the Collection Division of the Utilities Department for maintenance of the wastewater collection system. Currently, they use a line truck that was purchased in 1994.

We are recommending a sole source in this case because International is the preferred truck by our Fleet Maintenance Division and our Collection Division for this application. It has proven to be superior in quality, design and durability; key factors in maintaining a line truck for ten years or more. Second, this vehicle will also have unique specified features that allow our staff to perform their duties in a more safe and efficient manner. Some of these features are: an on-board PTO driven compressor, a truck mounted crane, a specially constructed utility bed designed to convey equipment, pipes, valves, and hoses. Additionally, this vehicle will meet all the 2011 California emissions requirements.

Authorization to Purchase Collection Line Truck

March 9, 2011

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Although there are other International truck dealers, Dion International Trucks, LLC is the distributor for San Diego County, and other International truck dealers in the surrounding area have indicated that they will not bid against Dion International when it pertains to government purchases.

Respectfully submitted,

A handwritten signature in black ink, reading "Richard O'Donnell". The signature is written in a cursive style with a large, prominent initial "R".

Richard O'Donnell

Deputy Director of Maintenance & Operations

RESOLUTION NO. 2011-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE, ON BEHALF OF THE CITY, THE PURCHASE OF A NEW WASTEWATER COLLECTION LINE TRUCK

WHEREAS, the City of Escondido desires to replace its large wastewater collection line truck with a new model; and

WHEREAS, the City of Escondido has available replacement funds for this purchase; and

WHEREAS, Dion International Trucks, LLC has been identified as the sole source bidder and can provide a superior vehicle that meets the City's specifications; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the purchase of the line truck from Dion International Trucks, LLC; and

WHEREAS, the Deputy Director of Maintenance and Operations recommends the approval of the purchase of the line truck from Dion International Trucks, LLC, in the amount of \$134,743.02.

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

1. That the above recitations are true.
2. That the Mayor and City Council accepts the recommendation of the Deputy Director.
3. That the Mayor and the City Council authorizes the City Manager or his designee, to execute on behalf of the City, the purchase of a new line truck.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6
Date: March 9, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Gilbert Rojas, Director of Finance
SUBJECT: Bid Award for Notebook Laptops to be installed in the Police Patrol Vehicles

RECOMMENDATION:

It is requested that Council award the bid for eighty notebook laptops to be installed in the police patrol vehicles to CDWG Government as the lowest responsive and responsible bidder in the amount of \$397,840.

FISCAL ANALYSIS:

Sufficient grant funds are available in the Police Department budget as follows: FY 2008 U.S. Department of Justice Community Oriented Police Services (COPS) Technology Grant, FY 2010 Congressionally Selected Grant, FY 2010 Operation Stonegarden Grant, FY 2010 State Homeland Security Grant, and FY 2011 Asset Forfeiture Funds.

BACKGROUND:

On January 24, 2011, request for bids for eighty notebook laptops to be installed in the police patrol vehicles were mailed to thirteen vendors and six bids were opened and evaluated on February 15, 2011. The bid results are outlined below:

CDWG Government	\$ 397,840.00
G2 Digital Solutions	407,840.00
Datel Systems Inc	411,736.00
Rugged Notebooks Inc	426,602.40
Technology Integration Group	440,080.00
Dell Computer Inc	Disqualified as a non-responsive bidder

Staff has reviewed all bid responses and recommends the bid award to CDWG Government as the lowest responsive and responsible bidder.

Respectfully submitted,



Gilbert Rojas,
Director of Finance

February 15, 2011

TO: Blanca Wolf, Purchasing Supervisor
FROM: Lisa Rodelo, Police Project Specialist
SUBJECT: Bid Award for Notebook Laptops

I have reviewed the bids and agree that CDWG should be awarded the bid for patrol car rugged notebook laptops in the amount of \$392,867.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7
Date: March 9, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Rich Buquet, Neighborhood Services Manager

SUBJECT: Reaffirm Community Development Priorities of the FY 2010-2015 Consolidated Plan for Community Development Block Grant (CDBG); Approve Allocation Process for FY 2011-2012 CDBG-Funded Activities

RECOMMENDATIONS:

1. Review and reaffirm the community development priorities adopted in the 2010-2015 Five-Year Consolidated Plan for CDBG; and
2. Approve an allocation process for FY 2011-2012 CDBG funds.

FISCAL ANALYSIS:

It is anticipated that the City of Escondido will receive approximately \$1.6 million in CDBG entitlement funds from the U.S. Department of Housing and Urban Development (HUD) for FY 2011-2012. This figure is based on an estimated 10% reduction in CDBG funds nationwide which is expected as part of the federal government's efforts to decrease the deficit. Specific recommendations for allocations of CDBG funds will be brought to Council on April 6, 2011 for adoption in the FY 2011-2012 One-Year Action Plan. CDBG activities and related administrative costs will be funded solely by grant funds and will not impact the General Fund.

PREVIOUS ACTIONS:

On March 24, 2010, City Council approved the FY 2010-2015 Five-Year Consolidated Plan for CDBG funds which includes six community development priorities as outlined in this report.

BACKGROUND:

Based on community needs assessments and public participation, six community development priorities were identified and adopted as part of the FY 2010-2015 Five-Year Consolidated Plan for CDBG. Each year, prior to adoption of the One-Year Action Plan for CDBG, Council is asked to review and reaffirm the community development priorities and may choose to adopt changes at that

time. A public hearing to approve the FY 2011-2012 One-Year Action Plan for CDBG is scheduled for April 6, 2011.

Past Performance of City of Escondido CDBG Program

A comprehensive review of FY 2009-2010 CDBG-funded activities is included in the Consolidated Annual Performance and Evaluation Report (CAPER) which was submitted to HUD in September 2010 and available on the Neighborhood Services Division Web page at www.escondido.org/cdbg-program-overview.aspx#anchor5. HUD's overall assessment of the program rated the City of Escondido's performance as 'good' with no areas of concern.

HUD Regulations for CDBG

CDBG regulations place limitations on the amount of funding grantees may use for administration and public services. No more than 15 percent of a grantee's annual CDBG allocation may be used for public service activities, and no more than 20 percent of a grantee's annual CDBG allocation may be used for program administration. There is no cap on the percentage of a grantee's annual CDBG allocation that may be used for capital and other special activities in low-and moderate-income neighborhoods.

CDBG-funded activities must meet at least one of three national objectives set forth by HUD: 1.) Benefit low- and moderate-income persons; 2.) Aid in the elimination of slum and blight; 3.) Meet a particular urgent community need because existing conditions pose a serious threat and no other source of funds is available. Historically, all CDBG-funded activities in the City of Escondido have focused on the first national objective of benefitting low-and moderate-income persons.

Escondido's Community Development Priorities

The community development priorities approved in the FY 2010-2015 Five-Year Consolidated Plan for CDBG are:

- 1) Youth: Increase quality-of-life opportunities for low-and moderate-income students and their families by improving their social and physical environment with specific focus in the Mission Park Area.
- 2) Economic Development: Provide economic development opportunities for low-and moderate-income residents with specific focus in the Mission Park Area.
- 3) Transportation for Seniors: Explore and develop coordinated, low-cost, flexible transportation alternatives for seniors.
- 4) Neighborhood Revitalization: Identify and improve low-income neighborhood areas appropriate for revitalization through direct citizen involvement.

- 5) Homelessness/AIDS: Support comprehensive, integrated service systems to transition local homeless families and individuals, as well as persons with AIDS, to permanent or residential housing and self-sufficiency.
- 6) ADA Improvements: Continue to utilize CDBG and general fund resources, as they become available, to address the public facility needs identified in the City's ADA Transition Plan.

CDBG-Funded Activities in Escondido

Significant progress continues to be made towards addressing the community development priorities of the FY 2010-2015 Five-Year Consolidated Plan. Additional efforts are still required to improve the quality of life for Escondido's low-and moderate-income residents. Such activities are currently underway for FY 2010-2011, the first year of the Consolidated Plan period, and are listed in Attachment A. Priorities of the Consolidated Plan and their corresponding activities also address current Council Action Plan priorities, specifically the Economic Development and Image and Appearance priorities.

For FY 2011-2012, the second year of the Five-Year Consolidated Plan, it is recommended that City Council re-affirm the community development priorities. The City's and the community's efforts in addressing these priorities to date support the continuation of services directed toward targeted low-and moderate-income neighborhoods. City-sponsored activities continue to build upon previous successes in neighborhoods such as Los Arboles, Escondido's Westside and Park Place in the Mission Park Area.

In the alternative, Council may direct that the community development priorities of the Consolidated Plan be amended to include new or additional priorities.

Allocation Process for FY 2011-12 CDBG-Funded Activities

Historically, the City of Escondido has used the maximum allowable 15 percent public service allocation to provide services in targeted low-and moderate-income neighborhoods to address the Five-Year Consolidated Plan priorities. The City conducts two public hearings in accordance with its Consolidated Plan policy, and utilizes a streamlined allocation process for CDBG. Many public service activities are funded on a continual basis if services are provided satisfactorily. Application materials are posted on the City's Web site and proposals are accepted on a year-round basis for CDBG funding.

To date, the City of Escondido has received three proposals from outside agencies for FY 2011-2012 CDBG funding for activities to address the Consolidated Plan priorities: 1.) Fraternity House, Inc. for a care giving program for people with AIDS; 2.) Angels Depot for a senior emergency meal box program; and 3.) North County Serenity House Center for infrastructure and repair work on their temporary housing and child care facilities (activity #3 would not impact the Public Service 15% cap).

Re-Affirm Community Development Priorities &
Recommend Allocation Process for CDBG
March 9, 2011
Page 4

In addition, the City has received two proposals for increased CDBG funding to existing public service programs: 1.) San Diego Food Bank for their Food 4 Kids Backpack program at Lincoln Elementary; and 2.) Escondido Community Child Development Center (ECCDC) for their infant/toddler counseling and parent training program.

Recommendations

It is recommended that City Council reaffirm the six priorities of the Five-Year Consolidated Plan for CDBG.

It is also recommended that City Council approve an allocation plan for FY 2011-2012 CDBG funds to utilize the maximum 15% allowable for public service activities to address the priorities of the Consolidated Plan, and the maximum 20% allowable for administration of the CDBG program.

Additionally, it is recommended that City Council direct staff to explore additional opportunities to address the priorities of the current Council Action Plan, specifically Image and Appearance, Economic Development and Embrace Diversity and Community, utilizing uncapped CDBG (i.e. "capital") funds in compliance with HUD regulations.

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

**City of Escondido CDBG
FY 2010-2015 Consolidated Plan Community Development Priorities
&
FY 2010-2011 Activities**

ConPlan Priority	Activity	Organization
	Food 4 Kids Backpack Program	San Diego Food Bank
	Exceptional Promise Club Scholarship Program	City of Escondido Recreation
Youth	Infant/Toddler Counseling and Parent Training	Escondido Community Child Development Center
	Learn to Swim Program	City of Escondido Recreation
	SAFEWALK	Escondido Union School District
	Supplemental Education Program	San Diego Children's Discovery Museum
	Student/Family Counseling	Palomar Family Counseling
	Bilingual Job-Readiness Computer Training	City of Escondido Recreation
Economic Development	Healthcare Career Pipeline Program	Escondido Education COMPACT
	Workforce Assistance Computer Lab	Escondido Public Library
	Senior Nutrition Program	City of Escondido Older Adult Services
Senior Transportation	Senior Transportation Program	City of Escondido Older Adult Services
	In-home Meal Delivery for Seniors	Meals on Wheels
	Neighborhood Group Support	City of Escondido Neighborhood Services
	Fair Housing Services	North County Life Line
Neighborhood Revitalization	Tulip Street Improvements, Phase 3	City of Escondido Neighborhood Services
	Project NEAT	City of Escondido Neighborhood Services
Homelessness/AIDS	Regional Winter Weather Shelter	Salvation Army/North County Community Services



Agenda Item No. 8
Date: March 9, 2011

There is no material for this agenda item.

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

- Staff Report**
- Resolution No.** _____
- Ordinance No.** _____
- Exhibits/Attachments** _____

DUE TO THE SIZE OF THIS AGENDA ITEM:

- COUNCIL MEMBERS:** **A copy is in the council Reading File**
- Staff & Others:** **A copy is available in the City Clerk's Office for viewing**



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ file No. _____

Ord No. _____

Agenda Item No.: 9
Date: March 9, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Michael Lowry, Fire Chief

SUBJECT: Cooperative Emergency Medical Services (EMS) Management Agreement between the City of Escondido and the City of San Marcos

RECOMMENDATION:

It is requested that Council approve resolution 2011-34 delegating the City Manager the authority to complete final negotiations and execute a contract for cooperative EMS management functions between the City of Escondido and the City of San Marcos.

FISCAL ANALYSIS:

It is anticipated that the Cities of Escondido and San Marcos will equally share the cost of this collaborative program, which will include the total aggregate of sixty percent (60%) for the EMS Chief (existing San Marcos position), one hundred percent (100%) for the EMS Coordinator (new San Marcos position) and one hundred percent (100%) for the EMS Clerk (existing Escondido position).

It is anticipated that this agreement will be cost neutral for both cities and will likely result in savings specifically in the areas of supplies and equipment by leveraging larger purchasing power and by enhancing training opportunities. In addition, by mutually sharing the personnel cost for these three positions, we are anticipating cost savings when compared to the previous salary and benefit costs.

BACKGROUND:

The Escondido Fire Department's EMS Coordinator retired from the City after thirteen years of service. Upon learning about the eminent retirement, fire personnel began evaluating our EMS division in an effort to discover potential productivity and efficiency enhancements, as well as departmental cost savings given the economic climate.

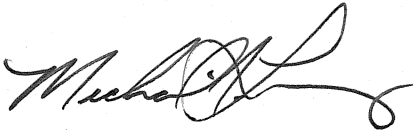
The proposed agreement is an opportunity to gain efficiency and to enhance the delivery of EMS to the citizens in both Escondido and San Marcos through collaborative management and clinical support services. The agreement will facilitate a functional consolidation and standardization of EMS management, oversight, training, medical direction and quality assurance and improvement programs.

Escondido and San Marcos Fire Departments are committed to improving the quality of patient care delivered in both cities through the standardization of high quality training and the establishment of unified quality assurance and improvement programs. The efficiencies gained through consolidation into a single organizational structure for EMS management and oversight will enhance the productivity of all EMS staff.

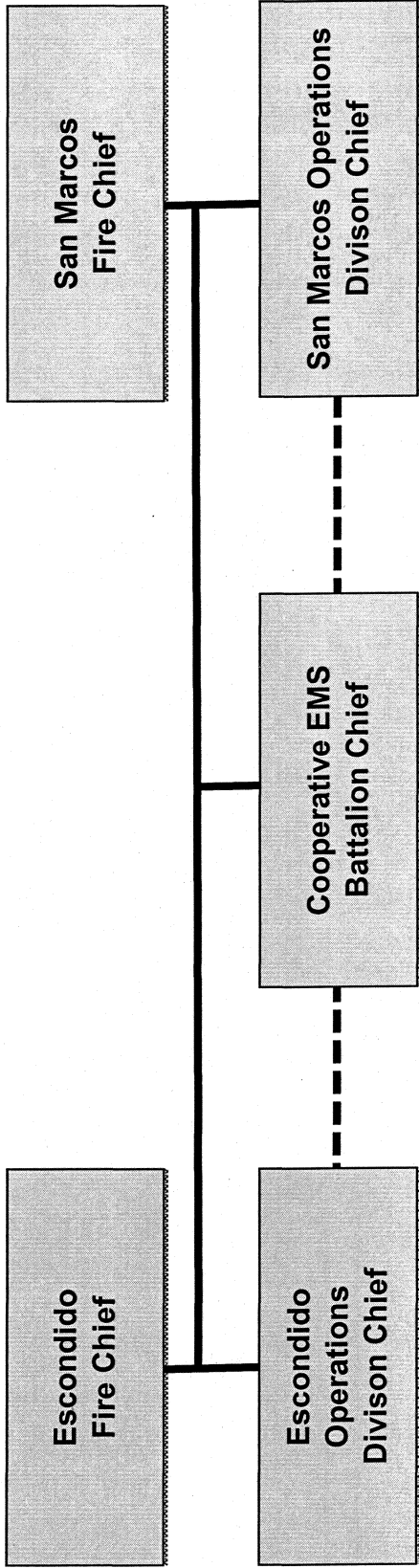
In relationship to this program, both Fire Departments are also committed to transparency with respect to information sharing and decision making. The Cooperative EMS Management Chief Officer will attend the executive staff meetings for both the Escondido and San Marcos Fire Departments. In addition, as outlined in the proposed organization chart, the agreement will place all three EMS positions in the chain of command of both Fire departments with authority deriving from both Fire Chiefs.

The City of San Marcos Council was presented and approved this proposed Cooperative EMS plan on January 25, 2011. The agreement between both agencies is currently being developed with a cooperative effort between Escondido and San Marcos City's Attorneys and Human Resource departments. Staff would like to begin recruitment for the new position immediately with the objective of having an EMS Coordinator in place by May 1, 2011.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Lowry", with a stylized flourish at the end.

Michael Lowry
Fire Chief



EMS Battalion Chief Responsibilities:
 EMS Cooperative Relationship
 Recruitment/Hiring
 Preceptors/Interns
 Probation/Mentors
 Policy Review (Joint EMOM)
 EMS Program Budgets
 EMS Annual Activities Plan
 San Marcos and Escondido
 Staff Meeting Attendance

EMS Nurse Educator/Coordinator Responsibilities:
 Designated Officer
 Privacy Officer
 QA/QI
 Narcotic Accountability
 Narcotic Ordering
 Continuing Education
 Field Audits
 County Wide EMS Meetings

EMS Clerk Responsibilities:
 Invoice processing
 EMS Billing
 Training Records
 Communicable Disease Records
 Exposure Records
 AED Documentation
 County 1st Responder Claim Funds

RESOLUTION NO. 2011-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO COMPLETE FINAL NEGOTIATIONS AND EXECUTE A CONTRACT FOR COOPERATIVE EMERGENCY MEDICAL SERVICES (EMS) MANAGEMENT FUNCTIONS BETWEEN THE CITY OF ESCONDIDO AND THE CITY OF SAN MARCOS

WHEREAS, there is an opportunity to share like emergency medical services (EMS) management functions between the City of Escondido and the City of San Marcos; and

WHEREAS, both agencies have similar EMS delivery systems, authorized by the State of California and accredited by the San Diego County EMS Authority, and operating under the same county protocols and utilize like EMS training and equipment/supply procurement processes; and

WHEREAS, both agencies are committed to improving the quality of patient care in both cities through the standardization of high quality training, unified quality assurance and improvement programs; and

WHEREAS, the efficiencies gained through consolidation into a single organizational structure for EMS management and oversight will enhance the productivity of EMS staff; and

WHEREAS, it is anticipated that the City of Escondido and the City of San Marcos will equally share the cost of this program. It is also anticipated this agreement

will be cost neutral to both cities and will result in savings specifically in the areas of personnel costs, supplies, equipment and training opportunities.

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 authorizes the City Manager to complete final negotiations and execute a contract for cooperative EMS management functions between the City of Escondido and the City of San Marcos, subject to approval as to form by the City Attorney.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 10

Date: March 9, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Michael Lowry, Fire Chief

SUBJECT: Fire Station #4 Reconstruction and Financing Plan

RECOMMENDATION:

It is requested that Council approve the architectures' schematic design, cost estimate and the proposed financing plan for the reconstruction of Fire Station #4. It is also requested that Council authorize Fire Department staff to enter into an agreement with the architect and to begin the Request for Proposal (RFP) process for a general contractor for the major remodel and expansion of Fire Station #4 located at 3301 Bear Valley Parkway in Kit Carson Park. In addition, approve the budget adjustment to increase the Fire Departments current fiscal year budget for monthly rental fees to Aegis Senior Living.

FISCAL ANALYSIS:

The estimated cost, including contingencies, to remodel and expand Fire Station #4 to 8,145 square feet is approximately \$2,704,074. The proposed square feet of 8,145 is consistent with the new fire stations 3, 6 and 7, which were built using Proposition P bond funds.

It has been determined that 68 percent of the total cost to remodel Fire Station #4 can be funded by utilizing Public Facilities Fees. The other 32 percent will need to be funded by other funding sources, such as Building Maintenance, savings from closed capital projects, anticipated sale of Fire Station #3 and Economic Uncertainty Reserves.

Proposed Financing Plan:

\$ 1,838,770	Public Facilities Fees – Fire (68% of total cost)
78,000	Building Maintenance
150,700	Closed Capital Projects
340,000	Potential sale of Fire Station #3
<u>296,604</u>	Economic Uncertainty Reserves
\$ 2,704,074	Total estimated cost

In June 2010, the City Council authorized City staff to enter into a rental agreement of \$2,250 per month (\$27,000 annually) with Aegis Senior Living. At that time, no action was taken to increase the fiscal year 2010/11 departmental budget in order to absorb the annual rental fee of \$27,000. The Fire Department is requesting the approval of a budget adjustment for this annual rental fee.

PREVIOUS ACTION:

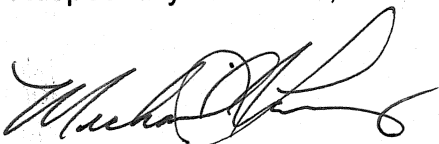
On June 23, 2010, Council authorized the Mayor and the City Clerk to execute a month-to-month rental agreement with Aegis Living for approximately 12 months while Fire Station #4 is remodeled and rid of mold. Staff was to return at mid-year to evaluate the financial position of the Fire Department budget for the potential budget increase for rental fees.

On July 21, 2010, Council was presented with 4 options to consider regarding how to move forward with Fire Station 4. The options ranged from the remediation of the mold and fixing all water intrusion issues in the current station to fully demolishing the station and replacing with a new station. Council authorized the Fire Chief to pursue option #3 which was to hire an architect to prepare a schematic design, cost estimate and a financing plan for a major remodel and expansion.

BACKGROUND:

In early May, 2010 mold was discovered in Fire Station #4. Fire personnel working in Fire Station #4 were reporting medical issues. On May 10, 2010, H2 Environmental Consulting Services Inc. conducted a mold assessment of the facility. On May 12, 2010, the test results came back positive for extensive mold throughout the fire station. On May 20, 2010, Fire Station #4 personnel were temporarily relocated 2.5 miles down the road to Fire Station #5, located at 2319 Felicita Road. Fire Station #4 was closed down for health and safety of fire department personnel. Currently, Fire Station #4 personnel have moved to Aegis, a retirement assisted living community one-third of a mile north of Fire Station #4, located at 3012 Bear Valley Parkway. The mold has been remediated and the building has been certified to be re-occupied so that the remodel and/or reconstruction work can begin. The existing station will remain unoccupied until the remodel and/or reconstruction work is complete. Personnel from Fire Station #4 will continue to live and respond from the Aegis facility until that time.

Respectfully submitted,



Michael Lowry
Fire Chief

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.:11
Date: March 9, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Barbara Redlitz, Director of Community Development

SUBJECT: General Plan Update Status and Climate Action Plan
(Case No. PHG 09-0020, PHG 10-0016)

RECOMMENDATION:

It is requested that the City Council endorse the General Plan land use study areas that have been refined based on a preliminary evaluation and market feasibility analysis, and direct staff to proceed with preparation of the Environmental Impact Report (EIR).

FISCAL ANALYSIS:

Three contracts totaling \$899,302.00 were approved by the City Council on December 15, 2010, with the consulting firm PBS&J to conduct planning services technical studies, prepare a Climate Action Plan, and Screencheck EIR. Funding for the contracts is available to complete the planning services and Climate Action Plan. Staff anticipates an additional \$500,000.00 will be needed during the 2011-2012 FY Budget Process to complete the EIR, staff Project Manager salary, and related expenses in anticipation of a public vote in the November 2012 election.

ENVIRONMENTAL REVIEW:

Staff issued a Notice of Preparation (NOP) on July 26, 2010, informing agencies, organizations and individuals of the City's intent to prepare a Program Environmental Impact Report (EIR) for the General Plan Update. The NOP allowed 30 days for the views of interested parties to be submitted regarding topics for the City to be evaluated in the EIR. A "Program EIR" to assess the General Plan Update is considered the most appropriate document for analysis as it will be able to comprehensively examine the series of actions characterized by the build-out of the General Plan.

GENERAL PLAN ANALYSIS:

State Law requires General Plans to be updated periodically. The State's Office of Planning and Research (OPR) monitors the status of General Plans and begins to encourage cities to update their plans after 8 years. The updated General Plan will meet current legal requirements, establish a framework for implementing the community's Vision for 2050, and address the City Council's Action Plan requirements.

The Housing Element has a separate, specific, update schedule. The next required update has been extended to January 2013 so it can be coordinated with other Regional Planning efforts. The required Housing Element Update will be coordinated with the remainder of the General Plan Update to ensure they are ultimately consistent.

The Climate Action Plan will provide appropriate measures for reducing GHG emissions improving the health and safety of the community, consistent with General Plan goals and policies. The primary GHG contributors are auto and vehicle emissions which have a direct bearing on the manner in which residents travel between land uses. To the extent land uses can be arranged to minimize vehicle trips, and General Plan policies can be implemented that promote alternative transportation modes, positive air quality impacts can be attained.

PREVIOUS ACTION:

Based on previous community input the City Council has directed staff to modernize several Quality of Life Standards, perform General Plan text edits to incorporate updated legal requirements and a refined community vision for accommodating anticipated population increases and creating and/or enhancing employment lands. Fifteen (15) Land Use Study Areas are focused in the urban core and along transportation corridors where opportunity exists to enhance employment and residential mixed-use opportunities (see Exhibit 1). These employment land use study areas involve:

- 1) Amending approximately 450 acres of existing residentially designated properties to employment land uses (Business Park, Office, and Commercial);
- 2) Establishing Specific Plans, Area Plans or other types of "Overlay Districts" on approximately 800 acres of existing employment lands with goals of attracting high-wage employers, intensifying land uses to raise employee densities;
- 3) Incentivizing educational institutions, vocational schools, and job training facilities along the East Valley Parkway corridor providing residents opportunities to enhance their personal or professional skills resulting in a higher trained, better educated local labor force; and,
- 4) Establishing compact, high intensity urban mixed-use residential nodes in close proximity to employment, transit, services, shopping, recreation, and entertainment in pedestrian-friendly environments designed to reduce vehicle trips.

DISCUSSION:

To enhance the General Plan's opportunity for successful build out, staff held a workshop on February 3, 2011, to discuss each study area with a land use consultant (P.B.S. & J.) and an economist (CIC Research, Inc) to develop a preliminary market feasibility analysis. Guiding themes of the workshop included previous input from the Citizen's Committee and direction from the City Council (outlined above) and also included that:

- a) The "preferred alternative" in most study areas represents the most intense land uses;
- b) Instead of basing the General Plan Update on a target population and/or employment projection, the update focuses on a buildout vision of the City and plan for achieving that vision (Master Plan approach);
- c) Development levels in the General Plan should be established (and analyzed in the EIR) because the General Plan will allow for more development than what can actually occur by the horizon year. Future projects will be able to tier from the EIR as long as the development is within those identified levels;
- d) The General Plan should allow maximum densities to attract developers; the city will need more than bonus densities to spur development;
- e) In determining which study areas to concentrate development the city should pursue "low-hanging fruit" first (areas that are easy to access, assemble land and extend infrastructure) – Future development can be facilitated when some development and infrastructure in an area has already been established; and,
- f) A comprehensive economic strategy is recommended to attract development.

The research serves as an important step in the General Plan update because the resulting land use refinements call for increasing intensities in several study areas, which will affect traffic, noise, air quality and other issues to be evaluated in the EIR.

To graphically portray the style and intensity of development anticipated in the study areas a matrix that illustrates land use densities is provided in Exhibit 2. The Preliminary Market feasibility Analysis (Exhibit 3) includes a general assessment of the community, Escondido's current market share of employment land, and the ability to accommodate anticipated growth. For each study area the analysis:

- a) determines the appropriateness of the proposed land uses;
- b) identifies strengths and weaknesses in terms of marketability; and,
- c) recommends potential strategies that would enhance development opportunities.

STUDY AREA REFINEMENTS:

For certain study areas the recommendation involves increasing the building intensity in order to enhance the opportunity for successful build out. Building intensity is typically measured by Floor Area Ratio (FAR), which represents the ratio between the total gross square floor area of all buildings on a lot and the total land area of that lot. For example a 20,000 square-foot building on a 40,000 square-foot lot yields a FAR of 0.50. A 0.50 describes a single-story building that covers half of the lot, or a two-story building that covers one-quarter of the lot, or a four-story building covering one-eighth of the lot. Following are Study Area recommendations for the City Council's consideration:

1) EL-5 (Highway 78 at Nordahl)

Current Proposal: office and medical uses adjacent to hospital, strengthen transit connection between Nordahl Transit Station and PPH facility along Auto Park Way

Updated Consultant and Staff Recommendation:

- Increase FAR land use intensities from 1.50 to 1.75 along Auto Park Way

2) SG-7 (Westfield Shoppingtown)

Current Proposal: incorporate 250 residential development at the site

Updated Consultant and Staff Recommendation:

- Eliminate residential uses to maximize the city's control of long-term development potential

3) EL-7 (I-15 at Felicita Road)

Current Proposal: Corporate Office Employment Development

Updated Consultant and Staff Recommendation:

- Include opportunity for "theme" development such as a restaurant row of upscale dining

4) EL-1 (I-15 at El Norte Parkway)

Current Proposal: Establish a campus-style business park

Updated Consultant and Staff Recommendation:

- No Change

5) EL-6 Harmony Grove Road / Citracado Parkway (missing link section)

Current Proposal: Expand Escondido Research & Technology Center (ERTC) Specific Plan land uses to include this study area.

Updated Consultant and Staff Recommendation:

- No Change

6) EL-3 (Southeast I-15 and Highway 78)

Current Proposal: Intensify employment opportunities; establish Ballpark District that spurs redevelopment around minor league ball field and integrates with downtown

Updated Consultant and Staff Recommendation:

- Increase FAR land use intensities from 1.25 to 1.50 around the transit station

7) EL-4 (Westside Neighborhood)

Current Proposal: Alternative live-work opportunities

Updated Consultant and Staff Recommendation:

- Increase FAR land use intensities from 1.0 to 1.50 around 9th Avenue and Quince Street
- Incorporate high density residential development near the Transit Station

8) SG-6 (South Escondido Boulevard #3; southern entrance to Escondido)

Current Proposal: Transit oriented mixed use development

Updated Consultant and Staff Recommendation:

- No change

9) EL-9 (I-15 at Valley Parkway and Auto Park Way)

Current Proposal: Intensify employment and revenue generating opportunities

Updated Consultant and Staff Recommendation:

- Include visitor serving uses (hotels)
- Eliminate mixed use south of Ninth Avenue

10) SG-1 (Downtown SPA)

Current Proposal: Urban center with integrated high density residential and employment

Updated Consultant and Staff Recommendation:

- No Change

11) EL-2 (Highway 78 at Broadway Area)

Current Proposal: Intensify employment densities throughout study area; establish gateway and connection to downtown.

Updated Consultant and Staff Recommendation:

- Focus on intensifying land uses at the freeway terminus and along Broadway
- Expand the number of auto sales-oriented establishments to complement existing auto businesses.

12) SG-3 (East Valley Parkway Area)

Current Proposal: Promote education-oriented establishments, create mixed use urban village around Valley parkway and Ash Street intersection; improve secondary access via Ash Street and Lincoln Parkway

Updated Consultant and Staff Recommendation:

- Increase mixed use intensities in the urban village area from 1.0 to 1.5 around Ash Street and Valley Parkway

13) SG-4 (South Escondido Boulevard / Centre City Parkway between 6th and 13th Avenues)

Current Proposal: Mixed-use transit-oriented development along Escondido Boulevard, maintain 24 unit per acre density residential between the Boulevard and Centre City Parkway

Updated Consultant and Staff Recommendation:

- Increase residential densities from 24 to 30 units per acre to support commercial uses

14) SG-5 South Escondido Boulevard / Centre City Parkway between 13th and Vermont Avenues

Current Proposal: Intensity employment and residential densities in a mixed-use transit oriented development node.

Updated Consultant and Staff Recommendation:

- Consider office development as ancillary to serve residential, not as primary use
- Increase mixed use intensities from 1.25 to 1.50

15) Centre City Parkway at Nutmeg Street

Current Proposal: Evaluate office development or a 50-unit residential development

Updated Consultant and Staff Recommendation:

- Eliminate consideration of office and only include residential development

STUDY AREA DEVELOPMENT PRIORITIES

The 15 study areas were also categorized into four priorities listed below. Priority #1 study areas are where development could occur almost immediately because there is the presence of a use that serves as an economic stimulus (e.g., hospital, transit station), good location (i.e., next to a freeway interchange), and/or there is market demand for this type of use. In general, Priority #1 study areas have much of the necessary infrastructure in place, or in close proximity, and have the capacity to accommodate additional development. These areas may be largely undeveloped and/or underdeveloped, and parcels are either large enough or would be easy to assemble with adjacent properties for development.

Priority #2 study areas are similar to the Priority #1 areas except that development would benefit from a master planning process to guide development (which requires additional planning and discretionary approval), or portions of the properties are located outside of the City limits and annexation would be required.

Priority #3 study areas could not be developed immediately. Development may be difficult in these areas due to a lack of an economic stimulus, limited market demand for the proposed uses, or difficulty in assembling properties.

Priority #4 study areas have the lowest priority for development. These areas may have the same development constraints as Priority #3, as well as parcels that are too small or may require assembly to make development work.

- Priority #1: EL-5 (Highway 78 at Nordahl)
EL-3 (Southeast I-15/Highway 78)
EL-4 (CCP Westside; northern portion only)
SG-7 (Westfield Shoppingtown)
EL-7 (I-15 at Felicita Road)
SG-1 (Downtown SPA)
- Priority #2 EL-1 (Iris Lane/I-15/CCP)
SG-6 (South Escondido Blvd. #3)
EL-6 (Harmony Grove Road)
- Priority #3 EL-2 (Highway 78 at Broadway)
SG-3 (East Valley Parkway)
- Priority #4 SG-4 (South Escondido Blvd. #1)
SG-5 (South Escondido Blvd. #2)
EL-9 (I-15/Auto Park Way)
EL-10 (Nutmeg/CCP)
EL-4 (southern portion only) (CCP Westside)

Staff is not seeking approval of establishing priorities for study areas at this time but as a factor to consider when formulating General Plan policies and adopting future Capital Improvement Budgets.

Traffic Circulation Study Areas:

The General Plan Update will also assess Escondido's Circulation Element in relation to the proposed land use study areas described above. The analysis will also include evaluating the downtown Valley Parkway / Second Avenue one-way couplet and the extension of light rail from the existing West Valley Parkway transit station to Westfield Shoppingtown pursuant to NCTD's master plan. The General Plan will also include policies that monitor and coordinate high speed rail efforts, as well as refine General Plan policies to identify appropriate land uses around the high speed rail station proposed in Escondido.

Climate Action Plan:

Assembly Bill 32 mandates that California cut its greenhouse gas emissions to 1990 levels by 2020, and 80 percent below 1990 levels by 2050. An initial step involves each jurisdiction preparing a local Greenhouse Gas Emissions Inventory identifying and documenting major sources of emissions affecting climate change within its boundaries. The inventory will be the foundation for establishing a plan to help Escondido achieve its GHG reductions goals.

The City has partnered with ICLEI, Local Governments for Sustainability and the San Diego Foundation who have prepared Escondido's Greenhouse Gas Emission Inventory at no cost to the city with funds provided by a federal grant. ICLEI and the San Diego Foundation have prepared such inventories for every jurisdiction in San Diego County. The consultant will use information from the inventory to prepare the Climate Action Plan, which will contain policies appropriate for Escondido that promote sustainability and reduce greenhouse gas emissions.

Next Steps In The Process:

The City Council's confirmation regarding the land use refinements are necessary to proceed with EIR studies and stay on schedule for completing the General Plan in time for the November 2012 election. Variations in the General Plan build-out alternatives will be in building intensities, the variety of mixed use, and residential densities ranging from 3,350 to 5,825 net additional residential units to the General Plan's current build-out projection of 67,700 units associated with each alternative (including a "preferred alternative").

All alternative scenarios will accommodate Escondido's projected growth needs. The "Preferred Alternative" involving 5,825 new dwelling units to the General Plan is in concert with the anticipated build-out of the interim Downtown Specific Plan (SG-1) proposed for an additional 3,275 dwelling units (of which 1,643 exist or are approved). The alternatives also include mixed-use residential at East Valley Parkway and Ash (SG-3), Escondido Boulevard and Felicita Avenue (SG-5), Centre City Parkway and Citracado Parkway (SG-6), and around the proposed Ballpark District (EL-3).

Respectfully Submitted,

Barbara Redlitz
Director of Community Development

Jay Petrek
Principal Planner

EXHIBIT 1 GENERAL PLAN UPDATE STUDY AREAS

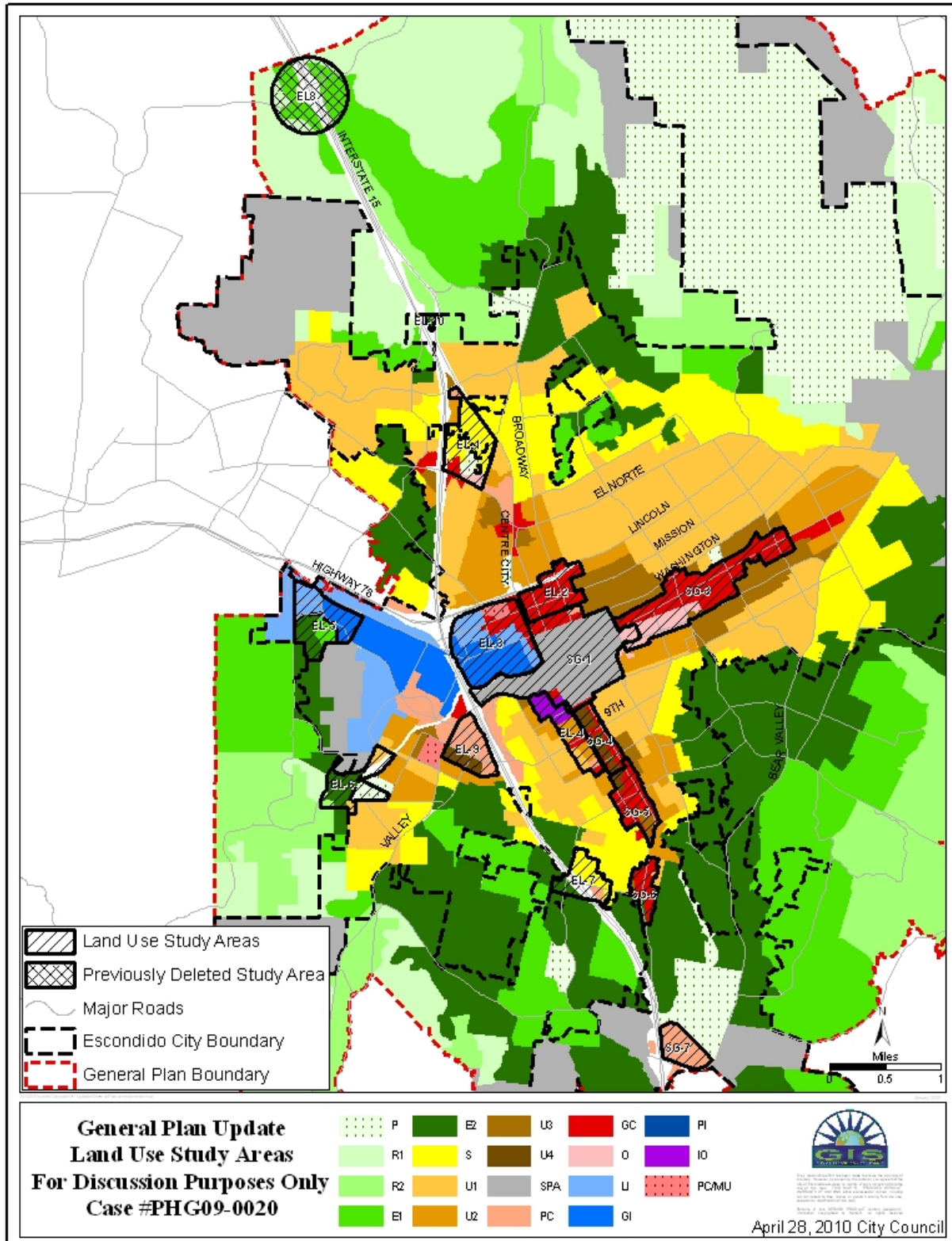


EXHIBIT 2
GENERAL PLAN LAND USE INTENSITIES
 (Page 1 of 2)



STUDY AREAS WORKSHOP

LAND USE DENSITIES/INTENSITIES

FEBRUARY 3, 2011

REFERENCE	DENSITY/INTENSITY	CATEGORY
SINGLE-FAMILY DETACHED RESIDENTIAL UNITS		
1	Low/Medium Density (3-6 du/ac)	
2	Small Lot Single Family (7-22 du/ac)	
MULTI-FAMILY RESIDENTIAL UNITS		
3	Medium Density (18-24 du/ac)	
4	Medium-High Density (24-60 du/ac)	
5	Multi-Family High Density (60+ du/ac)	
COMMERCIAL		
1	Low (FAR 0.2-0.4)	
2	High (FAR 0.5-1.0)	

EXHIBIT 2
GENERAL PLAN LAND USE INTENSITIES
 (Page 2 of 2)



STUDY AREAS WORKSHOP

LAND USE DENSITIES/INTENSITIES

FEBRUARY 3, 2011

REFERENCE	DENSITY/INTENSITY	CATEGORY
MIXED-USE DEVELOPMENT		
1	Low (FAR 1.5)	
2	Medium (FAR 2.0)	
3	High (FAR 3.0+)	
OFFICE/RESEARCH AND DEVELOPMENT		
1	Low (FAR 0.25-0.4)	
2	Medium (FAR 0.8-2.0)	
3	High (FAR 3.0+)	
WORK-LIVE		
1	Work-Live (FAR 1.0+)	



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 12
Date: March 9, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Lori Vereker, Director of Utilities
Joyce Masterson, Assistant to the City Manager

SUBJECT: Termination of the Charros Lease

RECOMMENDATION:

It is requested that Council authorize staff to proceed with the termination of the Charros Association's lease to allow for the construction of a Water Distribution Division administration and operations building.

FISCAL ANALYSIS:

The Charros Association currently leases the property for \$1 per year.

PREVIOUS ACTION:

None

BACKGROUND:

At the January 6, 2010, City Council meeting Staff was asked to look at options to relocate the City's Public Works Yard, currently located at 475 N. Spruce Street. A formal presentation updating the Council on the potential costs was presented on June 23, 2010. At that time, Staff noted that rather than relocate to one large facility, the divisions currently housed at the yard (Community Services, Wastewater Collections, and Water Distribution) could be moved to three smaller facilities. The Utilities Division recommended relocating the Wastewater Collections Division to a building to be constructed at the Hale Avenue Resource Recovery Facility, as well as relocating the Water Distribution staff to city-owned property near the Water Treatment Plant.

The city-owned property currently leased to the Charros Association is the intended location of the new Water Distribution building. The Charrros Association has leased this property from the City for almost 40 years for \$1 per year. The City Council policy is to seek market rates on all city-owned properties. If the Charros are allowed to stay, we would need to determine the market value of the land and enter a new agreement for that amount.

The Charros were informally notified last summer about the need to relocate and written notice was given on September 23, 2010 advising them that their lease would be terminated effective December 31, 2010. In mid-December a representative of the Charros Association asked if they could be given an extension until January 17, 2011 which was granted. At the January 12, 2011 meeting, City Council asked that the issue of the termination of Charros' lease be placed on a future meeting agenda.

Selection of Site for Water Distribution Building

When the Utilities Staff was evaluating potential sites in 2010 for the relocation of the Water Distribution staff, cost was a major consideration. The amount of property required is approximately 5 acres. Staff estimated that approximately \$3,000,000 would be needed for land acquisition alone. As a result, Staff focused on using existing city-owned properties in order to eliminate the cost of purchasing property. The city-owned Charros site was determined to be a suitable location because it had sufficient acreage. Also, its close proximity to the Water Treatment Plant was viewed as a benefit because it may allow for organizational efficiencies, including economies with supervision and security. The Water Treatment Plant is staffed 24 hours a day with personnel and security cameras providing additional site security. It should be noted that the project is in its earliest conceptual stages. No architect has been hired, nor have any drawings been developed. As we begin the design phase, the project will go through the normal review process, including Design Review Board, Planning Commission and City Council. However, Staff intends for the building to be constructed in a way so that it is not very visible from the street. Traffic will be mostly water distribution vehicles (pick up trucks) and the occasional pipe or sand delivery. Since the City is responsible for the enforcement of city-wide stormwater regulations, strict compliance will be implemented. The final location of the storage yard has not yet been determined and is dependent upon the final layout of the building.

Since the January 12, 2011 Council meeting, staff has been exploring other possible sites for the Water Distribution building. Those sites were: 950 W. Washington; 2351 Meyers Avenue; 2181 Meyers Avenue; and 635 W. Third. Staff members are still finalizing the assessment of those properties as to costs. That information will be provided to Council during the staff presentation.

Potential relocation sites for Charros:

City Staff also explored the potential relocation of the Charros to other city-owned properties using the following parameters:

Site Characteristics:

In general, the Charros need a fairly large, flat site with enough room to park horse trailers and vehicles, as well as good access for horse trailers (not too steep, windy or narrow).

Zoning Issues:

The closest comparable land use classification is a sports arena. This would not be allowed in residential zones, though we might be able to consider it in the R-A zone (Residential Agriculture) with a Conditional Use Permit (CUP), particularly if tied to some kind of professional school, youth organization or animal specialty. Sports and recreation facilities are allowed in the General Commercial (CG) zone with a CUP. We are also proposing to allow ballparks and stadiums in the industrial zones (M-1, M-2 and IP) with a CUP. The use could also be allowed in the Open Space zone (which is the zoning for most of our parks); it would be permitted on public land and require a CUP if it is a private recreational use. A CUP likely will be required wherever they relocate. The CUP would address parking, circulation, operating hours and activities, and all the related operational conditions.

With those considerations in mind, the staff reviewed the following city-owned properties:

- The area immediately adjacent to the firearms range was explored due to its rural nature. However, after considering a number of specific site factors, the site presented a very low development potential and potentially high cost for even the occasional event involving rodeo activities. Specific site conditions include:
 - A sufficient distance (buffer zone) should be maintained to provide the highest margin of safety and security considering the use of live ammunition, breach explosives and chemical agents. The range does not have the physical attributes necessary for this type of shared use (parking accommodations, space for event arena, patron assembly points and animal staging areas). Schedule coordination would be difficult considering range use by Escondido and allied agency staffs. The sporadic and explosive sounds generated by the range would likely be unsettling to humans and horses alike.
 - Site areas needed for use exceeds a three percent grade differential requiring earth work
 - The site may fail to meet minimum acreage criteria for event staging, arena size, parking and patron accommodations
 - Water drainage and rains run off portions of the site as sheet flow due to the slope into one of the creeks
 - The existing road access is an approximated six percent grade requiring road surface upgrades, improved safety features and features for habitat protection
 - Fire mitigation and protection upgrades

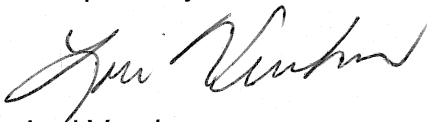
- Traffic safety, ingress and egress modifications for truck and trailer use, traffic flow and parking
- Environmental analysis, use permits, study and restrictions
- Utilities are not present
- The San Pasqual area initially appeared to be a potential fit, but unfortunately the City-owned land in this area is conserved for habitat purposes. The available privately-owned land is within the County jurisdiction, not the City's.
- The Mayflower Oak tree area was considered but eliminated. The area may be needed for temporary parking and material laydown during construction of the water distribution building. In addition, the Hidden Valley Dog Obedience club previously has expressed interest in expanding there.
- A remnant parcel created by the Citracado Parkway extension (currently used as the HARRF access road) is targeted for use by the Utilities Division.

Staff has determined that no other city-owned property meeting the Charros' site requirements is available.

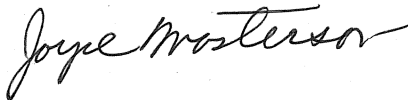
RECOMMENDATION:

Staff recommends that Council authorize staff to proceed with the termination of the lease with the Charros Association to allow for the construction of a Water Distribution building.

Respectfully submitted,



Lori Vereker
Director of Utilities



Joyce Masterson
Assistant to the City Manager

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 13
Date: March 9, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey R. Epp, City Attorney
Jennifer K. McCain, Assistant City Attorney

SUBJECT: Charter City Proposal

Deputy Mayor Marie Waldron and Councilmember Ed Gallo requested a City Council agenda item to consider the subject of becoming a charter city. This staff report provides general background information regarding charter cities and the procedures required for adopting a charter for the City Council's review and consideration.

RECOMMENDATION:

None.

BACKGROUND:

In California, there are two kinds of cities: charter cities and general law cities. See Cal. Gov't Code §§ 34100-34102. General law cities derive their corporate powers from general laws enacted by the legislature. See generally *Irwin v. City of Manhattan Beach* (1966) 65 Cal. 2d 13. Charter cities, on the other hand, derive their corporate powers directly from the constitution, subject to limitations of their respective charters and enactments of the legislature on matters of statewide concern. See *Johnson v. Bradley* (1992) 4 Cal. 4th 389, 394. The City of Escondido is a general law city and was incorporated in 1888. Of the 482 cities in the state, 120 are charter cities. In North County, Carlsbad (adopted 2008), Oceanside (adopted 2010), Del Mar (adopted 1960), Vista (adopted 2007) and San Marcos (adopted 1994) are charter cities.

Charters can be drafted to be very broad or narrowly tailored to address a few specific local needs. For instance, the City of San Diego's charter is 121 pages and addresses many issues, including, corporate powers, nominations and elections, legislative power, the mayor, executive and administrative service, board of education, finance, civil service, retirement of employees, transfer of police and fire department employees into the retirement system, fireman's relief and pension fund, labor on public work, city police court, and the strong mayor form of governance.

By contrast, Vista and other north San Diego County cities have all tended toward using shorter, simplified charter documents which address specific issues including public works contracts, prevailing wage, public financing, and retirement benefits. Charters for Carlsbad, Oceanside,

Honorable Mayor and Members of the City Council
March 9, 2011
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Del Mar, Vista and San Marcos have been provided for your review and comparison. Because it is so lengthy, San Diego's City Charter can be found at www.sandiego.gov/city-clerk/officialdocs/legisdocs/charter.shtml. The San Diego Grand Jury studied the issue of charter cities in 2002 under its watchdog responsibility for the purpose of investigating methods to improve the organization and efficiency of city government operation within San Diego County. The Grand Jury's report is entitled "Home Rule" Is Chartering A City A Good Idea? This report can be found at http://www.co.san-diego.ca.us/grandjury/reports/2001_2002/charter.html or made available upon your request.

The authority provided in the state constitution to organize as a charter city is extended only to an existing city. An advantage of the charter form of government stems from the potential breadth of local authority which may be exercised. Since the powers of a charter city are not restricted to only those outlined in the general state municipal law, a city can adopt a charter and customize its organization and elective offices to provide for unique local conditions and needs.

A charter is a written document, approved by the electorate, which operates as a "constitution" for the adopting city. The provisions of Cal Const art. XI, § 3(a) authorize the adoption of a city charter and provide that such a charter has the force and effect of state law. Charter cities have the power to make and enforce all ordinances and regulations with respect to municipal affairs, including those relating to the creation and regulation of a police force and sub-government within the city, the conduct of city elections, and the dealings with municipal officers and employees. Cal Const art. XI, § 5(b). Charters act as instruments of limitation on the broad power of charter cities over matters of municipal affairs. *City of Glendale v. Trondsen* (1957) 48 Cal. 2d 93, 98. A charter can only be adopted and/or changed by a majority vote of the city residents.

The provisions of Cal Const art. XI, § 5(a), the "home rule" provision, affirmatively grant charter cities supremacy over "municipal affairs." However, the California Constitution does not define the term "municipal affair." The home rule provision of the California Constitution authorizes a charter city to exercise plenary authority over municipal affairs, free from any constraint imposed by the general law and subject only to constitutional limitations. See Cal Const art. XI § 5(a); *Ex Parte Braun* (1903) 141 Cal. 204, 209; *Bishop v. City of San Jose* (1969) 1 Cal. 3d 56, 61; *Comm. of Seven Thousand v. Super. Ct. (City of Irvine)* (1988) 45 Cal. 3d 491. The primary advantage of a charter is that it allows greater authority for a city's governance than that provided by state law. A city charter is subject only to conflicting provisions in the state or federal constitutions and preemptive state law on matters of statewide concern.

Whether a given activity is a municipal affair over which a city has sovereignty or a statewide concern, over which the legislature has authority, is a legal determination for the courts to resolve. Thus, the determination of whether a given activity is a municipal affair or statewide concern is done on a case-by-case basis. The court's determination will depend on the particular facts and circumstances of each case. See *In Re Hubbard* (1964) 62 Cal. 2d 119, 128. The concept of "municipal affairs" is a

fluid one that changes over time as local issues become statewide concerns. See *Issac v. City of Los Angeles* (1998) 66 Cal. App. 4th 586.

Municipal Affairs

There are some areas that the courts have consistently classified as municipal affairs as set forth below:

- Municipal Election Matters. See *Mackey v. Thiel* (1968) 262 Cal. App. 2d 362.
- Procedures for Initiative, Referendum and Recall. See *Lawing v. Faull* (1964) 227 Cal. App. 2d 23, 29.
- Procedures for Adopting Ordinances. See *Brougher v. Board of Public Works* (1928) 205 Cal. 426.
- Compensation of City Officers and Employees. Cal Const art. XI, § 5(b); See *Sonoma County Organization of Public Employees v. County of Sonoma* (1979) 23 Cal. 3d 296; but see *San Leandro Police Officers Association v. City of San Leandro* (1976) 55 Cal. App. 3d 553 (labor relations is not a municipal affair; Charter cities are subject to the Meyers-Milias Brown Act. Cal. Gov't Code § 3500).
- Processes Associated with City Contracts. See *First Street Plaza Partners v. City of Los Angeles* (1998) 65 Cal. App. 4th 650; but see *Domar Electric, Inc. v. City of Los Angeles* (1995) 41 Cal. App. 4th 810 (state law establishing employment policy may preempt local regulation of bidding criteria).
- Financing Public Improvements. See *City of Santa Monica v. Grubb* (1996) 245 Cal. App. 2d 718.
- Making Charitable Gifts of Public Funds for Public Purposes. See Cal Const art. XVI, § 6; *Tevis v. City and County of San Francisco* (1954) 43 Cal. 2d 190.
- Term Limits for Council Members. See *Cawdrey v. City of Redondo Beach* (1996) 15 Cal. App. 4th 1212; but see Cal. Gov't Code § 36502(b) (regulating term limits).
- Land Use and Zoning Decisions (with a few exceptions). See *Brougher v. Bd. of Pub. Works* (1928) 205 Cal. 426.

Matters of Statewide Concern

Alternatively, the following have consistently been classified by the courts as matters of statewide concern:

- School Systems. *Whisman v. San Francisco Unified Sch. Dist.* (1978) 86 Cal. App. 3d 782, 789.
- Traffic and Vehicle Regulation. Cal. Veh. Code § 21.
- Licensing of Members of a Trade or Profession. *City and County of San Francisco v. Boss* (1948) 83 Cal. App. 2d 445.
- Tort Claims Against a Governmental Entity. *Helbach v. City of Long Beach* (1942) 50 Cal. App. 2d 242, 247.
- Open and Public Meetings. Ralph M. Brown Act. Cal. Gov't Code §§ 54951, 54953(a).
- Exercise of the Power of Eminent Domain. *Wilson v. Beville* (1957) 47 Cal. 2d 852, 856.

State Prevailing Wage Requirements: Municipal Affair or Statewide Concern?

Escondido holds a considerable advantage in being able to review the experience of other cities adopting the more limited charters. In the area of prevailing wages, there remains great uncertainty pending the resolution of *State Building and Construction Trades Council of California, AFL CIO v. City of Vista* (2009) 173 Cal. App. 4th 567 rev. granted.

As noted above, cities recently have been chartered based primarily upon potential financial benefits. Avoiding prevailing wage requirements has been a dominant theme, especially among north San Diego County cities. The prevailing wage law requires public works contracts to pay a prevailing per diem wage for construction trades. The prevailing wage law is designed to ensure that private contractors who enter into collective bargaining agreements can compete for public works contracts. However, the law is not applicable to private agreements. Historically, charter cities have not been bound by state law prevailing wage requirements so long as the project is a municipal affair, and not one funded by state or federal grants. *Vial v. City of San Diego* (1981) 122 Cal. App. 3d 346, 348. However, the League of California Cities notes a growing trend on the part of the courts and the Legislature to expand the applicability of prevailing wages to charter cities under an analysis that argues that the payment of prevailing wages is a matter of statewide concern. In 2004, the California Supreme Court described the issue of whether a charter city may exempt itself from compliance with

the prevailing wage law as an “open” and “important” question. See *City of Long Beach v. Dept. of Indust. Relations* (2004) 34 Cal. 4th 942.

The California Supreme Court has now decided to resolve this question in a case involving the City of Vista. In the lower courts, the City of Vista successfully defended its ordinance exempting municipal contracts from prevailing wage laws based on the City’s charter status. See *State Building and Construction Trades Council of California, AFL CIO v. City of Vista* (2009) 173 Cal. App. 4th 567 rev. granted. But, the California Supreme Court has since granted review of this decision.

Vista became a charter city on June 13, 2007. At the time of the ballot measure, Vista was anticipating the construction of several capital improvement projects, including a new civic center; two fire stations; a new sports park; and a stagehouse for the Moonlight Theatre. See *State Building and Construction Trades Council of California, AFL CIO v. City of Vista* (2009) 173 Cal. App. 4th 567 rev. granted. Advocating for a vote in favor of the ballot measure, the Vista City Council informed the public that if Vista became a charter city it “could choose when and if it pays ‘prevailing wages’” on public works contracts. *Id.* at 573. The voters approved the measure and Vista became a charter city. The Vista City Council then adopted Ordinance No. 2007-9 amending Vista municipal code section 3.08.160 stating, in relevant part:

No City contract shall require payment of the prevailing wage schedule unless:

1. The prevailing wage is legally required, and constitutionally permitted to be imposed, by federal or state grants pursuant to federal or state law; or
2. The project is considered by the City Council not to be a municipal affair of the City; or
3. Payment of the prevailing wage schedule is authorized by resolution of the City Council.

Id.

Thereafter, the City began construction on several capital improvement projects. The State Building and Construction Trade Council of California filed a petition for writ of mandate directing the City to comply with California’s prevailing wage law. The Superior Court denied the petition, and the Court of Appeal affirmed.

In the Vista case, the trial court and the Court of Appeal agreed that the prevailing wage law does not qualify as a matter of statewide concern because the legislature has been willing to exclude private agreements and a fairly substantial number of publicly-supported contracts from the law’s requirements. The Courts also found that the extraterritorial impact of a municipality’s contracting practices was not significant or substantial enough to warrant subordination of a municipality’s power over its spending, especially when the legislature did not decide to regulate private contracting which

has an equal or far larger volume of construction. As such, the lower courts held the City's ordinance exempting municipal project from the prevailing wage law was valid.

However, on August 20, 2009, the California Supreme Court granted review of the lower courts' decision. Briefing by all parties has been completed for over a year and oral argument has yet to be scheduled. Procedurally, this means that the lower courts' decision has no effect. There remains a possibility that the California Supreme Court may rule that prevailing wage laws are a matter of statewide concern. Such a ruling would trump the ability of a charter city to use home rule to exempt itself from the prevailing wage laws. This could have an impact on the electorate's willingness, or perceived need to adopt a charter, especially for cities where avoiding the prevailing wage requirements was an objective of having a city charter.

Notwithstanding the state Supreme Court's decision in the Vista case, the state legislature can always react by adopting specific legislation declaring prevailing wage laws to be matters of statewide concern. Indeed, the ability of the legislature to influence which laws become matters of statewide concern will always be a limitation on the authority and control of a charter city.

Process Used to Adopt a Charter

If the City Council wishes to pursue the adoption of a charter, there are two alternative procedures to draft and adopt a city charter. The first is for the City Council, on its own motion, to draft the charter. The other alternative allows for the election of a charter commission which would be responsible for drafting the charter. In either case, the charter is not adopted by the city until it is ratified by a majority vote of the city's electorate.

The more expedient procedure is for the City Council to develop and draft the charter. Study would be necessary to determine which local issues should be included in the charter. An election to decide on the adoption of a charter may be called by initiative or the City Council. See Cal Const art. XI, § 3. On its own motion, the City Council may propose a charter and submit it to the voters for adoption. See Cal. Gov't Code § 34458. With this option, the City Council can call a special election or allow the charter to be voted on at any established election date, as long as that election date is at least 88 days after the proposed charter is filed with the city clerk. See Cal. Gov't Code § 34458. As a practical matter, an election may have to be called earlier than 88 days before the election in order to meet certain noticing deadlines. With regards to timing if the City Council chooses to pursue this option, the City Clerk has advised that the City does not qualify to hold an all-mail ballot election and the November 8, 2011, regular election is the soonest election available, with a deadline of August 12, 2011, for submission to the Registrar of Voters.

Alternatively, if the City Council opted for the charter commission approach, the first step is to elect the commission. The vote to elect a charter commission is called for by either a majority vote of the City Council or by a petition signed by not less than fifteen percent of the registered voters within the

city. See Cal. Gov't Code § 34452. Once it has been decided that a charter commission election will take place, candidates for commissioners must be nominated. Candidates for the office of charter commissioner are nominated either in the same manner as officers of the city or by petition. A candidate for charter commissioner must be a registered voter of the city. After the election of commissioners, any vacancy on the commission will be filled by a mayoral appointment. See Cal. Gov't Code § 34452.

At an election for charter commission members, the voters will vote first on the following question: "Shall a charter commission be elected to propose a new charter?" After voting on this question, the voters will then vote for the charter commission candidates. If a majority of the voters vote for the formation of a charter commission, then the top fifteen candidates for the office of charter commissioner will be organized as the city's charter commission. No commission will be formed if a majority of voters vote against the election of a charter commission. See Cal. Gov't Code § 34453.

Once formed, the charter commission will have the responsibility of developing the city's charter. After a simple majority of commissioners have decided that the proposed charter is appropriate, they file the charter with the city's clerk in preparation for a vote by the city's electorate. See Cal. Gov't Code § 34455. However, instead of sending the whole charter at once, periodically the commission may send portions of the charter to the city's electorate for a vote. See Cal. Gov't Code § 34462.

After the charter has been filed with the city clerk, the City Council must decide whether to call a special election or to wait until the next established municipal election to submit the charter to the voters. If the City Council determines that a special election should be held, then they must call for that special election within 14 days of the charter being filed. The special election must be set at least 95 days after the date from which the special election was called. See Cal. Gov't Code § 34457. In any case, the charter commission must send the charter to the voters within two years of the vote that formed the commission. Upon the expiration of the two-year time period, the commission is abolished. See Cal. Gov't Code § 34462.

Both approaches require that a majority of voters must vote in favor of the proposed charter for it to be ratified. The charter will not go into effect until it has been filed and accepted by the Secretary of State. See Cal. Gov't Code § 34459. After a charter is approved by a majority vote of the voters, the mayor and city clerk shall certify that the charter was submitted to the voters of the city and that it was approved by a majority vote. See Cal. Gov't Code § 34460. One copy of the approved charter shall be filed with the County Recorder's Office and one shall be kept in the city's archive. See Cal. Gov't Code § 34460. A third copy of the charter must be submitted to the Secretary of State with (1) copies of all publications and notices in connection with the calling of the election; (2) certified copies of any arguments for or against the charter proposal which were mailed to the voters; (3) a certified abstract of the vote at the election on the charter. See Cal. Gov't Code § 34460.

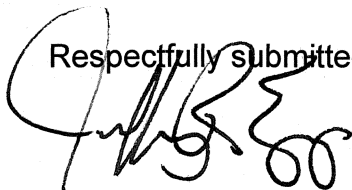
Honorable Mayor and Members of the City Council
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Charters are effective when filed with the Secretary of State; the charter must also be published in the official state statutes. Amendments, revisions, and repeal of a charter are handled in the same manner as adoption of a charter. An amendment or repeal to a charter may be proposed by the governing body or by initiative; the governing body's consent is not needed in the case of an initiative. *Birkenfeld v City of Berkeley* (1976) 17 Cal. 3d 129, 143.

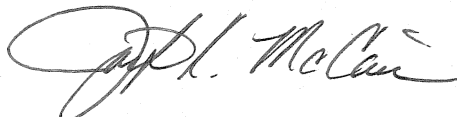
Conclusion

A charter may provide the City with more local authority in specific areas including contracting with parties on municipal projects without complying with prevailing wage laws. However, such an option is not without risk of undue expense and resources, especially in light of the pending court case involving the current challenge to Vista's ordinance exempting the City from complying with prevailing wage laws.

Respectfully Submitted,



JEFFREY R. EPP
City Attorney



JENNIFER K. MCCAIN
Assistant City Attorney

FUTURE CITY COUNCIL AGENDA ITEMS
March 3, 2011

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

Green Sheet Due by Noon on Monday, 2/28/11
Staff Reports/Resos due by Noon on Tuesday 3/8/11

MARCH 16, 2011	
4:30 p.m.	
Presentation: Environmental Excellence Awards – Mayor	
CONSENT CALENDAR	
1	<p>Public Street Dedication And Quitclaim of Adjoining City Parcels (E. Domingue)</p> <p><i>The Public Street Dedication is required now that the City has accepted the public improvements for Street "A". This new street is part of the Lowes/CarMax development on Mission Avenue. The new street will allow public access to both the CarMax and Lowes sites and is an integral part of the development of those sites. The quitclaim of the small remaining parcels back to the adjoining owners is appropriate as the property is no longer required by the City as part of Street "A".</i></p>
2	<p>2010 Annual Housing Report (R. Keiser)</p> <p><i>Govt. Code Section 65400 requires each governing body (City Council or Board of Supervisors) to prepare an annual report on the status and progress in implementing the jurisdiction's housing element of the general plan using forms and definitions adopted by the Department of Housing and Community Development.</i></p>
3	<p>Recognizing Reveal the Creek Committee as the Primary Collaborative partner on Revitalization of The Escondido Creek Trail. (R. Buquet)</p> <p><i>The Reveal the Creek Committee has partnered with the City of Escondido on early efforts to revitalize the Escondido Creek Trail, including collaboration on the Escondido Creek Greenway Vision Plan. This resolution affirms their role.</i></p>
4	<p>Budget Adjustment for Ballpark Consultants (J. Masterson)</p> <p><i>Need Green Sheet</i></p>

	MARCH 16, 2011 Cont'd
	PUBLIC HEARINGS:
5	<p>Adoption of the 2010 California Building, Residential, Electrical, Plumbing, Mechanical and Green Building Standards Codes with Local Amendments –set by CC on 3/2 for public hearing for 3/16 (B. Redlitz)</p> <p><i>The 2010 California Building Standards Code became effective for enforcement statewide on January 1, 2011. Local adoption of code amendments is required.</i></p>
6	<p>Approval and Authorization to Encumber up to \$1.9 Million in Future Affordable Housing Funds as Leveraged Financing to Community HousingWorks (Developer) for its Proposed Multi-Family Development Located at Broadway and El Norte Parkway (R. Keiser)</p> <p><i>On August 18, 2010 the CDC approved entering into an exclusive negotiating agreement (ENA) with community HousingWorks (CHW) for redevelopment of four residential parcels. An initial allocation of affordable housing funds in the amount of \$500,000 for predevelopment costs was made at that time. (One of the four parcels, 1282 N. Broadway, was acquired with Neighborhood Stabilization Program (NSP) monies allocated via the American Recovery and Reinvestment Act and title granted to CHW. The redevelopment activities must meet accelerated deadlines associated with that funding.) Project development is on schedule with Plot Plan review under way. Allocating future affordable housing funds to the project now, will allow the Developer to submit application to First Round 2011 9% Tax Credits in March 2011. 100% funding, including a commitment from the City, is required to complete the Tax Credit application and for competitiveness of submittal. It is anticipated that the Second Round of 9% Tax credits would be opened in July 2011.</i></p>
	CURRENT BUSINESS
7	<p>North County Transit District Mobility Study (E. Domingue)</p> <p><i>NCTD staff plans to present the Mobility Study findings and recommendations to the NCTD Board of Directors at the 3/17/2011 Board Meeting. As part of the Mobility Study outreach plan, NCTD wishes to present the proposed service recommendations to the Council. Comments received from the Council will be considered as NCTD finalizes the Mobility Study service plans for adoption by the NCTD Board.</i></p>
8	<p>Budget Review (G. Rojas)</p> <p>Need Green Sheet</p>
9	<p>Appointments to Library Board of Trustees and Historic Preservation Commission (M. Whalen)</p> <p>Need Green Sheet</p>
10	Future Agenda Items (M. Whalen)

Green Sheet Due by Noon on Monday, 3/6/11
 Staff Reports/Resos due by Noon on Tuesday 3/15/11

MARCH 23, 2011	
4:30 p.m.	
CONSENT CALENDAR	
1	<p>Street Name Change (B. Redlitz)</p> <p><i>Lyon is requesting a new series of street names for the Paramount development to reflect the most recent project design and future marketing efforts. Six street names were assigned in 2005 when Barratt owned the project. Those names will be deleted and replaced by six new street names. Changing the street names requires Council action and should not affect other parties as the streets have not been constructed yet.</i></p>
2	<p>Notice of Completion – Alexander Area Waterline Replacement Phase Two (L. Vereker)</p> <p><i>This project replaced close to six miles of obsolete waterline using a low interest loan funding agreement from the California Safe Drinking Water State Revolving Fund and a \$3,250,000 grant from the American Recovery & Reinvestment Act.</i></p>
3	<p>Notice of Completion – Royal Crest Accelerated Waterline Replacement Project (L. Vereker)</p> <p><i>This project replaced a problematic length of pipeline that had failed twice causing private property damage.</i></p>
4	<p>Bid Award for Montview Drive Waterline Between Darby Street & Alexander Drive ((L. Vereker)</p> <p><i>This project closes a gap in the existing water distribution system. This project, and a follow-up plumbing contract, will provide a new watermain and water services that will replace the private easement pipes. The new pipeline will provide improved water main circulation and fireflow in the area.</i></p>
5	<p>City Of Escondido Landscape Maintenance District Preliminary Engineer’s Report for FY 2011/2012 (F. Schmitz)</p> <p><i>Each year the City is required to submit and approve an Engineer’s Report that details the City’s Landscape Maintenance District budget and assessments for the upcoming fiscal year. The purpose of the Council meeting on March 23, 2011 is to begin this process by approving the preliminary Engineer’s Report and setting a public hearing date.</i></p>

	MARCH 23, 2011 CONT'D
	PUBLIC HEARINGS:
6	<p>Modification to Development Agreement 2005-DA, Tract 933, (Northeast corner of E. Valley Pkwy. and Beven Drive in Northeast Gateway Specific Plan (B. Martin)</p> <p><i>The five-year term of the Development Agreement and associated Tentative Map is set to expire on 3/24/11. The agreement currently requires payment of up to \$90,000 per lot for each of the eight density bonus lots granted in the development. The applicant states the project is no longer viable at that rate, and is proposing a lower density bonus payment structure to reflect current market conditions. Staff is proposing to eliminate the 2006 level freeze on standard development fees and the sewer guarantee.</i></p>
7	<p>General Plan Amendment PHG 09-0009 (B. Redlitz)</p> <p><i>A General Plan Amendment requires City Council approval. The Council initiated the proposed General Plan Amendment on November 12, 2008 to proceed independent of the city-wide General Plan Update. This item is tentatively schedule for consideration by the Planning Commission on February 22, 2011.</i></p>
	CURRENT BUSINESS
8	<p>E-Verify Program (S. Abed & M. Waldron)</p>
	Future Agenda Items (M. Whalen)