

# Council Meeting Agenda

March 23, 2011

CITY COUNCIL CHAMBERS

4:30 p.m. Regular Session

201 N. Broadway, Escondido, CA 92025

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

**ELECTRONIC MEDIA:**

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

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

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

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



# Council Meeting Agenda

March 23, 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

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.) *NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 30 minutes. Any remaining speakers will be heard during Oral Communications at the end of the meeting.*

## CONSENT CALENDAR

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

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of February 16, 2011  
Regular Meeting of March 2, 2011**
4. **FINANCIAL REPORT FOR THE QUARTER ENDED DECEMBER 31, 2010** – Request Council receive and file the second quarter financial report.

Staff Recommendation: Receive and file **(Finance Department: Gil Rojas)**

5. **STREET NAME CHANGE FOR ALL PRIVATE STREETS IN THE PARAMOUNT CONDOMINIUM DEVELOPMENT (Case No. SUB 09-0004)** – Request Council approve the street name changes of six unconstructed private streets in the Paramount condominium development.

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

RESOLUTION NO. 2011-36

6. **NOTICE OF COMPLETION FOR ALEXANDER AREA WATERLINE REPLACEMENT PHASE TWO** – Request Council authorize the Director of Utilities to file a Notice of Completion for this project.

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

RESOLUTION NO. 2011-37

7. **NOTICE OF COMPLETION FOR ROYAL CREST ACCELERATED WATERLINE REPLACEMENT PROJECT** – Request Council authorize the Director of Utilities to file a Notice of Completion for this project.

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

8. **BID AWARD FOR MONTVIEW DRIVE WATERLINE BETWEEN DARBY STREET AND ALEXANDER DRIVE** – Request Council authorize the Mayor and City Clerk to execute a Public Improvement Agreement with Julian Backhoe Service in the amount of \$94,998 for the Montview Drive Waterline between Darby Street and Alexander Drive.

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

RESOLUTION NO. 2011-39

## CONSENT CALENDAR - Continued

9. **CITY OF ESCONDIDO LANDSCAPE MAINTENANCE DISTRICT PRELIMINARY ENGINEER'S REPORT FOR FISCAL YEAR 2011/2012 FOR ZONES 1-36** – Request Council initiate the proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) for Zones 1-36 for the 2011/2012 fiscal year; approve the preliminary Engineer's report; and set a public hearing date of May 11, 2011.

Staff Recommendation: Approval (**Engineering Services: Frank Schmitz**)

- a. RESOLUTION NO. 2011-40
- b. RESOLUTION NO. 2011-42

10. **CITY OF ESCONDIDO LANDSCAPE MAINTENANCE DISTRICT PRELIMINARY ENGINEER'S REPORT FOR FISCAL YEAR 2011/2012 FOR ZONE 37** – Request Council initiate the proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) for Zone 37 for the 2011/2012 fiscal year; approve the preliminary Engineer's report; and set a public hearing date of May 11, 2011.

Staff Recommendation: Approval (**Engineering Services: Frank Schmitz**)

- a. RESOLUTION NO. 2011-41
- b. RESOLUTION NO. 2011-43

## 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

11. **FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR TRACT 933 (PHG 10-0001)** – Request Council authorize an interim three-month extension of the term beyond the current March 24, 2011 expiration date for the Development Agreement between the City of Escondido and Northeast Gateway, LLC for the 20-lot, Tract 933 residential development, allowing time for the staff and the applicant to finalize negotiations and present a proposal for additional modified terms to the City Council.

Staff Recommendation: Approval (**Community Development/Planning: Bill Martin**)

ORDINANCE NO. 2011-01 Introduction and First Reading

## CURRENT BUSINESS

12. **ADOPTION OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY'S IMAGE PROGRAM AND USE OF THE E-VERIFY SYSTEM TO ENSURE COMPLIANCE WITH FEDERAL IMMIGRATION LAW IN THE CITY'S HIRING PRACTICES** – Request Council participate in the IMAGE program and utilize the E-Verify for the hiring of new City employees; and require all contractors under agreement with the City to adopt the IMAGE program and utilize E-Verify in their hiring practices; and strongly encourage the Escondido Chamber of Commerce and local business to voluntarily participate.

Staff Recommendation: None **(Mayor Sam Abed and Deputy City Mayor Marie Waldron)**

RESOLUTION NO.2011-44

13. **COUNCIL SUBCOMMITTEE REPORT ON DOWNTOWN PARKING REGULATIONS** – Presentation of recommendations from the Council Parking Subcommittee. **CONTINUED FROM MARCH 16, 2011.**

Staff Recommendation: Provide direction to staff to amend City codes to eliminate parking requirements in the Downtown Parking District **(City Manager's Office: Charles Grimm)**

## WORKSHOP

14. **FISCAL YEAR 2011/2012 BUDGET WORKSHOP** – A presentation by Community Services/Recreation, Police Department and Library staff; and an update from the Finance Department on other budgetary issues.

Staff Recommendation: Provide direction to Staff: **(Finance Department: Gil Rojas)**

## FUTURE AGENDA

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

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

**ORAL COMMUNICATIONS**

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

**COUNCILMEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING**

**ADJOURNMENT**

<b>UPCOMING MEETING SCHEDULE</b>				
<b>Date</b>	<b>Day</b>	<b>Time</b>	<b>Meeting Type</b>	<b>Location</b>
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
April 20	No Meeting			

## TO ADDRESS THE COUNCIL

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

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

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

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

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

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

## LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and can be viewed the following Sunday and Monday evenings at 6:00 p.m. on Cox Cable. The Council meetings are also available live via the Internet by accessing the City's website at [www.escondido.org](http://www.escondido.org), and selecting: City Council/broadcasts of City Council Meetings/live video streaming.

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

**The City Council is scheduled to meet the first four Wednesdays  
of the month at 3:30 in Closed Session and 4:30 in Regular Session.  
(Verify schedule with City Clerk's Office)**

**Members of the Council also sit as the Community Development Commission  
and the Mobilehome Rent Review Board.**

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



*If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4641. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.*

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





Agenda Item: No. 3  
Date: March 23, 2011

**APPROVAL**  
**OF**  
**MINUTES**

**CITY OF ESCONDIDO**  
**February 16, 2011**  
**3:30 p.m. Meeting Minutes**

**Escondido City Council**  
**Community Development Commission**

**CALL TO ORDER**

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 3:30 p.m. on Wednesday, February 16, 2011 in the Council Chambers at City Hall with Mayor Abed presiding.

**ATTENDANCE**

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

**ORAL COMMUNICATIONS**

**CLOSED SESSION**

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

**Item I.c. was not discussed**

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

- a. Property: 475 and 480 N. Spruce Street  
Agency Negotiators: Clay Phillips  
Negotiating parties: City of Escondido and JMI Sports  
Under Negotiation: Price and terms of payment
  
- b. Property: 201 S. Pine St., 502 W. 2nd St. and 542 W. Third St.  
Agency Negotiators: Clay Phillips  
Negotiating Parties: City of Escondido and Potential Purchasers  
Under Negotiation: Price and terms of payment

**The following item was not discussed.**

- c.     Property:                   2165 Village Road (Old Fire Station 3)
- Agency Negotiator:     Charles Grimm and Judson Real Estate
- Negotiating Parties:    City and Mark & Jane Pierce
- Under Negotiation:     Price and terms of payment

**ADJOURNMENT**

Mayor Abed adjourned the meeting at 4:25 p.m.

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MAYOR

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CITY CLERK

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MINUTES CLERK

**CITY OF ESCONDIDO**  
**February 16, 2011**  
**4:30 p.m. Meeting Minutes**

**Escondido City Council**  
**Community Development Commission**

**CALL TO ORDER**

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 4:30 p.m. on Wednesday, February 16, 2011 in the Council Chambers at City Hall with Mayor Abed presiding.

**MOMENT OF REFLECTION**

**FLAG SALUTE**

Mayor Abed led the flag salute.

**ATTENDANCE**

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

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

**ORAL COMMUNICATIONS**

**Thomas Armstrong, Escondido**, voiced concern about the homeless in Escondido.

**Roy Garrett, Escondido**, requested that a copy of the MOU for the ballpark be made public when it's available.

**CONSENT CALENDAR**

Councilmember Diaz removed item 8 from the Consent Calendar for discussion.

**MOTION:** Moved by Councilmember Waldron and seconded by Councilmember Diaz that the following Consent Calendar items be approved with the exception of item 8. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of January 5, 2011  
Regular Meeting of January 12, 2011**
  
4. **FISCAL YEAR 2008 BUFFER ZONE PROTECTION PLAN (BZPP) GRANT** – Request Council authorize the Escondido Police Department to accept Fiscal Year 2008 Buffer Zone Protection Plan funds in the amount of \$180,000 from the United States Department of Homeland Security. (File No. 0480-70)  
  
Staff Recommendation: Approval (**Police Department: Jim Maher**)
  
5. **ASSET FORFEITURE FUND BUDGET ADJUSTMENT** – Request Council authorize staff to establish a budget in the amount of \$49,115 with Asset Forfeiture Funds to purchase training and equipment for police officers. (File No. 0250-75)  
  
Staff Recommendation: Approval (**Police Department: Jim Maher**)
  
6. **SECOND AMENDMENT TO THE CITY OF ESCONDIDO FLEXIBLE BENEFIT PLAN** – Request Council approve an amendment to the City of Escondido Flexible Benefit Plan. (File No. 0720-25)  
  
Staff Recommendation: Approval (**Human Resources/Benefits Division: Sheryl Bennett**)

**RESOLUTION NO. 2011-19**

7. **ENERGY EFFICIENCY COMMUNITY BLOCK GRANT UPDATE AND PUBLIC SERVICE AGREEMENT FOR MUSCO LIGHTING – RELAMP OF ADDITIONAL BALLFIELDS WITH ENERGY EFFICIENCY BLOCK GRANT FUNDS** – Request Council accept update regarding expenditure of the Energy Efficiency Block Grant funds and approve the sole source purchase of additional ballfield lighting retrofits with Musco Lighting, Inc., in the amount of \$ 313,870. (File No. 0600-10 [A-2980])  
  
Staff Recommendation: Approval (**Community Services: Jerry Van Leeuwen**)

**RESOLUTION NO. 2011-21**

8. **LIBRARY PLANNING PROJECT CONSULTANT AGREEMENT** – Request Council approve Consulting Agreement with Group 4 Architecture Research and Planning, Inc. in the amount of \$188,555 to develop a conceptual plan for a phased expansion of the Main Library. (File No. 0600-10 Misc.)  
  
Staff Recommendation: Approval (**Community Services/Library: Laura Mitchell**)

**RESOLUTION NO. 2011-28**

Councilmember Diaz asked for clarification on expanding the library since that had already been done, why a tax bond was needed, and why a local contractor could not be used.

Laura Mitchell, City Librarian, answered that the current building would need a new wing, the local contractor's quote was more than the contractor recommended by staff, and the tax bond was not in the scope of this agreement.

**NO ACTION WAS TAKEN ON THIS ITEM, RESOLUTION NO. 2011-28 NOT ADOPTED**

9. **AMENDMENT TO THE HALE AVENUE RESOURCE RECOVERY FACILITY INFLUENT PUMP STATION UPGRADE DESIGN** – Request Council authorize the Mayor and City Clerk to execute an amendment to the existing Consulting Agreement with PBS&J in the amount of \$174,510 for additional engineering services to prepare construction drawings and specifications for the Influent Pump Station Upgrade Design project at the Hale Avenue Resource Recovery Facility. (File No. 0600-10 [A-2971])

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

**RESOLUTION NO. 2011-24**

10. **WASTEWATER COLLECTION MASTER PLAN**- Request Council authorize the Mayor and City Clerk to execute a Consulting Agreement with PBS&J in the amount of \$330,025 for engineering services to prepare a Wastewater Collections Master Plan Update. (File No. 0600-10 [A-3009])

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

**RESOLUTION NO. 2011-23**

11. **ESCONDIDO-VISTA WATER TREATMENT PLANT ONSITE CHLORINE GENERATION AND BUDGET ADJUSTMENT** - Request Council authorize the Mayor and City Clerk to execute a Consulting Agreement with Black & Veatch, in the amount of \$619,014, for engineering services to prepare construction drawings and specifications for the Escondido-Vista Water Treatment Plant Onsite Chlorine Generation Project; and request Council approve a budget adjustment in the amount of \$200,000, from Water Treatment Plant Major Maintenance Projects to fund this project. (File No. 0600-10 [A-3015])

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

**RESOLUTION NO. 2011-25**

12. **PROPOSITION 1E GRANT APPLICATION** – Request Council authorize the Utilities Director to submit a Proposition 1E Grant Application and enter into an agreement to receive grants from the California Department of Water Resources. (File No. 0480-70)

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

**RESOLUTION NO. 2011-30**

13. **2007 SAN DIEGO INTEGRATED REGIONAL WATER MANAGEMENT PLAN** – Request Council adopt the 2007 San Diego Integrated Regional Water Management Plan. (File No. 1320-85)

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

**RESOLUTION NO. 2011-29**

14. **AGREEMENT FOR ACQUISITION OF REAL PROPERTY – NORDAHL BRIDGE REPLACEMENT PROJECT** – Request Council authorize the Mayor and City Clerk to execute Acquisition Agreements for the acquisition of portions of the property located at 1980 W. Mission

Road, 2126 W. Mission Road and 2838 Auto Park Way with Wells-CECO, L.P., \$4,500; Richard T. Sokol, Vincent N. & Patricia A. Pompo, \$2,800; and Robert S. & Pamela A. Bills; \$6,100. (File No. 0690-10)

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

#### RESOLUTION NO. 2011-22

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

None

### PUBLIC HEARINGS

- 15. ADOPTION OF THE 2010 CALIFORNIA FIRE CODE (CFC) AND LOCAL AMENDMENTS –** Request Council adopt the 2010 California Fire Code and Local Amendments. (Public Hearing set at January 26, 2011 Council Meeting with a vote of 5/0). (File No. 0680-50)

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

#### ORDINANCE NO. 2011-03 RR Adoption and Second Reading

Mari Hill, Fire Department, gave the staff report and presented a series of slides.

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

**Ken Wagoner, Escondido Fire Protection Agency**, stated the codes were there to ensure the safety of the public and urged Council to approve the code.

**Armando Telles, Escondido**, voiced concern that the Fire Department might not be able to access all structures during a fire.

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

**MOTION:** Moved by Councilmember Gallo and seconded by Councilmember Diaz to adopt the 2010 California Fire Code and Local Amendments and adopt Ordinance No. 2011-03RR. Motion carried unanimously.

### CURRENT BUSINESS

- 16. APPOINTMENT OF AN ALTERNATE TO THE SANDAG COUNCIL SUBCOMMITTEE –** Appoint Ed Gallo as an alternate to serve on the SANDAG Borders Committee. (File No. 0610-55)

Staff Recommendation: Approval (**Mayor Sam Abed**)

**MOTION:** Moved by Mayor Abed and seconded by Councilmember Diaz to appoint Councilmember Gallo as a second alternate to serve on the SANDAG Borders Committee. Ayes: Abed, Diaz, Morasco and Waldron. Noes: None. Abstain: Gallo. Motion carried.

- 17. UTILITIES DEPARTMENT CONCEPTUAL PLAN TO ADDRESS WASTEWATER CAPACITY AND WATER RELIABILITY** – Request Council approve the conceptual plan to address wastewater capacity and water reliability for the City by increasing the use of recycled water. (File No. 1320-90)

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

Lori Vereker, Utilities Director, gave the staff report and presented a series of slides.

**MOTION:** Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve the conceptual plan to address wastewater capacity and water reliability for the City by increasing the use of recycled water. Motion carried unanimously.

- 18. RESOLUTION TO OPPOSE THE GOVERNOR'S PLAN TO ELIMINATE REDEVELOPMENT AGENCIES** (File No. 0680-20)

Staff Recommendation: Approve (**Council Members Marie Waldron and Ed Gallo**)

#### **RESOLUTION NO. 2011-32**

Councilmember Waldron and Councilmember Gallo led the discussion.

**Robroy Fawcett, Escondido,** stated he did not support the resolution.

**MOTION:** Moved by Councilmember Morasco and seconded by Councilmember Waldron to oppose the Governor's plan to eliminate Redevelopment Agencies and adopt Resolution No. 2011-32. Ayes: Abed, Gallo, Morasco, and Waldron. Noes: Diaz. Absent: None. Motion carried.

- 19. COMMUNITY DEVELOPMENT COMMISSION (CDC) PARTIAL LOAN REPAYMENT** – Request the Community Development Commission authorize a partial repayment of the obligation owed by the CDC to the City and direct the transfer of certain properties from the CDC to the City for further public use. (File No. 0430-30)

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

#### **CDC RESOLUTION NO. 2011-04**

Gil Rojas, Finance Director, gave the staff report and presented a series of slides.

**MOTION:** Moved by Councilmember Diaz and seconded by Councilmember Gallo to authorize a partial repayment of the obligation owed by the CDC to the City and direct the transfer of certain properties from the CDC to the City for further public use and adopt CDC Resolution No. 2011-04. Motion carried unanimously.

- 20. FISCAL YEAR 2011/12 PRELIMINARY BUDGET REVIEW** (File No. 0430-30)

Staff Recommendation: Provide Direction to Staff (**Finance Department: Gil Rojas**)

Gil Rojas, Finance Director, gave the staff report and presented a series of slides.



**Alex Galenes, Library Board of Trustees,** indicated it was the government's duty to support the community's needs.

**Chester Mordasini, Teamsters Local 911,** stated Teamsters employees' salaries were down 10% and asked that all city employees be treated equally and fairly.

**Gary Knight, Library Board of Trustees,** stated the library had sustained budget cuts in the past.

**COUNCIL ACTION: GAVE DIRECTION TO STAFF TO RETURN IN 30 DAYS WITH DETAILS ON THE BUDGET CUTS AS PROPOSED**

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

Staff Recommendation: None **(Mayor and City Council members)**

Councilmember Diaz stated the Escondido Creek Watershed Alliance was getting organized.

Councilmember Waldron indicated the Regional Solid Waste Association Board toured the Escondido Disposal facility.

Councilmember Gallo stated that North County Transit District was looking at route changes and fare reductions.

Councilmember Morasco indicated that the State of the City format was a success.

**BRIEFING (Staff)**

None

**FUTURE AGENDA**

- 22. 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**

**Robroy Fawcett, Escondido,** stated the Capital Improvement Fund should be used for City infrastructure.

**COUNCIL/COMMISSION/ MEMBERS COMMENTS**

None

**ADJOURNMENT**

Mayor Abed adjourned the meeting at 7:15 p.m.

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MAYOR

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CITY CLERK

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MINUTES CLERK

**CITY OF ESCONDIDO  
March 2, 2011  
3:30 p.m. Meeting**

**Escondido City Council  
Community Development Commission**

**CALL TO ORDER**

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 3:30 p.m. on Wednesday, March 2, 2011 in the Council Chambers at City Hall with Mayor Abed presiding.

**ATTENDANCE**

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

**ORAL COMMUNICATIONS**

**CLOSED SESSION**

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

**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**

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

- a. Property: 272 E. Via Rancho Parkway, Escondido  
City Negotiator: Clay Phillips  
Negotiating parties: City and Westfield Shopping Town, Inc.  
Under negotiation: Price and terms of payment

- b. Property: 2165 Village Road (Old Fire Station 3)
- Agency Negotiator: Charles Grimm and Judson Real Estate
- Negotiating Parties: City and Mark & Jane Pierce
- Under Negotiation: Price and terms of payment

**ADJOURNMENT**

Mayor Abed adjourned the meeting at 4:30 p.m.

\_\_\_\_\_  
MAYOR

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ASSISTANT CITY CLERK

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

**CITY OF ESCONDIDO**  
**March 2, 2011**  
**4:30 p.m. Meeting Minutes**

**Escondido City Council**  
**Community Development Commission**

**CALL TO ORDER**

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 4:30 p.m. on Wednesday, March 2, 2011 in the Council Chambers at City Hall with Mayor Abed presiding.

**MOMENT OF REFLECTION:**

**FLAG SALUTE**

Mayor Abed led the flag salute.

**ATTENDANCE**

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

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

**PRESENTATIONS**

Mayor Abed introduced Officer Neal Griffin who presented a video on the San Diego Enforcers football program. He indicated the Enforcers would be playing the Marine Corp. Bulldogs on Saturday, March 5, 2011 at 5:00 p.m. for \$5.00 per ticket.

Mayor Abed introduced Jim Wiese who presented a report on the MAP Foundation for Academic Success, Inc. program.

**ORAL COMMUNICATIONS**

**Thomas Armstrong, Escondido**, indicated the City did not provide enough social services.

**Elizabeth Williams, Oceanside**, gave information on a book titled "Summation", a merging of art and poetry, an event which will take place Sunday, March 6, 2011 at the Escondido Municipal Gallery at 12:30 p.m.

**Robert O'Sullivan, Escondido**, gave information on the book "San Diego Poetry Annual" which is scheduled for a reading in the City on May 1, 2011 at the Municipal Gallery.

**Dennis Tomlinson, Escondido**, voiced concern about graffiti and the City's streets. He indicated support for the hotel.

**Wendy Wilson, Arts Partnership**, gave information on the arts events scheduled in the City for March, April and May.

## CONSENT CALENDAR

Mayor Abed removed item 6 and Councilmember Waldron removed item 7 from the Consent Calendar for discussion.

**MOTION:** Moved by Councilmember Diaz and seconded by Councilmember Gallo that the following Consent Calendar items be approved with the exception of items 6 and 7. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of January 26, 2011  
Special Meeting of February 2, 2011  
Special Meeting of February 16, 2011**

4. **FOURTH QUARTER 2010 TREASURER'S REPORT** – Request Council receive the October through December 2010 Treasurer's Report. (File No. 0490-55)

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

5. **LANDSCAPE MAINTENANCE DISTRICT ANNEXATION AND BUDGET ADJUSTMENT** - Request Council approve the annexation of Tract 934, located at 1207 Gamble Street between Lincoln Avenue and El Norte Parkway, into the City of Escondido Landscape Maintenance District (LMD) and request Council establish a budget in the amount of \$3,500 for Fiscal Year 2010/2011 for LMD Zone #37. (File No. 0685-10)

Staff Recommendation: Approval (**Engineering Services: Frank Schmitz**)

### RESOLUTION NO. 2011-31

6. **NOTICE OF COMPLETION FOR 2009-2010 STREET MAINTENANCE PROGRAM** – Request Council authorize staff to file a Notice of Completion for the 2009-2010 Street Maintenance Program. (File No. 0600-10 [A-2984])

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

**Robroy Fawcett, Escondido**, distributed information and indicated there were many potholes in the City.

**MOTION:** Moved by Councilmember Diaz and seconded by Councilmember Morasco to file a Notice of Completion for the 2009-2010 Street Maintenance Program. Motion carried unanimously.

7. **SET A PUBLIC HEARING DATE FOR THE ADOPTION OF THE 2010 CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL AND GREEN BUILDING STANDARDS CODES WITH LOCAL AMENDMENTS** – Request Council authorization to set the public hearing date of March 16, 2011 to review and approve the findings for the local amendments and proposed adoption of the 2010 California Building, Residential, Electrical, Plumbing, Mechanical and Green Building Standards Codes with Local Amendments. (File No. 0680-50)

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

#### **ORDINANCE NO. 2011-02R Introduction and First Reading**

Councilmember Waldron asked if the fees would be increased.

Barbara Redlitz, Community Development Director, indicated that the fees would be increased.

**MOTION:** Moved by Mayor Abed and seconded by Councilmember Diaz to set the public hearing date of March 16, 2011 to review and approve the findings for the local amendments and proposed adoption of the 2010 California Building, Residential, Electrical, Plumbing, Mechanical and Green Building Standards Codes with Local Amendments, excluding the fee increase, and introduce Ordinance No. 2011-02R. Motion carried unanimously.

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

None

### **CURRENT BUSINESS**

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

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

Councilmember Gallo indicated that North County Transit District scheduled a public forum on March 16, 2011 at 4:30 p.m. in the Mitchell room to discuss mobility plans. He also attended a SANDAG Transportation Committee to discuss the landscaping at Highway 78 and I-15. The Borders Committee discussed the new port of entry at Otay Mesa.

Mayor Abed indicated that agenda items Councilmember Comments, Regional Issues and Briefing would be combined into one agenda item. He stated that Congressman Brian Bilbray advised Mayors to change the focus from earmarks to priority funding. He also indicated the RTP project for SANDAG was still being refined and discussion continued on widening I-15 all the way to Highway to 78. He also indicated

that Oral Communications will be limited to 30 minutes at the beginning of the meeting with the rest of Oral Communications at the end of the meeting.

## **BRIEFING (Staff)**

None

## **FUTURE AGENDA**

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

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

Councilmember Diaz requested more information on the City Charter discussion scheduled for the March 9, 2011 meeting.

## **ORAL COMMUNICATIONS**

**Robroy Fawcett, Escondido**, indicated he did not agree with the City trying to implement cost recovery.

## **COUNCIL/COMMISSION/ MEMBERS COMMENTS**

Councilmember Gallo indicated that coupons for reduced fees at the Reidy Creek Golf Course were available at the Cashier's window at City Hall.

Councilmember Waldron indicated she would like the Economic Development Subcommittee be involved in addressing the downtown deficiencies.

Mayor Abed indicated the Escondido Police Department, in partnership with the Latino Peace Officers Association and State Farm Insurance, will have a community event on Saturday, March 5, 2011 at Mission Middle School from 9:00 a.m. until 12:00 noon to talk about community child safety, auto theft, home security, dispatch 911 for kids, and other topics.



**ADJOURNMENT**

Mayor Abed adjourned the meeting at 5:40 p.m.

\_\_\_\_\_  
MAYOR

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

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

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

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

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

**Agenda Item No.:** 4

**Date:** March 23, 2011

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Gilbert Rojas, Director of Finance  
**SUBJECT:** Financial Report for the Quarter Ended December 31, 2010

RECOMMENDATION:

It is requested that Council receive and file the second quarter financial report.

PREVIOUS ACTION:

On October 27, 2010, the City Council received and approved the FY2009/10 fourth quarter financial report.

BACKGROUND:

Quarterly financial reports present written financial updates to Council concerning certain funds of the City based on the most recent financial information available. These quarterly financial reports include budgetary information for each fund, along with the actual resources received to date, in addition to the use of these resources in fulfilling each fund's financial plan. The reports also provide year to date information for the General Fund, Reidy Creek, Water, and Wastewater Funds.

Respectfully submitted,



Gilbert Rojas  
Director of Finance



## Quarterly Financial Status Report

Prepared by the Finance Department

Second Quarter Ending December 31, 2010

This report summarizes the City's overall financial position for the period of July 1, 2010 through December 31, 2010. While the focus of this report is the General Fund, the financial status of the Redevelopment Agency (Community Development Commission), the Water and Wastewater Enterprises, and the Reidy Creek Municipal Golf Course are included. This report is for internal use only. The figures presented here are unaudited and have not been prepared in accordance with Generally Accepted Accounting Principles (GAAP).

### *Adjusted Budget and Revenue Estimates*

The revenue projections and budget include adjustments for encumbrances, carryovers, and any other supplemental appropriations approved by the City Council as of December 31, 2010.

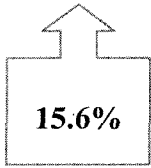
### *General Fund Balance*

At the end of the second quarter, General Fund revenues are at 29.7% of the revised budget, while expenditures are at 48%. Based on past history of revenue receipts and payment of expenditures, the General Fund is on track to meet budgeted revenue and expenditures in the current fiscal year.

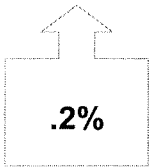
General Fund Balance	Revised Budget	YTD Actual	Actual/ Revised
Revenues	67,852,215	20,140,342	29.68%
Expenditures	73,478,380	35,510,240	48.33%
Other Sources (Uses)	1,568,690	1,568,835	100.01%
Fund Balance, Beg of Year (1)	31,691,483	31,691,483	-
<b>Fund Balance, Year-to-Date (1)</b>	<b>27,634,008</b>	<b>17,890,420</b>	-

(1) This amount represents reserved fund balance of \$11 million and designated fund balance of \$20.6 million. Amounts in reserved fund balance are for advances to other funds and non-current loans receivable. Amounts included in designated fund balance are for Daley ranch improvements, economic uncertainty and underground waivers. The General Fund has no undesignated fund balance.

*General Fund Revenues*



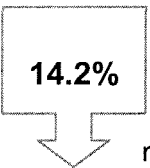
**Sales Taxes (\$6.7 million)** – Sales tax revenue received through December 31, 2010 increased from the previous fiscal year during the same time frame. In addition, sales tax revenue received through the second quarter was better than projected by approximately \$0.5 million. U.S retailer’s holiday sales jumped 5.5% for the best performance in 5 years. Interest sales on Cyber Monday rose 16% from a year ago. The City saw increases in general retail (2.6%), food products (3.8%), transportation (0.4%), and business to business (1.8%) sales tax revenue from the prior year. The largest sales tax revenue gain so far in fiscal year 2010/2011 was in new auto sales (10%) which continue to be the City’s largest economic segment.



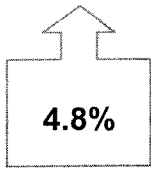
**Property Taxes (\$4.4 million)** – Revenues collected through December 31 were slightly more than projected and were up a small amount compared to last year at this time. Assessed property tax values in the City are down by about 1%, so we believe this slight increase in taxes is a payment timing difference and that overall property taxes will be down by about 1% for the fiscal year.



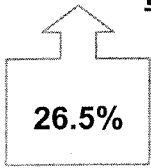
**Franchise Fees (\$1 million)** – Franchise fees are generated from privately owned utility companies and other businesses for the privilege of using City rights-of-way while conducting business within City limits. Businesses that are required to pay franchise fees to the City include: San Diego Gas and Electric (SDG&E) on gas and electric services, Cox Cable and AT&T for cables and video services, and Escondido Disposal for refuse collection services. Franchise fees were down \$41,710 compared to the same period last fiscal year primarily due to franchise fees received from SDG&E. SDG&E franchise fees received through December are based on estimates. In February 2011, the City received a cleanup payment from SDG&E for actual revenue received for calendar year 2010. After receiving this payment, franchise fees are now up 8.5% compared to last fiscal year at this time.



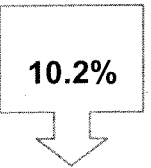
**All Other Taxes (\$1.3 million)** – All other taxes include transient occupancy tax (TOT), property transfer tax, transfer station fee and business licenses. TOT collected through December 31 reflected a decrease of approximately \$30,000, 7% less than last fiscal year. Currently, there are 15 hotels in the City and almost all of these hotels showed declines in revenue due to lower occupancy rates and discounted room prices. Business license revenues decreased by approximately \$110,000 compared to the first two quarters of the previous fiscal year and were slightly less than projected by approximately -\$71,000. The property transfer tax is down about \$26,000 compared to the same time frame last fiscal year and was slightly less than projected by approximately -\$25,000. When real property is sold the Assessor’s Office charges a transfer tax on the sale based on the selling price of the property. The City receives 50% of the transfer tax charged for sales within the City of Escondido. This revenue is down slightly due to the depressed real estate market in Escondido.



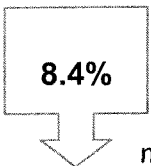
**Intergovernmental (\$1.0 million)** – Intergovernmental revenues include vehicle license fees, the Rincon fire services agreement, state library grants, senior nutrition grants, P.O.S.T. reimbursement, and state mandated cost reimbursements. Revenues have increased through December 2010 primarily due to increased vehicle license fees, approximately \$34,000 compared to the same time last fiscal year, and revenues were approximately \$55,000 greater than projected.



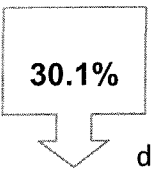
**Development-Related Revenues (\$1.2 million)** – Development related revenues, which include building permits, planning fees, building department fees, and engineering fees, reflected an increase of approximately \$252,000 in the revenue collected compared to the prior fiscal year. The rise in revenue is primarily due to the increase in permit fees collected on a new housing development located on El Notre Parkway.



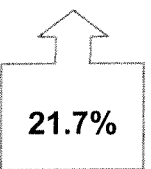
**Fines and Forfeitures (\$0.9 million)** – Fines and forfeitures are collected by the City for red light photo citations, vehicle code fines, parking ticket fines, other court fines, library fines, code enforcement citations and impound fees. The City recognizes revenues when the citizen pays the fine or forfeiture as opposed to when the fine is imposed. The decrease in revenue is the result of decreases in vehicle code fines, parking ticket funds, and impounds fees.



**Charges for Services (\$2.3 million)** – Charges for services include false alarm fees, fingerprinting revenue, abandoned vehicle fees, alarm registration, library fees, senior center fees, the OASIS program, paramedic fees, fire prevention inspection fees, fire mutual aid and passport processing fees. Revenue collected through December has decreased compared to last year at this time mainly due to declines in police services revenue. However, because budgeted police services revenue for FY 2010/11 was decreased to reflect these actual declines, it appears the City is on target to reach the FY 2010/11 projected revenue.



**Income from Interest and Property (\$0.9 million)** – Income from interest and property includes rent received from leased City property and interest income on City investments. This revenue is down 30.1% compared to last year at this time due to investment earnings. All of this decrease can be attributed to investment earnings which are down due to a decline in the General Fund cash balance and the City's portfolio yield.



**Other Revenue (\$0.3 million)** – Other revenue includes rent received from leased City property, contributions to the City, NSF check charges, damages to City property, mobile home fees and other miscellaneous revenue. Other Revenue collected through December 31 was slightly less than projected by approximately -\$11,000.

*General Fund Expenditures*

Operating cost and departmental operating expenditures are on target for the second quarter of the year as summarized below. Total expenditures are \$1.1 million lower than the prior year second quarter, which represents a savings of 3%. The amount expended to date is approximately 48.3% of the total amount budgeted for in fiscal year 2010-11.

<b>GENERAL FUND</b>					
<b>REVENUE COMPARISON - BUDGET TO ACTUAL</b>					
	<b>REVISED ESTIMATED 2010-11</b>	<b>Year to Date Actual</b>	<b>Projected Revenue</b>	<b>Difference</b>	<b>%</b>
<b>TAXES</b>					
SALES TAX AND IN LIEU SALES TAX	\$23,247,000	\$6,728,217	\$6,246,363	\$481,854	7.7
PROPERTY TAX AND IN LIEU VLF	20,641,000	4,403,832	4,396,551	7,280	0.2
FRANCHISE TAX	5,000,000	1,018,200	1,180,511	(162,311)	-13.7
BUSINESS LICENSE TAX	1,555,000	630,820	702,055	(71,235)	-10.1
TRANSIENT TAX	935,000	393,476	425,412	(31,936)	-7.5
TRANSFER STATION FEE	687,000	169,284	255,941	(86,657)	-33.9
PROPERTY TRANSFER TAX	343,000	110,141	135,123	(24,982)	-18.5
<b>TOTAL TAXES</b>	<b>52,408,000</b>	<b>13,453,970</b>	<b>13,341,956</b>	<b>112,013</b>	<b>0.8</b>
<b>INTERGOVERNMENTAL</b>					
VEHICLE LICENSE FEES	375,000	249,953	195,296	54,657	28.0
RINCON FIRE AGREEMENT	1,700,000	521,432	527,535	(6,103)	-1.2
GRANTS	590,000	301,841	213,419	88,422	41.4
<b>TOTAL INTERGOVERNMENTAL</b>	<b>2,665,000</b>	<b>1,073,226</b>	<b>936,250</b>	<b>136,976</b>	<b>14.6</b>
<b>BUILDING AND MISC PERMITS</b>	<b>994,000</b>	<b>843,791</b>	<b>544,612</b>	<b>299,179</b>	<b>54.9</b>
<b>FINES AND FORFEITURES</b>	<b>2,090,000</b>	<b>872,122</b>	<b>911,817</b>	<b>(39,695)</b>	<b>-4.4</b>
<b>CHARGES FOR SERVICES</b>					
BUILDING PLAN CHECK	124,000	73,942	70,253	3,689	5.3
PLANNING CHARGES	219,000	101,942	104,477	(2,535)	-2.4
ENGINEERING FEES	275,000	182,741	144,346	38,395	26.6
PARAMEDIC FEES	3,527,500	1,828,868	1,769,367	59,501	3.4
POLICE SERVICES	626,000	161,217	238,619	(77,402)	-32.4
COMMUNITY SERVICES	107,000	47,559	52,709	(5,150)	-9.8
OTHER SERVICES	490,000	264,795	255,932	8,863	3.5
<b>TOTAL CHARGES FOR SERVICES</b>	<b>5,368,500</b>	<b>2,661,064</b>	<b>2,635,703</b>	<b>25,361</b>	<b>1.0</b>
<b>INCOME FROM INT &amp; PROPERTY</b>	<b>3,838,715</b>	<b>917,701</b>	<b>1,372,904</b>	<b>(455,203)</b>	<b>-33.2</b>
<b>OTHER REVENUE</b>	<b>488,000</b>	<b>318,467</b>	<b>329,395</b>	<b>(10,928)</b>	<b>-3.3</b>
<b>TOTAL GENERAL FUND</b>	<b>\$67,852,215</b>	<b>\$20,140,341</b>	<b>\$20,072,637</b>	<b>\$67,703</b>	<b>0.3</b>

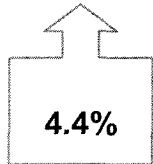
<b>GENERAL FUND</b>				
<b>REVENUE COMPARISON - PRIOR YEAR TO CURRENT YEAR</b>				
	July - December 2009	July - December 2010	Prior Year to Current Year Change	%
<b>TAXES</b>				
SALES TAX AND IN LIEU SALES TAX	\$5,819,136	\$6,728,217	\$909,081	15.6
PROPERTY TAX AND IN LIEU VLF	4,396,658	4,403,832	7,174	0.2
FRANCHISE TAX	1,059,910	1,018,200	(41,710)	-3.9
BUSINESS LICENSE TAX	741,035	630,820	(110,215)	-14.9
TRANSIENT TAX	423,456	393,476	(29,980)	-7.1
TRANSFER STATION FEE	218,751	169,284	(49,467)	-22.6
PROPERTY TRANSFER TAX	136,383	110,141	(26,242)	-19.2
<b>TOTAL TAXES</b>	<b>12,795,329</b>	<b>13,453,970</b>	<b>658,641</b>	<b>5.1</b>
<b>INTERGOVERNMENTAL</b>				
VEHICLE LICENSE FEES	216,079	249,953	33,874	15.7
RINCON FIRE AGREEMENT	541,200	521,432	(19,768)	-3.7
GRANTS	266,531	301,841	35,310	13.2
<b>TOTAL INTERGOVERNMENTAL</b>	<b>1,023,810</b>	<b>1,073,226</b>	<b>49,416</b>	<b>4.8</b>
<b>BUILDING AND MISC PERMITS</b>	<b>559,412</b>	<b>843,791</b>	<b>284,379</b>	<b>50.8</b>
<b>FINES AND FORFEITURES</b>	<b>970,855</b>	<b>872,122</b>	<b>(98,733)</b>	<b>-10.2</b>
<b>CHARGES FOR SERVICES</b>				
BUILDING PLAN CHECK	96,265	73,942	(22,323)	-23.2
PLANNING CHARGES	143,336	101,942	(41,394)	-28.9
ENGINEERING FEES	151,807	182,741	30,934	20.4
PARAMEDIC FEES	1,864,758	1,828,868	(35,890)	-1.9
POLICE SERVICES	271,954	161,217	(110,737)	-40.7
COMMUNITY SERVICES	55,328	47,559	(7,769)	-14.0
OTHER SERVICES	321,792	264,795	(56,997)	-17.7
<b>TOTAL CHARGES FOR SERVICES</b>	<b>2,905,240</b>	<b>2,661,064</b>	<b>(244,176)</b>	<b>-8.4</b>
<b>INCOME FROM INT &amp; PROPERTY</b>	<b>1,312,818</b>	<b>917,701</b>	<b>(395,117)</b>	<b>-30.1</b>
<b>OTHER REVENUE</b>	<b>261,701</b>	<b>318,467</b>	<b>56,766</b>	<b>21.7</b>
<b>TOTAL GENERAL FUND</b>	<b>\$19,829,165</b>	<b>\$20,140,341</b>	<b>\$311,176</b>	<b>1.6</b>



<b>GENERAL FUND</b>			
<b>EXPENDITURE STATUS BY DEPARTMENT - BUDGET TO ACTUAL</b>			
	<b>FY 2010/11 REVISED</b>		
	<b>BUDGET</b>	<b>Year to Date Actual</b>	<b>% Expended</b>
<b>GENERAL GOVERNMENT</b>			
CITY COUNCIL	\$280,985	\$123,322	43.9
CITY MANAGER	972,320	563,288	57.9
VIDEO SERVICES	35,105	10,708	30.5
CITY ATTORNEY	205,560	102,283	49.8
CITY CLERK	452,505	210,097	46.4
CITY TREASURER	282,655	137,960	48.8
<b>SUBTOTAL GENERAL GOVERNMENT</b>	<b>2,229,130</b>	<b>1,147,658</b>	<b>51.5</b>
<b>ADMINISTRATIVE SERVICES</b>			
FINANCE	1,032,315	474,773	46.0
HUMAN RESOURCES	462,445	210,250	45.5
RISK MGMT	23,665	(32,465)	-137.2
ADMIN	368,170	175,816	47.8
DATA PROCESSING	391,265	184,477	47.1
OFFICE AUTOMATION	1,130,605	475,229	42.0
GEOGRAPHIC	159,340	90,615	56.9
<b>SUBTOTAL ADMINISTRATIVE SERVICES</b>	<b>3,567,805</b>	<b>1,578,695</b>	<b>44.2</b>
<b>COMMUNITY SERVICES</b>			
LIBRARY	3,290,515	1,560,507	47.4
OLDER ADULT SERVICES	595,390	293,042	49.2
NUTRITION CENT.	260,550	81,296	31.2
OASIS	254,435	131,155	51.5
<b>SUBTOTAL COMMUNITY SERVICES</b>	<b>4,400,890</b>	<b>2,066,000</b>	<b>46.9</b>
<b>COMMUNITY DEVELOPMENT</b>			
PLANNING	1,240,340	584,794	47.1
CODE ENFORCEMENT	886,420	397,866	44.9
BUILDING	691,125	309,274	44.7
<b>SUBTOTAL COMMUNITY DEVELOPMENT</b>	<b>2,817,885</b>	<b>1,291,934</b>	<b>45.8</b>
<b>PUBLIC WORKS</b>			
ENGINEERING	1,828,815	714,237	39.1
STREETS	5,025,660	2,376,268	47.3
PARKS	2,347,770	1,140,713	48.6
COMMUNICATIONS		(25,126)	
<b>SUBTOTAL PUBLIC WORKS</b>	<b>9,202,245</b>	<b>4,206,092</b>	<b>45.7</b>
<b>PUBLIC SAFETY</b>			
POLICE	32,247,245	16,488,980	51.1
FIRE	16,790,425	8,329,608	49.6
EMERGENCY MGT.	121,065	31,646	26.1
<b>SUBTOTAL PUBLIC SAFETY</b>	<b>49,158,735</b>	<b>24,850,234</b>	<b>50.6</b>
<b>OTHER</b>			
NON-DEPARTMENTAL	1,806,640	225,626	12.5
COMMUNITY RELATIONS	295,050	144,000	48.8
<b>SUBTOTAL OTHER</b>	<b>2,101,690</b>	<b>369,626</b>	<b>17.6</b>
<b>TOTAL GENERAL FUND</b>	<b>\$73,478,380</b>	<b>\$35,510,239</b>	<b>48.3</b>

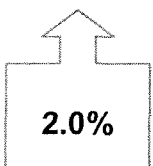
<b>GENERAL FUND</b>				
<b>EXPENDITURE STATUS BY DEPARTMENT - PRIOR YEAR TO CURRENT YEAR</b>				
	July - December 2009	July - December 2010	Prior Year to Current Year Change	%
<b>GENERAL GOVERNMENT</b>				
CITY COUNCIL	\$103,673	\$123,322	\$19,649	15.9
CITY MANAGER	524,824	563,288	38,464	6.8
VIDEO SERVICES	9,720	10,708	988	9.2
CITY ATTORNEY	142,664	102,283	(40,381)	-39.5
CITY CLERK	248,865	210,097	(38,768)	-18.5
CITY TREASURER	123,836	137,960	14,124	10.2
<b>SUBTOTAL GENERAL GOVERNMENT</b>	<b>1,153,582</b>	<b>1,147,658</b>	<b>(5,924)</b>	<b>-0.5</b>
<b>ADMINISTRATIVE SERVICES</b>				
FINANCE	444,227	474,773	30,546	6.4
HUMAN RESOURCES	219,967	210,250	(9,717)	-4.6
RISK MGMT	(21,972)	(32,465)	(10,493)	32.3
ADMIN	185,659	175,816	(9,843)	-5.6
DATA PROCESSING	181,582	184,477	2,895	1.6
OFFICE AUTOMATION	477,462	475,229	(2,233)	-0.5
GEOGRAPHIC	89,044	90,615	1,571	1.7
<b>SUBTOTAL ADMINISTRATIVE SERVICES</b>	<b>1,575,969</b>	<b>1,578,695</b>	<b>2,726</b>	<b>0.2</b>
<b>COMMUNITY SERVICES</b>				
LIBRARY	1,451,716	1,560,507	108,791	7.0
OLDER ADULT SERVICES	321,291	293,042	(28,249)	-9.6
HOUSING/NEIGHBORHOOD SER.	31,524		(31,524)	
NUTRITION CENT.	82,886	81,296	(1,590)	-2.0
BRANCH LIBRARY	246,205		(246,205)	
OASIS	92,097	131,155	39,058	29.8
<b>SUBTOTAL COMMUNITY SERVICES</b>	<b>2,225,719</b>	<b>2,066,000</b>	<b>(159,719)</b>	<b>-7.7</b>
<b>COMMUNITY DEVELOPMENT</b>				
PLANNING	697,069	584,794	(112,275)	-19.2
CODE ENFORCEMENT	565,416	397,866	(167,550)	-42.1
BUILDING	345,931	309,274	(36,657)	-11.9
<b>SUBTOTAL COMMUNITY DEVELOPMENT</b>	<b>1,608,416</b>	<b>1,291,934</b>	<b>(316,482)</b>	<b>-24.5</b>
<b>PUBLIC WORKS</b>				
ENGINEERING	705,552	714,237	8,685	1.2
STREETS	2,227,527	2,376,268	148,741	6.3
PARKS	1,193,483	1,140,713	(52,770)	-4.6
COMMUNICATIONS	(25,670)	(25,126)	544	-2.2
<b>SUBTOTAL PUBLIC WORKS</b>	<b>4,100,892</b>	<b>4,206,092</b>	<b>105,200</b>	<b>2.5</b>
<b>PUBLIC SAFETY</b>				
POLICE	16,766,473	16,488,980	(277,493)	-1.7
FIRE	8,763,311	8,329,608	(433,703)	-5.2
EMERGENCY MGT.	12,809	31,646	18,837	59.5
<b>SUBTOTAL PUBLIC SAFETY</b>	<b>25,542,593</b>	<b>24,850,234</b>	<b>(692,359)</b>	<b>-2.8</b>
<b>OTHER</b>				
NON-DEPARTMENTAL	175,059	225,626	50,567	22.4
COMMUNITY RELATIONS	250,000	144,000	(106,000)	-73.6
<b>SUBTOTAL OTHER</b>	<b>425,059</b>	<b>369,626</b>	<b>(55,433)</b>	<b>-15.0</b>
<b>TOTAL GENERAL FUND</b>	<b>\$36,632,230</b>	<b>\$35,510,239</b>	<b>(\$1,121,991)</b>	<b>-3.2</b>

*Community Development Commission*



**OPERATING REVENUES**

- Tax Increment – The slight increase in tax increment revenue is due to an increase in the amount of property taxes collected. This could be the result of a few property owners paying their property taxes early and/or the result of less delinquent accounts.
- Lease Income – A mobile home rent increase was approved and has been billed for, causing an increase in lease income.
- Investment Income – When reviewing investment income on a cash basis, the majority of the decrease in Investment income is due to: 35% decrease in the yield of LAIF investments, 21% decrease in the yield of Federal investments and 12% decrease in the average amount of the investment portfolio balances.
- Intergovernmental – At midyear, the CDC has received \$803,820 in Housing and Economic Recovery Act funds to be used for Neighborhood Stabilization Program activities. These funds were received from the California Department of Housing and Community Development, which were passed through from the U.S. Department of Housing and Urban Development.
- Other Revenues – HELP fees are deposited into this account. HELP fees are application/renewal fees related to the first time home buyer loan program. There have been fewer applications/renewals so far this year compared to the same time last fiscal year. In addition, in the prior year, the Housing Department received State reimbursements for reviewing tax credit applications, to finance the development of two of their projects, prior to submission. These reimbursements were not applicable in the current year, as of December.

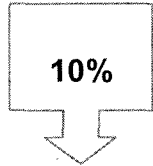


**OPERATING EXPENDITURES**

- Community Development – The majority of this increase is due to legal, financial and redevelopment consulting work related to the construction of a minor league baseball park that has been completed.
- Debt Expense – For the first six months of the current fiscal year, debt expense is essentially equal to the prior fiscal year.
- Agency Tax Sharing Agreement – AB 1389 tax sharing payments of approximately \$300,000 were paid in September last year. These payments have not been submitted in the current year yet.
- Other expenditures include the purchase of property. These properties were: 3 vacant lots at East Grand Avenue and Juniper Street, 542 West 3<sup>rd</sup> (including 2 adjacent lots) and 480 North Spruce Street.

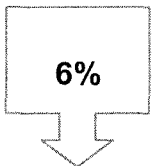
<b>CITY OF ESCONDIDO</b>					
<b>COMMUNITY DEVELOPMENT COMMISSION</b>					
<b>LOW/MOD HOUSING, DEBT SERVICE &amp; CAPITAL PROJECT FUNDS</b>					
	<b>FY 2010/11 REVISED BUDGET</b>	<b>July - December 2009</b>	<b>July - December 2010</b>	<b>Prior Year to Current Year Change</b>	<b>%</b>
<b>REVENUES</b>					
TAX INCREMENT	\$23,999,975	\$ 10,224,145	\$ 10,321,487	\$ 97,342	1.0%
LEASE INCOME	48,000	31,811	48,820	17,009	53.5%
INVESTMENT INCOME	330,000	526,318	87,943	(438,375)	-83.3%
INTERGOVERNMENTAL			803,820	803,820	100.0%
OTHER REVENUES	349,640	8,729	2,350	(6,379)	-73.1%
<b>TOTAL OPERATING REVENUE</b>	<b>24,727,615</b>	<b>10,791,003</b>	<b>11,264,420</b>	<b>473,417</b>	<b>4.4%</b>
<b>EXPENDITURES</b>					
COMMUNITY DEVELOPMENT	1,858,689	647,380	1,175,252	527,872	81.5%
DEBT EXPENSE	10,851,615	9,310,929	9,335,819	24,890	0.3%
AGENCY TAX SHARING AGREEMENT	9,218,000	1,745,422	1,430,558	(314,864)	-18.0%
SERAF	2,000,000				
<b>TOTAL OPERATING EXPENDITURES</b>	<b>23,928,304</b>	<b>11,703,731</b>	<b>11,941,629</b>	<b>237,898</b>	<b>2.0%</b>
<b>PURCHASE OF CITY PROPERTY</b>	<b>5,872,493</b>		<b>5,774,369</b>	<b>5,774,369</b>	<b>100.0%</b>
<b>TOTAL REVENUES OVER EXPENDITURES</b>	<b>\$ (5,073,182)</b>	<b>\$ (912,728)</b>	<b>\$ (6,451,578)</b>	<b>\$ (5,538,850)</b>	<b>606.8%</b>

*Water Enterprise Fund*



**REVENUES**

- The 12% decrease in water consumption revenues was due to a decrease in the amount of water sold due to customer conservation and rainfall late in the year. The Utility sold 0.6 MG less for the six months ended December 31, 2009 when compared to the previous year.
- Monthly fixed water service charges increased 8% primarily due to new meter installations in the prior year from the completion of new housing projects.
- Vista Irrigation District Filtration and Other Fees decreased 18% (\$108K) due to the timing of billings that were sent out after December 31, 2010.
- The 50% decrease (\$435K) in other revenues was largely due to \$351 thousand less developer fees due to completed prior year projects, and \$77 thousand decrease in electrical power sales generated by the Bear Valley Parkway Power Plant. The power plant was shutdown for an extended period due to mechanical failure. Also, the extended period of drought conditions resulted in less water is being diverted from Lake Henshaw through the power generation plant.



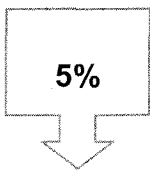
**EXPENSES**

- Staffing costs decreased 3% due to a reorganization, mandated employee furloughs, and vacant positions.
- Purchased water decreased 19% from the prior year primarily due to customer conservation. Additionally, larger than normal rainfall in November-December 2010 resulted in reduced water use throughout the community.
- Chemicals and other operating supplies increased 45% due to the increased use of local water which requires more treatment/chemicals than purchased water.

Income generated by the Water Fund will be used primarily to increase the capital and operating reserves to levels following City Council policy of establishing reserve levels recommended by the most recent rate study.

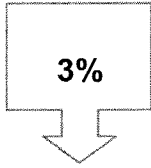
WATER ENTERPRISE FUND					
	FY 2010-11 Revised Budget	July - December 2009	July - December 2010	Prior Year to Current Year Change	%
<b>REVENUES</b>					
Water Consumption Charges	\$33,779,445	\$17,097,118	\$15,071,478	(2,025,640)	-12
Water Service Charges	9,009,410	4,376,599	4,742,107	365,508	8
State and Federal Grants	1,420,712	-	5	5	0
Vista Irrigation Filtration & Other Fees	1,650,000	603,129	494,500	(108,629)	-18
Lake Fees and Concessions	800,000	349,800	330,970	(18,830)	-5
Investment Income	200,000	177,467	23,467	(154,000)	-87
Other Revenues	964,510	877,675	435,015	(442,660)	-50
<b>TOTAL REVENUE</b>	<b>47,824,077</b>	<b>23,481,788</b>	<b>21,097,542</b>	<b>(2,384,246)</b>	<b>-10</b>
<b>EXPENSES</b>					
Staffing	7,926,120	3,587,071	3,491,229	(95,842)	-3
Purchased Water	19,822,900	8,957,501	7,253,212	(1,704,289)	-19
Chemicals & Operating Supplies	3,060,770	1,192,163	1,732,265	540,102	45
City Water	1,734,580	709,105	708,678	(427)	0
Professional Services	1,335,145	426,774	430,099	3,325	1
Utilities	696,115	233,951	293,405	59,454	25
Interest and Fiscal Charges	2,470,615	425,953	418,319	(7,634)	-2
Other Operating Expenses	2,482,855	460,549	508,618	48,069	10
Allocations	4,260,442	2,687,624	2,698,660	11,036	0
<b>TOTAL EXPENSES</b>	<b>43,789,542</b>	<b>18,680,691</b>	<b>17,534,485</b>	<b>(1,146,206)</b>	<b>-6</b>
<b>INCOME (LOSS)</b>	<b>\$4,034,535</b>	<b>\$4,801,097</b>	<b>\$3,563,057</b>	<b>(\$1,238,040)</b>	<b>-26</b>

*Wastewater Enterprise Fund*



**REVENUES**

- Sewer service charges increased \$421 thousand (4%) during the first six months of FY 2011.
- Treatment charges to the City of San Diego decreased by \$621 thousand (64%). This is due to the timing of billing receipts - \$1.1 million of November and December billings were received in January 2011.
- Recycled water sales were down 5% due to higher than normal rainfall and, consequently, less irrigation and industrial uses.
- Other Revenues decreased 24% (\$185 thousand). The decrease is largely due to CIP reimbursements of \$277 thousand in the prior year and \$0 in the current year. No reimbursements have been requested as of 12/31/10. This CIP decrease is offset by net increases in several other revenue accounts of approximately \$90 thousand.



**EXPENSES**


- Total expenses have decreased approximately 3% primarily due to efficiencies gained in operations and personnel costs
- Of the \$144 thousand (-13%) decrease in Other Operating Expenses, approximately \$72 thousand was due to an overall reduction in the annual insurance budget for FY 2010-11.

Similar to the Water Fund, income generated by the Wastewater Fund will be used primarily to increase the capital and operating reserves to levels following City Council policy of establishing reserve levels recommended by the most recent rate study.

<b>WASTEWATER ENTERPRISE FUND</b>					
	<b>FY 2010-11 REVISED BUDGET</b>	<b>July - December 2009</b>	<b>July - December 2010</b>	<b>Prior Year to Current Year Change</b>	<b>%</b>
<b>REVENUES</b>					
Sewer Service Charges	\$23,024,800	\$10,563,891	\$10,984,607	\$420,716	4%
Treatment Charges - San Diego	1,850,000	967,614	346,906	(620,708)	-64%
Connection Fees	375,000	298,404	210,891	(87,513)	-29%
Recyclable Water Sales	3,000,000	1,204,199	1,145,895	(58,304)	-5%
Stormwater Management Charges		664,559	700,322	35,763	5%
Investment Income	200,000	396,599	107,686	(288,913)	-73%
Unrealized Investment Gain(Loss)		(688,435)	(654,275)	34,160	-5%
Other Revenues	1,414,100	766,848	581,682	(185,166)	-24%
<b>TOTAL REVENUE</b>	<b>29,863,900</b>	<b>14,173,679</b>	<b>13,423,714</b>	<b>(749,965)</b>	<b>-5%</b>
<b>EXPENSES</b>					
Staffing	7,429,430	3,260,122	3,300,522	40,400	1%
Chemicals & Operating Supplies	1,472,000	494,506	482,253	(12,253)	-2%
Professional Services	3,041,690	796,827	779,495	(17,332)	-2%
Utilities	2,123,000	784,625	742,329	(42,296)	-5%
Interest and Fiscal Charges	2,050,285	292,039	283,096	(8,943)	-3%
Allocations	2,333,360	1,066,815	1,028,252	(38,563)	-4%
Other Operating Expenses	2,517,050	1,100,303	956,341	(143,962)	-13%
<b>TOTAL EXPENSES</b>	<b>20,966,815</b>	<b>7,795,237</b>	<b>7,572,288</b>	<b>(222,949)</b>	<b>-3%</b>
<b>INCOME (LOSS)</b>	<b>\$8,897,085</b>	<b>\$6,378,442</b>	<b>\$5,851,426</b>	<b>(\$527,016)</b>	<b>-8%</b>

*Reidy Creek Golf Course Fund*


**13.0%**



**REVENUES**

- The overall decrease in Reidy Creek's revenue is attributed to both economic factors and unusual weather conditions. This year there was a significant increase in the amount of rainfall, which contributed to a decrease of 14% in the number of golf rounds played compared to the prior year.

**8.8%**



**EXPENSES**

- While the rainfall reduced revenue it also was a major contributor to the 12.4% decrease in maintenance costs which reduced the amount of water, fertilizers and chemicals needed so far for this year.
- Reidy Creek's golf cart lease agreement was renewed this year, however while this process was taking place there was a quarter where they were not under a lease agreement. This resulted in a 49% decrease compared to the prior year.

**REIDY CREEK GOLF COURSE FUND**

	<b>FY 2010-11 BUDGET</b>	<b>July - December 2009</b>	<b>July - December 2010</b>	<b>Prior Year to Current Year Change</b>	<b>%</b>
<b>REVENUES</b>					
Green Fees	\$458,375	\$214,825	\$181,356	(\$33,469)	-15.6
Cart Rentals	181,105	87,707	79,843	(7,864)	-9.0
Golf Merchandise Sales	35,815	17,843	18,344	501	2.8
Food and Beverage Rent	11,880	4,482	3,722	(760)	-17.0
Other Golf Revenue	2,295	3,124	2,044	(1,080)	-34.6
<b>TOTAL REVENUES</b>	<b>689,470</b>	<b>327,981</b>	<b>285,309</b>	<b>(42,672)</b>	<b>-13.0</b>
<b>EXPENDITURES</b>					
Management Fee	69,105	33,450	34,140	690	2.1
Golf Course Operations	187,255	98,321	91,334	(6,987)	-7.1
Golf Course Maintenance	318,110	153,808	134,803	(19,005)	-12.4
Administrative & General	65,565	34,401	30,936	(3,465)	-10.1
Golf Course Merchandise	22,205	11,057	11,573	516	4.7
Golf Cart Lease	4,515	2,254	1,148	(1,106)	-49.1
Insurance	6,000	2,473	2,166	(307)	-12.4
<b>TOTAL EXPENDITURES</b>	<b>672,755</b>	<b>335,764</b>	<b>306,100</b>	<b>(29,664)</b>	<b>-8.8</b>
<b>TOTAL REVENUES OVER EXPENDITURES</b>	<b>\$16,715</b>	<b>(7,783)</b>	<b>(20,791)</b>	<b>(\$13,008)</b>	<b>167.1</b>



**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

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

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

**Agenda Item No.: 5**  
**Date: March 23, 2011**

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Barbara J. Redlitz, Director of Community Development  
**SUBJECT:** Street Name Change for all Private Streets in the Paramount Condominium Development (Reference Case No. SUB 09-0004)

**STAFF RECOMMENDATION:**

It is requested that Council adopt Resolution No. 2011-36 approving the proposed Street Name Change.

**PROJECT DESCRIPTION:**

A request to change the names of six unconstructed private streets in the Paramount condominium development. The following street names would be deleted within the project boundaries: Zukor Glen, Jupiter Glen, Venus Glen, Saturn Glen, Mars Glen, and Mercury Glen. Street "A" would be renamed Parallel Glen. Street "B" would be named Iden Glen. Street "C" would be named Lambert Glen. Street "D" would be named Theta Glen. Street "E" would be named Alidade Glen. Street "F" would be named Meander Glen.

**LOCATION:**

The Paramount site is located on the western side of North Escondido Boulevard, between Washington Avenue and Valley Parkway, addressed as 511 N. Escondido Boulevard.

**FISCAL ANALYSIS:**

The cost to change the one existing street sign (Zukor Glen) will be paid by the applicant.

**GENERAL PLAN ANALYSIS:**

All streets within the Paramount development are private residential streets and not listed on the Circulation Element of the General Plan.

ENVIRONMENTAL REVIEW:

The project is categorically exempt from environmental review pursuant to CEQA Section 15301 (Existing Facilities).

PREVIOUS ACTION:

On April 13, 2005, the City Council approved a Final Map for the previous version of the Paramount development that was proposed by Barratt (Tract 858). That action established the current street names. The Final Map was recorded on May 2, 2005. The current 116-unit Paramount design (SUB 09-0004) was approved by the City Council on September 2, 2009. A new Final Map is currently pending review and action to change the street names.

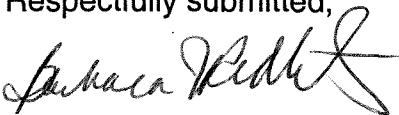
BACKGROUND:

Street names were already assigned to the Paramount development at the time the project was under construction and then destroyed by fire. The former owner subsequently sold the property to Lyon Communities, who received Council approval of a revised project design in September of 2009. The former street pattern was changed completely by the new design. The applicant has requested to change the names to assist future marketing efforts and match names to the current street pattern. None of the streets have been constructed, so there would be no effect on other property owners or residents.

ANALYSIS:

Staff sent notices of the proposed change to street names in the Paramount development to local agencies, districts, utilities, mapping and mailing services, etc. No conflicts were identified nor comments received from the various groups. None of the streets have been constructed and the applicant owns all property within the development. The current street names are no longer desired by the property owner and do not match the current street pattern. The proposal would provide clarity by assigning names to the current street pattern.

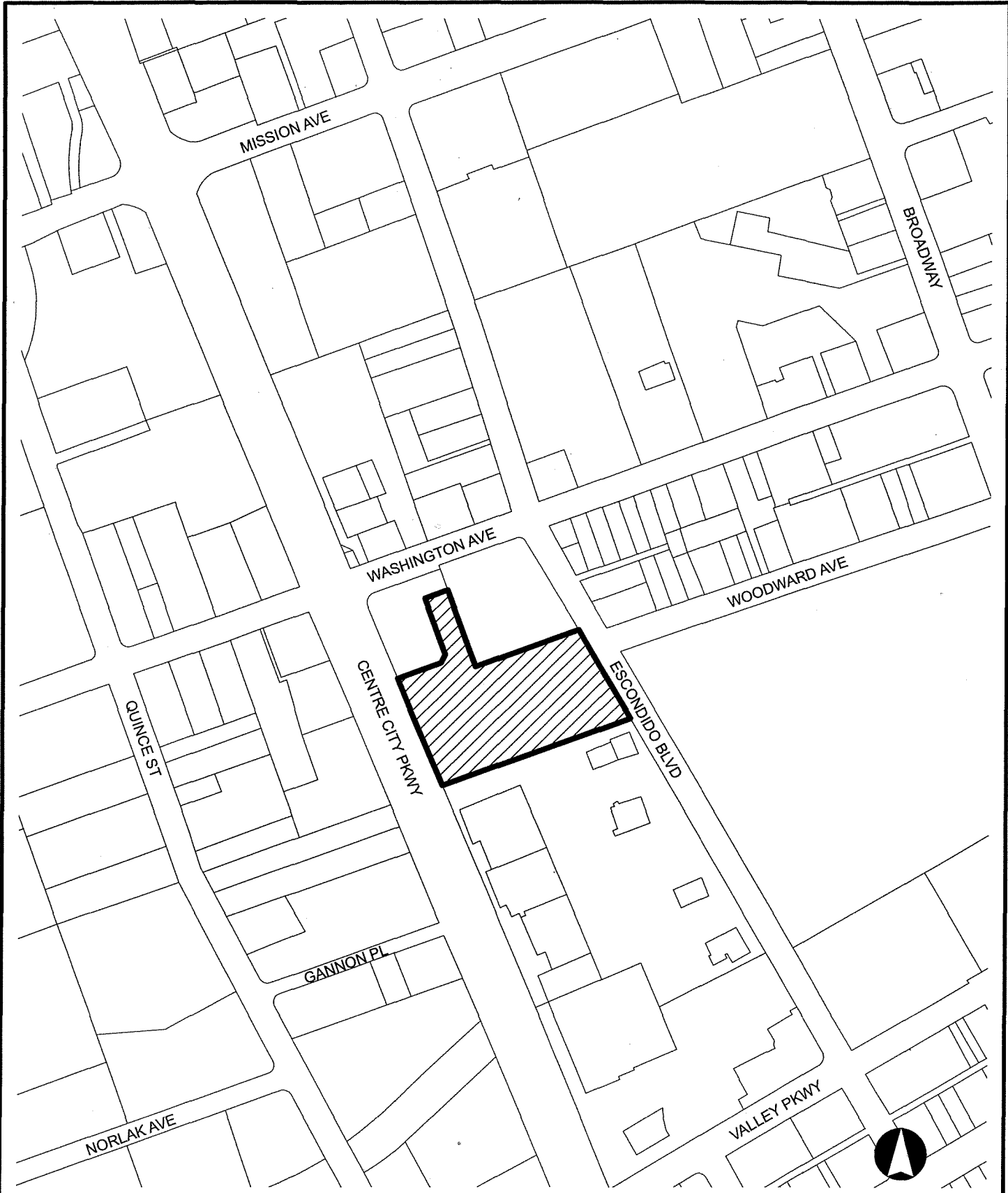
Respectfully submitted,



Barbara J. Redlitz  
Director of Community Development



Bill Martin  
Principal Planner



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**PROPOSED PROJECT  
SUB 09-0004**



LOCATION/ZONING

Washington Avenue

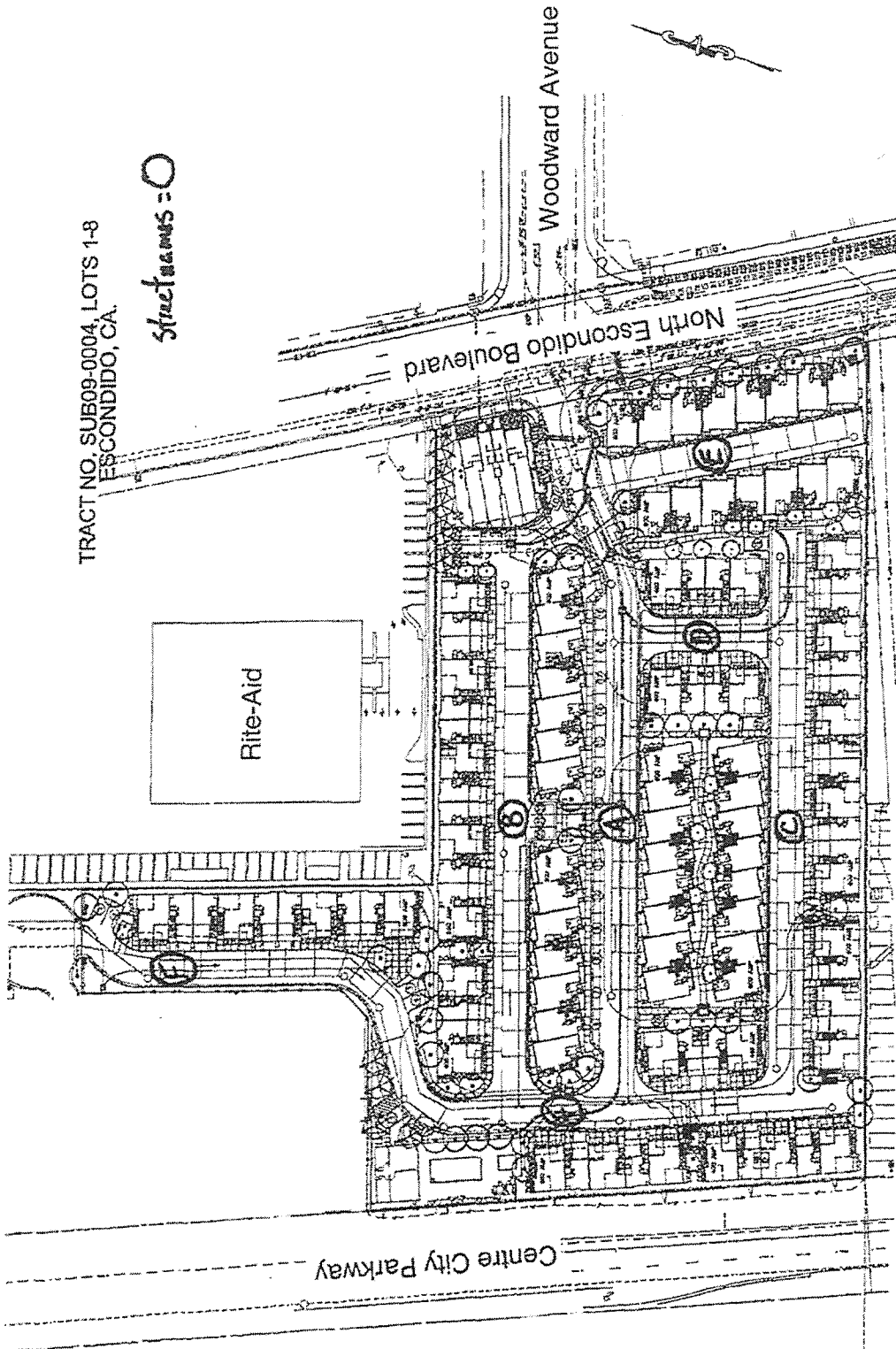
TRACT NO. SUB09-0004, LOTS 1-8  
ESCONDIDO, CA.

Street names = O

Rite-Aid

Centre City Parkway

Woodward Avenue



- Street "A"
- Street "B"
- Street "C"
- Street "D"
- Street "E"
- Street "F"
- Delete Zukor Glen and rename as Parallel Glen
- Iden Glen
- Lambert Glen
- Theta Glen
- Alidade Glen
- Meander Glen

**PROPOSED PROJECT  
SUB 09-0004**



SITE PLAN



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

Notice of Exemption

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

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

Project Title/Case No.: Paramount Condominium Development – Street Name Change (SUB 09-0004)

Project Location - Specific: The site is located on the western side of North Escondido Boulevard, between Washington Avenue and Valley Parkway, addressed as 511 N. Escondido Boulevard.

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

Description of Project:

A request to change the names of six unconstructed private streets in the Paramount condominium development. The following street names would be deleted within the project boundaries: Zukor Glen, Jupiter Glen, Venus Glen, Saturn Glen, Mars Glen, and Mercury Glen. Street "A" would be renamed Parallel Glen. Street "B" would be named Iden Glen. Street "C" would be named Lambert Glen. Street "D" would be named Theta Glen. Street "E" would be named Alidade Glen. Street "F" would be named Meander Glen.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name Lyon Communities – Bill McKibbin

Telephone (949) 252-9101

Address 4901 Birch Street, Newport Beach, CA 92660

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

Exempt Status:

Categorical Exemption. CEQA Sections 15301 (Existing Facilities)

Reasons why project is exempt:

- 1. The proposal is limited to changing the names of private streets within a previously approved residential condominium development.
2. The project site has been completely disturbed and has no value as habitat for endangered, threatened or rare species.
3. The residential condominium project site is located in an established urban area.
4. In staff's opinion the proposed development would not have the potential to cause an adverse impact on the environment.

Lead Agency Contact Person: Bill Martin

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

Signature:

[Handwritten signature of Bill Martin]

Bill Martin, Principal Planner

MARCH 7, 2011

Date

Signed by Lead Agency

Date received for filing at OPR:

RESOLUTION NO. 2011-36

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
CHANGING THE NAMES OF SIX  
UNCONSTRUCTED PRIVATE STREETS IN  
THE PARAMOUNT CONDOMINIUM  
DEVELOPMENT

Reference Case No. SUB 09-0004

WHEREAS, the Paramount condominium development received City Council approval of a revised project design and street layout on September 2, 2009; and

WHEREAS, as the applicant owns all of the property within the project boundaries and now desires to change the former street names and assign new street names to the current street pattern for the development; and

WHEREAS, local agencies, districts, and emergency services were notified of the requested street name change and no opposition was received; and

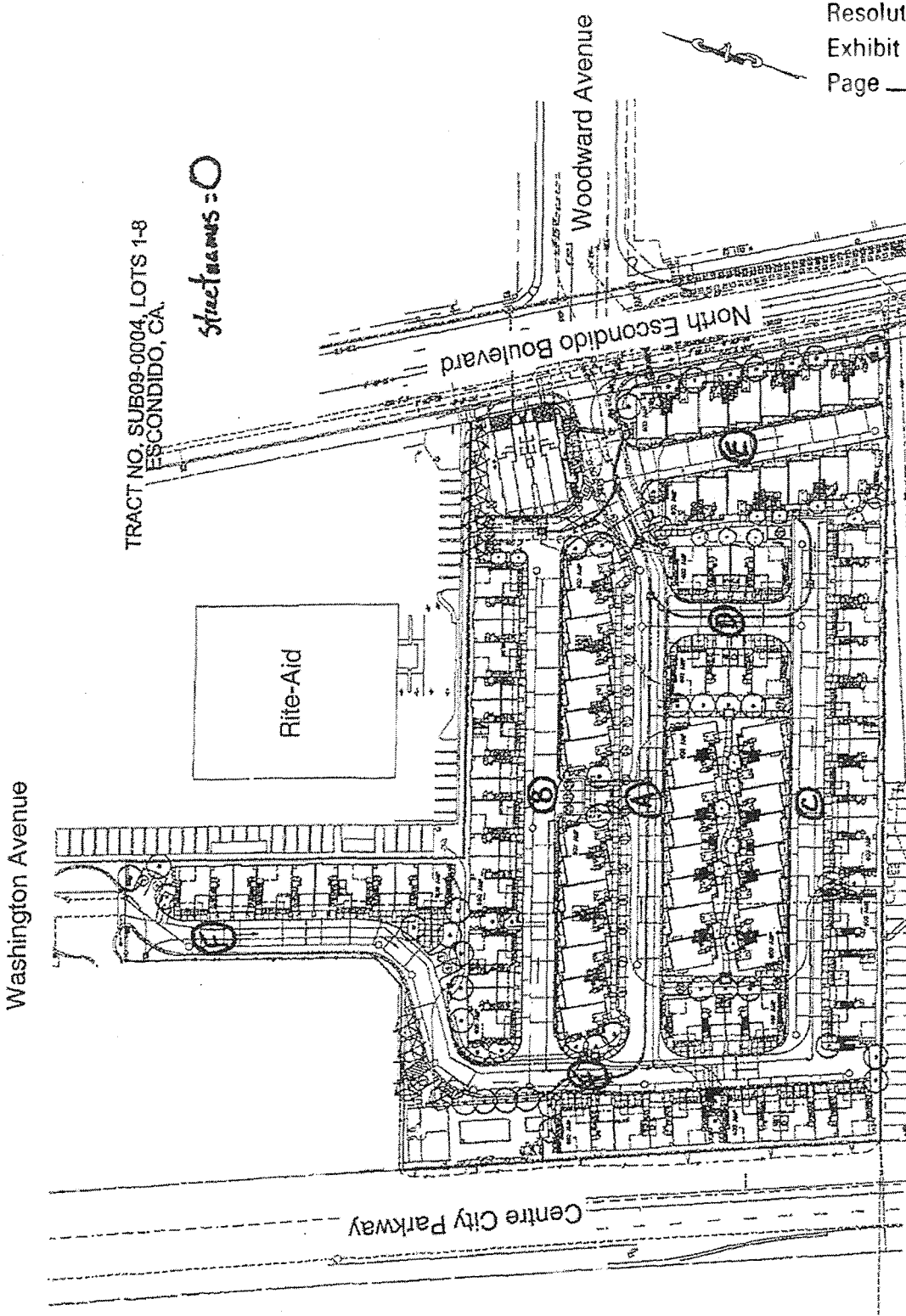
WHEREAS, the City Council desires at this time and deems it to be in the best public interest to rename the private streets within the Paramount condominium development as depicted in Exhibit "A" attached to the resolution and incorporated by this reference.

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

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the Director of Community Development.

3. That the new names for private streets in the Paramount condominium development shall be established as follows:

- Street "A" Parallel Glen
- Street "B" Iden Glen
- Street "C" Lambert Glen
- Street "D" Theta Glen
- Street "E" Alidade Glen
- Street "F" Meander Glen

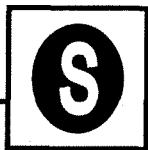


TRACT NO. SUB09-0004, LOTS 1-8  
 ESCONDIDO, CA.

*Street names = O*

- Street "A"
  - Street "B"
  - Street "C"
  - Street "D"
  - Street "E"
  - Street "F"
- Delete Zukor Glen and rename as Parallel Glen
  - Iden Glen
  - Lambert Glen
  - Theta Glen
  - Alidade Glen
  - Meander Glen

**PROPOSED PROJECT  
 SUB 09-0004**



SITE PLAN



# CITY COUNCIL

For City Clerk's Use:

**APPROVED**       **DENIED**

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

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

**Agenda Item No.: 6**  
**Date: March 23, 2011**

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lori Vereker, Director of Utilities  
**SUBJECT:** Notice of Completion; Alexander Waterline Phase Two

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2011-37, authorizing the Director of Utilities to file a notice of completion for the work.

FISCAL ANALYSIS:

The California Safe Drinking Water State Revolving Fund with the American Recovery and Re-Investment Act provided a low interest (2.5017%) loan of \$3,250,000 and an additional \$3,250,000 of principle forgiveness. The Project was competitively bid September 17, 2009, with the following results:

1)	Southland Paving, Inc., Escondido	\$5,244,000.00
2)	Burtech Pipeline Inc., Encinitas	\$5,400,000.00
3)	BRH Garver West, San Diego	\$5,744,337.00
4)	Basile Construction Inc., San Diego	\$5,806,528.71
5)	Mike Bubalo Const. Co., Baldwin Park	\$5,894,037.00
6)	Sukut Construction, Oceanside	\$5,931,680.00
7)	Orion Construction, Vista	\$5,986,399.00
8)	V. Lopez & Sons, Santa Maria	\$6,098,710.00
9)	Southern California Pipeline, Tustin	\$6,142,130.00
10)	SC Valley Engineering, El Cajon	\$6,160,558.00
11)	Miramontes Const. Co., Industry	\$6,742,780.00
12)	Erreca's Inc., Lakeside	\$6,765,054.05
13)	Cass Const., El Cajon	\$6,791,339.00
14)	Trautwein Const., Riverside	\$6,796,580.00
15)	Vido Artukovich & Sons, El Monte	\$7,313,313.00

The work was awarded to the lowest responsive and responsible bidder, Southland Paving Inc. Construction was completed within the allowable time at a final construction cost of \$5,548,329.29.

PREVIOUS ACTION:

Resolution 2009-100 authorized the Mayor and City Clerk to execute a low interest loan under the California Safe Drinking Water State Revolving Fund (SRF) with a portion of principle forgiveness under the American Recovery and Re-investment Act (ARRA). The same resolution authorized the Director of Utilities and staff to execute the necessary documents to bid and complete the Project. The additional authorization was requested to expedite the contract execution to make the Project "Shovel Ready" to meet the short amount of time that was allowed by the ARRA to participate in the funding agreement.

BACKGROUND:

The Alexander Waterline Phase 2 Project was a 2009/10 capital improvement project that was scheduled to be bid and constructed in early 2010. An opportunity arose to apply for ARRA funds under the SRF.

Respectfully submitted,



Lori Vereker  
Director of Utilities



Neil Greenwood  
Utilities Construction Manager

RESOLUTION NO. 2011-37

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING FILING A NOTICE OF  
COMPLETION FOR THE ALEXANDER AREA  
WATERLINE REPLACEMENT PHASE TWO  
PROJECT

WHEREAS, the improvements made to the Alexander Area Phase Two Project provide six miles of water pipeline replacement for the City of Escondido; and

WHEREAS, authorized representatives from the City of Escondido declared work performed under this contract to be completed as of February 24, 2011; and

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

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

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

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the Director of Utilities.
3. That the City Council of the City of Escondido hereby approves the request to file Notice of Completion for the Alexander Area Waterline Replacement Phase Two Project.

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ file No. \_\_\_\_\_

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

**Agenda Item No.: 7**  
**Date: March 23, 2011**

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lori Vereker, Director of Utilities  
**SUBJECT:** Notice of Completion: Royal Crest Accelerated Waterline Replacement Project

RECOMMENDATION:

It is requested that Council authorize the Director of Utilities to file a Notice of Completion for the Royal Crest Accelerated Waterline Replacement Project.

FISCAL ANALYSIS:

Competitive bids were received as follows:

1)	American Industrial Services, Escondido	\$139,963.01
2)	Overson Corp., Lakeside	\$162,500.00
3)	Zondiros Corp., San Marcos	\$172,000.00
4)	Palm Engineering Inc., Hemet	\$175,000.00
5)	Southland Paving, Inc., Escondido	\$179,150.00
6)	TK Construction, San Bernardino	\$187,000.00
7)	Templeton Engineering Inc., Escondido	\$190,250.00
8)	Burtech Pipeline, Encinitas	\$195,000.00
9)	Shaw Equipment Rentals, Inc., San Marcos	\$196,000.00

A large amount of blue granite rock was discovered in the new trench alignment. A change order for rock removal was executed in the amount of \$24,509.34. The final construction costs for the work was \$164,472.35. The balance of funds will be returned to the originating water CIP account.

PREVIOUS ACTION:

Council adopted resolution 2010-142, authorizing the funding budget adjustment of \$500,000.00, and authority to award the construction contract on a fast track basis.

March 23, 2011  
NOC Royal Crest  
Page 2

BACKGROUND:

The original pipeline was installed in the 1950's as part of the Green Mutual Water system. The fast track nature of the Project was due to recent failures of the pipeline that had caused private property damage with associated claims and upcoming County of San Diego roadway resurfacing.

Respectfully submitted,



Lori Vereker  
Director of Utilities



Neil Greenwood  
Utilities Construction Manager

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

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

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

**Agenda Item No.: 8**  
**Date: March 23, 2011**

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lori Vereker, Director of Utilities  
**SUBJECT:** Bid Award: Montview Drive Waterline between Darby Street and Alexander Drive

RECOMMENDATION:

It is requested that Council adopt Resolution 2011-39 authorizing the Mayor and City Clerk to execute a Public Improvement Agreement with Julian Backhoe Service, in the amount of \$94,998.00 for the Montview Drive Waterline between Darby Street and Alexander Drive.

FISCAL ANALYSIS:

Competitive bids were opened by the City Clerk's representative on February 24, 2011, with the following results:

1)	Julian Backhoe Service, Julian	\$ 94,998.00
2)	Dick Miller Inc., San Marcos	\$111,111.00
3)	Try Kirtly General Engineering	\$116,980.00
4)	VCI Telecom Inc., Upland	\$119,900.00
5)	Southland Paving, Inc., Escondido	\$126,500.00
6)	Ramona Paving, Ramona	\$126,550.00
7)	TED Enterprises, Inc., San Clemente	\$128,236.00
8)	Underground Pipeline Solutions, Alpine	\$129,859.00
9)	Transtar Pipeline, Inc., San Diego	\$135,600.00
10)	RMV Construction	\$135,947.00
11)	Shaw Equipment Rentals, San Marcos	\$136,520.00
12)	HTA Engineering & Construction, Poway	\$138,890.00
13)	Burtech Pipeline, Inc., Encinitas	\$144,700.00
14)	CCL Contracting, Inc., Escondido	\$155,000.00
15)	Scorpion Backhoe, Inc.	\$164,500.00
16)	Don Hubbard Contracting Co., San Marcos	\$173,700.00
17)	Thomas Pipeline, Springville Utah	\$225,143.00


This project is funded out of CIP line item 704003, water pipeline replacement bond money.

March 23, 2011  
BID AWARD: Montview WL  
Page 2

BACKGROUND:

This Project closes a gap in the existing water distribution system. This Project and a follow-up re-plumbing contract will provide a new waterline and water services that will replace the existing water services that are currently located in private easements. The new pipeline will provide improved water main circulation and fire flow in the area.

Respectfully submitted,

  
Lori Vereker  
Director of Utilities



Neil Greenwood  
Utilities Construction Manager

RESOLUTION NO. 2011-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A PUBLIC IMPROVEMENT AGREEMENT WITH JULIAN BACKHOE SERVICE, FOR THE CONSTRUCTION OF THE MONTVIEW DRIVE WATERLINE BETWEEN DARBY STREET AND ALEXANDER DRIVE

WHEREAS, the Escondido City Council authorized an invitation for bids for the construction of the Montview Drive Waterline between Darby Street and Alexander Drive (the "Project"); and

WHEREAS, the City of Escondido opened sealed bids for the Project on February 24, 2011; and

WHEREAS, the Director of Utilities has determined Julian Backhoe Service to be the lowest responsive and responsible bidder and recommends awarding the bid in the amount of \$94,998.00 to Julian Backhoe Service; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to award this contract to Julian Backhoe Service.

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

1. That the above recitations are true.
2. That the Mayor and City Council accepts the recommendation of the Director of Utilities and finds Julian Backhoe Service to be the lowest responsive and responsible bidder.
3. That the Mayor and City Clerk are authorized to execute, on behalf of the



City, a Public Improvement Agreement (“Agreement”) with Julian Backhoe Service for the Project. A copy of the Agreement is attached as Exhibit “A” and is incorporated by this reference.

## PUBLIC IMPROVEMENT AGREEMENT

This "Agreement", dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the County of SAN DIEGO, State of California, is by and between **THE CITY OF ESCONDIDO** (hereinafter referred to as "CITY"), and **Julian Backhoe Service** (hereinafter referred to as "CONTRACTOR").

The CITY and the CONTRACTOR, for the consideration stated herein, agree as follows:

1. The complete contract includes all of the Project Documents described in the General Conditions, which are incorporated by reference. The Project Documents are complementary, and what is called for by any one shall be as binding as if called for by all.
2. CONTRACTOR shall perform, within the time set forth in Paragraph 4 of this Agreement, everything required and reasonably inferred to be performed, and shall provide and furnish all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services as described in the complete contract and required for construction of

### MONTVIEW WATERLINE BETWEEN DARBY & ALEXANDER

All of said work to be performed and materials to be furnished shall be completed in a good workmanlike manner, free from defects, in strict accordance with the plans, drawings, specifications and all provisions of the complete contract as hereinabove defined. The CONTRACTOR shall be liable to the CITY for any damages and resulting costs, including consultants' costs, arising as a result of a failure to fully comply with this obligation, and the CONTRACTOR shall not be excused with respect to any failure to so comply by any act or omission of the Architect, Engineer, Inspector, or representative of any of them, unless such act or omission actually prevents the CONTRACTOR from fully complying with the requirements of the Project Documents, and unless the CONTRACTOR protests at the time of such alleged prevention that the act or omission is preventing the CONTRACTOR from fully complying with the Project documents. Such protest shall not be effective unless reduced to writing and filed with the CITY within **three (3) working days** of the date of occurrence of the act or omission preventing the CONTRACTOR from fully complying with the Project documents.

3. CITY shall pay to the CONTRACTOR, as full consideration for the faithful performance of the contract, subject to any additions or deductions as provided in the Project documents, the sum of **Ninety Four Thousand Nine Hundred and Ninety Eight Dollars (\$94,998)**.
4. The work shall be commenced on or before the twenty-first (21st) day after receiving the CITY'S Notice to Proceed and shall be completed within **sixty (60) calendar days** from the date specified in the Notice to Proceed.
5. Time is of the essence. If the work is not completed in accordance with Paragraph 4 above, it is understood that the CITY will suffer damage. It being impractical and infeasible to determine the amount of actual damage(s), in accordance with Government Code Section 53069.85, it is agreed that CONTRACTOR shall pay to CITY as fixed and liquidated damages, and not as a penalty, the sum(s) indicated in the LIQUIDATED DAMAGES SCHEDULE below for each calendar day of



- (b) Any injury to or death of any person(s) or damage, loss or theft of any property caused by any act, neglect, default or omission of the CONTRACTOR, or any person, firm, or corporation employed by the CONTRACTOR, either directly or by independent contract, arising out of, or in any way connected with the work covered by this Agreement, whether said injury or damage occurs on or off City property.
- (c) Any and all liabilities, claims, actions, causes of action, proceedings, suits, administrative proceedings, damages, fines, penalties, judgments, orders, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements, arising out of any violation, or claim of violation of the San Diego Municipal Storm Water Permit (Order No. 2001-01), and updates or renewals, of the California Regional Water Quality Control Board Region 9, San Diego, which the CITY might suffer, incur, or become subject by reason of or occurring as a result of or allegedly caused by the construction, reconstruction, maintenance, and/or repair of the work under this Agreement.

The CONTRACTOR, at CONTRACTOR's own expense, cost, and risk shall defend any and all actions, suit, or other proceedings that may be brought or instituted against the CITY, its governing board, officers, agents or employees, on any such claim, demand or liability, and shall pay or satisfy any judgment that may be rendered against the CITY, its governing board, officers, agents or employees in any action, suit or other proceedings as a result thereof.

- 8. CONTRACTOR shall take out, prior to commencing the work, and maintain, during the life of this contract, and shall require all subcontractors, if any, of every tier, to take out and maintain:
  - (a) General Liability and Property Damage Insurance as defined in the General Conditions in the amount with a combined single limit of not less than **\$3,000,000 per occurrence**.
  - (b) Course of Construction / Builder's Risk Insurance. See Article 5.2 of General Conditions.
  - (c) Insurance Covering Special Hazards: The following special hazards shall be covered by rider or riders to the above-mentioned public liability insurance or property damage insurance policy or policies of insurance, or by special policies of insurance in amounts as follows:
    - (1) Automotive and truck where operated in amounts as above
    - (2) Material hoist where used in amounts as above
  - (d) Workers' Compensation Insurance.
  - (e) Each insurance policy required above must be acceptable to the City Attorney, as follows:
    - (1) Each policy must name the CITY specifically as an additional insured under the policy on a separate endorsement page, with the exception of the workers' compensation and the Errors and Omissions policies.
    - (2) Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A-rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.

- (3) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
  - (f) In executing this Agreement, CONTRACTOR agrees to have completed insurance documents on file with the CITY within 14 days after the date of execution. Failure to comply with insurance requirements under this Agreement will be a material breach of this Agreement, resulting in immediate termination at CITY's option.
9. This Agreement is subject to California Public Contract Code Section 22300, which permits the substitution of securities for any monies withheld by the City under this Agreement, and permits the CONTRACTOR to have all payments of earned retentions by the City paid to an escrow agent at the expense of the CONTRACTOR.
10. Each and every provision of law and clause required by law to be inserted in this Agreement or its attachments shall be deemed to be inserted herein and the Agreement shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not currently inserted, then upon application of either party the Agreement shall forthwith be physically amended to make such insertion or correction, without further changes to the remainder of the Agreement.
11. The complete contract as set forth in Paragraph 1 of this Agreement constitutes the entire Agreement of the parties. No other agreements, oral or written, pertaining to the work to be performed, exists between the parties. This Agreement can be modified only by an amendment in writing, signed by both parties and pursuant to action of the Escondido City Council.
12. CONTRACTOR shall comply with those provisions of the Labor Code requiring payment of prevailing wages, keeping of certified payroll records, overtime pay, employment of apprentices, and workers' compensation coverage, as further set forth in the General Conditions, and shall file the required workers' compensation certificate before commencing work.
13. The terms "Project Documents" and/or "Contract Documents" where used, shall refer to those documents included in the definition set forth in the General Conditions made a part hereof.

IN WITNESS WHEREOF, this Agreement has been executed on behalf of CITY by its officers thereunto authorized and by CONTRACTOR, the date and year first above written.

CITY OF ESCONDIDO  
a municipal corporation  
201 North Broadway  
Escondido, CA 92025

By: \_\_\_\_\_  
Marsha Whalen, City Clerk

By: \_\_\_\_\_  
Sam Abed, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY  
JEFFREY R. EPP, City Attorney

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

**CONTRACTOR**

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

By: \_\_\_\_\_  
Signature\*

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

(Second signature required only for corporation)

By: \_\_\_\_\_  
Signature\*\*

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

(CORPORATE SEAL OF CONTRACTOR, if corporation)

\_\_\_\_\_  
Contractor's License No.

\_\_\_\_\_  
Tax ID/Social Security No.

\*If CONTRACTOR is a corporation, the first signature must be by one of the following officers of the corporation: Chairman of the Board, President, or any Vice President.

\*\*If CONTRACTOR is a corporation, the second signature must be by a different person from the first signature and must be by one of the following officers of the corporation: Secretary, any Assistant Secretary, the Chief Financial Officer, or any Assistant Treasurer.

## SECTION A-00610 - FAITHFUL PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENT,

That \_\_\_\_\_ ("Contractor") and \_\_\_\_\_ ("Surety") are held and firmly bound unto the CITY OF ESCONDIDO ("Owner") in the sum of \_\_\_\_\_ Dollars, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has been awarded and is about to enter into a contract with Owner to perform all work required under the Bid Schedule(s) of the Owner's specifications entitled,

### **MONTVIEW WATERLINE BETWEEN DARBY & ALEXANDER**

WHEREAS, the provisions of the Contract are incorporated by reference into this Faithful Performance Bond and shall be part of Surety's obligation hereunder.

NOW THEREFORE, if Contractor shall perform all the requirements of said contract required to be performed on his part, at the times and in the manner specified herein, then this obligation shall be null and void, otherwise, it shall remain in full force and effect.

PROVIDED, that

- (1) Any alterations in the work to be done or the materials to be furnished, which may be made pursuant to the terms of the Contract, shall not in any way release Contractor or Surety thereunder;
- (2) Any extensions of time granted under the provisions of Contract shall not release either Contractor or Surety from their respective obligations to Owner;
- (3) Notice of any such alterations or extensions of the Contract is hereby waived by Surety;
- (4) Any payments (including progress payments) made on behalf of Owner to Contractor after the scheduled completion of the work to be performed pursuant to the Contract shall not release either Contractor or Surety from any obligations under the Contract or this Faithful Performance Bond, or both, including any obligation to pay liquidated damages to Owner; and
- (5) To the extent Owner exercises its rights pursuant to this Bond, Owner shall be entitled to demand performance by the surety and be further entitled to recover, in addition to all other remedies afforded by law, its reasonably incurred costs to complete the work,

attorneys fees and consultant costs, as well as actual costs incurred by OWNER for the increased dedication/commitment of time of OWNER employees to the Project.

SIGNED AND SEALED, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
Surety

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone No.

(SEAL)

BY \_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

(SEAL AND NOTARIAL ACKNOWLEDGEMENT OF SURETY)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY  
JEFFREY R. EPP, City Attorney

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



## SECTION A-00620 - LABOR AND MATERIAL BOND

KNOW ALL MEN BY THESE PRESENT,

That \_\_\_\_\_ as Contractor, and \_\_\_\_\_ as Surety, are held and firmly bound unto the CITY OF ESCONDIDO, hereinafter called Owner, in the sum of \_\_\_\_\_ dollars, for the payment of which sum well and truly to be made, we bind ourselves our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Contractor has been awarded and is about to enter into the annexed contract with said Owner to perform all work required under the Bid Schedule(s) of the Owner's specifications entitled,

### **MONTVIEW WATERLINE BETWEEN DARBY & ALEXANDER**

NOW THEREFORE, if said Contractor, or subcontractor, fails to pay for any materials, equipment, or other supplies, or for rental of same, used in connection with the performance of work contracted to be done, or for amounts due under applicable State law for any work or labor thereon, or for amounts due under the Unemployment Insurance Code, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the Contractor and its subcontractors pursuant to Section 13020 of the Unemployment Insurance Code with respect to such labor, said Surety will pay for the same in an amount not exceeding the sum specified above, and, in the event suit is brought upon this bond, a reasonable attorney's fee to be fixed by the court. This bond shall inure to the benefit of any persons, companies or corporations entitled to file claims under applicable State law.

PROVIDED, that any alterations in the work to be done or the materials to be furnished, which may be made pursuant to the terms of said contract, shall not in any way release either said Contractor or said Surety thereunder, nor shall any extensions of the time granted under the provisions of said contract release either said Contractor or said surety, and notice of such alterations or extensions of the contract is hereby waived by said Surety.

January 2011  
City of Escondido  
MONTVIEW WATERLINE BETWEEN  
DARBY & ALEXANDER

LABOR AND MATERIAL BOND  
PAGE A-00620-1

SIGNED AND SEALED, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
Surety

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone No.

(SEAL)

BY \_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

(SEAL AND NOTARIAL ACKNOWLEDGEMENT OF SURETY)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY  
JEFFREY R. EPP, City Attorney

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

**SECTION A-00630 - CITY OF ESCONDIDO BUSINESS LICENSE**

In accordance with Municipal Code Section 16, the successful bidder is required to obtain a City of Escondido Business License prior to execution of contract.

The following information must be submitted to the City Clerk prior to execution of contract:

City of Escondido Business License No. \_\_\_\_\_

Expiration Date \_\_\_\_\_

Name of Licensee \_\_\_\_\_

\_\_\_\_\_

**SECTION A-00660 - WORKERS' COMPENSATION INSURANCE CERTIFICATE**

If self-insured for Workers' Compensation, the Contractor shall execute the following form as required by the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Labor Code, Sections 1860 and 1861, and I will comply with such provisions before commencing the performance of the work of the contract.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Contractor

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

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

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

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

**Agenda Item No.: 9**  
**Date: March 23, 2011**

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Edward N. Domingue, Director of Engineering Services  
**SUBJECT:** City of Escondido Landscape Maintenance District – Preliminary Engineer's Report for Zones 1-36 for Fiscal Year 2011/2012

**RECOMMENDATION:**

It is requested that Council adopt Resolution Nos. 2011-40 and 2011-42 that will initiate the proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) (see attached map) for Zones 1-36 for the 2011/2012 fiscal year, approve the preliminary Engineer's report, and set a public hearing date of May 11, 2011.

**FISCAL ANALYSIS:**

The LMD reimburses all costs incurred by the City in all zones except Zones 12 and 13. The City of Escondido purchased property adjacent to the Reidy Creek environmental channel that lies within Zone 12 and therefore assumed the assessment assigned to this property. Zone 13 was formed to pay for the maintenance of the median landscaping in Centre City Parkway south of Felicita Avenue and north of Montview Drive. The City shares the cost of the maintenance in Zone 13 with the two shopping centers on either side of the parkway.

**PREVIOUS ACTION:**

The City Council approved the formation of the LMD in 1986.

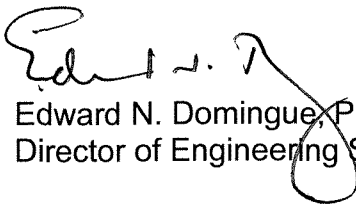
**BACKGROUND:**

The LMD was established as a means to fund the ongoing maintenance of certain landscape improvements associated with the development of specific properties within the City of Escondido. These landscape improvements have special benefit to those specific properties. The LMD is divided into various zones. Property owners of parcels within each zone are assessed for the benefit received within their zone for the maintenance of the landscape improvements.

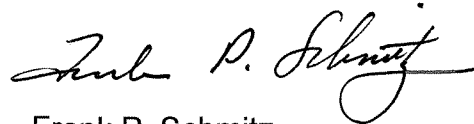
Each year the City Council is required to review and approve the upcoming fiscal year budget and assessment for the LMD. The preliminary Engineer's report presented today details the proposed

budget and assessment for Zones 1-36 within the LMD for fiscal year 2011/2012. As part of the approval process a public hearing is held to give property owners within Zones 1-36 of the LMD the opportunity to comment on the proposed LMD budget and assessment. The final Engineer's report for LMD Zones 1-36 for fiscal year 2011/2012 will be presented to the City Council for approval on June 22, 2011.

Respectfully submitted,

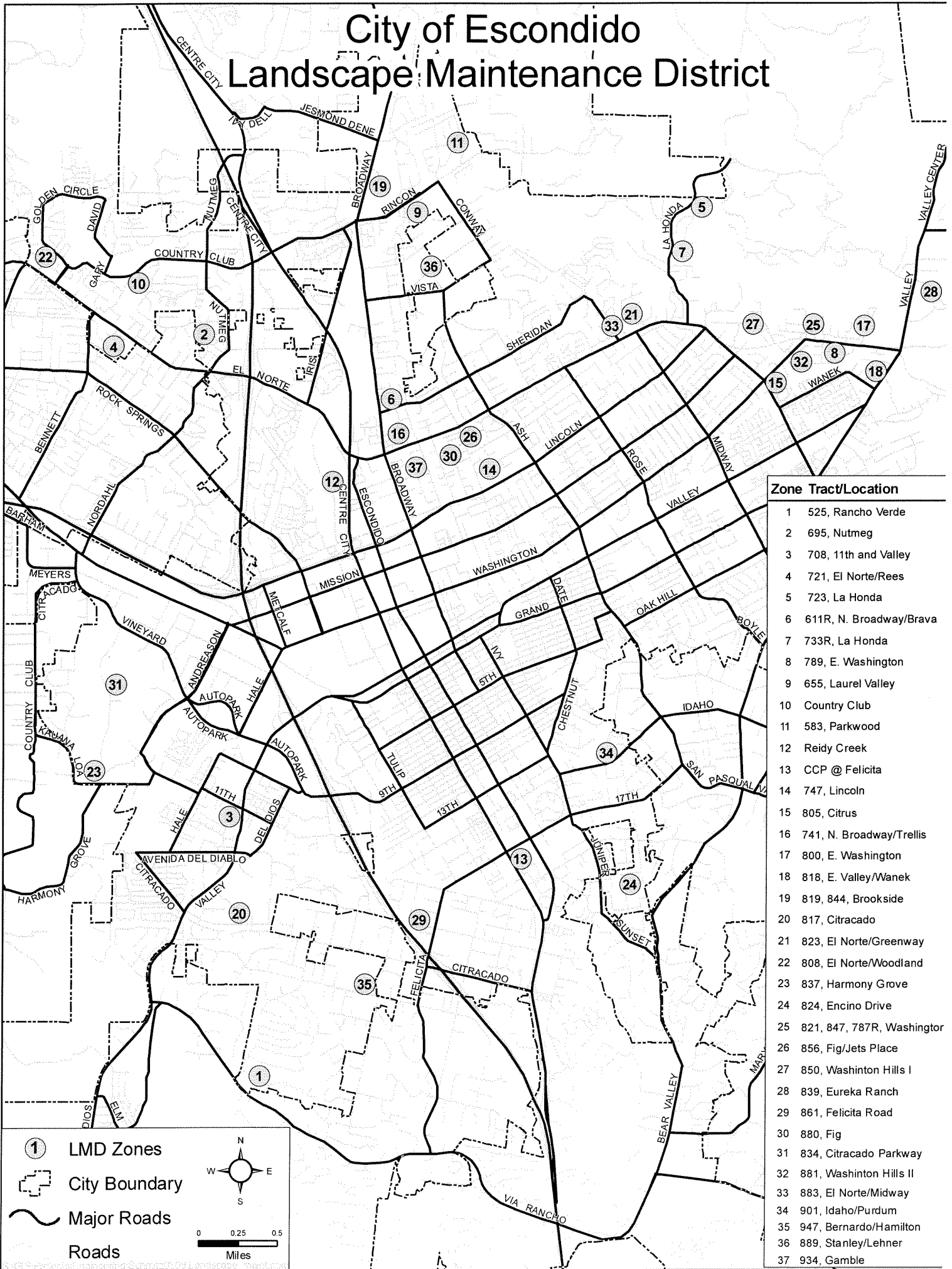


Edward N. Domingue, P.E.  
Director of Engineering Services



Frank P. Schmitz  
Parks and Open Space Administrator

# City of Escondido Landscape Maintenance District



RESOLUTION NO. 2011-40

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
ORDERING THE PREPARATION OF AN  
ASSESSMENT ENGINEER'S REPORT FOR  
THE ANNUAL LEVY OF ASSESSMENTS IN  
ZONES 1-36 OF THE ESCONDIDO  
LANDSCAPE MAINTENANCE ASSESSMENT  
DISTRICT

WHEREAS, the City Council of the City of Escondido has previously formed a maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act"), said maintenance district known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, at this time the City Council desires to initiate proceedings to provide for the annual levy of assessments for the next ensuing fiscal year to provide for the annual costs of maintenance of improvements within Zones 1-36 of the Maintenance District and order the preparation and filing of an Assessment Engineer's Report for Zones 1-36.

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

1. That the above recitals are true.
2. That the public interest and convenience requires, and it is the intention of this legislative body to initiate proceedings for the annual levy and collection of special assessments for the payment of annual maintenance and/or servicing costs within Zones 1-36 of the Maintenance District for Fiscal year 2011-2012.



3. That the City Engineer is hereby directed and ordered to prepare and file, or cause to be prepared and filed, an Assessment Engineer's Report as required by the provisions of the Act, Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act are referred to collectively as the "Assessment Law") generally containing the following:

- A. Plans and specifications describing the general nature, location and extent of the existing improvements to be maintained;
- B. An estimate of the cost of the maintenance and/or servicing of the existing improvements for Zones 1-36 of the Maintenance District;
- C. A diagram of the Maintenance District, showing: (i) the exterior boundaries of the Maintenance District and Zones 1-36 therein; and (ii) the lines and dimensions of each lot or parcel of land within Zones 1-36 the Maintenance District which is identified by a distinctive number or letter;
- D. An assessment of the estimated costs of the maintenance and/or servicing of the existing improvements, assessing the net amount upon all assessable lots and/or parcels within Zones 1-36 of the Maintenance District in proportion of the special benefits received.

Upon completion of the preparation of said Assessment Engineer's Report, the original shall be filed with the City Clerk, who shall then submit the same to this City Council for its immediate review and consideration.

4. That the above Assessment Engineer's Report shall include all costs and expenses of said maintenance and/or servicing of existing improvements relating to Fiscal Year 2011-2012.

5. That this Resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 2011-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, PRELIMINARILY APPROVING THE ASSESSMENT ENGINEER'S REPORT, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND SETTING THE TIME AND PLACE FOR PUBLIC HEARINGS THEREON

WHEREAS, the City Council of the City of Escondido has previously formed a maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act), and the Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act are referred collectively as the "Assessment Law"). Such maintenance district is known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, there has been established by the City 37 zones within the Maintenance District (each individually referenced as a "Zone"); and

WHEREAS, the City Council ordered the preparation of an Assessment Engineer's Report (the "Assessment Engineer's Report") to provide for the annual levy of assessments for the Maintenance District and each Zone thereof for the next ensuing fiscal year to provide for the costs and expenses necessary to pay for the maintenance and servicing of the improvements in the Maintenance District; and

WHEREAS, there has been presented to the City Council and is on file with the City Clerk the Assessment Engineer's Report for the Maintenance District, attached hereto as Exhibit "A" and by this referenced incorporated herein, as required by the Assessment Law, which Assessment Engineer's Report provides a full and detailed description of the improvements, boundaries of the Maintenance District and zones therein, and the proposed assessments on the assessable lots and parcels of land within the Maintenance District; and

WHEREAS, this City Council has now carefully examined and reviewed the Assessment Engineer's Report as presented, and is satisfied with each and all of the items and documents as set forth therein pertaining to Zones 1 through 36, and is satisfied that the assessments for Zones 1 through 36, on a preliminary basis, have been spread in accordance with the special benefits received from the improvements to be maintained, as set forth in the Assessment Engineer's Report; and

WHEREAS, the proposed annual assessments for Zones 1 through 36 for Fiscal Year 2011-2012 as set forth in the Assessment Engineer's Report do not exceed the maximum annual assessments as previously authorized to be levied by the previously approved formula for Zones 1 through 36 of the Maintenance District, and therefore, in accordance with the Assessment Law, the proposed levy of assessments for Fiscal Year 2011-2012 are not deemed to be "increased" over the maximum authorized annual assessments for such Zones; and

WHEREAS, the City Council desires to preliminarily approve such Assessment Engineer's Report pertaining to Zones 1 through 36 and intends to conduct the

proceedings to authorize the annual levy and collection of the assessments within Zones 1 through 36 of the Maintenance District for Fiscal Year 2011-2012; and

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

1. The above recitals are true.
2. The public interest and convenience requires the levy and collection of assessments within the Maintenance District for fiscal year 2011-2012 to pay the annual costs and expenses for the maintenance and/or servicing of the improvements for Zones 1 through 36 of the above-referenced Maintenance District.
3. The existing improvements are of special benefit to certain identified properties within the boundaries of Zones 1 through 36 of the Maintenance District.
4. The Assessment Engineer's Report as it pertains to Zones 1 through 36, as presented, is hereby approved on a preliminary basis, and is ordered to be filed in the office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the Assessment Engineer's Report for (a) a full and detailed description of the existing improvements proposed to be maintained; (b) the boundaries of the Maintenance District and the Zones therein; and (c) the proposed assessments upon assessable lots and parcels of land within the Maintenance District. There are no substantial changes proposed to be made in the existing improvements. For further particulars, reference is made to the diagram of the Maintenance District as previously approved by this City Council, a copy of which is on file in the Office of the

City Clerk of the City of Escondido and open for public inspection, and is designated by the name of the Maintenance District.

5. The public interest and convenience requires, and it is the intention of this City Council to order the annual levy and collection of the assessments for Zones 1 through 36 of the Maintenance District as set forth and described in the Assessment Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense of said maintenance and improvements as estimated in the Assessment Engineer's Report. All costs and expenses of the maintenance and incidental expenses have been apportioned and distributed to the benefiting parcels in Zones 1 through 36 in accordance with the special benefits received from the existing improvements. Assessments are proposed to be levied as follows:

A. Assessments proposed to be levied on parcels within Zones 1 through 36 of the Maintenance District are not proposed to be increased from those as previously authorized to be levied within such Zones.

B. The maximum assessments authorized to be levied in Zones 1, 4, 6, 7, 9, 10, 13 through 30, and 32 through 36, have been adjusted for inflation by the increase in the Consumer Price Index – All Urban Consumers, San Diego Area, as published by the Bureau of Labor Statistics. Adjustment of the maximum authorized assessments by such formula has been previously approved. No increase in the assessments beyond the maximum authorized assessments, as adjusted for inflation, is proposed for any of these Zones.

6. NOTICE IS HEREBY GIVEN that a public hearing will be held on May 11, 2011, at 4:30 p.m., or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, located at 201 North Broadway, Escondido, California 92025, which are the time, date, and place fixed by the City Council for the hearing of protests or objections in reference to the annual levy of assessments within Zones 1 through 36 of the Maintenance District, to the extent of the maintenance, by the any interested person and any other matters contained in this Resolution. At such time the City Council will consider and finally determine whether to levy the proposed annual assessments.

The City Council shall consider all objections or protests, if any, to the annual assessments proposed to be levied on all properties located in Zones 1 through 36. Any person interested may file a written protest prior to the close of the public hearing referred to herein or, having filed such a protest, may file a written withdrawal of that protest prior to the close of such hearing, which shall occur upon the conclusion of public testimony. Any such written protest must state all grounds for objection. A written protest by a property owner must contain a description sufficient to identify the property owned by such person, e.g., assessor's parcel number.

Any interested person may mail a protest to the following address:

City Clerk  
City of Escondido  
201 North Broadway  
Escondido, CA 92025

To be considered by the City Council, all protests must be received prior to the conclusion of the public hearing. **A postmark on an envelope returning a written protest which is postmarked prior to such date and time but not received until after the conclusion of the public hearing will not be considered.**

7. The City Clerk is authorized and directed to give notice of the public hearing for the annual levy and collection of the assessments within Zones 1 through 36 as required by law by causing a copy of this Resolution to be published one time in a newspaper of general circulation within the City of Escondido; said publication to be completed not less than ten (10) days prior to the date set for the public hearing.

8. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

Frank Schmitz

Engineering Services Department

City of Escondido

201 North Broadway

Escondido, CA 92025

(760) 839-4039

9. This Resolution shall take effect immediately upon its adoption.



# S DFA

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## Assessment Engineer's Report Zones 1 - 36

Fiscal Year 2011/12

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### City of Escondido Landscape Maintenance Assessment District

Report pursuant to the Landscaping and Lighting Act of 1972, Part 2 Division 15 of the Streets and Highways Code, Article XIII.D. of the California Constitution, and Proposition 218 Omnibus Implementation Act (Government Code Section 53750 et seq.). The Streets and Highways Code, Part 2, Division 15, Article 4, commencing with Section 22565, directs the preparation of the annual report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements described herein.

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PRELIMINARY REPORT  
**MARCH 23, 2011**

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**CITY OF ESCONDIDO  
ASSESSMENT ENGINEER'S REPORT  
ZONES 1 - 36**

**ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT  
FISCAL YEAR 2011/12**

The Assessment Engineer's Report, submitted herein, includes the following Sections as outlined below:

<b>Section Description</b>	<b>Page</b>
Compliance with Landscaping and Lighting Act of 1972, Article 4 of the California Government Code	1
Section A: Plans and Specifications for the Improvements	1
Section B: Estimate of Costs of the Improvements	3
Section C: Diagram for the Maintenance District	5
Section D: Assessment of the Estimated Costs of the Improvements	6
Section E: If Bonds or Notes will be Issued Pursuant to Section 22662.5, An Estimate of their Principal Amount	20
Appendix I: Estimate of Cost and Assessment	
Appendix II: Assessment Roll	
Appendix III: Diagram of Landscape Maintenance District Boundaries	

**COMPLIANCE WITH LANDSCAPE AND LIGHTING ACT OF 1972  
ARTICLE 4 OF THE CALIFORNIA GOVERNMENT CODE**

Whereas the City Council of the City of Escondido, California, did, pursuant to the provisions of the Landscape and Lighting Act of 1972, Chapter 3, Section 22622 of the California Government Code, order the preparation and filing of the Assessment Engineer's Report in accordance with Chapter 1, Article 4, commencing with Section 22565, of Chapter 1.

Section 22565 directs that the report refer to the Landscape Maintenance Assessment District (the "Maintenance District") by its distinctive designation, specify the fiscal year to which the report applies, and, with respect to that year, contain all of the following:

- (a) Plans and specifications for the improvements.
- (b) An estimate of the costs of the improvements.
- (c) A diagram for the Maintenance District.
- (d) An assessment of the estimated costs of the improvements.
- (e) If bonds or notes will be issued pursuant to Section 22662.5, an estimate of their principal amount.

A preliminary report is then filed in accordance with Section 22623 with the City Clerk for submission to the legislative body. The legislative body may approve the report, as filed, or it may modify the report in any particular and approve it as modified.

Now, therefore, the following Assessment Engineer's Report is submitted:

**A. PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS**

In accordance with Section 22568, the plans and specifications are required to show and describe existing and proposed improvements. The plans and specifications need not be detailed, but are sufficient if they show or describe the general nature, location,

and extent of the improvements. If the Maintenance District is divided into Zones, the plans and specifications are required to indicate the class and type of improvements to be provided for each such Zone.

The Maintenance District has been divided into 36 distinct Zones of benefit. By reasons of variations in the nature, location, and extent of the improvements, the various Zones receive different degrees of benefit from the improvements. The improvements, which have been constructed or which may be subsequently constructed within and adjacent to the Zones and that will be serviced and maintained, and the proposed maintenance and services are generally described as follows.

## **DESCRIPTION OF IMPROVEMENTS TO BE MAINTAINED AND SERVICED**

### **Landscape and Appurtenant Improvements**

Landscape improvements (collectively, the "Landscape Improvements") include but are not limited to: landscaping, planting shrubbery, trees, irrigation systems, hardscapes and fixtures in public street and sidewalk, rights-of-way, including medians, parkways and other easements dedicated to the City of Escondido within the boundaries of the District.

### **Description of Maintenance and Services**

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the Landscape Improvements and appurtenant facilities, including repair, removal or replacement of all or part of any of the Landscape Improvements or appurtenant providing for the life, growth, health and beauty of the Landscape Improvements, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury, the removal of trimmings, rubbish, debris and other solid waste, and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Service means the furnishing of water for the irrigation of the Landscape Improvements and the furnishing of electric current or energy, gas or other illuminating agent for the lighting or operation of the Landscape Improvements or appurtenant facilities.

The plans and specifications for the Landscape Improvements, showing the general nature, location and the extent of the Landscape Improvements, are on file in the office of the City Engineer and are by reference herein made a part of this report.

## **B. ESTIMATE OF COSTS OF THE IMPROVEMENTS**

In accordance with Section 22569 of the California Government Code, the estimate of the costs of the improvements for the fiscal year is required to contain estimates of the following:

- (a) The total cost for improvements to be made that year, being the total costs of constructing or installing all purposed improvements and of maintaining and servicing all existing and proposed improvements, including all incidental expenses. This may include a cash flow reserve and an operating and maintenance reserve which are further detailed in the description of *Reserve* on the following page.
- (b) The amount of any surplus or deficit in the improvement fund to be carried over from a previous fiscal year.
- (c) The amount of any contributions to be made from sources other than assessments levied pursuant to this part. (Contributions will only be shown if such a contribution has been received.)
- (d) The amount, if any, of the annual installment for the fiscal year where the legislative body has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments.
- (e) The net amount to be assessed upon assessable lands within the Maintenance District being the total improvement costs, as referred to in subdivision (a), increased or decreased, as the case may be, by any of the amounts referred to in subdivision (b), (c), or (d).

The estimates of cost are contained in Appendix I of this Report, titled, "Estimate of Cost and Assessment." The Assessment Law requires that a special fund be

established for the revenues and expenditures of each Zone within the District. Funds levied by these assessments shall be used only for the purposes as stated herein. The City may advance funds to the Zone, if needed, to ensure adequate cash flow, and will be reimbursed for any such advances upon receipt of assessments. Any surplus or deficit remaining on June 30 must be carried over to the next fiscal year.

## **DESCRIPTION OF BUDGET EXPENSE ITEMS**

*Administration/Inspection:* The cost to all departments and staff of the City for providing the coordination of maintenance, and responding to public concerns regarding levy collections.

*Annual Installment:* The amount, if any, of the annual installment for the fiscal year where the legislative body has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments.

*Consultant:* The recovery of the cost of contracting for professional services to provide District administration and legal services.

*County Fee:* The recovery of the cost charged by the County of San Diego for placing and collecting the fixed charged special assessments on the county tax roll.

*Liability Fund:* The recovery of the cost incurred by the City to provide liability insurance. Only Zones that have storm drainage improvements are required to pay a portion of the liability insurance.

*Miscellaneous Repairs:* Recovery of the cost of unplanned repairs. These costs are not included in the maintenance contract and are unplanned. An example of an expenditure that would fall under this category is repairs due to vandalism.

*Reserve:* The collection of a reserve is a combination of a cash flow reserve and an operating and maintenance reserve. The cash flow reserve should not exceed the estimated costs of maintenance and servicing to December 10 of the fiscal year, or whenever the City expects to receive its apportionment of special assessments and tax collections from the County, whichever is later. This time period has been estimated by the City as six months from July 1 to January 1 of each fiscal year. The purpose of the

cash flow reserve is to eliminate the need for the City to transfer funds from non-District accounts to pay for District expenditures. The operating and maintenance reserve, estimated as 12 months of maintenance and servicing, is to provide a buffer for unforeseen emergency repairs and maintenance, and to allow the Zone to continue maintenance through a period of delinquencies in the collection of the assessments.

*Maintenance:* Includes all contracted labor, material and equipment required to properly maintain the landscaping, irrigation systems, fencing, and entry monuments within the District.

*Service/Utilities:* The furnishing of water and electricity required for the maintenance of the landscaping and drainage facilities.

### **C. DIAGRAM FOR THE MAINTENANCE DISTRICT**

The diagram for an Maintenance District as required by Sections 22570 and 22571 of the California Government Code is required to show: a) the exterior boundaries of the Maintenance District, b) the boundaries of any Zones within the district, and c) the lines and dimensions of each lot or parcel of land within the district. Each lot or parcel is required to be identified by a distinctive number or letter. A Diagram of the District by Zone which shows each lot or parcel of land within Zones 1 to 36 of the District is on file in the Offices of the City Clerk and the Parks and Open Space Administrator. Appendix III provides the general location of all the zones currently within the District.

The lines and dimensions of each lot or parcel of land shown on the diagram are required to conform to those shown on the county assessor's maps for the fiscal year in which the report applies. The diagram may refer to the county assessor maps for a detailed description of the lines and dimensions of any lots or parcels, in which case, those maps govern all details concerning the lines and dimensions of such lots or parcels.

**D. ASSESSMENT OF THE ESTIMATED COSTS OF THE IMPROVEMENTS**

The assessment, or annual levy amount, in accordance with Sections 22572 and 22573 of the California Government Code, must refer to the fiscal year to which it applies and provide all of the following:

- (a) State the net amount, determined in accordance with Section 22569, to be assessed upon assessable lands within the Maintenance District, which includes an amount sufficient to pay the principal and interest due during the fiscal year from each parcel on any bonds or notes issued pursuant to Section 22662.5.
- (b) Describe each assessable lot or parcel of land within the District.
- (c) Assess the net amount upon all assessable lots or parcels of land within the District by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each lot or parcel from the improvements.

The assessment may refer to the County assessment roll for a description of the lots or parcels, in which case that roll will govern for all details concerning the description of the lots or parcels. The 1972 Act permits the establishment of Maintenance Districts by cities for the purpose of providing certain public improvements which include the construction, maintenance and servicing of landscaping improvements. Streets and Highways Code Section 22573 requires that maintenance assessments be levied according to benefit directing that the method of apportionment can be based on any method which fairly distributes the net amount among all assessable lots or parcel in proportion to the estimated benefit to be received by each such lot or parcel from the improvements. Article XIII.D. and the Implementation Act require that a parcel's assessment may not exceed the reasonable cost for the proportional special benefit conferred on that parcel. Article XIII.D. and the Implementation Act further provide that only special benefits are assessable and the City must separate the general benefits from the special benefit. They also require that publicly-owned properties which specially benefit from the improvements be assessed.



## **SPECIAL BENEFIT ANALYSIS**

Proper maintenance of the street trees, street medians, and entryways provides special benefit to adjacent properties by providing security, safety, and community character and vitality.

### **Special Benefit**

Trees, landscaping, hardscape and appurtenant facilities, if well maintained, provide beautification, shade and enhancement of the desirability of the surroundings, and therefore increase property value. Street trees within the public street parkways provide special benefit to those properties directly adjacent to those tree-lined parkways. Landscaping and hardscaping within the medians in the public streets and entryways provide special benefit to those developments that are directly adjacent to those public medians or entryways. These medians are located in the arterial roadways.

### **General Benefit**

There are no general benefits associated with local street trees. Landscaping and hardscaping within medians in the arterial roadways provide only incidental aesthetic benefit to motorists traveling to, from or through the City. Therefore, it is deemed that there are no special benefits associated with the landscaped medians and entryways.

### **Benefit Zones**

Benefit Zones are used to differentiate between different types of Landscape Improvements to be maintained and serviced within each such zone. The method of spread for each Zone is based on benefit units outlined in the following table:

Zone(s)	Land Use Type	Benefit Unit	Benefit Factor
1 - 9, 11, 14 - 30 & 32 - 36	Residential	Dwelling Unit	1.000
10	Residential	Dwelling Unit	1.000
	Church	Acre	1.875
	Commercial	Acre	12.500
	Golf Course	Acre	0.250
12	Residential	Acre	1.000
13	Non-Residential	Frontage	1.000
31	Non-Residential	Acre	1.000

Appendix I of this Report, titled, "Estimate of Cost and Assessment," shows the calculation of the net amount to be assessed by Zone. In addition, it provides the calculation of apportionment among the parcels in proportion to the special benefits to be received by each parcel. The method of apportionment fairly distributes the net amount among all assessable parcels in proportion to the special benefit to be received by each parcel from the improvements.

For a description of each assessable lot or parcel of land within the District, refer to the County of San Diego assessment roll. Appendix II of this Report, titled "Assessment Roll," provides a listing of the assessor parcel numbers and levy per parcel by Zone.

Following is a description providing the general nature, location and extent of the existing and proposed improvements for each Zone.

**Zone 1: Tract 523A, 523B, 653 and 692**

The boundaries of Zone 1 are coterminous with the entire boundary of Escondido Tract Nos. 523A, 523B, 653 and 692, which are located north of Via Rancho Parkway at Eucalyptus Avenue. Eucalyptus Avenue provides access to the Rancho Verde community. The improvements to be maintained provide special benefit to the properties within Zone 1. The improvement consist of entryway improvements including the entry monument and the parkway landscaping on both the east and west side of Eucalyptus Avenue extending a distance of approximately 400 feet from Via Rancho Parkway.

**Zone 2: Tract 695**

Zone 2 lies within the boundaries of Escondido Tract 695 located west of Nutmeg Street and south of Sunset Heights Road. This tract encompasses the southern half of three cul-de-sacs: Skyhill Place, Eagle Summit Place and Lookout Point Place. The nature and extent of the special benefit provided by the improvements to the property within Zone 2 is the slope landscaping along Nutmeg Street and the service road south of the tract.

**Zone 3: Tract 708**

Zone 3 lies within the boundaries of Escondido Tract 708 located at the southwest corner of West 11th Street and Valley Parkway, encompassing Lisbon Place and a portion of Chambers Street. The extent and nature of the special benefit provided by the improvements to the property within Zone 3 is the slope landscaping along Valley Parkway and West Eleventh Street.

**Zone 4: Tract 721**

Zone 4 lies within the boundary of Escondido Tract 721 located at the north corner of El Norte Parkway and Rees Road. Streets within the subdivision include Las Palmas Lane, Los Cedros Lane, El Rosal Place, El Cielo Lane, El Aire Place and La Manzana Lane. The extent and nature of the special benefit provided by the improvements to the property within Zone 4 is the slope and parkway landscaping along El Norte Parkway and Rees Road.

**Zone 5: Tract 723**

Zone 5 lies within the boundary of Escondido Tract 723. Entrance to the subdivision is at the intersection of La Honda Drive and Dublin Lane. Streets within the tract include Dublin Lane and a portion of Glasgow Lane. The nature and extent of the special benefit provided by the improvements to the property within Zone 5 includes the parkway landscaping along La Honda Drive adjacent to Tract 723.

**Zone 6: Tract 611R**

Zone 6 lies within the boundary of Escondido Tract 611R. Entrance to the tract is at the intersection of North Broadway and Brava Place. The nature and the extent of the special benefit provided by the improvements to the property within Zone 6 which are to be maintained is the landscaped area within the right-of-way along North Broadway and the portion of Reidy Creek channel which flows under an easement within the tract.

**Zone 7: Tract 733R**

Zone 7 lies within the boundary of Escondido Tract 733R. Entrance to the tract is at the intersection of La Honda Drive and MacNaughton Lane approximately 0.6 miles north of El Norte Parkway. The nature and extent of the special benefit of the improvement provided to the property within Zone 7 includes the parkway landscaping along La Honda Drive adjacent to Tract 733R.

**Zone 8: Tract 789**

Zone 8 encompasses Tract 789 and is generally located east of Bear Valley Parkway. The northern edge of the tract abuts E. Washington Avenue (El Norte Parkway). The tract includes a portion of Iona Court. The nature and extent of the special benefit provided by the improvements to the property within Zone 8 include street right-of-way landscaping on that section of E. Washington Avenue lying east of Justin Way and west of Kaile Lane.

**Zone 9: Tract 655 Laurel Valley**

Zone 9 lies within the boundaries of Laurel Valley, Escondido Tract 655, and is generally located south of Rincon Avenue and east of North Broadway. Internal subdivision streets include Crestwood Place, Terracewood Lane, a portion of Shadywood Drive, Brookwood Court, a portion of Ash Street, Pleasantwood Lane, Splendorwood Place, Parktree Lane, Valleytree Place, and Springtree Place. The nature and extent of the special benefit provided by the improvements to the property within Zone 9 includes planting materials such as ground cover, turf, shrubs and trees, brow ditches, open space, and irrigation systems located within lots 1, 74, 112, 161, and a portion of lot 34.

**Zone 10: Country Club Lane**

The Zone 10, known by the name, "Country Club Lane," lies west of Interstate 15 and northeast of El Norte Parkway. Country Club Lane runs through the middle and northeast corner of the Zone. For a specific diagram showing the boundaries of the Zone, please refer the diagram on file with the City Clerk. The nature and extent of the special benefit provided by the improvements to the property within Zone 10 includes planting materials such as ground cover, shrubs and trees, irrigation systems, decorative paving, and entry monuments within the median of Country Club Lane.

**Zone 11: Parkwood**

Zone 11, known by the name, "Parkwood," lies within the boundary of Escondido Tract 583 and is located north of Rincon Avenue and south of Cleveland Avenue. For a specific diagram showing the boundaries of the Zone, please refer to the diagram on file with the City Clerk. The nature and extent of the special benefit provided by the improvements to the property within Zone 11 includes planting materials such as ground cover, turf, shrubs and trees, irrigation systems, fencing, natural drainage areas, mow curbs, natural open space areas with paths, median landscape on Conway Drive, and landscape around the tract perimeter.

**Zone 12: Reidy Creek**

The Zone 12, known by the name, "Reidy Creek," generally lies west of Centre City Parkway, north of Lincoln Avenue, and south of El Norte Parkway. The nature and extent of the special benefit provided by the improvements to the property within Zone 12 includes planting materials such as ground cover, shrubs and trees, drainage systems, and fencing.

**Zone 13: Centre City and Felicita Avenue**

This Zone is located on the southwest and southeast corners of Centre City Parkway and Felicita Avenue. The Zone annexed to the Maintenance District in 1998/99. The special benefit of the improvements to the property within Zone 13 include maintenance of the landscaping within the median fronting the commercial centers. A portion of the special benefit has been allocated to the City on a front footage basis.

**Zone 14: Tract 747**

The entrance to this Zone is on Wanda Court off of Grape Street. The Zone annexed to the Maintenance District in 1999/00. The nature and extent of the special benefit of the improvements to the property within Zone 14 includes the maintenance of parkway landscaping adjacent to Tract 747 on Lincoln Parkway.

**Zone 15: Tract 805**

Zone 15 lies within Tract 805, lots 1-18, located east of Citrus Avenue and south of Washington Avenue. The Zone annexed to the Maintenance District in 1999/00. The nature and extent of the special benefit provided by the improvements to the property within Zone 15 includes parkway landscaping along Citrus Avenue and Washington Avenue.

**Zone 16: Tract 741**

Zone 16 lies within Tract 741. Entrance to this Zone is on Trellis Lane at North Broadway Avenue. The Zone annexed to the Maintenance District in 1999/00.

The nature and extent of the special benefit of the improvements provided to the property within Zone 16 includes parkway landscaping along North Broadway Avenue and at the corner of Trellis Lane and North Broadway Avenue.

**Zone 17: Tract 800**

Zone 17 lies within Tract 800, located north of Washington Avenue and west of the Escondido Creek channel. The Zone annexed to the Maintenance District in 1999/00. The nature and extent of the special benefit provided by the improvements to the property within Zone 17 includes parkway landscaping along Washington Avenue.

**Zone 18: Tract 818**

Zone 18 lies within Tract 818. Entrance to this Zone is on Wanek Road at East Valley Parkway. The Zone annexed to the Maintenance District in 2000/01. The nature and extent of the special benefit provided by the improvements to the property within Zone 19 includes parkway landscaping along East Valley Parkway.

**Zone 19: Tract 819 and Tract 844**

The existing boundaries of Zone 19, approved on May 9, 2001 are coterminous with the boundaries of Escondido Tract No. 819, which is located on the east side of North Broadway and the north side of Rincon Avenue in the northern area of the City. An annexation has added the area contained within Tract 844 to Zone 19. Tract 844 is located north of Cleveland Avenue, west of Conway Drive and south of North Avenue on land adjacent to the existing Zone 19. Tract 844, referred to as Brookside II, adds a total of 40 single family dwelling units to the existing 222 single family dwelling units resulting in a grand total of 262 single family dwelling units within Zone 19. The nature and extent of the special benefit provided by the improvements to the property within Zone 19 includes the walking and equestrian trails and associated landscaping, parkway, slope and environmental channel landscaping and irrigation system.

**Zone 20: Tract 817**

The boundaries of Zone 20 are coterminous with the boundaries of Escondido Tract No. 817, which is located on the north and south side of Citracado Parkway at its termination point east of Scenic Trails Way. The Zone annexed to the Maintenance District in 2001/02. The nature and extent of the special benefit of the improvements provided to the property within Zone 20 include the slope landscaping on the south, east and north side of Citracado Parkway at Greenwood Place. This is the entryway to that portion of the tract referred to as Estate I (lots 1 through 8).

**Zone 21: Tract 823**

The boundaries of Zone 21 are coterminous with the boundaries of Escondido Tract No. 823, which is located on the north side of El Norte Parkway east of Greenway Rise. The Zone annexed to the Maintenance District in 2001/02. The nature and extent of the special benefit provided by the improvements to the property within Zone 21 includes the slope and parkway landscaping on the north side of El Norte Parkway east of Greenway Rise for a distance of approximately 380 feet.

**Zone 22: Tract 808**

The boundaries of Zone 22 are coterminous with the boundaries of Escondido Tract No. 808, which is located at the northeast corner of the intersection of El Norte Parkway and Woodland Parkway in the northwestern area of the City. The Zone annexed to the Maintenance District during fiscal year 2001/02. The nature and extent of the special benefit provided by the improvements to the property within Zone 22 include the maintenance of the parkway landscaping on the north side of El Norte Parkway east of Woodland Parkway for a distance of approximately 300 linear feet, and approximately 550 linear feet of parkway landscaping on the east side of Woodland Parkway and on the north and south side of Dancer Court, the entry street to the development.



**Zone 23: Tract 837**

The boundaries of Zone 23 are coterminous with the boundaries of Escondido Tract No. 837, which is located on Harmony Grove Road just west of Howard Lane in the southwestern area of the City. The Zone annexed to the Maintenance District during fiscal year 2001/02. The nature and extent of the special benefit provided by the improvements to the property within Zone 23 to be maintained include approximately 2,600 square feet of parkway landscaping on the north side of Harmony Grove Road east and west of the entry street to Tract No. 837.

**Zone 24: Tract 824 and Tract 845**

The existing boundaries of Zone 24, approved on June 2, 2002, are coterminous with the boundaries of Escondido Tract No. 824, which has its main entryway and frontage on Encino Drive between Rancho Verde Drive and Montana Luna Court in the southeastern area of the City. An annexation has added the area contained within Tract 845 to Zone 24. Tract 845 fronts the east side of Juniper Street and is located north of Amparo Drive, the access street to Tract 845. Tract 845 abuts lot 28 and a portion of lot 27 in Tract 824 and adds a total of 13 single family dwelling units to the existing total of 45 single family dwelling units resulting in a grand total of 58 single family dwelling units within Zone 24. The nature and extent of the special benefit provided by the improvements to the property within Zone 24 to be maintained for the existing boundaries of Zone 24 include approximately 64,200 square feet of parkway and slope landscaping on the west side of Encino Drive north and south of the main entry street to Tract No. 824 for a distance of approximately 1,000 feet. The improvements to be maintained which were added to Zone 24 with the annexation of Tract 845 are the parkway and slope landscaping along Juniper Street north of Amparo Drive. Amparo Drive provides access to the expanded Zone 24 area from Juniper Street on the west and from Encino Drive on the east.

**Zone 25: Tract 787R, 821 (Excepting lot 12) and 847**

The boundaries of Zone 25 are coterminous with the boundaries of Escondido Tract Nos. 787R, 821 (excepting Lot 12) and 847, which are located on the north side of Washington Avenue east of El Norte Hills Place. The nature and extent of the special benefit of the improvements to the property within Zone 25 includes the slope and parkway landscaping on the north side of Washington Avenue extending from the west corner of Tract 787R to the east corner of Tract 821, a distance of approximately 770 feet of landscaped area.

**Zone 26: Tract 856**

The boundaries of Zone 26 are coterminous with the boundaries of Escondido Tract No. 856, which is located on the east side of Fig Street, south of El Norte Parkway and just north of Stanley Court in the northern area of the City. The nature and extent of the special benefit provided by the improvements to the property within zone 26 includes approximately 2,700 square feet of parkway landscaping on the east side of Fig Street, for a distance of approximately 70 linear feet north of Jets Place (the entry street to the Tract 856 subdivision) and approximately 75 linear feet south of Jets Place.

**Zone 27: Tract 850**

The boundaries of Zone 27 are coterminous with the boundaries of Escondido Tract No. 850, which is located north and south of a new segment of El Norte Parkway constructed with this development. The new segment of El Norte Parkway extends from a new intersection with Citrus Avenue on the west to a new intersection with Washington Avenue on the east. The nature and extent of the special benefit provided by the improvements to the property within Zone 27 include approximately 29,900 square feet of parkway landscaping located along the frontage property of Tract No. 850 on both El Norte Parkway and Washington Avenue. The annexation of area contained within Tentative Map 2006-08 in March 2008 added one parcel (3 additional dwelling units) to the existing 124 dwelling units for a total of 127 dwelling units. The new segment of El Norte Parkway extends from a new intersection with Citrus Avenue on the west to a new intersection with Washington Avenue on the east.

**Zone 28: Tract 839**

The boundaries of Zone 28 are coterminous with the boundaries of Escondido Tract No. 839, which is located on the west side of East Valley Parkway for a distance of 800 feet north of Washington Avenue and on both the east and west side of East Valley Parkway extending another 1,250 feet further north. The nature and extent of the special benefit provided by the improvements to the property within Zone 28 include the following; A 600 linear foot median in Washington Avenue between Key Lime Way and East Valley Parkway encompassing approximately 2,400 square feet. An 800 linear foot median in East Valley Parkway between Washington Avenue and Eureka Drive encompassing approximately 4,900 square feet. A 1,250 linear foot median in East Valley Parkway between Eureka Drive and Beven Drive encompassing approximately 7,675 square feet. 630 linear feet of parkway and open space (Lot A within Unit 2) on the north side of Washington Avenue between Key Lime Way and East Valley Parkway encompassing approximately 20,420 square feet. 2,105 linear feet of parkway and open space (Lot A within Unit 2 and Unit 3) on the west side of East Valley Parkway between Washington Avenue and Beven Drive encompassing approximately 148,235 square feet. 2,250 square feet of parkway and open space at the southeast corner of East Valley Parkway and Eureka Drive. 1,300 linear feet of parkway and open space (Lot A within Unit 4) on the east side of East Valley Parkway between Eureka Drive and Beven Drive encompassing approximately 88,100 square feet. 480 linear feet of median, parkway and open space (Includes Lot A within Unit 3) on Beven Drive encompassing approximately 12,600 square feet. And 65 linear feet of parkway on the northeast corner of Wohlford Drive and Beven Drive encompassing approximately 420 square feet. The improvements to be maintained by the Landscape Maintenance District within these defined areas consist of trees, shrubs, ground cover, hardscape and an irrigation system. The total area of landscape and hardscape to be maintained is approximately 287,000 square feet. The improvements to be maintained by the HOA include all entry walls (including post and board fence, lighting and signage); trellis structures, decorative walls and benches.

**Zone 29: Tract 861**

The boundaries of Zone 29 are coterminous with the boundaries of Escondido Tract No. 861, which is located on the west side of Felicita Road, south of Brotherton Road, north of Escondido Lane and east of Interstate 15 in the central area of the City. The nature and extent of the special benefit provided by the improvements to the property within Zone 29 include approximately 4,578 square feet of parkway and grass channel landscaping on the west side of Felicita Road. The parkway extends for a distance of approximately 185 linear feet north of the entry street to Tract 861 and approximately 405 linear feet south of the entry street.

**Zone 30: Tract 880**

The boundaries of Zone 30 are coterminous with the boundaries of Escondido Tract No. 880, which is located on the west side of Fig Street, south of Siggson Court and north of Stanley Court in the northern area of the City. The nature and extent of the special benefit provided by the improvements to the property within Zone 30 include include approximately 1,910 square feet of parkway landscaping on the west side of Fig Street, for a distance of approximately 60 linear feet north of the entry street to Tract 880 and approximately 60 linear feet south of the entry street to Tract 880.

**Zone 31: Tract 834**

The boundaries of Zone 31 are coterminous with the boundaries of Escondido Tract No. 834, which is known as the Escondido Research and Technology Center. The nature and extent of the special benefit provided by the improvements to the property within Zone 31 include slope and right-of-way landscaping.

**Zone 32: Tract 881**

The boundaries of Zone 32 are coterminous with the boundaries of Escondido Tract No. 881, which is located on the south side of Washington Avenue between Alta Meadow Lane and Veronica Place. The improvements along Washington

Avenue to be maintained include 90 feet of parkway landscape east of Trovita Court and 85 feet of parkway landscape west of Trovita Court (approximately 875 square feet of maintained area). The nature and extent of the special benefit provided by the improvements to the property within Zone 32 include maintenance of trees, shrubs, ground cover and an irrigation system.

**Zone 33: Tract 883**

The boundaries of Zone 33 are coterminous with the boundaries of Escondido Tract No. 883, which is located on the north side of El Norte Parkway between Alita Lane and Greenway Drive. The nature and extent of the special benefit provided by the improvements to the property within Zone 33 include the improvements along El Norte Parkway and Midway Drive, the main point of access from El Norte Parkway, to be maintained include the following:

1. El Norte Parkway – approximately 300 linear feet of slope and parkway landscape west of Midway Drive and approximately 120 linear feet of slope and parkway landscape east of Midway Drive.
2. Midway Drive – approximately 120 linear feet of slope and parkway landscape north of El Norte Parkway on the west side and approximately 90 linear feet of slope and parkway landscape north of El Norte Parkway on the east side.

The improvements to be maintained consist of trees, shrubs, ground cover and an irrigation system.

**Zone 34: Tract 901**

The boundaries of Zone 34 are coterminous with the boundaries of Escondido Tract No. 901, which is located on the north side of Idaho Avenue just west of Purdum Lane. The nature and extent of the special benefit provided by the improvements to the property within Zone 34 include approximately 200 linear feet of slope and parkway landscaping along Idaho Avenue. The improvements to be maintained consist of trees, shrubs, ground cover and an irrigation system.

**Zone 35: Tract 947**

The boundaries of Zone 35 are coterminous with the boundaries of Escondido Tract No. 947, which is located on the south side of Hamilton Lane approximately 230 feet west of Bernardo Avenue. The nature and extent of the special benefit provided by the improvements to the property within Zone 35 include the improvements along Hamilton, include approximately 370 linear feet of parkway landscaping for a depth of 15 feet behind an existing sidewalk. The improvements to be maintained consist of trees, shrubs, ground cover and an irrigation system.

**Zone 36: Tract 889**

The boundaries of Zone 36 are coterminous with the boundaries of Escondido Tract No. 889, which is located on the north side of Lehner Avenue, south of Stanley Avenue and east of Ash Street in the northern area of the City. The nature and extent of the special benefit provided by the improvements to the property within Zone 36 include approximately 2,700 square feet of parkway landscaping on the south side of Stanley Avenue east and west of Alec Way, the entry street to Tract 889; 2,200 square feet of parkway landscaping on the north side of Lehner Avenue east and west of Alec Way; and 3,700 square feet of landscaped bio-swale at the southwest corner of the development. The improvements to be maintained consist of trees, shrubs, ground cover and an irrigation system.

**E. IF BONDS OR NOTES WILL BE ISSUED PURSUANT TO SECTION 22662.5, AN ESTIMATE OF THEIR PRINCIPAL AMOUNT**

For the current fiscal year the legislative body of the City of Escondido has not determined the need for bonds or notes to be issued.

**CITY OF ESCONDIDO  
LANDSCAPE AND MAINTENANCE ASSESSMENT DISTRICT**

**APPENDIX I**

**ESTIMATE OF COST AND ASSESSMENT**

City of Escondido  
 Landscape and Maintenance District

Appendix I  
 Estimate of Cost and Assessment

ZONE DESCRIPTION	ZONE 1 523A&B,653	ZONE 2 Tract 695	ZONE 3 Tract 708	ZONE 4 Tract 721	ZONE 5 Tract 723
<b>Projected Beginning Balance (07/01/11)</b>	<b>\$22,118.50</b>	<b>\$4,891.83</b>	<b>\$5,295.08</b>	<b>\$6,189.25</b>	<b>\$3,802.06</b>
<u>Expenditures</u>					
<u>Direct Costs</u>					
Maintenance	6,096.00	2,832.00	2,364.00	6,480.00	6,480.00
Miscellaneous Repairs	4,000.00	6,000.00	5,000.00	4,937.68	3,000.00
Service/Utilities	6,150.00	2,150.00	1,650.00	5,150.00	4,650.00
Annual Installment	0.00	0.00	0.00	0.00	0.00
Subtotal Direct Costs:	16,246.00	10,982.00	9,014.00	16,567.68	14,130.00
<u>Administrative Costs</u>					
Administration/Inspection	8,910.00	1,015.00	1,200.00	1,230.00	1,200.00
Liability Fund	0.00	0.00	0.00	0.00	0.00
Consultant	1,045.00	600.00	600.00	600.00	500.00
County Fee	29.70	2.90	2.00	8.20	3.00
Subtotal Administrative Costs:	9,984.70	1,617.90	1,802.00	1,838.20	1,703.00
Subtotal Direct and Administrative:	\$26,230.70	\$12,599.90	\$10,816.00	\$18,405.88	\$15,833.00
Reserve	19,815.84	841.87	3,029.00	160.72	2,662.20
<b>Total Expenditures:</b>	<b>\$46,046.54</b>	<b>\$13,441.77</b>	<b>\$13,845.00</b>	<b>\$18,566.60</b>	<b>\$18,495.20</b>
<b>Projected Ending Balance (June 30, 2012)</b>	<b>(\$23,928.04)</b>	<b>(\$8,549.94)</b>	<b>(\$8,549.92)</b>	<b>(\$12,377.35)</b>	<b>(\$14,693.14)</b>
<b>Calculated Required Net Levy</b>	<b>\$23,928.04</b>	<b>\$8,549.94</b>	<b>\$8,549.92</b>	<b>\$12,377.35</b>	<b>\$14,693.14</b>
<u>City Contribution</u>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Apportionment</u>					
Unit of Benefit	Per Parcel	Per Parcel	Per Parcel	Per Parcel	Per Parcel
Number of Benefit Units	297	29	20	82	30
Authorized Maximum Levy 2011/12	\$80.58	\$294.83	\$427.50	\$148.98	\$489.77
<b>Levy per Unit 2011/12</b>	<b>\$80.58</b>	<b>\$294.82</b>	<b>\$427.50</b>	<b>\$150.94</b>	<b>\$489.76</b>
<b>Actual Total Levy</b>	<b>\$23,932.26</b>	<b>\$8,549.78</b>	<b>\$8,550.00</b>	<b>\$12,377.08</b>	<b>\$14,692.80</b>
<u>Historical Information</u>					
2010/11 Levy per Unit	\$68.70	\$265.34	\$360.96	\$148.98	\$368.98
2009/10 Levy per Unit	\$68.94	\$235.30	\$310.96	\$101.32	\$270.98
2008/09 Levy per Unit	\$49.98	\$235.32	\$310.96	\$101.32	\$270.98
2007/08 Levy per Unit	\$49.98	\$149.96	\$186.10	\$101.32	\$270.98
2006/07 Levy per Unit	\$49.98	\$149.96	\$186.10	\$101.32	\$270.98
2005/06 Levy per Unit	\$49.98	\$159.96	\$198.86	\$101.32	\$270.98
2004/05 Levy per Unit	\$49.98	\$166.36	\$210.96	\$101.32	\$270.98
2003/04 Levy per Unit	\$49.98	\$235.32	\$310.96	\$101.32	\$270.98
2002/03 Levy per Unit	\$38.46	\$235.32	\$310.96	\$101.32	\$270.98
2001/02 Levy per Unit	\$59.76	\$235.32	\$310.96	\$101.32	\$270.98
2000/01 Levy per Unit	N/A	\$235.32	\$310.96	\$101.32	\$270.98
1999/00 Levy per Unit	N/A	\$235.32	\$310.96	\$101.32	\$270.98
1998/99 Levy per Unit	N/A	\$235.32	\$310.96	\$101.32	\$270.98

Note (General): The difference between Calculated Required Net Levy and Actual Total Levy is due to rounding.



City of Escondido  
 Landscape and Maintenance District

Appendix I  
 Estimate of Cost and Assessment

ZONE DESCRIPTION	ZONE 6 Tract 611R	ZONE 7 Tract 733R	ZONE 8 Tract 789	ZONE 9 Laurel Valley	ZONE 10 Country Club
<b>Projected Beginning Balance (07/01/11)</b>	<b>\$4,421.64</b>	<b>\$8,501.83</b>	<b>\$0.00</b>	<b>\$26,994.26</b>	<b>\$10,729.81</b>
<u>Expenditures</u>					
<i>Direct Costs</i>					
Maintenance	2,500.00	4,860.00	720.00	31,752.00	11,016.00
Miscellaneous Repairs	2,200.00	4,000.00	1,316.72	7,000.00	9,000.00
Service/Utilities	1,150.00	3,650.00	1,150.00	34,000.00	4,200.00
Annual Installment	0.00	0.00	0.00	0.00	0.00
Subtotal Direct Costs:	5,850.00	12,510.00	3,186.72	72,752.00	24,216.00
<i>Administrative Costs</i>					
Administration/Inspection	1,430.00	3,300.00	290.00	12,480.00	4,713.00
Liability Fund	200.00	0.00	0.00	0.00	0.00
Consultant	600.00	600.00	500.00	1,445.00	4,455.00
County Fee	1.30	2.20	2.90	15.60	152.40
Subtotal Administrative Costs:	2,231.30	3,902.20	792.90	13,940.60	9,320.40
Subtotal Direct and Administrative:	\$8,081.30	\$16,412.20	\$3,979.62	\$86,692.60	\$33,536.40
Reserve	1,369.81	5,271.03	0.00	13,414.44	1,979.77
<b>Total Expenditures:</b>	<b>\$9,451.11</b>	<b>\$21,683.23</b>	<b>\$3,979.62</b>	<b>\$100,107.04</b>	<b>\$35,516.17</b>
<b>Projected Ending Balance (June 30, 2012)</b>	<b>(\$5,029.47)</b>	<b>(\$13,181.40)</b>	<b>(\$2,615.72)</b>	<b>(\$73,112.78)</b>	<b>(\$24,786.36)</b>
<b>Calculated Required Net Levy</b>	<b>\$5,029.47</b>	<b>\$13,181.40</b>	<b>\$2,615.72</b>	<b>\$73,112.78</b>	<b>\$24,786.36</b>
<u>City Contribution</u>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Apportionment</u>					
Unit of Benefit	Per Parcel	Per Parcel	Per Parcel	Per Parcel	Per EDU
Number of Benefit Units	13	22	29	156	1,571.25
Authorized Maximum Levy 2011/12	\$386.88	\$882.59	\$90.20	\$468.67	\$15.77
<b>Levy per Unit 2011/12</b>	<b>\$386.88</b>	<b>\$599.16</b>	<b>\$90.20</b>	<b>\$468.66</b>	<b>\$15.76</b>
<b>Actual Total Levy</b>	<b>\$5,029.44</b>	<b>\$13,181.52</b>	<b>\$2,615.80</b>	<b>\$73,110.96</b>	<b>\$24,763.74</b>
<u>Historical Information</u>					
2010/11 Levy per Unit	\$381.84	\$582.16	\$90.20	\$462.56	\$15.56
2009/10 Levy per Unit	\$370.32	\$582.16	\$0.00	\$462.56	\$15.56
2008/09 Levy per Unit	\$279.98	\$299.00	\$0.00	\$448.60	\$15.08
2007/08 Levy per Unit	\$279.98	\$244.60	\$0.00	\$435.44	\$14.64
2006/07 Levy per Unit	\$279.98	\$244.60	\$0.00	\$421.12	\$14.16
2005/06 Levy per Unit	\$279.98	\$0.00	\$0.00	\$406.22	\$13.66
2004/05 Levy per Unit	\$287.66	\$0.00	\$0.00	\$391.90	\$13.18
2003/04 Levy per Unit	\$311.86	\$294.30	\$0.00	\$377.78	\$12.70
2002/03 Levy per Unit	\$300.86	\$332.15	\$0.00	\$365.00	\$12.28
2001/02 Levy per Unit	\$288.06	\$389.32	\$0.00	\$330.00	\$11.74
2000/01 Levy per Unit	\$272.30	\$389.32	\$0.00	\$330.00	\$11.10
1999/00 Levy per Unit	\$272.30	\$590.62	\$0.00	\$330.00	\$9.76
1998/99 Levy per Unit	\$272.30	\$590.62	\$0.00	\$330.00	\$9.76

Note (General): The difference between Calculated Required Net Levy and Actual Total Levy is due to rounding.

City of Escondido  
Landscape and Maintenance District

Appendix I  
Estimate of Cost and Assessment

ZONE DESCRIPTION	ZONE 11 Parkwood	ZONE 12 Reidy Creek	ZONE 13 Ctr City Prkwy	ZONE 14 Tract 747	ZONE 15 Tract 805
<b>Projected Beginning Balance (07/01/11)</b>	<b>\$22,198.50</b>	<b>\$30,708.73</b>	<b>\$10,540.25</b>	<b>\$6,340.34</b>	<b>\$10,939.24</b>
<u>Expenditures</u>					
<i>Direct Costs</i>					
Maintenance	24,120.00	13,400.00	3,780.00	1,416.00	2,160.00
Miscellaneous Repairs	10,000.00	5,000.00	4,000.00	2,000.00	2,000.00
Service/Utilities	35,600.00	0.00	1,050.00	1,150.00	2,000.00
Annual Installment	0.00	0.00	0.00	0.00	0.00
Subtotal Direct Costs:	69,720.00	18,400.00	8,830.00	4,566.00	6,160.00
<i>Administrative Costs</i>					
Administration/Inspection	4,950.00	15,910.00	4,545.00	400.00	1,800.00
Liability Fund	500.00	1,000.00	0.00	0.00	0.00
Consultant	1,595.00	995.00	525.00	340.00	525.00
County Fee	33.00	1.80	2.00	0.80	1.80
Subtotal Administrative Costs:	7,078.00	17,906.80	5,072.00	740.80	2,326.80
Subtotal Direct and Administrative:	\$76,798.00	\$36,306.80	\$13,902.00	\$5,306.80	\$8,486.80
Reserve	13,876.50	27,474.33	7,073.71	4,709.72	9,866.06
<b>Total Expenditures:</b>	<b>\$90,674.50</b>	<b>\$63,781.13</b>	<b>\$20,975.71</b>	<b>\$10,016.52</b>	<b>\$18,352.86</b>
<b>Projected Ending Balance (June 30, 2012)</b>	<b>(\$68,476.00)</b>	<b>(\$33,072.40)</b>	<b>(\$10,435.46)</b>	<b>(\$3,676.18)</b>	<b>(\$7,413.62)</b>
<b>Calculated Required Net Levy</b>	<b>\$68,476.00</b>	<b>\$33,072.40</b>	<b>\$10,435.46</b>	<b>\$3,676.18</b>	<b>\$7,413.62</b>
<u>City Contribution</u>	\$0.00	\$0.00	\$3,249.62	\$0.00	\$0.00
<u>Apportionment</u>					
Unit of Benefit	Per Parcel	Per Acre	Front Footage	Per Parcel	Per Parcel
Number of Benefit Units	330	86.19	1,515	8	18
Authorized Maximum Levy 2011/12	\$207.50	\$688.38	\$4.97	\$588.39	\$411.87
<b>Levy per Unit 2011/12</b>	<b>\$207.50</b>	<b>\$383.72</b>	<b>\$4.74</b>	<b>\$459.52</b>	<b>\$411.86</b>
<b>Actual Total Levy</b>	<b>\$68,475.00</b>	<b>\$33,072.74</b>	<b>\$7,185.84</b>	<b>\$3,676.16</b>	<b>\$7,413.48</b>
<u>Historical Information</u>					
2010/11 Levy per Unit	\$207.50	\$383.72	\$4.74	\$459.52	\$385.42
2009/10 Levy per Unit	\$175.08	\$398.64	\$3.56	\$399.00	\$385.40
2008/09 Levy per Unit	\$175.08	\$199.00	\$2.67	\$399.00	\$299.00
2007/08 Levy per Unit	\$175.08	\$238.00	\$4.62	\$399.00	\$341.34
2006/07 Levy per Unit	\$175.08	\$238.00	\$4.62	\$399.00	\$325.00
2005/06 Levy per Unit	\$175.08	\$299.00	\$4.30	\$399.00	\$325.00
2004/05 Levy per Unit	\$175.08	\$335.42	\$3.98	\$399.00	\$295.00
2003/04 Levy per Unit	\$175.08	\$439.84	\$3.98	\$398.30	\$290.40
2002/03 Levy per Unit	\$175.08	\$439.84	\$3.26	\$285.20	\$244.46
2001/02 Levy per Unit	\$175.08	\$439.84	\$2.68	\$209.92	\$244.74
2000/01 Levy per Unit	\$175.08	\$439.84	\$2.68	\$209.92	\$203.80
1999/00 Levy per Unit	\$175.08	\$439.84	\$2.68	\$400.00	\$153.33
1998/99 Levy per Unit	\$175.08	\$439.84	\$2.68	\$400.00	\$153.33

Note (General): The difference between  
Calculated Required Net Levy and Actual Total  
Levy is due to rounding.

City of Escondido  
 Landscape and Maintenance District

Appendix I  
 Estimate of Cost and Assessment

ZONE DESCRIPTION	ZONE 16 Tract 741	ZONE 17 Tract 800	ZONE 18 Tract 818	ZONE 19 Tract 819 & 844	ZONE 20 Tract 817
<b>Projected Beginning Balance (07/01/11)</b>	<b>\$5,710.12</b>	<b>\$7,294.39</b>	<b>\$4,097.18</b>	<b>\$110,814.02</b>	<b>\$9,726.96</b>
<u>Expenditures</u>					
<i>Direct Costs</i>					
Maintenance	708.00	1,080.00	1,080.00	66,816.00	1,896.00
Miscellaneous Repairs	1,500.00	3,000.00	2,000.00	40,000.00	3,000.00
Service/Utilities	650.00	1,550.00	850.00	65,360.00	2,650.00
Annual Installment	0.00	0.00	0.00	0.00	0.00
Subtotal Direct Costs:	2,858.00	5,630.00	3,930.00	172,176.00	7,546.00
<i>Administrative Costs</i>					
Administration/Inspection	600.00	1,410.00	1,500.00	26,200.00	990.00
Liability Fund	0.00	0.00	0.00	1,000.00	0.00
Consultant	340.00	400.00	585.00	1,900.00	340.00
County Fee	1.00	4.70	5.00	26.20	0.90
Subtotal Administrative Costs:	941.00	1,814.70	2,090.00	29,126.20	1,330.90
Subtotal Direct and Administrative:	\$3,799.00	\$7,444.70	\$6,020.00	\$201,302.20	\$8,876.90
Reserve	4,853.00	5,380.04	2,232.50	92,504.34	7,899.40
<b>Total Expenditures:</b>	<b>\$8,652.00</b>	<b>\$12,824.74</b>	<b>\$8,252.50</b>	<b>\$293,806.54</b>	<b>\$16,776.30</b>
<b>Projected Ending Balance (June 30, 2012)</b>	<b>(\$2,941.88)</b>	<b>(\$5,530.35)</b>	<b>(\$4,155.32)</b>	<b>(\$182,992.52)</b>	<b>(\$7,049.34)</b>
<b>Calculated Required Net Levy</b>	<b>\$2,941.88</b>	<b>\$5,530.35</b>	<b>\$4,155.32</b>	<b>\$182,992.52</b>	<b>\$7,049.34</b>
<u>City Contribution</u>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Apportionment</u>					
Unit of Benefit	Per Parcel	Per Parcel	Per Parcel	Per Parcel	Per Parcel
Number of Benefit Units	10	47	50	262	9
Authorized Maximum Levy 2011/12	\$294.19	\$117.67	\$83.11	\$926.69	\$933.41
<b>Levy per Unit 2011/12</b>	<b>\$294.18</b>	<b>\$117.66</b>	<b>\$83.10</b>	<b>\$698.44</b>	<b>\$783.26</b>
<b>Actual Total Levy</b>	<b>\$2,941.80</b>	<b>\$5,530.02</b>	<b>\$4,155.00</b>	<b>\$182,991.28</b>	<b>\$7,049.34</b>
<u>Historical Information</u>					
2010/11 Levy per Unit	\$290.36	\$116.14	\$82.02	\$579.22	\$696.42
2009/10 Levy per Unit	\$255.00	\$116.14	\$82.02	\$579.22	\$696.42
2008/09 Levy per Unit	\$255.00	\$108.12	\$54.98	\$579.22	\$591.78
2007/08 Levy per Unit	\$255.00	\$64.90	\$54.98	\$623.50	\$591.78
2006/07 Levy per Unit	\$255.00	\$64.90	\$54.98	\$623.50	\$591.78
2005/06 Levy per Unit	\$255.00	\$59.00	\$49.64	\$699.46	\$591.78
2004/05 Levy per Unit	\$237.40	\$49.96	\$32.00	\$699.46	\$591.78
2003/04 Levy per Unit	\$198.00	\$49.96	\$29.00	\$746.98	\$591.78
2002/03 Levy per Unit	\$185.36	\$42.96	\$27.34	\$363.74	\$591.78
2001/02 Levy per Unit	\$185.36	\$62.80	\$61.88	\$690.00	\$353.93
2000/01 Levy per Unit	\$46.32	\$62.80	\$58.50	N/A	N/A
1999/00 Levy per Unit	\$126.00	\$45.36	N/A	N/A	N/A
1998/99 Levy per Unit	\$126.00	\$45.36	N/A	N/A	N/A

Note (General): The difference between Calculated Required Net Levy and Actual Total Levy is due to rounding.

City of Escondido  
Landscape and Maintenance District

Appendix I  
Estimate of Cost and Assessment

ZONE DESCRIPTION	ZONE 21 Tract 823	ZONE 22 Tract 808	ZONE 23 Tract 837	ZONE 24 Tract 824 & 845	ZONE 25 Tr. 847,821,787
<b>Projected Beginning Balance (07/01/11)</b>	<b>\$8,117.40</b>	<b>\$27,316.29</b>	<b>\$9,501.82</b>	<b>\$12,249.21</b>	<b>\$21,875.67</b>
<u>Expenditures</u>					
<i>Direct Costs</i>					
Maintenance	2,364.00	2,832.00	948.00	11,016.00	1,260.00
Miscellaneous Repairs	3,000.00	4,000.00	2,000.00	4,000.00	3,000.00
Service/Utilities	2,650.00	3,150.00	1,150.00	10,300.00	2,150.00
Annual Installment	0.00	0.00	0.00	0.00	0.00
Subtotal Direct Costs:	8,014.00	9,982.00	4,098.00	25,316.00	6,410.00
<i>Administrative Costs</i>					
Administration/Inspection	1,840.00	4,025.00	2,000.00	6,960.00	4,940.00
Liability Fund	0.00	0.00	0.00	0.00	0.00
Consultant	525.00	525.00	780.00	1,310.00	1,055.00
County Fee	1.60	2.30	1.60	5.80	5.20
Subtotal Administrative Costs:	2,366.60	4,552.30	2,781.60	8,275.80	6,000.20
Subtotal Direct and Administrative:	\$10,380.60	\$14,534.30	\$6,879.60	\$33,591.80	\$12,410.20
Reserve	6,224.86	21,800.85	9,504.60	3,234.00	18,614.90
<b>Total Expenditures:</b>	<b>\$16,605.46</b>	<b>\$36,335.15</b>	<b>\$16,384.20</b>	<b>\$36,825.80</b>	<b>\$31,025.10</b>
<b>Projected Ending Balance (June 30, 2012)</b>	<b>(\$8,488.06)</b>	<b>(\$9,018.86)</b>	<b>(\$6,882.38)</b>	<b>(\$24,576.59)</b>	<b>(\$9,149.43)</b>
<b>Calculated Required Net Levy</b>	<b>\$8,488.06</b>	<b>\$9,018.86</b>	<b>\$6,882.38</b>	<b>\$24,576.59</b>	<b>\$9,149.43</b>
<u>City Contribution</u>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Apportionment</u>					
Unit of Benefit	Per Parcel	Per Parcel	Per Parcel	Per Parcel	Per Parcel
Number of Benefit Units	16	23	16	58	52
Authorized Maximum Levy 2011/12	\$530.50	\$897.54	\$430.15	\$423.73	\$285.32
<b>Levy per Unit 2011/12</b>	<b>\$530.50</b>	<b>\$392.12</b>	<b>\$430.14</b>	<b>\$423.72</b>	<b>\$175.94</b>
<b>Actual Total Levy</b>	<b>\$8,488.00</b>	<b>\$9,018.76</b>	<b>\$6,882.24</b>	<b>\$24,575.76</b>	<b>\$9,148.88</b>
<u>Historical Information</u>					
2010/11 Levy per Unit	\$473.50	\$424.74	\$424.54	\$418.20	\$158.20
2009/10 Levy per Unit	\$473.50	\$584.02	\$396.26	\$418.20	\$83.10
2008/09 Levy per Unit	\$299.00	\$0.00	\$250.00	\$299.00	\$123.30
2007/08 Levy per Unit	\$299.00	\$0.00	\$199.00	\$299.00	\$123.30
2006/07 Levy per Unit	\$299.00	\$199.00	\$199.00	\$299.00	\$123.30
2005/06 Levy per Unit	\$299.00	\$44.02	\$199.00	\$250.68	\$123.30
2004/05 Levy per Unit	\$384.04	\$239.44	\$249.00	\$341.56	\$199.00
2003/04 Levy per Unit	\$384.04	\$278.46	\$293.72	\$341.56	\$229.04
2002/03 Levy per Unit	\$384.04	\$697.93	\$231.98	\$173.77	N/A
2001/02 Levy per Unit	\$212.09	N/A	N/A	N/A	N/A
2000/01 Levy per Unit	N/A	N/A	N/A	N/A	N/A
1999/00 Levy per Unit	N/A	N/A	N/A	N/A	N/A
1998/99 Levy per Unit	N/A	N/A	N/A	N/A	N/A

Note (General): The difference between  
Calculated Required Net Levy and Actual Total  
Levy is due to rounding.

City of Escondido  
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Appendix I  
 Estimate of Cost and Assessment

ZONE DESCRIPTION	ZONE 26 Tracts 856	ZONE 27 Tract 850	ZONE 28 Tract 839	ZONE 29 Tract 861	ZONE 30 Tract 880
<b>Projected Beginning Balance (07/01/11)</b>	<b>\$10,025.22</b>	<b>\$55,535.44</b>	<b>\$105,910.98</b>	<b>\$7,003.88</b>	<b>\$7,958.19</b>
<u>Expenditures</u>					
<u>Direct Costs</u>					
Maintenance	1,788.00	5,400.00	28,560.00	1,452.00	0.00
Miscellaneous Repairs	2,000.00	5,000.00	15,000.00	2,000.00	0.00
Service/Utilities	2,100.00	8,300.00	40,300.00	1,150.00	0.00
Annual Installment	0.00	0.00	0.00	0.00	0.00
Subtotal Direct Costs:	5,888.00	18,700.00	83,860.00	4,602.00	0.00
<u>Administrative Costs</u>					
Administration/Inspection	1,040.00	12,700.00	17,000.00	1,200.00	600.00
Liability Fund	0.00	0.00	0.00	0.00	0.00
Consultant	840.00	2,500.00	1,875.00	525.00	525.00
County Fee	1.30	12.70	34.00	1.20	0.60
Subtotal Administrative Costs:	1,881.30	15,212.70	18,909.00	1,726.20	1,125.60
Subtotal Direct and Administrative:	\$7,769.30	\$33,912.70	\$102,769.00	\$6,328.20	\$1,125.60
Reserve	8,474.17	46,499.50	93,500.38	6,650.00	1,688.40
<b>Total Expenditures:</b>	<b>\$16,243.47</b>	<b>\$80,412.20</b>	<b>\$196,269.38</b>	<b>\$12,978.20</b>	<b>\$2,814.00</b>
<b>Projected Ending Balance (June 30, 2012)</b>	<b>(\$6,218.25)</b>	<b>(\$24,876.76)</b>	<b>(\$90,358.40)</b>	<b>(\$5,974.32)</b>	<b>\$5,144.19</b>
<b>Calculated Required Net Levy</b>	<b>\$6,218.25</b>	<b>\$24,876.76</b>	<b>\$90,358.40</b>	<b>\$5,974.32</b>	<b>\$0.00</b>
<u>City Contribution</u>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Apportionment</u>					
Unit of Benefit	Per Parcel	Per Parcel	Per Parcel	Per Parcel	Per Parcel
Number of Benefit Units	13	127	340	12	6
Authorized Maximum Levy 2011/12	\$478.33	\$428.02	\$474.16	\$507.62	\$692.22
<b>Levy per Unit 2011/12</b>	<b>\$478.32</b>	<b>\$195.88</b>	<b>\$265.76</b>	<b>\$497.86</b>	<b>\$0.00</b>
<b>Actual Total Levy</b>	<b>\$6,218.16</b>	<b>\$24,876.76</b>	<b>\$90,358.40</b>	<b>\$5,974.32</b>	<b>\$0.00</b>
<u>Historical Information</u>					
2010/11 Levy per Unit	\$406.10	\$186.62	\$216.72	\$0.00	\$0.00
2009/10 Levy per Unit	\$295.00	\$40.36	\$440.54	\$0.00	\$0.00
2008/09 Levy per Unit	\$395.48	\$86.62	\$43.48	\$394.60	\$499.00
2007/08 Levy per Unit	\$395.48	\$259.70	\$0.00	\$394.60	\$499.00
2006/07 Levy per Unit	\$395.48	\$370.06	N/A	\$439.68	\$587.60
2005/06 Levy per Unit	\$395.48	N/A	N/A	N/A	N/A
2004/05 Levy per Unit	N/A	N/A	N/A	N/A	N/A
2003/04 Levy per Unit	N/A	N/A	N/A	N/A	N/A
2002/03 Levy per Unit	N/A	N/A	N/A	N/A	N/A
2001/02 Levy per Unit	N/A	N/A	N/A	N/A	N/A
2000/01 Levy per Unit	N/A	N/A	N/A	N/A	N/A
1999/00 Levy per Unit	N/A	N/A	N/A	N/A	N/A
1998/99 Levy per Unit	N/A	N/A	N/A	N/A	N/A

Note (General): The difference between Calculated Required Net Levy and Actual Total Levy is due to rounding.

City of Escondido  
 Landscape and Maintenance District

Appendix I  
 Estimate of Cost and Assessment

ZONE DESCRIPTION	ZONE 31 Tract 834	ZONE 32 Tract 881	ZONE 33 Tract 883	ZONE 34 Tract 901	ZONE 35 Tract 947
<b>Projected Beginning Balance (07/01/11)</b>	<b>\$0.00</b>	<b>\$9,874.21</b>	<b>\$10,057.52</b>	<b>\$8,517.98</b>	<b>\$2,577.92</b>
<u>Expenditures</u>					
<i>Direct Costs</i>					
Maintenance	0.00	708.00	4,608.00	1,788.00	2,400.00
Miscellaneous Repairs	0.00	1,500.00	2,000.00	2,000.00	1,000.00
Service/Utilities	0.00	1,000.00	3,150.00	1,650.00	2,650.00
Annual Installment	0.00	0.00	0.00	0.00	0.00
Subtotal Direct Costs:	0.00	3,208.00	9,758.00	5,438.00	6,050.00
<i>Administrative Costs</i>					
Administration/Inspection	0.00	2,200.00	1,100.00	600.00	600.00
Liability Fund	0.00	0.00	0.00	0.00	0.00
Consultant	0.00	525.00	505.00	1,040.00	705.00
County Fee	0.00	2.20	1.10	0.50	0.60
Subtotal Administrative Costs:	0.00	2,727.20	1,606.10	1,640.50	1,305.60
Subtotal Direct and Administrative:	\$0.00	\$5,935.20	\$11,364.10	\$7,078.50	\$7,355.60
Reserve	0.00	8,238.69	7,887.11	6,394.38	776.10
<b>Total Expenditures:</b>	<b>\$0.00</b>	<b>\$14,173.89</b>	<b>\$19,251.21</b>	<b>\$13,472.88</b>	<b>\$8,131.70</b>
<b>Projected Ending Balance (June 30, 2012)</b>	<b>\$0.00</b>	<b>(\$4,299.68)</b>	<b>(\$9,193.69)</b>	<b>(\$4,954.90)</b>	<b>(\$5,553.78)</b>
<b>Calculated Required Net Levy</b>	<b>\$0.00</b>	<b>\$4,299.68</b>	<b>\$9,193.69</b>	<b>\$4,954.90</b>	<b>\$5,553.78</b>
<u>City Contribution</u>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Apportionment</u>					
Unit of Benefit	\$0.00	Per Parcel	Per Parcel	Per Parcel	Per Parcel
Number of Benefit Units	-	22	11	5	6
Authorized Maximum Levy 2011/12	\$0.00	\$260.42	\$835.79	\$1,112.90	\$925.63
<b>Levy per Unit 2011/12</b>	<b>\$0.00</b>	<b>\$195.44</b>	<b>\$835.78</b>	<b>\$990.98</b>	<b>\$925.62</b>
<b>Actual Total Levy</b>	<b>\$0.00</b>	<b>\$4,299.68</b>	<b>\$9,193.58</b>	<b>\$4,954.90</b>	<b>\$5,553.72</b>
<u>Historical Information</u>					
2010/11 Levy per Unit	\$0.00	\$195.44	\$824.90	\$990.98	\$62.72
2009/10 Levy per Unit	N/A	\$145.82	\$499.94	\$816.76	\$788.78
2008/09 Levy per Unit	N/A	\$241.96	\$776.53	\$886.54	\$856.76
2007/08 Levy per Unit	N/A	\$233.50	\$750.54	\$998.10	\$998.10
2006/07 Levy per Unit	N/A	N/A	\$0.00	N/A	N/A
2005/06 Levy per Unit	N/A	N/A	N/A	N/A	N/A
2004/05 Levy per Unit	N/A	N/A	N/A	N/A	N/A
2003/04 Levy per Unit	N/A	N/A	N/A	N/A	N/A
2002/03 Levy per Unit	N/A	N/A	N/A	N/A	N/A
2001/02 Levy per Unit	N/A	N/A	N/A	N/A	N/A
2000/01 Levy per Unit	N/A	N/A	N/A	N/A	N/A
1999/00 Levy per Unit	N/A	N/A	N/A	N/A	N/A
1998/99 Levy per Unit	N/A	N/A	N/A	N/A	N/A

Note (General): The difference between Calculated Required Net Levy and Actual Total Levy is due to rounding.

City of Escondido  
 Landscape and Maintenance District

Appendix I  
 Estimate of Cost and Assessment

ZONE DESCRIPTION	ZONE 36 Tract 889	TOTAL ZONES
<b>Projected Beginning Balance (07/01/11)</b>	<b>(\$3,529.17)</b>	<b>\$604,306.55</b>
<u>Expenditures</u>		
<u>Direct Costs</u>		
Maintenance	0.00	256,680.00
Miscellaneous Repairs	0.00	165,454.40
Service/Utilities	0.00	254,460.00
Annual Installment	0.00	0.00
Subtotal Direct Costs:	0.00	676,594.40
<u>Administrative Costs</u>		
Administration/Inspection	560.00	151,438.00
Liability Fund	0.00	2,700.00
Consultant	525.00	32,250.00
County Fee	1.60	369.70
Subtotal Administrative Costs:	1,086.60	186,757.70
Subtotal Direct and Administrative:	\$1,086.60	\$863,352.10
Reserve	1,629.90	465,532.12
<b>Total Expenditures:</b>	<b>\$2,716.50</b>	<b>\$1,328,884.22</b>
<b>Projected Ending Balance (June 30, 2012)</b>	<b>(\$6,245.67)</b>	
<b>Calculated Required Net Levy</b>	<b>\$6,245.67</b>	<b>\$728,357.96</b>
<u>City Contribution</u>	\$0.00	\$3,249.62
<u>Apportionment</u>		
Unit of Benefit	Per Parcel	
Number of Benefit Units	16	<b>5,307</b>
Authorized Maximum Levy 2011/12	\$710.40	
<b>Levy per Unit 2011/12</b>	<b>\$390.34</b>	
<b>Actual Total Levy</b>	<b>\$6,245.66</b>	<b>\$725,082.86</b>
<u>Historical Information</u>		
2010/11 Levy per Unit	\$301.60	
2009/10 Levy per Unit	N/A	
2008/09 Levy per Unit	N/A	
2007/08 Levy per Unit	N/A	
2006/07 Levy per Unit	N/A	
2005/06 Levy per Unit	N/A	
2004/05 Levy per Unit	N/A	
2003/04 Levy per Unit	N/A	
2002/03 Levy per Unit	N/A	
2001/02 Levy per Unit	N/A	
2000/01 Levy per Unit	N/A	
1999/00 Levy per Unit	N/A	
1998/99 Levy per Unit	N/A	

Note (General): The difference between Calculated Required Net Levy and Actual Total Levy is due to rounding.

**CITY OF ESCONDIDO  
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT**

**APPENDIX II**

**ASSESSMENT ROLL**

The assessment roll shows, for every Zone, each assessor parcel number and the proposed assessment amount. Due to volume, the preliminary assessment roll Appendix is on file with the City Clerk.

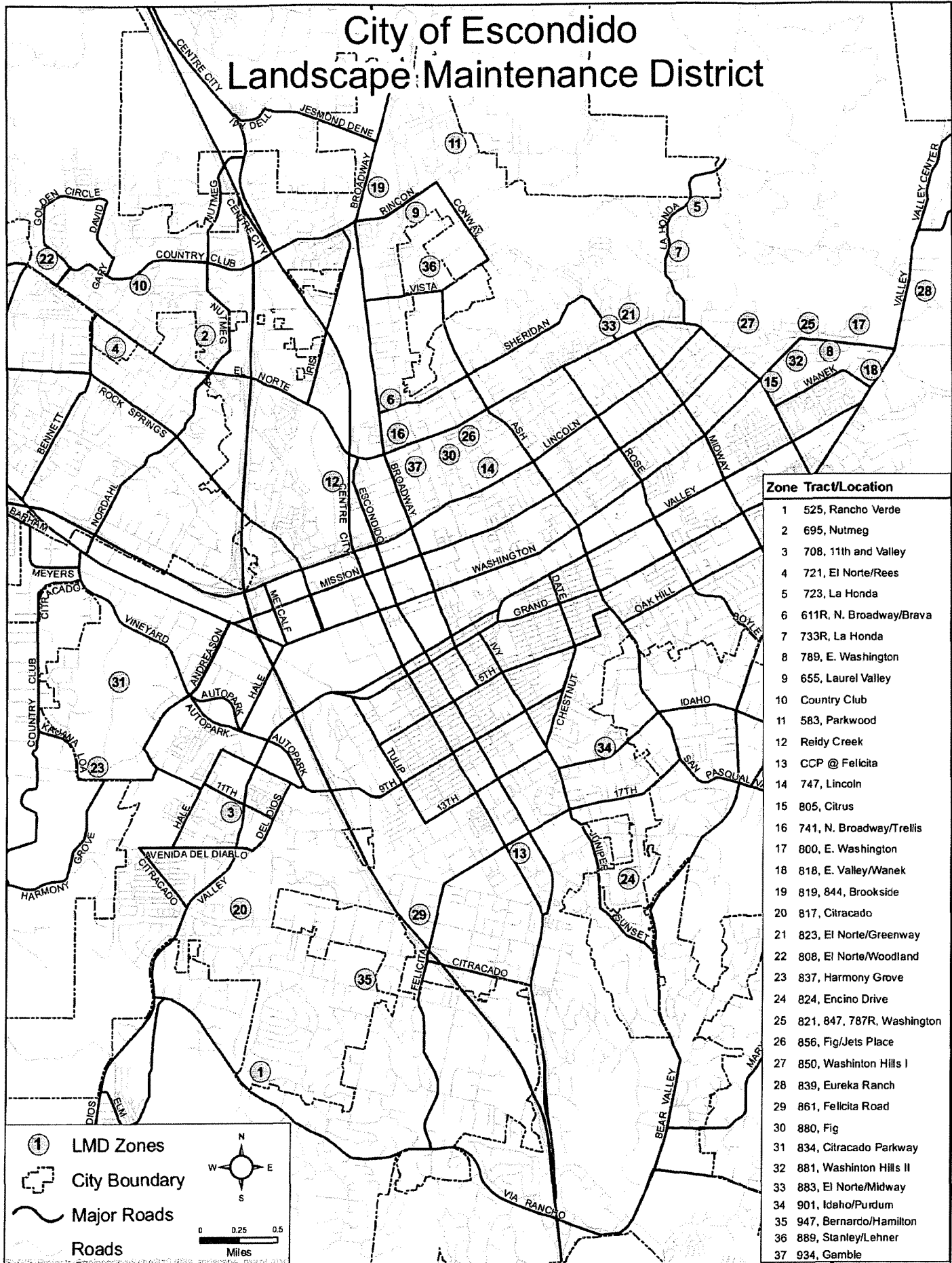


**CITY OF ESCONDIDO  
LANDSCAPE AND MAINTENANCE ASSESSMENT DISTRICT**

**APPENDIX III**

**DIAGRAM OF LANDSCAPE MAINTENANCE DISTRICT BOUNDARIES**

# City of Escondido Landscape Maintenance District



Zone	Tract/Location
1	525, Rancho Verde
2	695, Nutmeg
3	708, 11th and Valley
4	721, El Norte/Rees
5	723, La Honda
6	611R, N. Broadway/Brava
7	733R, La Honda
8	789, E. Washington
9	655, Laurel Valley
10	Country Club
11	583, Parkwood
12	Relyd Creek
13	CCP @ Felcita
14	747, Lincoln
15	805, Citrus
16	741, N. Broadway/Trellis
17	800, E. Washington
18	818, E. Valley/Wanek
19	819, 844, Brookside
20	817, Citracado
21	823, El Norte/Greenway
22	808, El Norte/Woodland
23	837, Harmony Grove
24	824, Encino Drive
25	821, 847, 787R, Washington
26	856, Fig/Jets Place
27	850, Washinton Hills I
28	839, Eureka Ranch
29	861, Felcita Road
30	880, Fig
31	834, Citracado Parkway
32	881, Washinton Hills II
33	883, El Norte/Midway
34	901, Idaho/Purdum
35	947, Bernardo/Hamilton
36	889, Stanley/Lehner
37	934, Gamble

City of Escondido, Engineering and Planning Department, 2011. All rights reserved. Map 24-302

# CITY COUNCIL

For City Clerk's Use:

**APPROVED**       **DENIED**

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

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

**Agenda Item No.: 10**  
**Date: March 23, 2011**

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Edward N. Domingue, Director of Engineering Services  
**SUBJECT:** City of Escondido Landscape Maintenance District – Preliminary Engineer's Report for Zone 37 for Fiscal Year 2011/2012

RECOMMENDATION:

It is requested that Council adopt Resolution Nos. 2011-41 and 2011-43 that will initiate the proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) (see attached map) for Zone 37 for the 2011/2012 fiscal year, approve the preliminary Engineer's report, and set a public hearing date of May 11, 2011.

FISCAL ANALYSIS:

The LMD will reimburse all costs incurred by the City in Zone 37.

PREVIOUS ACTION:

The City Council approved the annexation of Tract 934 into the LMD as Zone 37 on March 2, 2011.

BACKGROUND:

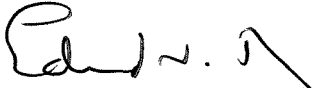
The LMD was established as a means to fund the ongoing maintenance of certain landscape improvements associated with the development of the specific properties within the City of Escondido. These landscape improvements have special benefit to those specific properties. The LMD is divided into various zones. Property owners within each zone are assessed for the benefit received within their zone for the maintenance of the landscape improvements.

Pursuant to Proposition 218, passed by the California voters on November 5, 1996, all new assessments and increase in assessments require a vote of the affected property owners. The initial assessment for LMD Zone 37 is proposed for fiscal year 2011/2012. Ballots will be sent to all the property owners in Zone 37 giving them the option of approving or rejecting the proposed assessment. These ballots will be tabulated after the close of the May 11, 2011, public hearing. The result of the ballot tabulation will be reported to the City Council at the June 22, 2011, City Council

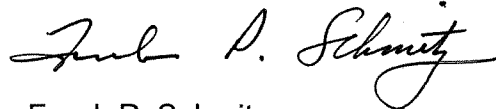
March 23, 2011  
LMD Preliminary Engineer's Report Zone 37  
Page 2

meeting in conjunction with Council action to approve the final Engineer's report and setting of assessments for Zone 37 for fiscal year 2011/2012.

Respectfully submitted,

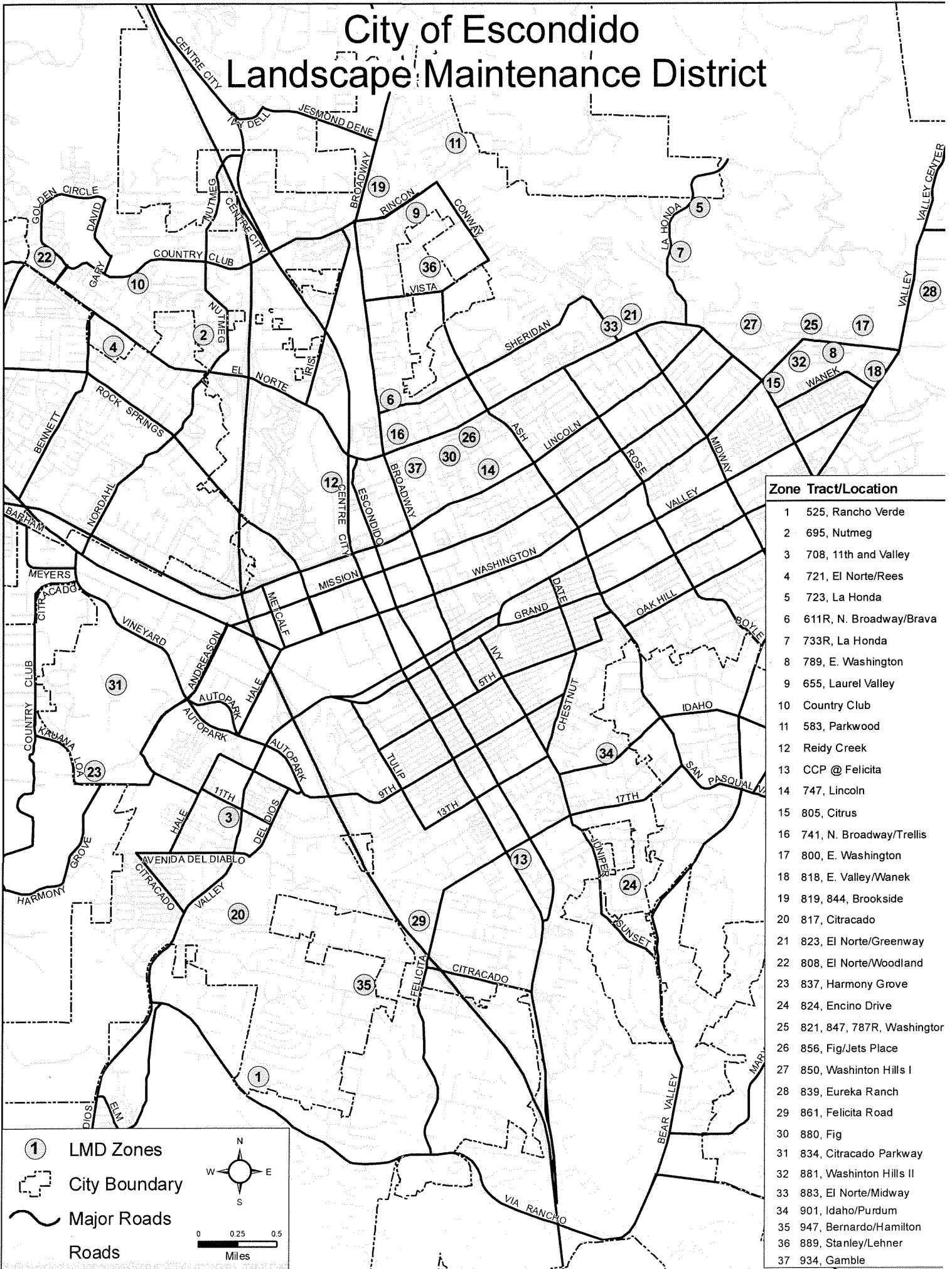


Edward N. Domingue, P.E.  
Director of Engineering Services



Frank P. Schmitz  
Parks and Open Space Administrator

# City of Escondido Landscape Maintenance District



Zone	Tract/Location
1	525, Rancho Verde
2	695, Nutmeg
3	708, 11th and Valley
4	721, El Norte/Rees
5	723, La Honda
6	611R, N. Broadway/Brava
7	733R, La Honda
8	789, E. Washington
9	655, Laurel Valley
10	Country Club
11	583, Parkwood
12	Reidy Creek
13	CCP @ Felicita
14	747, Lincoln
15	805, Citrus
16	741, N. Broadway/Trellis
17	800, E. Washington
18	818, E. Valley/Wanek
19	819, 844, Brookside
20	817, Citracado
21	823, El Norte/Greenway
22	808, El Norte/Woodland
23	837, Harmony Grove
24	824, Encino Drive
25	821, 847, 787R, Washington
26	856, Fig/Jets Place
27	850, Washinton Hills I
28	839, Eureka Ranch
29	861, Felicita Road
30	880, Fig
31	834, Citracado Parkway
32	881, Washinton Hills II
33	883, El Norte/Midway
34	901, Idaho/Purdum
35	947, Bernardo/Hamilton
36	889, Stanley/Lehner
37	934, Gamble

RESOLUTION NO. 2011-41

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
ORDERING THE PREPARATION OF AN  
ASSESSMENT ENGINEER'S REPORT FOR  
THE ANNUAL LEVY OF ASSESSMENTS IN  
ZONE 37 OF THE ESCONDIDO LANDSCAPE  
MAINTENANCE ASSESSMENT DISTRICT

WHEREAS, the City Council of the City of Escondido has previously formed a maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act"), said maintenance district known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, by Resolution No. 2011-31, adopted by the City Council on March 2, 2011, the City Council annexed certain territory into the maintenance District, such territory is known and has been designated as Zone 37; and

WHEREAS, at this time the City Council desires to initiate proceedings to provide for the annual levy of assessments for the next ensuing fiscal year to provide for the annual costs of maintenance of improvements within Zone 37 of the Maintenance District and order the preparation and filing of an Assessment Engineer's Report for Zone 37.

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

1. That the above recitals are true.
2. That the public interest and convenience requires, and it is the intention of this legislative body to initiate proceedings for the annual levy and collection of special

assessments for the payment of annual maintenance and/or servicing costs within Zone 37 of the Maintenance District.

3. That the City Engineer is hereby directed and ordered to prepare and file or cause to be prepared and filed, an Assessment Engineer's Report as required by the provisions of the Act, Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act are referred to collectively as the "Assessment Law") generally containing the following:

- A. Plans and specifications describing the general nature, location and extent of the improvements to be maintained;
- B. An estimate of the cost of the maintenance and/or servicing of the improvements for Zone 37 of the Maintenance District;
- C. A diagram of Zone 37 of the Maintenance District, showing: (i) the exterior boundaries of Zone 37 of the Maintenance District; and (ii) the lines and dimensions of each lot or parcel of land within Zone 37 of the Maintenance District which is identified by a distinctive number or letter;
- D. An assessment of the estimated costs of the maintenance and/or servicing of the improvements, assessing the net amount upon all assessable lots and/or parcels within Zone 37 of the Maintenance District in proportion of the special benefits received.

Upon completion of the preparation of said Assessment Engineer's Report, the original shall be filed with the City Clerk, who shall then submit the same to this City Council for its immediate review and consideration.

4. That the above Assessment Engineer's Report shall include all costs and expenses of said maintenance and/or servicing relating to Fiscal Year 2011-2012.

5. That this Resolution shall take effect immediately upon its adoption.



RESOLUTION NO. 2011-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, PRELIMINARILY APPROVING THE ASSESSMENT ENGINEER'S REPORT AND DECLARING ITS INTENTION TO ESTABLISH THE ANNUAL ASSESSMENTS IN ZONE 37 OF THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, PROVIDE FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN ZONE 37 OF THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND SET THE TIME AND PLACE FOR A PUBLIC HEARING THEREON

WHEREAS, the City Council of the City of Escondido has previously formed a maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act"), and, the Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act are referred collectively as the "Assessment Law"). Such maintenance district is known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, the City Council has annexed certain territory into the Maintenance District, such territory to be designated as Zone 37 of the Maintenance District; and

WHEREAS, this City Council ordered the preparation and filing of an Assessment Engineer's Report to initiate proceedings to provide for the annual levy of assessments for Zone 37 of the Maintenance District for the next ensuing fiscal year to

provide for the costs and expenses necessary to pay for the maintenance of improvements in the Maintenance District; and

WHEREAS, there has been presented to the City Council and filed with the City Clerk the Assessment Engineer's Report for the Maintenance District and Zone 37 thereof, attached hereto as Exhibit "A" and by this referenced incorporated herein, as required by the Assessment Law; and

WHEREAS, the City Council proposes to: (i) establish the annual assessments for the properties within Zone 37; (ii) establish a formula for annual adjustments for inflation measured by increases in the Consumer Price Index; and (iii) levy and collect assessments to pay a prescribed portion of the cost of future maintenance of those items within Zone 37 described in the Assessment Engineer's Report; and

WHEREAS, this City Council has now carefully examined and reviewed the Assessment Engineer's Report as presented, and is satisfied with each and all of the items and documents as set forth therein pertaining to Zone 37, and is satisfied that the assessments proposed for Zone 37, on a preliminary basis, have been spread in accordance with the special benefits received from the improvements to be maintained in Zone 37, as set forth in the Assessment Engineer's Report; and

WHEREAS, the City Council desires to initiate proceedings for a ballot protest procedure for the purpose of establishing the annual assessments for Zone 37, and holding a public hearing in conformance with the Assessment Law for the purposes of considering the establishment of the annual assessments and authorizing the annual levy and collection of the assessments for Zone 37.

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

1. Recitals. The above recitals are true.
2. Intention. The public interest and convenience requires, and it is the intention of this City Council, to levy and collect assessments to pay the annual costs and expenses for the maintenance and/or servicing of the improvements for the above-referenced Zone 37, said improvements are generally described in the Assessment Engineer's Report.
3. Improvements. The proposed improvements are of special benefit to certain identified properties within the boundaries of Zone 37.
4. Assessment Engineer's Report. The Assessment Engineer's Report, as presented pertaining to Zone 37, is hereby approved on a preliminary basis, and is ordered to be filed in the office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the Assessment Engineer's Report for (a) a full and detailed description of the improvements; (b) the boundaries of Zone 37; and (c) the proposed assessments upon assessable lots and parcels of land within Zone 37 of the Maintenance District.
5. Proposed Increases. The public interest and convenience requires, and it is the intention of this City Council to order the establishment of the proposed annual levy and collection of the assessments for Zone 37 as set forth and described in the Assessment Engineer's Report. It is further determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense

of said maintenance and improvement as estimated in the Assessment Engineer's Report for Zone 37. All costs and expenses of the maintenance and incidental expenses for Zone 37 have been apportioned and distributed to the benefiting parcels in accordance with the special benefits received from the existing improvements. Assessments are proposed to be established within Zone 37 within the range of assessments proposed to be established for the properties within Zone 4 of the Maintenance District, together with the establishment of a formula for annual adjustments for inflation measured by increases in the Consumer Price Index. If a majority protest exists, as described below in Section 6, and the assessments are not established, the City Council shall not impose the assessments proposed to be levied and assessed within Zone 37.

6. Public Hearing. NOTICE IS HEREBY GIVEN that a public hearing will be held May 11, 2011, at 4:30 p.m., or as soon thereafter as the matter may be heard, in the regular meeting place of this City council, located at 201 North Broadway, Escondido, California 92025, which are the time, date, and place fixed by the City Council for the hearing of protests or objections in reference to the establishment of and levy and collection of the annual assessments within Zone 37, to the extent of the maintenance, by any interested person and any other matters contained in this Resolution. At such time the legislative body will consider and finally determine whether to levy the proposed annual assessments.

Pursuant to the provisions of the Assessment Law, the record owner of each parcel proposed to be assessed within Zone 37 has the right to submit an assessment

ballot in favor of or in opposition to the assessment proposed to be levied on such parcel.

Assessment ballots will be mailed to the record owner of each parcel located within Zone 37 and proposed to be subject to proposed establishment of the assessments. Each such owner may complete such assessment ballot and thereby indicate such owner's support for or opposition to the proposed establishment of the levy of the assessments. All such assessment ballots must be received by the City Clerk at or before the time set for the close of the public hearing, which will occur when public testimony is concluded. This public hearing may be continued from time to time. All such assessment ballots may be delivered by mail or personal delivery to the City Clerk at or before 4:30 pm on May 11, 2011, at City of Escondido, 201 North Broadway, Escondido, CA 92025, or in person in the City Council Chambers at the public hearing prior to the close of the public hearing. **AN ASSESSMENT BALLOT RECEIVED AFTER THE CLOSE OF THE PUBLIC HEARING WILL NOT BE TABULATED EVEN THOUGH THE POSTMARK ON THE ENVELOPE TRANSMITTING THE ASSESSMENT BALLOT IS DATED ON OR BEFORE MAY 11, 2011.**

At the public hearing, the City Council shall consider all objections or protests, if any, to the establishment of the annual assessments proposed to be levied within Zone 37. The City Council shall also determine whether assessment ballots submitted pursuant to the Assessment Law in opposition to the establishment of the assessments proposed to be levied within Zone 37 exceed assessment ballots submitted in favor of such proposed establishment of the assessments.

After the close of the public hearing, the City Council shall cause the tabulation,

pursuant to California Government Code section 53753, of the assessment ballots timely received. If a majority protest exists, as described below, the City Council shall not impose the proposed assessments within Zone 37 of the Maintenance District. A majority protest to the establishment of the levy of the assessments within Zone 37 exists if, upon the close of the public hearing, assessment ballots submitted in opposition to the establishment of the assessments within Zone 37 exceed the assessment ballots submitted in favor of such establishment of the assessments. In tabulating the assessment ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

7. Notice of the Public Hearing. In accordance with the Assessment Law, the City Clerk is hereby authorized and directed to give notice of the public hearing for the proposed establishment of the levy of the assessments within Zone 37 as follows:

a. At least forty-five (45) days before the date set forth for hearing protests, the City Clerk shall, pursuant to Government Code Section 53753, mail or cause to be mailed, postage prepaid, notice of the public hearing and of the adoption of the Resolution of Intention, as amended, and the filing and consideration of the Assessment Engineer's Report to all persons owning real property proposed to be assessed whose names and addresses appear on the last equalized assessment roll for taxes of the County of San Diego, or who are known to the City Clerk. The form of such notice shall conform in all respects with the requirements of California Government Code Section 53753(b) and pursuant to California Government Code Section 53753(c), each such notice shall contain an assessment ballot whereon the record owner may indicate his or her support

for or opposition to the proposed establishment of the assessments within Zone 37.

b. Except as provided in the following sentence, the assessments to be reflected in the assessment ballots shall be the proposed assessments for Zone 37 as set forth in the Assessment Engineers Report.

c. Upon the completion of the mailing of such notices, the City Clerk shall file with the City Council a certificate setting forth the time and manner of compliance with the requirements of this resolution for mailing notices.

8. Tabulation Official. For purposes of tabulating the assessment ballots for these proceedings as required pursuant to the Assessment Law, the City Council hereby designates the City Clerk to act as the tabulation official to tabulate the assessment ballots submitted.

9. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

Frank Schmitz

Engineering Services Department

City of Escondido

201 North Broadway

Escondido, CA 92025

(760) 839-4039

10. This Resolution shall take effect immediately upon its adoption.

## Assessment Engineer's Report Zone 37

### Fiscal Year 2011/12

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## City of Escondido Landscape Maintenance Assessment District

Report pursuant to the Landscaping and Lighting Act of 1972, Part 2 Division 15 of the Streets and Highways Code, Article XIII.D. of the California Constitution, and Proposition 218 Omnibus Implementation Act (Government Code Section 53750 et seq.). The Streets and Highways Code, Part 2, Division 15, Article 4, commencing with Section 22565, directs the preparation of the annual report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements described herein.

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PRELIMINARY REPORT  
**MARCH 23, 2011**



CITY OF ESCONDIDO  
ASSESSMENT ENGINEER'S REPORT  
ZONE 37

ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT  
FISCAL YEAR 2011/12

The Assessment Engineer's Report, submitted herein, includes the following Sections as outlined below:

Section Description	Page
Compliance with Landscaping and Lighting Act of 1972, Article 4 of the California Government Code	1
Section A: Plans and Specifications for the Improvements	1
Section B: Estimate of Costs of the Improvements	3
Section C: Diagram for the Maintenance District	5
Section D: Assessment of the Estimated Costs of the Improvements	6
Section E: If Bonds or Notes will be Issued Pursuant to Section 22662.5, An Estimate of their Principal Amount	8
Appendix I: Estimate of Cost and Assessment	
Appendix II: Assessment Roll	
Appendix III: Diagram of Landscape Maintenance District Boundaries	

**COMPLIANCE WITH LANDSCAPE AND LIGHTING ACT OF 1972  
ARTICLE 4 OF THE CALIFORNIA GOVERNMENT CODE**

Whereas the City Council of the City of Escondido, California, did, pursuant to the provisions of the Landscape and Lighting Act of 1972, Chapter 3, Section 22622 of the California Government Code, order the preparation and filing of the Assessment Engineer's Report in accordance with Chapter 1, Article 4, commencing with Section 22565, of Chapter 1.

Section 22565 directs that the report refer to the Landscape Maintenance Assessment District (the "Maintenance District") by its distinctive designation, specify the fiscal year to which the report applies, and, with respect to that year, contain all of the following:

- (a) Plans and specifications for the improvements.
- (b) An estimate of the costs of the improvements.
- (c) A diagram for the Maintenance District.
- (d) An assessment of the estimated costs of the improvements.
- (e) If bonds or notes will be issued pursuant to Section 22662.5, an estimate of their principal amount.

A preliminary report is then filed in accordance with Section 22623 with the City Clerk for submission to the legislative body. The legislative body may approve the report, as filed, or it may modify the report in any particular and approve it as modified.

Now, therefore, the following Assessment Engineer's Report is submitted:

**A. PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS**

In accordance with Section 22568, the plans and specifications are required to show and describe existing and proposed improvements. The plans and specifications need not be detailed, but are sufficient if they show or describe the general nature, location,

and extent of the improvements. If the Maintenance District is divided into Zones, the plans and specifications are required to indicate the class and type of improvements to be provided for each such Zone.

The Maintenance District has been divided into distinct Zones of benefit. By reasons of variations in the nature, location, and extent of the improvements, the various Zones receive different degrees of benefit from the improvements. The improvements for Zone 37, which have been constructed or which may be subsequently constructed within and adjacent to Zone 37 and that will be serviced and maintained, and the proposed maintenance and services are generally described as follows.

### **DESCRIPTION OF IMPROVEMENTS TO BE MAINTAINED AND SERVICED**

In general, a description of the improvements to be maintained and serviced is provided below. The general description is followed by a specific description for Zone 37.

#### **Landscape and Appurtenant Improvements in General**

Landscape improvements (collectively, the "Landscape Improvements") include but are not limited to: landscaping, planting shrubbery, trees, irrigation systems, hardscapes and fixtures in public street and sidewalk, rights-of-way, including medians, parkways and other easements dedicated to the City of Escondido within the boundaries of the District.

#### **Description of Maintenance and Services in General**

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the Landscape Improvements and appurtenant facilities, including repair, removal or replacement of all or part of any of the Landscape Improvements or appurtenant providing for the life, growth, health and beauty of the Landscape Improvements, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury, the removal of trimmings, rubbish, debris and other solid waste, and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Service means the furnishing of water for the irrigation of the Landscape Improvements and the furnishing of electric current or energy, gas or other illuminating agent for the lighting or operation of the Landscape Improvements or appurtenant facilities.

**Landscape and Appurtenant Improvements and Description of Maintenance and Services for Zone 37**

Zone 37 is located at 1207 Gamble Street between Lincoln Avenue and El Norte Parkway. The improvements to be maintained by the Landscape Maintenance District include parkway landscape along approximately 120 feet of Gamble Street and along approximately 20 feet of Emila Place. The landscaped areas include or will include trees, shrubs, groundcover, a bio-swale, and an automatic irrigation system. The landscaped area totals approximately 1,840 square feet.

The plans and specifications for the Landscape Improvements, showing the general nature, location and the extent of the Landscape Improvements, are on file in the office of the City Engineer and are by reference herein made a part of this report.

**B. ESTIMATE OF COSTS OF THE IMPROVEMENTS**

In accordance with Section 22569 of the California Government Code, the estimate of the costs of the improvements for the fiscal year is required to contain estimates of the following:

- (a) The total cost for improvements to be made that year, being the total costs of constructing or installing all purposed improvements and of maintaining and servicing all existing and proposed improvements, including all incidental expenses. This may include a cash flow reserve and an operating and maintenance reserve which are further detailed in the description of *Reserve* on the following page.
- (b) The amount of any surplus or deficit in the improvement fund to be carried over from a previous fiscal year.
- (c) The amount of any contributions to be made from sources other than assessments levied pursuant to this part. (Contributions will only be shown if such a contribution has been received.)

- (d) The amount, if any, of the annual installment for the fiscal year where the legislative body has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments.
- (e) The net amount to be assessed upon assessable lands within the Maintenance District being the total improvement costs, as referred to in subdivision (a), increased or decreased, as the case may be, by any of the amounts referred to in subdivision (b), (c), or (d).

The estimates of cost are contained in Appendix I of this Report, titled, "Estimate of Cost and Assessment." The Assessment Law requires that a special fund be established for the revenues and expenditures of each Zone within the District. Funds levied by these assessments shall be used only for the purposes as stated herein. The City may advance funds to the Zone, if needed, to ensure adequate cash flow, and will be reimbursed for any such advances upon receipt of assessments. Any surplus or deficit remaining on June 30 must be carried over to the next fiscal year.

#### **DESCRIPTION OF BUDGET EXPENSE ITEMS**

*Administration/Inspection:* The cost to all departments and staff of the City for providing the coordination of maintenance, and responding to public concerns regarding levy collections.

*Annual Installment:* The amount, if any, of the annual installment for the fiscal year where the legislative body has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments.

*Consultant:* The recovery of the cost of contracting for professional services to provide District administration and legal services.

*County Fee:* The recovery of the cost charged by the County of San Diego for placing and collecting the fixed charged special assessments on the county tax roll.

*Liability Fund:* The recovery of the cost incurred by the City to provide liability insurance. Only Zones that have storm drainage improvements are required to pay a portion of the liability insurance.

*Miscellaneous Repairs:* Recovery of the cost of unplanned repairs. These costs are not included in the maintenance contract and are unplanned. An example of an expenditure that would fall under this category is repairs due to vandalism.

*Reserve:* The collection of a reserve is a combination of a cash flow reserve and an operating and maintenance reserve. The cash flow reserve should not exceed the estimated costs of maintenance and servicing to December 10 of the fiscal year, or whenever the City expects to receive its apportionment of special assessments and tax collections from the County, whichever is later. This time period has been estimated by the City as six months from July 1 to January 1 of each fiscal year. The purpose of the cash flow reserve is to eliminate the need for the City to transfer funds from non-District accounts to pay for District expenditures. The operating and maintenance reserve, estimated as 12 months of maintenance and servicing, is to provide a buffer for unforeseen emergency repairs and maintenance, and to allow the Zone to continue maintenance through a period of delinquencies in the collection of the assessments.

*Maintenance:* Includes all contracted labor, material and equipment required to properly maintain the landscaping, irrigation systems, fencing, and entry monuments within the District.

*Service/Utilities:* The furnishing of water and electricity required for the maintenance of the landscaping and drainage facilities.

### **C. DIAGRAM FOR THE MAINTENANCE DISTRICT**

The diagram for a Maintenance District as required by Sections 22570 and 22571 of the California Government Code is required to show: a) the exterior boundaries of the Maintenance District, b) the boundaries of any Zones within the district, and c) the lines and dimensions of each lot or parcel of land within the district. Each lot or parcel is required to be identified by a distinctive number or letter. A Diagram of the District by Zone which shows each lot or parcel of land within Zones 1 to 36 of the District is on file in the Offices of the City Clerk and the Parks and Open Space Administrator. Appendix III provides an overview of all the zones currently within the District including the general location of Zone 37. Appendix III also contains a detailed map for Zone 37 which

provides the exterior boundaries and the lines and dimensions of each lot or parcel within Zone 37.

The lines and dimensions of each lot or parcel of land shown on the diagram are required to conform to those shown on the county assessor's maps for the fiscal year in which the report applies. The diagram may refer to the county assessor maps for a detailed description of the lines and dimensions of any lots or parcels, in which case, those maps govern all details concerning the lines and dimensions of such lots or parcels.

**D. ASSESSMENT OF THE ESTIMATED COSTS OF THE IMPROVEMENTS**

The assessment, or annual levy amount, in accordance with Sections 22572 and 22573 of the California Government Code, must refer to the fiscal year to which it applies and provide all of the following:

- (a) State the net amount, determined in accordance with Section 22569, to be assessed upon assessable lands within the Maintenance District, which includes an amount sufficient to pay the principal and interest due during the fiscal year from each parcel on any bonds or notes issued pursuant to Section 22662.5.
- (b) Describe each assessable lot or parcel of land within the District.
- (c) Assess the net amount upon all assessable lots or parcels of land within the District by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each lot or parcel from the improvements.

The assessment may refer to the County assessment roll for a description of the lots or parcels, in which case that roll will govern for all details concerning the description of the lots or parcels. The 1972 Act permits the establishment of Maintenance Districts by cities for the purpose of providing certain public improvements which include the construction, maintenance and servicing of landscaping improvements. Streets and Highways Code Section 22573 requires that maintenance assessments be levied according to benefit directing that the method of apportionment can be based on any

method which fairly distributes the net amount among all assessable lots or parcel in proportion to the estimated benefit to be received by each such lot or parcel from the improvements. Article XIII.D. and the Implementation Act require that a parcel's assessment may not exceed the reasonable cost for the proportional special benefit conferred on that parcel. Article XIII.D. and the Implementation Act further provide that only special benefits are assessable and the City must separate the general benefits from the special benefit. They also require that publicly-owned properties which specially benefit from the improvements be assessed.

### **APPORTIONMENT OF SPECIAL BENEFIT**

The proportionate special benefit derived by each parcel has been determined in relationship to the total cost of the improvements and maintenance services being provided. No assessment is proposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits have been assessed. General benefits have been separated from the special benefits conferred on the parcels. No proposed assessment imposed on any parcel exceeds the reasonable cost of the special benefit conferred on such parcels.

The improvements to be maintained are public improvements owned by the City of Escondido. Other than the public streets, roads, alleys, avenues, and highways, no parcels within Zone 37 are owned by any other public agency, the State of California, or the United States.

Such improvements and maintenance directly provide special benefits to those certain identified properties within Tract 934, located within Zone 37. The special benefits include beautification, shade, enhancement of the desirability of the surroundings, and erosion control. Additionally, they provide a sense of ownership and a common theme in the community, aesthetic appeal, and increased desirability of properties.

The estimated net cost of the improvements has been divided among the parcels of land within Zone 37 in proportion to the estimated special benefits to be received by the parcels, respectively, from the improvements and maintenance. The method used to apportion the cost among the benefiting properties is based on benefit units. All current or projected residential lots (Tract 934 will create 5 residential lots) are determined to



equally receive special benefits from the improvements and maintenance and therefore each has been assessed the same and assigned one benefit unit. The total annual cost is divided by the total number of benefit units to arrive at a cost per residential lot. The total number of benefit units within Zone 37 is 5 units.

Appendix I of this Report, titled, "Estimate of Cost of Assessment," shows the total cost of the proposed maintenance and the calculation of the net amount to be assessed to parcels within Zone 37. The total costs for maintenance also include incidental costs, such as assessment engineering costs for Zone 37. The Estimate of Cost of Assessment includes a proposed annual administrative assessment and also provides the calculation of apportionment of all costs among the parcels in proportion to the special benefits to be received by each. The method of apportionment fairly distributes the net amount among all assessable parcels in proportion to the special benefits to be received by each from the improvements and the maintenance thereof.

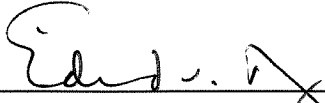
Based on the methodology described above, the benefit units and Fiscal Year 2011-2012 Zone 37 assessment for each parcel were calculated and are shown in Appendix II of this Report, titled "Assessment Roll." The Assessment Roll provides a description of the assessable parcels within Zone 37 and a listing of the assessor parcel numbers and levy per parcel within Zone 37.

#### **E: BONDS OR NOTES**

If bonds or notes will be issued pursuant to Section 22662.5, Part V is to provide an estimate of their principal amount. For the current fiscal year the legislative body of the City of Escondido has not determined the need for bonds or notes to be issued.

In conclusion, it is my opinion that the assessments for Zone 37 of the City of Escondido, Landscape Maintenance District No. 1 are spread in direct accordance with the special benefits that the land within the boundary of the Zone receives from the maintenance of the improvements and that the proposed assessment conforms to the requirements of Article XIII.D.

This Report dated this 23rd day of March, 2011.

By:   
Edward N. Domingue, RCE 34131  
License Expiration Date: June 30, 2011

**CITY OF ESCONDIDO  
LANDSCAPE AND MAINTENANCE ASSESSMENT DISTRICT**

**APPENDIX I**

**ESTIMATE OF COST AND ASSESSMENT**

City of Escondido  
 Landscape and Maintenance District

Appendix I  
 Estimate of Cost and Assessment

ZONE DESCRIPTION	ZONE 37 Tract 934
<b>Projected Beginning Balance (07/01/11)</b>	<b>\$3,500.00</b>
<u>Expenditures</u>	
<i>Direct Costs</i>	
Maintenance	2,652.00
Miscellaneous Repairs	500.00
Service/Utilities	2,000.00
Annual Installment	0.00
Subtotal Direct Costs:	5,152.00
<i>Administrative Costs</i>	
Administration/Inspection	600.00
Liability Fund	0.00
Consultant	2,025.00
County Fee	0.00
Subtotal Administrative Costs:	0.00
Subtotal Direct and Administrative:	\$5,152.00
Reserve	0.00
<b>Total Expenditures:</b>	<b>\$5,152.00</b>
<b>Projected Ending Balance (June 30, 2012)</b>	<b>(\$5,277.50)</b>
<b>Calculated Required Net Levy</b>	<b>\$5,277.50</b>
<u>City Contribution</u>	\$0.00
<u>Apportionment</u>	
Unit of Benefit	Per Parcel
Number of Benefit Units	5
Authorized Maximum Levy 2011/12	\$1,055.50
<b>Levy per Unit 2011/12</b>	<b>\$1,055.50</b>
<b>Actual Total Levy</b>	<b>\$5,277.50</b>
<u>Historical Information</u>	
2010/11 Levy per Unit	N/A
2009/10 Levy per Unit	N/A
2008/09 Levy per Unit	N/A
2007/08 Levy per Unit	N/A
2006/07 Levy per Unit	N/A
2005/06 Levy per Unit	N/A
2004/05 Levy per Unit	N/A
2003/04 Levy per Unit	N/A
2002/03 Levy per Unit	N/A
2001/02 Levy per Unit	N/A
2000/01 Levy per Unit	N/A
1999/00 Levy per Unit	N/A
1998/99 Levy per Unit	N/A

**CITY OF ESCONDIDO  
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT**

**APPENDIX II**

**ASSESSMENT ROLL**

CITY OF ESCONDIDO  
 Landscape Maintenance District No. 1 - Zone 37  
 Assessment Levy for Fiscal Year 2011/12

Resolution No. 2011-43  
 EXHIBIT A  
 Page 15 of 18

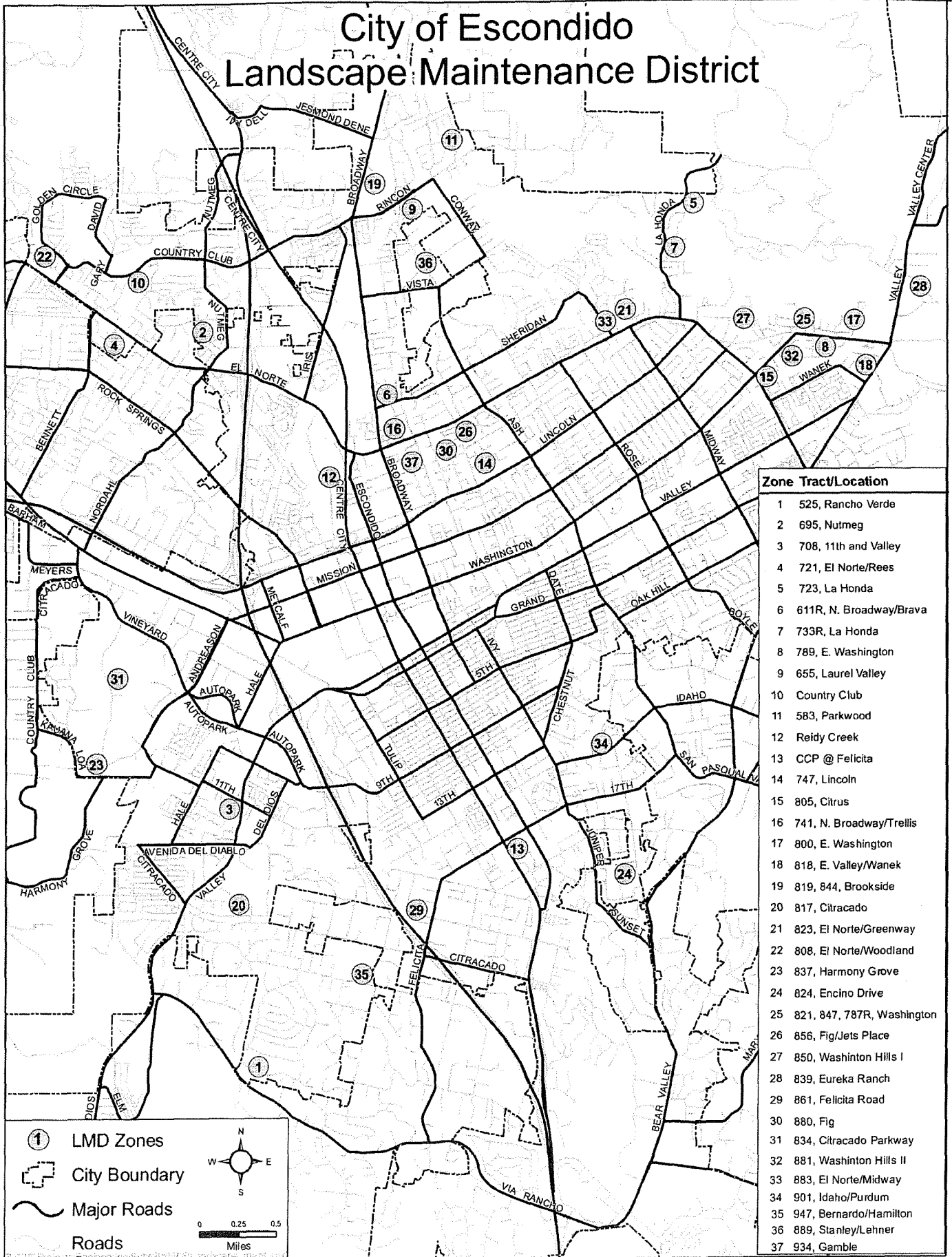
Assessor's Parcel No.	Property Owner Name	Situs	Mailing Address	City/St/Zip	Equivalent Dwelling Units	Assessment Levy
229-071-07-00	Switgall Emilia S Revocable	00000 Gamble St North	260 W Crest St #c	Escondido CA 92025	5.000	\$5,277.50
Totals:		Parcels:	1		5.000	\$5,277.50

**CITY OF ESCONDIDO  
LANDSCAPE AND MAINTENANCE ASSESSMENT DISTRICT**

**APPENDIX III**

**DIAGRAM OF LANDSCAPE MAINTENANCE DISTRICT BOUNDARIES**

# City of Escondido Landscape Maintenance District

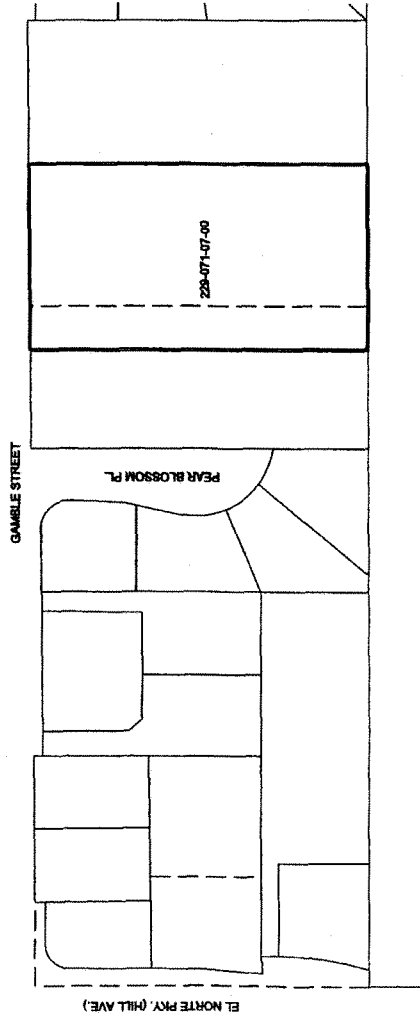


Zone	Tract/Location
1	525, Rancho Verde
2	695, Nutmeg
3	708, 11th and Valley
4	721, El Norte/Rees
5	723, La Honda
6	611R, N. Broadway/Brava
7	733R, La Honda
8	789, E. Washington
9	655, Laurel Valley
10	Country Club
11	583, Parkwood
12	Reidy Creek
13	CCP @ Felicity
14	747, Lincoln
15	805, Citrus
16	741, N. Broadway/Trellis
17	800, E. Washington
18	818, E. Valley/Wanek
19	819, 844, Brookside
20	817, Citracado
21	823, El Norte/Greenway
22	808, El Norte/Woodland
23	837, Harmony Grove
24	824, Encino Drive
25	821, 847, 787R, Washington
26	856, Fig/Jets Place
27	850, Washinton Hills I
28	839, Eureka Ranch
29	861, Felicity Road
30	880, Fig
31	834, Citracado Parkway
32	881, Washinton Hills II
33	883, El Norte/Midway
34	901, Idaho/Purdum
35	947, Bernardo/Hamilton
36	889, Stanley/Lehner
37	934, Gamble



PROPOSED BOUNDARIES OF  
ANNEXATION TO  
LANDSCAPE MAINTENANCE DISTRICT NO.1  
ZONE 37 (TRACT 934)  
CITY OF ESCONDIDO  
COUNTY OF SAN DIEGO  
STATE OF CALIFORNIA

LEGEND: \_\_\_\_\_  
ANNEXATION BOUNDARY



Resolution No. 2011-43  
EXHIBIT A  
Page 18 of 18

SHEET 1 OF 1  
DATE MARCH 2011  
JOB NO. LMD01-0311

NOTE: FOR PARTICULARS OF LINES AND DIMENSIONS OF ASSESSOR'S PARCELS, REFERENCE IS MADE TO THE SAN DIEGO COUNTY ASSESSOR'S PARCEL MAPS.



**SDFA**  
SPECIAL DISTRICT FINANCING  
& ADMINISTRATION  
487 WEST GRAND AVENUE  
ESCONDIDO, CALIFORNIA 92025  
TELEPHONE: (760)233-2850  
FAX: (760)233-2831

## CITY COUNCIL

For City Clerk's Use:

**APPROVED**       **DENIED**

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

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

**Agenda Item No.: 11**

**Date: March 23, 2011**

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

**FROM:** Barbara J. Redlitz, Director of Community Development

**SUBJECT:** First Amendment to the Development Agreement for Tract 933 (PHG 10-001)

RECOMMENDATION:

It is requested that Council introduce Ordinance No. 2011-01 to authorize a three-month extension for the Development Agreement to June 23, 2011.

PROJECT DESCRIPTION:

Modification to the Development Agreement between the City of Escondido and Northeast Gateway LLC for the 20-lot, Tract 933 residential development to grant an interim three-month extension of the term beyond the current March 24, 2011, expiration date. The interim extension will allow staff and the applicant time to finalize negotiations and present a comprehensive proposal for additional modified terms to the City Council.

FISCAL ANALYSIS:

The existing Development Agreement terms freeze development fees at 2006 levels and require the developer to pay the City up to \$720,000 (\$90,000/unit) for an increase in allowable density of eight units transferred from nearby city-owned properties. The applicant is seeking a reduction in the amount of the density transfer payment to reflect the significant market changes that have occurred since the approval. Staff is seeking to change the term regarding development fees to require fees be paid at prevailing rates.

ENVIRONMENTAL REVIEW:

Environmental review is not necessary to extend the term of the Development Agreement.

BACKGROUND:

Tract 933 was approved by the City Council on February 8, 2006. The associated Development Agreement was approved for a five-year term by Ordinance 2006-07, effective March 24, 2006. The agreement sets forth responsibilities and obligations associated with the construction of the project and details appropriate compensation for the transfer of eight dwelling units from city-owned property within the Northeast Gateway Specific Plan Area. The Development Agreement establishes a

Modification to the Development Agreement for Tract 933

March 23, 2011

Page 2

minimum payment of \$80,000 per transferred unit (\$640,000). There is also a provision that bases the fee on a percentage of the unit's sales price up to \$90,000 per transferred unit (\$720,000) if payment to the city is delayed until the close of escrow on the last unit. A final map for Tract 933 has not recorded and there has been no construction related to the project.

On December 2, 2009, the City Council initiated a proposed modification to the Development Agreement to consider revisions to the terms of the agreement as well as an extension of time for the agreement and associated Tentative Map. The applicant and staff have since been engaged in a series of negotiations regarding the density transfer payment and development fee structure. It now appears that an agreement on modified terms is imminent, but there is not sufficient time to confirm and package the proposed amendment for council review prior to the expiration date. Therefore, a short interim extension to complete negotiations is now being requested.

ANALYSIS:

The density transfer fee amount was established during the peak of the residential real estate market and may no longer be sustainable. Given current market conditions, staff supports modification to the Development Agreement since it seems appropriate to review the fee structure and the applicant needs additional time to secure construction funding and permits under more favorable economic circumstances.

Negotiations on modified terms have been on-going over the last year and several potential fee scenarios have been explored. At this point, staff's intent is to secure a short interim extension of the term of the Development Agreement to allow the negotiations to be completed on all outstanding issues. A comprehensive amendment to the agreement will then be brought forward to the Council for consideration.

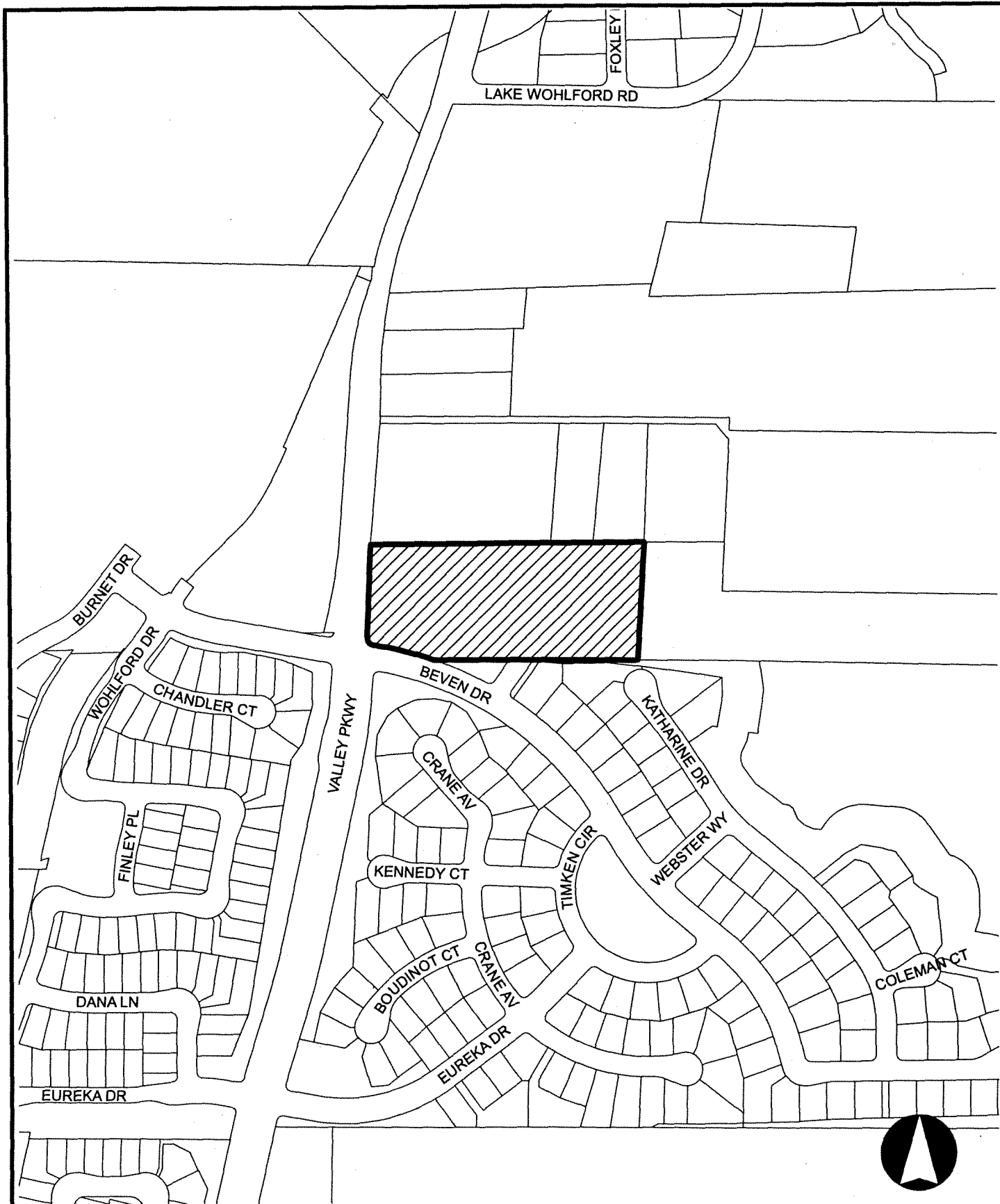
Respectfully submitted,



Barbara J. Redlitz  
Director of Community Development

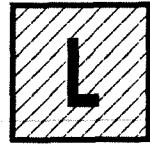


Bill Martin  
Principal Planner

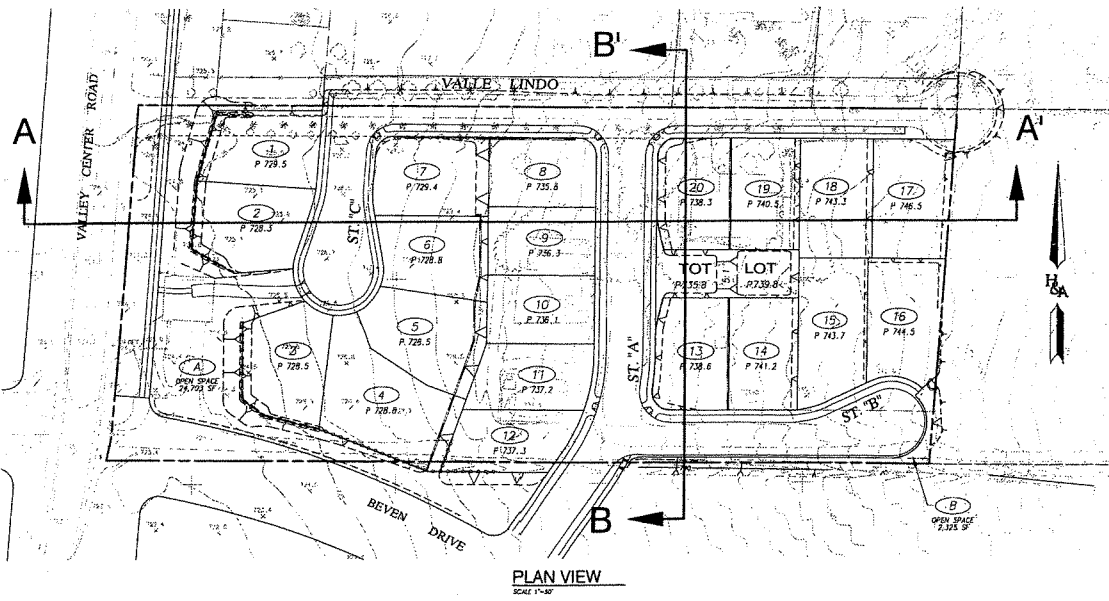
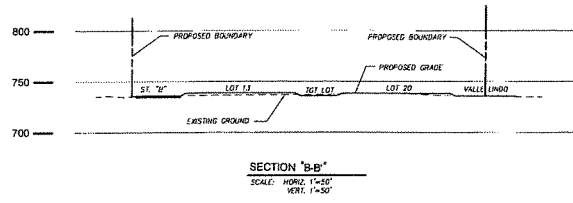
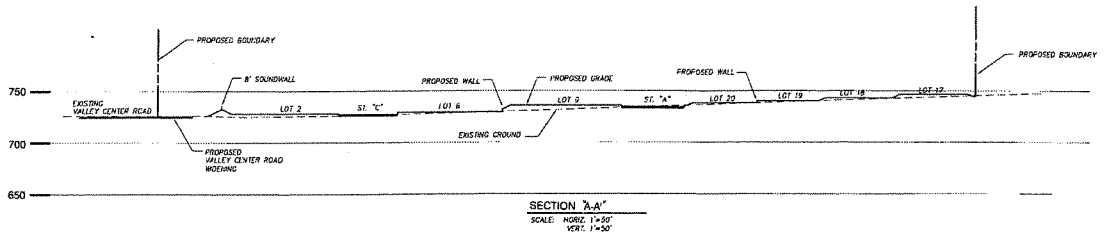


Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGis. All rights reserved.

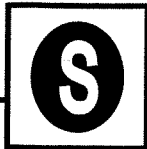
**PROPOSED PROJECT  
PHG 10-0001**



LOCATION/ZONING



**PROPOSED SUBDIVISION, PLANNED  
DEVELOPMENT & DEVELOPMENT AGREEMENT  
TR 933 & 2005-52-PD/DA**



SITE PLAN

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE, ON BEHALF OF THE CITY, A  
FIRST AMENDMENT TO THE DEVELOPMENT  
AGREEMENT FOR THE 20-LOT, TRACT 933  
RESIDENTIAL DEVELOPMENT

PLANNING CASE NO. PHG 10-0001

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

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

SECTION 2. That the City Council has reviewed and considered the Mitigated  
Negative Declaration (City Log No. ER 2005-38) and Mitigation Monitoring Report  
prepared at the time the project was originally approved and has determined that all  
environmental issues associated with the project have been addressed and no  
significant environmental impacts will result from approving this modification to the  
Development Agreement.

SECTION 3. That upon consideration of the staff report and all public  
testimony presented at the hearing held on this amendment, this City Council finds that  
the proposed amendment to the Development Agreement for Tract 933 is consistent  
with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That the City Council desires at this time and deems it to be in the best public interest to approve the First Amendment to the Development Agreement, attached as Exhibit "A," which is incorporated by this reference, and authorizes the Mayor and City Clerk, on behalf of the City, to execute the First Amendment to the Development Agreement.

SECTION 5. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

RECORDING REQUESTED BY:

CITY CLERK, CITY OF ESCONDIDO

WHEN RECORDED MAIL TO:

CITY CLERK  
CITY OF ESCONDIDO  
201 N. BROADWAY  
ESCONDIDO, CA 92025

THIS SPACE FOR RECORDER'S USE ONLY

**RECORDING FEES EXEMPT PER GOVERNMENT CODE SECTION 27383**

**FIRST AMENDMENT TO  
NORTHEAST GATEWAY DEVELOPMENT AGREEMENT  
(TRACT 933)**

This First Amendment to Northeast Gateway Development Agreement ("Amendment") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2011, by and between the City of Escondido, State of California ("City") and Lark & Sons, LLC, a California limited liability company, including its successors and assigns ("Owner") (collectively, "the Parties").

**RECITALS**

Whereas, on March 24, 2006, the City and the Owner's predecessor-in-interest, Northeast Gateway, LLC ("Northeast"), entered into that certain agreement entitled "Development Agreement for Tract 933" which was recorded on July 11, 2006, Document No. 2006-0488074, Official Records of San Diego County (the "Agreement"). Pursuant to the Development Agreement, Northeast agreed to develop certain property more particularly described in the Development Agreement (the "Property"), subject to certain conditions and obligations as set forth in the Agreement.

Whereas, on June 15, 2009, Northeast transferred the Property to Owner.

Whereas, Northeast assigned the Agreement to Owner. As such, Owner assumed all rights, title, interest, burden, and obligation under the Agreement with respect to and as related to the Property.

Whereas, the terms defined in the Agreement shall have the same meaning in this Amendment, unless otherwise specified herein.



The Parties now desire to amend the Agreement to extend the Term of the Agreement to allow the Parties to negotiate other terms of the Agreement.

**NOW, THEREFORE,** City and Owner agree as follows:

1. **Extension of the Term of the Agreement.**

The Term, as defined under Article III, Section 1 of the Agreement, is hereby extended from March 24, 2011 to June 23, 2011, unless terminated, modified, or extended as permitted by the Agreement.

2. **Agreement Still in Effect.**

All other terms of the Agreement between City and Owner shall remain in full force and effect; in the event of any conflict between any specific provision of the Agreement and this Amendment, this Amendment shall prevail.

**IN WITNESS WHEREOF,** the Parties hereto have executed this First Amendment to Northeast Gateway Development Agreement as of the date set forth above.

CITY OF ESCONDIDO

By: \_\_\_\_\_  
Its: Mayor

CITY OF ESCONDIDO,

By: \_\_\_\_\_  
Its: Clerk

Lark & Sons, LLC

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

APPROVED AS TO FORM AND CONTENT:  
CITY OF ESCONDIDO

By: \_\_\_\_\_  
Jeffrey R. Epp, Esq.  
Its: City Attorney

RESOLUTION NO. 2011-44

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
ADOPTING THE UNITED STATES  
DEPARTMENT OF HOMELAND SECURITY'S  
IMAGE PROGRAM AND USE OF THE E-VERIFY  
SYSTEM TO ENSURE COMPLIANCE WITH  
FEDERAL IMMIGRATION LAW IN THE CITY'S  
HIRING PRACTICES

WHEREAS, in 2003 the United States Department of Homeland Security ("DHS") established the Immigration and Customs Enforcement ("ICE") division to combat illegal immigration and the unlawful employment of illegal aliens in the United States; and

WHEREAS, ICE seeks to achieve a two-fold goal: (1) to reduce homeland security threats that illegal employees pose because they are vulnerable to exploitation by terrorists and other criminals; and (2) to eliminate employee abuse and discrimination in the workplace because illegal workers lack the employment protections afforded to those with legal status and are thus more susceptible to employer exploitation; and

WHEREAS, ICE implemented the ICE Mutual Agreement between Government and Employers ("IMAGE") program to assist employers in targeted sectors to develop a more secure and stable workforce and to enhance awareness of fraudulent documents through education and training; and

WHEREAS, employers that implement the IMAGE program ensure that they are in compliance with federal immigration law by incorporating internal controls and due diligence checks in their hiring processes; and

WHEREAS, employers participating in the IMAGE program utilize DHS' free internet-based E-Verify system, administered by United States Citizenship and

Immigration Services, which provides an automated link to the Social Security Administration's database and DHS immigration records to protect against fraudulent activity and to verify that newly hired employees are eligible to work in the United States; and

WHEREAS, this City Council desires to promote lawful hiring practices in compliance with federal immigration law; and

WHEREAS, this City Council desires to adopt the IMAGE program and to utilize E-Verify for the hiring of new City employees, to require all contractors under agreement with the City to adopt the IMAGE program and utilize E-Verify in their hiring practices and to urge the Escondido Chamber of Commerce and local business to do the same.

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 of Escondido desires to promote lawful hiring practices in compliance with federal immigration law and hereby agrees to participate in DHS' IMAGE program and to utilize E-Verify when hiring new City employees.
3. That the City of Escondido shall require contractors under agreement with the City to participate in the IMAGE program and to utilize E-Verify in their hiring practices.
4. That the City of Escondido strongly encourages that the Escondido Chamber of Commerce and local businesses voluntarily participate in the IMAGE program and utilize E-Verify when hiring new employees.

## CITY COUNCIL

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ file No. \_\_\_\_\_

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

**Agenda Item No.: 13**  
**Date: March 23, 2011**

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Charles Grimm, Assistant City Manager  
**SUBJECT:** Downtown Parking Subcommittee Meeting

### RECOMMENDATION:

**Parking Requirements:** The Downtown Parking Subcommittee is recommending that the City Council direct staff to process an amendment to the Downtown Specific Plan removing existing parking regulations for new and expanding businesses located within the Vehicle Parking District (as modified on the attached map).

**Parking Enforcement:** The Subcommittee is also recommending that parking enforcement in the Vehicle Parking District be eliminated on Grand Avenue and in the public lots. The no-enforcement policy would be in effect on a trial basis for a period of one year, with a status report coming back to Council in six months.

### FISCAL ANALYSIS:

A change to the parking regulations would create little or no immediate impact financially to the City. The intended impact would be to allow new businesses and business expansion to occur that couldn't happen under existing regulations. This could help to increase business in the area and also increase City revenue. Ultimately, if successful, there may be enough increase in demand that additional facilities could be needed.

With regards to the elimination of parking enforcement, the Police Department has estimated a yearly revenue loss of approximately \$66,000 from enforcement and a loss of approximately \$47,500 from cancelation of Downtown parking permits.

### CORRELATION TO THE CITY COUNCIL ACTION PLAN

At the meeting for the Council Action Plan on February 2, 2011, the majority of Council members indicated they wanted to streamline City regulations and make it easier for businesses to locate in Escondido and specifically mentioned the need to look at Downtown parking regulations.

BACKGROUND:

The Downtown Parking Subcommittee (DPS) met on March 1 and considered a number of issues and alternatives regarding current parking requirements and enforcement in the area that make it difficult to locate new businesses or expand existing businesses. The DPS meeting was attended by DBA staff, several business owners and City staff representing several departments.

**Parking Requirements:** There was significant discussion regarding the existing parking requirements in the Downtown area. It was felt that most of these requirements prevented the development of new business or any kind of business expansion. A number of alternatives were considered for parking relief including the reduction of existing standards, the use of a "parking in-lieu" fee to help fund the purchase of new parking, the re-establishment of the parking credit system, a reduction of required parking for targeted uses (such as restaurants), or the total elimination of parking requirements in certain areas.

Following the discussion there appeared to be unanimous support within the group for the elimination of parking requirements in the area known as the Downtown Vehicle Parking District (VPD) which was modified slightly for this amendment (map attached). The modifications would actually expand the VPD to include the area between Center City Parkway and Ivy on the east, and between Valley Parkway and Second Avenue on the South. The DPS is recommending that Council direct staff to prepare the proper amendments to make this happen as quickly as possible.

OTHER DISCUSSION

**Parking Enforcement:** Out of the discussion regarding the Holiday parking standards it was suggested that the City eliminate enforcement altogether for the area in the modified Vehicle Parking District for a trial period of one year (with a six month review). The group discussed the positives and negatives of this action at length. The major issue that was identified as a possible negative was the concern that without regular enforcement this policy could create possible impacts for Grand Avenue merchants. The fear is that Downtown office employees would park their cars all day in front of Grand Avenue businesses. It was ultimately felt that the office workers could be educated to use the public lots leaving spaces open on Grand for the retail businesses. The DBA agreed to educate local businesses about directing their employees to park off of Grand Avenue. Under the recommendation staff would report back to Council in six months.

**Holiday Parking:** In November of last year the City Council approved a no-enforcement policy for parking on Grand Avenue and in the public lots Downtown. In addition, they also provided free parking on Valley Parkway and Second Avenue which Council has recently continued indefinitely. Based on positive feedback regarding the special Holiday parking regulations (implemented November 21 through January 1), the DBA completed a survey of businesses regarding the impact of the special regulations. The survey indicated that it was an over-whelming success with businesses wanting to repeat the program next year.

**Diagonal Parking:** The DPS also discussed the idea of going back to diagonal parking on Grand Avenue and in addition, looking at the possibility of using reverse diagonal parking (cars would pull by a space and then back in) similar to what is used currently in Santa Barbara. It was decided that if authorized by the Council, staff would perform additional study in this area and return with a report.

**Transit:** The meeting also included discussion regarding the possible relocation of transit buses on to adjacent streets as the DBA had received complaints regarding customer annoyance from these vehicles particularly those customers eating in restaurants with outside dining. Others felt this is part of the Downtown experience and were not as concerned. The DBA is going to talk to additional businesses and based on that information may officially request that the buses be moved in the future.

**Loading Areas:** There was also a feeling by some businesses that loading areas were needed in some parts of the Downtown. This was questioned by others due to the fact that there are a number of alleys that already serve this area. It was felt that if ultimately the buses were eliminated on Grand Avenue there may be some opportunity to use some of the transit stops for loading purposes.

In summary, the Downtown Parking Subcommittee is requesting that the City Council eliminate parking requirements within the Vehicle Parking District (as modified), eliminate parking enforcement on Grand Avenue and in public lots in the Downtown area, and direct staff to look into the possibility of reverting back to diagonal parking along Grand Avenue.

Respectfully submitted,



Charles Grimm  
Assistant City Manager

Attachment: Vehicle Parking District Map



**STUDY AREA FOR ELIMINATION OF PARKING REQUIREMENTS**



**Agenda Item No. 14**  
**Date: March 23, 2011**

**(X) 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**



**FUTURE CITY COUNCIL AGENDA ITEMS**  
**March 17, 2011**

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

**MARCH 30, 2011 – NO MEETING (5<sup>TH</sup> WEDNESDAY)**

Green Sheet Due by Noon on Monday, 3/21/11  
Staff Reports/Resos due by Noon on Tuesday 3/29/11

**APRIL 6, 2011**

	<b>CONSENT CALENDAR</b>
	<b>PUBLIC HEARINGS:</b>
1	<p><b>General Plan Amendment (PHG 09-0009)</b> (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 scheduled for consideration by the Planning Commission on March 8, 2011.</i></p>
2	<p><b>Short Form Rent Review Board Hearing for Casa de Amigos Mobilehome Park</b> (M. Henderson)</p> <p><i>The application meets all the eligibility criteria for submittal of a short-form rent increase application. The amount requested covers a 12-month period of consideration from June 30, 2009 to June 30, 2010. Seventy five per cent of the change in the Consumer Price Index for the 12-month period is 1.045%. The Owner is requesting an increase for 50 of the 138 spaces in the Park. Spaces not listed on the application request are on long-term leases. The average space rent for the 50 spaces subject to rent control is \$563.94. The average increase per space is approximately \$5.89.</i></p>
3	<p><b>One-Year Action Plan for FY 2011-2012 HOME funds for Affordable Housing Activities and CDBG Funds for Community Development Programs and Projects</b> (R. Keiser/R. Buquet)</p> <p><i>This is a required hearing for the annual Action Plan for allocating federal HOME and CDBG funds for projects and programs.</i></p>
	<b>CURRENT BUSINESS</b>
4	<p><b>Preliminary 2011-12 City Council Action Plan</b> (J. Masterson)</p> <p><i>The City Council Action Plan represents the City Council's collective vision for Escondido's future and the key activities that will be used to achieve that vision.</i></p>
5	<b>Future Agenda Items (M. Whalen)</b>