

Council Meeting Agenda

June 20, 2012

CITY COUNCIL CHAMBERS

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

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

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

June 20, 2012
3:30 p.m. Meeting

Escondido City Council

CALL TO ORDER

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

ORAL COMMUNICATIONS

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

CLOSED SESSION: (COUNCIL/CDC/RRB)

- I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)**
 - a. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Police Officers' Association/Sworn
 - 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: Escondido City Employee Association: Supervisory (SUP)
Bargaining Unit
 - d. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: POA/Non-Sworn Police Bargaining Unit
 - e. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Teamsters/Maintenance and Operations
 - f. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido's Firefighters' Association

CLOSED SESSION: (COUNCIL/CDC/RRB) Continued

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

- a. Property: 509 W. Second (Old Lopez Market)
- Agency Negotiators: Debra Lundy, Real Property Manager
- Negotiating parties: Robert Dziubla/Kenworth Capital
Alain Perez
- Under negotiation: Price and terms

ADJOURNMENT



Council Meeting Agenda

June 20, 2012
4:30 p.m. Meeting

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

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

PRESENTATIONS: Harvey Mitchell

PROCLAMATIONS: Escondido Amateur Radio Society (EARS)

ORAL COMMUNICATIONS

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CONSENT CALENDAR

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

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: None Scheduled**

4. **CHEMICAL BID AWARD FOR THE WATER TREATMENT PLANT AND THE HALE AVENUE RESOURCE RECOVERY FACILITY** – Request Council approve the purchase of twelve (12) chemicals to the lowest responsible bidders on the basis of their respective bids.

Staff Recommendation: Approval **(Finance: Gilbert Rojas)**

RESOLUTION NO. 2012-91

5. **AWARD RIGHT-OF-WAY LANDSCAPING SERVICES CONTRACT** – Request Council authorize the Mayor and City Clerk to execute, on behalf of the City, a Public Service Agreement for Right-of-Way Landscaping Services to Executive Landscape Inc. in the amount of \$208, 800.

Staff Recommendation: Approval **(Finance: Gilbert Rojas)**

RESOLUTION NO. 2012-90

6. **AWARD OF BID FOR LEGAL ADVERTISING FISCAL YEAR 2012-13** – Request Council authorize the City Clerk to execute a legal advertising contract with the North County Times for the Fiscal Year 2012-13.

Staff Recommendation: Approval **(City Clerk's Office: Diane Halverson)**

RESOLUTION NO. 2012-104

7. **GENERAL MUNICIPAL ELECTION – NOVEMBER 6, 2012** – Request Council approve calling a General Municipal Election on November 6, 2012 for the purpose of electing two (2) members of the City Council and one (1) City Treasurer; and for submitting to the voters two questions: 1) whether or not to amend the General Plan and 2) whether or not to adopt the proposed City Charter, and; authorize impartial analysis, arguments and rebuttals; and request the San Diego County Registrar of Voters to consolidate Escondido's election with the Statewide General Election.

Staff Recommendation: Approval **(City Clerk's Office: Diane Halverson)**

- a. RESOLUTION NO. 2012-95
- b. RESOLUTION NO. 2012-96
- c. RESOLUTION NO. 2012-97

CONSENT CALENDAR Continued

8. **FINAL ASSESSMENT ENGINEER'S REPORT FOR ZONES 1-37 OF THE CITY OF ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2012/2013** – Request Council approve the Assessment Engineer's Report for Zones 1-37 of the City of Escondido Landscape Maintenance District (LMD) and authorize the annual levy and collection of assessments in Zones 1-37 of the LMD for Fiscal Year 2012/2013.

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

RESOLUTION NO. 2012-72

9. **NOTICE OF COMPLETION FOR ASH STREET PEDESTRIAN BIKE PATH PROJECT** – Request Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the Ash Street Pedestrian Bike Path Project.

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

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

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

10. **JUVENILE CURFEW ORDINANCE** – Approved on June 13, 2012, with a vote of 3/2, Abed and Waldron Voting no.

ORDINANCE NO. 2012-14 Adoption and Second Reading

11. **SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR TRACT 932- HIDDEN VALLEY RANCH (PHG 09-0037)** – Approved on June 13, 2012, with a vote of 4/1, Diaz Voting no.

ORDINANCE NO. 2012-13 Adoption and Second Reading

12. **REVISED ZONING CODE AMENDMENT TO ADD CARGO CONTAINER RESTRICTIONS TO THE ZONING CODE (AZ 11-0001)** – Approved on June 13, 2012, with a vote of 5/0.

ORDINANCE NO. 2012-07 (R) Adoption and Second Reading

13. **AMENDMENT TO THE MUNICIPAL AND ZONING CODES REGARDING DEFERRAL OF DEVELOPMENT FEES (AZ 12-0003)** – Approved on June 13, 2012, with a vote of 4/1, Diaz Voting no.

ORDINANCE NO. 2012-12 Adoption and Second Reading

PUBLIC HEARINGS

14. **FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM; THE FISCAL YEAR 2012/13 CIP BUDGET; AND TRANSNET FIVE-YEAR LOCAL STREET IMPROVEMENT PROGRAM** – Request Council adopt Fiscal Years 2012/13 – 2016/17 Five-year Capital Improvement Program (CIP) and the Fiscal Year 2012/13 Project CIP Budgets; and approve the Transnet Five-Year Local Street Improvement Program of Projects for Fiscal Years 2012/13 – 2016/17.

Staff Recommendation: Approval (**Finance: Gilbert Rojas and Engineering: Ed Domingue**)

- a. RESOLUTION NO. 2012-86
- b. RESOLUTION NO. 2012-87

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: Diane Halverson**)

ORAL COMMUNICATIONS

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COUNCIL MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
June 27	Wednesday	3:30 & 4:30pm	Council Meeting	Council Chambers
July 4	-	-	No Meeting	-
July 11	-	-	No Meeting	-
July 18	-	-	No Meeting	-

TO ADDRESS THE COUNCIL

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

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

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

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

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

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

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and selecting: City Council/broadcasts of City Council Meetings/live video streaming.

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

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

**Members of the Council also sit as the Escondido Joint Powers Financing Authority
and the Mobilehome Rent Review Board.**

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



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

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

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4
Date: June 20, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Gilbert Rojas, Director of Finance
SUBJECT: Chemical Bid Award for the Water Treatment Plant and the Hale Avenue Resource Recovery Facility

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-91 awarding the purchase of twelve (12) chemicals to the lowest responsive and responsible bidders on the basis of their respective bids as listed below:

CHEMICAL	VENDOR	AMOUNT
Liquid Chlorine	Thatcher Co	\$ 180,411.00
Cationic Polyelectrolyte	Polydyne Inc	152,280.00
Ferric Sulfate Iron (dry basis)	Kemira Water Solutions	801,900.00
Aqua Ammonia	Hill Brothers Chemical Co	56,584.00
Sodium Chlorite	International Dioxide Inc	242,000.00
Hydrofluosilicic Acid	BHS Marketting LLC	67,980.00
Sodium Hydroxide	Olin Corp	369,831.50
Polyelectrolyte Bulk Polymer	Polydyne Inc	39,900.00
Sodium Hypochlorite	Olin Corp	235,875.00
Bioxide	Siemens Water Technologies	184,500.00
Dewatering Polymer	Polydyne Inc	246,840.00
T-22 Filter Aid Coagulant and Flocculant)	Polydyne Inc	119,000.00

FISCAL ANALYSIS:

Sufficient funds are available in the Water and Wastewater operating budgets.

BACKGROUND:


On March 14, 2012, request for bids to purchase twelve (12) chemicals to be used at the Water Treatment Plant and Hale Avenue Resource Recovery Facility were mailed to thirty-two vendors and on May 22, 2012, thirteen bids were received and opened of which one (1) was a no bid. The bid contained detailed chemical specifications, estimated annual quantities, and a two (2) year firm price contract beginning July 1, 2012 through June 30, 2014.

Chemical Bid Award
Page 2

With satisfactory performance and mutual agreement between the City and the awarded bidders, the City may extend the renewal for an additional three (3) one-year contracts.

Laboratory tests were conducted on selected chemicals for quality assurance. Bid results are attached.

Respectfully submitted,


Gilbert Rojas,
Director of Finance

LIQUID CHLORINE

Liquid Chlorine is used by the Water Treatment Plant. Estimated annual requirements are 363 tons. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Liquid Chlorine is awarded to Thatcher Co at \$180,411.00 per year.

VENDOR	BID TOTAL
Thatcher Co	\$ 180,411.00
DX Systems	258,456.00

CATIONIC POLYELECTROLYTES (20% SOLIDS)

Cationic Polyelectrolytes (20% solids) is used by the Water Treatment Plant to aid in the removal of suspended solids in the drinking water supply. Estimated annual requirements are 162 tons. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Cationic Polyelectrolytes is awarded to Polydyne Inc at \$152,280.00 per year.

VENDOR	BID TOTAL
Polydyne Inc	\$ 152,280.00

FERRIC CHLORIDE (12-14% Iron Content%)

Ferric chloride is used by the Water Treatment Plant as a coagulant agent in the processing of potable water and by the Hale Avenue Resource Recovery Facility Plant as a coagulant and hydrogen sulfide control. Estimated annual requirements are 2,700 tons. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Ferric Chloride is awarded to Kemira Water Solutions at \$801,900.00 per year.

VENDOR	BID TOTAL
Kemira Water Solutions	\$ 801,900.00

AQUA AMMONIA (19%)

Aqua Ammonia (19%) is used by the Water Treatment Plant in conjunction with chlorine in the distribution process. Estimated annual requirements are 220 tons. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Aqua Ammonia is awarded to Hill Brothers Chemical Co at \$56,584.00 per year.

VENDOR	BID TOTAL
Hill Brothers Chemical Co	\$ 56,584.00
Airgas	56,848.00

SODIUM CHLORITE (31%)

Sodium Chlorite is used by the Water Treatment Plant as an oxidizing agent in the processing of potable water. Estimated annual requirements are 200 tons. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Sodium Chlorite (31%) is awarded to International Dioxide Inc at \$242,000 per year.

VENDOR	BID TOTAL
International Dioxide Inc	\$ 242,000.00
Siemens Water Technologies	252,400.00

HYDROFLUOSILICIC ACID (23% FSA)

Hydrofluosilicic Acid (23% FSA) is used by the Water Treatment Plant to add fluoride in the water. Estimated annual requirements are 110 tons. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Hydrofluosilicic Acid (23% FSA) is awarded to BHS Marketing LLC at \$67,980.00 per year.

VENDOR	BID TOTAL
BHS Marketing LLC	\$ 67,980.00

SODIUM HYDROXIDE (CAUSTIC SODA)

Sodium Hydroxide (caustic soda) is used by the Water Treatment Plant as pH adjustment agent in the processing of potable water. Estimated annual requirements are 685 tons. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Sodium Hydroxide (caustic soda) is awarded to Olin Corp at \$369,831.50 per year.

VENDOR	BID TOTAL
Olin Corp	\$ 369,831.50
Jones Chemical Inc	479,500.00

POLYELECTROLYTE BULK POLYMER

Polyelectrolyte Polymer is used by the Hale Avenue Resource Recovery Facility in the polymer feed system to thicken the sludge during processing in the dissolved air flotation thickener (DAFT). Estimated annual requirements are 380,000 pounds. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Polyelectrolyte Bulk Polymer is awarded to Polydyne Inc at \$39,900.00 per year.

VENDOR	BID TOTAL
Polydyne Inc	\$ 39,900.00

SODIUM HYPOCHLORITE

Sodium Hypochlorite is used by the Hale Avenue Resource Recovery Facility for process treatment, odor control, and disinfecting of recycled water. Estimated annual requirements are 375,000 gallons. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Sodium Hypochlorite is awarded to Olin Corp at \$235,875.00 per year.

VENDOR	BID TOTAL
Olin Corp	\$ 235,875.00
Jones Chemical	267,375.00
Abacana Industries Inc	427,500.00

BIOXIDE

Bioxide (a registered trademark) is used by the Hale Avenue Resource Recovery Facility for hydrogen sulfide odor control at pumping stations. Estimated annual requirements are 90,000 gallons. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Bioxide is awarded to Siemens Water Technologies at \$184,500.00 per year.

VENDOR	BID TOTAL
Siemens Water Technologies	\$ 184,500.00

DEWATERING POLYMER

Dewatering Polymer is used by the Hale Avenue Resource Recovery Facility to coagulate solids prior to injection into the centrifuges. Estimated annual requirements are 88,000 pounds. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. Dewatering Polymer is awarded to Polydyne Inc at \$246,840.00 per year.

VENDOR	BID TOTAL
Polydyne Inc	\$ 246,840.00

T-22 FILTER AID (Coagulant and Flocculant)

T-22 Filter Aid (Coagulant and Flocculant) is used by the Hale Avenue Resource Recovery Facility to remove solids from the recycled water. Estimated annual requirements are 420,000 pounds. The bid prices are firm for two fiscal years and with satisfactory performance and mutual agreement between the City and the awarded bidder, the City may extend the renewal for an additional three one-year contract. T-22 Filter Aid (Coagulant and Flocculant) is awarded to Polydyne Inc at \$119,000.00 per year.

VENDOR	BID TOTAL
Polydyne Inc	\$ 119,000.00

June 6, 2012

TO: Blanca Wolf, Purchasing Supervisor
FROM: Lori Rountree, Deputy Director Utilities / Water
SUBJECT: Water Treatment Plant Chemical Bids

After a thorough review of the Request for Bid submitted to the City of Escondido for the Water Treatment Plant Chemicals, I have determined the following companies submitted the lowest bids and meet all the requirements for BID NO.: 13-01.

Therefore, it is my recommendation that the contracts for the following chemicals be awarded to the companies listed below.

Liquid Chlorine awarded to Thatcher Company of California.
Cationic Polyelectrolyte awarded to Polydyne Inc.
Ferric Sulfate awarded to Kemira Water Solutions Inc.
Aqua Ammonia awarded to Hill Brothers Chemical Co.
Sodium Chlorite awarded to International Dioxide Inc.
Hydrofluosilicic Acid awarded to BHS Marketing, LLC.
Sodium Hydroxide awarded to Olin Corporation.

DATE - June 1, 2012

TO: Blanca Wolf
FROM: James Larzalere
SUBJECT: Chemical Bids

Blanca,

I have reviewed all the bids and their responses and agree that the following vendors have met our specifications for the following chemicals:

Olin Corporation for Sodium Hypochlorite 12%
Polydyne Inc. for bulk polyelectrolyte clarifloc C-331
Polydyne Inc. for dewatering polymer clarifloc WE-122
Polydyne Inc. for Title 22 filter aid Pax coagulant clarifloc WE-850
Polydyne Inc. for Title 22 filter aid flocculant clarifloc WE-888
Siemens Industry Inc. for Bioxide

Respectfully

James Larzalere
Waste Water Operation Superintendent

RESOLUTION NO. 2012-91

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE CITY COUNCIL TO
APPROVE THE CHEMICAL BID AWARD TO
PURCHASE CHEMICALS TO BE USED AT
THE WATER TREATMENT PLANT AND THE
HALE AVENUE RESOURCE RECOVERY
FACILITY

WHEREAS, the Escondido City Council authorized an invitation for bids to purchase twelve chemicals to be used at the Water Treatment Plant and the Hale Avenue Resource Recovery Facility; and

WHEREAS, there are sufficient funds available in the Water and Wastewater operating budget; and

WHEREAS, a notice inviting bids was duly published; and

WHEREAS, on March 14, 2012, a request for bids to purchase twelve chemicals were mailed to thirty-two vendors; and

WHEREAS, thirteen sealed bids were opened and evaluated on May 22, 2012; and

WHEREAS, the apparent low bids were submitted by eight vendors, and are determined to be the lowest most responsive and responsible bidders who met the City's bid specifications; and

WHEREAS, staff recommends awarding the bid to purchase twelve chemicals to the eight vendors; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to award the bid to the eight vendors.

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 City Council accepts the recommendation of staff and finds the eight vendors to be the lowest most responsive and responsible bidders who met the City's bid specifications.
3. That the City Council is authorized to approve on behalf of the City, the bid award to the eight vendors for the purchase of twelve chemicals as outlined in Exhibit "1" attached to this resolution and incorporated by this reference.

CHEMICAL BID AWARD
EXHIBIT 1

Resolution No. 2012-91
EXHIBIT 1
Page 1 of 1

VENDOR/CHEMICAL	ANNUAL CONTRACT AMOUNT
BHS Marketting LLC Hydrofluosilicic Acid	\$ 67,980.00
Hills Brothers Chemical Co Aqua Ammonia	\$ 56,584.00
International Dioxide Inc Sodium Chlorite	\$ 242,000.00
Kemira Water Solutions Ferric Sulfate Iron	\$ 801,900.00
Olin Corp Sodium Hydroxide	\$ 369,831.50
Sodium Hypochlorite	\$ 235,875.00
Polydyne Inc Cationic Polyelectrolyte	\$ 152,280.00
Dewatering Polymer	\$ 246,840.00
Polyelectrolyte Bulk Polymer	\$ 39,900.00
T-22 Filter Aid Coagulant and Flocculant	\$ 119,000.00
Thatcher Co Liquid Chlorine	\$ 180,411.00

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5

Date: June 20, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Gilbert Rojas, Director of Finance
SUBJECT: Award Right-of-Way Landscaping Services Contract

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-90 approving the award for Right-of-Way Landscaping Services contract to Executive Landscape Inc of Fallbrook, California in the amount of \$208,800. The purpose of the proposal is to provide general landscape maintenance services for the project locations/areas as per the attached schedule.

FISCAL ANALYSIS:

Sufficient funds are budgeted in the Streets Maintenance and Operations fund.

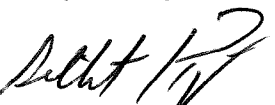
BACKGROUND:

On April 18, 2012, request for proposals were mailed to twenty-seven bidders and on May 22, 2012, seven proposals were received and opened as listed below.

Vendor	Amount
Executive Landscape Inc	\$ 208,800.00
Benchmark Landscape Co	230,184.00
TruGreen Landcare	242,211.96
Shasta Landscape Inc	250,188.00
Steven Smith Landscape Inc	250,212.00
PWLCI Inc	276,816.00
West Turf Landscape	353,520.00

Frank Schmitz, Parks and Open Space Administrator, has reviewed all proposals and recommends Council award the landscape maintenance services contract to Executive Landscape Inc of Fallbrook, California in the amount of \$208,800.

Respectfully submitted,


Gilbert Rojas,
Director of Finance


**Right-of-Way Landscaping Services
Project Locations/Areas**

1. Centre City Parkway: Centre City Parkway and Mercado.
2. West Valley Parkway: West Valley Parkway Medians and Parkway, Valley Parkway Medians at Gateway/La Terraza, West Valley parkway – south parkway east of Citracado to eucalyptus grove.
3. Auto Parkway: Auto Parkway Median – 9th Avenue to West Valley Parkway, Auto Parkway – ROW by Del Dios School, and Auto Parkway Median/ROW northeast of Andreasen.
4. Citracado Parkway: Citracado Parkway, East Citracado Parkway – west of Scenic Trails HOA to West Valley Parkway, and West Citracado parkway – north parkway wall from Citracado Parkway to end of wall.
5. El Norte Parkway: El Norte Median, Washington Hills, Ash Street – Ash Street and Lincoln Parkway intersection islands, North Ash Street – west parkway from Grove Park to Lincoln Parkway, North Ash Street – southeast corner at Ash and El Norte, El Norte Parkway – north parkway between 1432 and 1460, boulders and shrubs, El Norte Parkway – north parkway between Vista Verde and Rimrock, El Norte Parkway – south parkway cut outs and planters from Midway to Lincoln, El Norte Parkway – west parkway from Kaile to channel, El Norte Parkway – west parkway walls between Justin and Kaile, El Norte Parkway – west parkway between Oak Tree Place and East Valley Parkway, and Daisy Street – end of cul-de-sac.
6. Hidden Trails Slope
7. Sprinter Bike Trail
8. Grand Avenue Median
9. Downtown Parking Lots
10. Queen Califia Landscape
11. Police & Fire Headquarters Landscaping
12. SR 78 Medians and Parkway – 100 to 300 block of Lincoln Parkway

13. Via Rancho/Bear Valley/East Valley Parkways: Bear Valley Parkway, Via Rancho Parkway Parkway median, East Valley Parkway – Las Brisas (west), East Valley Parkway median (Rose and Midway), East Valley Parkway/Bear Valley Parkway median, Las Palmas mitigation area, Bear Valley Parkway – west parkway between Grand and Oak Hill, Bear Valley Parkway – south parkway between Alamo and 3030, Bear Valley parkway – south parkway between 2828 and corner of Canyon, Bear Valley Parkway – north parkway along sidewalk from Canyon to Mary Lane, Bear Valley Parkway – south parkway along sidewalk from golf course to Beethoven, Via Rancho Parkway – south parkway sidewalk next to eucalyptus grove at I-15, Via Rancho Parkway – south parkway walls west of Lomas Serenas, Via Rancho Parkway – south parkway walls and sidewalk west of Quiet Hills, East Valley Parkway medians and ROW from Valley Parkway to Hickory, Ash Street Bike Trail, Date Street Bridge, and Citrus and Glenridge – corner lot.
14. Quince Street and 2nd Avenue: Quince Street and 2nd Avenue islands – NW of bank and SE of Mi Guadalajara triangles and Quince Street and 2nd Avenue – northeast corner triangle with palm trees.
15. Miscellaneous Right of Ways: Chestnut and Juniper lot, Eleventh Avenue median, Fifth and Grape median, Los Arboles, Third Avenue median, Third, Beech, and Date – includes wall and park, North Broadway at Leslie Lane and Bahia, Circle Drive – planter in median east of Chestnut Street and south of Fifth Avenue, Citrus at Washington – pear trees along southwest parkway, Sunset Heights and Nutmeg – 1000 block of Sunset northeast ROW, South Tulip Street medians between 4th, 5th, 6th, and 7th, Eucalyptus Avenue – slope at the end of Eucalyptus Avenue north of Hamilton Lane, Ninth Avenue median – east and west of I-15, Triangle at Ninth Avenue and Auto Park Way, Mission Avenue median by Lowes, Mission Avenue medians – Andreasen to Enterprise, and South Escondido Blvd. – 6th Avenue to 15th Avenue.

May 30, 1012

TO: Blanca Wolf, Purchasing Supervisor

FROM: Frank Schmitz, Parks and Open Space Administrator 

SUBJECT: Right-of-Way Landscape Maintenance Services Proposals

After a thorough review of the proposals submitted to the City of Escondido for Right-of-Way Landscape Maintenance Services I have determined that Executive Landscape, Inc. is the lowest responsive bidder who meets all the requirements as set forth in RFP #13-02, Right-of-Way Landscape Maintenance Services.

Therefore, it is my recommendation that the contract for the Right-of-Way Landscape Maintenance Services be awarded to Executive Landscape, Inc.

RESOLUTION NO. 2012-90

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 SERVICE AGREEMENT FOR THE RIGHT-OF-WAY LANDSCAPING SERVICES WITH EXECUTIVE LANDSCAPE INC.

WHEREAS, sufficient funds are located in the Streets Maintenance and Operation Fund and

WHEREAS, a notice inviting bids was duly published; and

WHEREAS, on April 18, 2012, request for proposals for Right-of-Way Landscaping Services were mailed to twenty-seven vendors; and

WHEREAS, seven proposals were opened and evaluated on May 22, 2012; and

WHEREAS, the apparent low bid, submitted by Executive Landscape Inc. was determined to be the lowest most responsive and responsible bidder who met the City's proposal specifications; and

WHEREAS, staff recommends awarding the proposal to Executive Landscape Inc. in the amount of \$208,800; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to award the proposal to Executive Landscape Inc.

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 City Council accepts the recommendation of staff and finds Executive Landscape Inc. to be the lowest most responsive and responsible bidder who met the City's bid specifications.
3. That the Mayor and City Clerk are authorized to execute on behalf of the City, a Public Service Agreement ("Agreement ") with Executive Landscape Inc. for Right-of-Way Landscaping Services. A copy of the Agreement is attached as Exhibit "1" and is incorporated by this reference.



CITY OF ESCONDIDO
PUBLIC SERVICES AGREEMENT

This Agreement is made this _____ day of _____, 2012

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Frank Schmitz
760-4039
("CITY")

And: Executive Landscape, Inc.
P.O. Box 1075
Fallbrook, CA 92028
Attn: Fructoso Avila
760-731-9036
("CONTRACTOR")

WHEREAS, the CITY and CONTRACTOR desire to enter into this Agreement for the performance of services;

NOW, THEREFORE, it is mutually agreed as follows:

1. Description of Services. CONTRACTOR will furnish all of the services described in "Attachment A," which is attached and incorporated by this reference. CONTRACTOR agrees to diligently perform such services to their completion, with professional quality and technical accuracy.
2. Compensation. The CITY will pay and CONTRACTOR will accept in full payment for the above work, the sum of \$17,400 per month. Any breach of this Agreement will relieve CITY from the obligation to pay CONTRACTOR, if CONTRACTOR has not corrected the breach after CITY provides notice and a reasonable time to correct it. If this Agreement is amended at any time, additional compensation of CONTRACTOR contained in subsequent amendment(s) shall not exceed a cumulative total of ten percent (10%) of the maximum payment provided for in this Section 2.
3. Term. The term of this Agreement shall be for two (2) consecutive years beginning July 1, 2012 through June 30, 2014. With satisfactory performance and mutual agreement between the City and the CONTRACTOR, the City may renew for three (3) one-year extensions beginning July 1, 2014 through June 30, 2017.
4. Scope of Compensation. CONTRACTOR will be responsible for performance of the tasks specified in the Description of Services in "Attachment A." No compensation will be provided for any other tasks without specific prior written consent from the CITY.

5. Performance. CONTRACTOR must faithfully perform in a proficient manner, to the satisfaction of the CITY, all the work or services described in the Description of Services, above.
6. City Property. All original documents, drawings, electronic media, and other material prepared by CONTRACTOR under this Agreement immediately becomes the exclusive property of the CITY, and may not be used by CONTRACTOR for any other purpose without prior written consent of the CITY.
7. Insurance Requirements.

- a. The CONTRACTOR shall secure and maintain at its own cost, for all operations, the following insurance coverage, unless reduced by the City Attorney:
- (1) General liability insurance. Occurrence basis with minimum limits of \$1,000,000 each occurrence, \$2,000,000 General Aggregate, and \$1,000,000 Products/Completed Operations Aggregate; and
 - (2) Automobile liability insurance of \$1,000,000 combined single-limit per accident for bodily injury and property damage, unless waived as provided in 7(b) below; and
 - (3) Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship; and
- b. It is the parties' understanding that the use of a motor vehicle is not a primary subject of this Agreement. CONTRACTOR acknowledges that operating a motor vehicle is outside the scope of this Agreement and occurs only at the convenience of CONTRACTOR. A waiver of automobile liability insurance is only effective if both sets of initials appear below, otherwise such insurance is required.

Acknowledged by CONTRACTOR _____

Waiver appropriate by CITY _____

- c. Each insurance policy required above must be acceptable to the City Attorney.
- (1) Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A- rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.
 - (2) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
 - (3) Both the General Liability and the Automobile Liability policies must name the CITY specifically as an additional insured under the policy on a separate endorsement page. The endorsement must be ISO Form CG2010 11/85 edition or its equivalent for General Liability endorsements and CA 20-01 for Automobile Liability endorsements.
 - (4) The General Liability policy must include coverage for bodily injury and property damage arising from CONTRACTOR's work, including its on-going operations and products-completed operations hazard.
 - (5) The General Liability policy must be primary and noncontributory and any insurance maintained by CITY is excess.
- d. In executing this Agreement, CONTRACTOR agrees to have completed insurance documents on file with the CITY within fourteen (14) days after the date of execution.

Failure to comply with insurance requirements under this Agreement will be a material breach of this Agreement, resulting in immediate termination at CITY's option.

8. Indemnification. CONTRACTOR (which in this paragraph 8 includes its agents, employees and subcontractors, if any) agrees to indemnify, defend, and hold harmless the CITY from all claims, lawsuits, damages, judgments, loss, liability, or expenses, including attorneys' fees, for any of the following:
- Any claim of liability arising out of the negligence or any acts or omissions of CONTRACTOR in the performance of this Agreement;
 - Any personal injuries, property damage or death that CONTRACTOR may sustain while using CITY-controlled property or equipment, while participating in any activity sponsored by the CITY, or from any dangerous condition of property; or
 - Any injury or death which results or increases by any action taken to medically treat CONTRACTOR.

Stormwater Indemnification. CONTRACTOR shall further indemnify, defend, and hold harmless CITY and its officers, employees, and agents from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, administrative proceeds, damages, fines, penalties, judgments, orders, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements, arising out of any violation, or claim of violation of the San Diego Municipal Storm Water Permit (Order No. R9-2007-0001), as amended or renewed, of the California Regional Water Quality Control Board Region 9, San Diego, which CITY might suffer, incur, or become subject by reason of or occurring as a result of or allegedly caused by the construction of the Project or the Improvements.

9. Anti-Assignment Clause. Since the CITY has relied on the particular skills of CONTRACTOR in entering this Agreement, CONTRACTOR may not assign, delegate, or sublet any duty or right under this Agreement, or any portion of the Description of Services. Any such purported assignment, delegation, or subletting will void this entire Agreement, unless the CITY has previously approved such action in writing. Unless CONTRACTOR assigns this entire Agreement, including all rights and duties herein, to a third party with the CITY'S written consent, CONTRACTOR shall be the sole payee under this Agreement. Any and all payments made pursuant to the terms of this Agreement are otherwise not assignable.
10. Costs and Attorney's Fees. In the event that legal action is required to enforce the terms and conditions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and costs.
11. Independent Contractor. CONTRACTOR is an independent contractor and no agency or employment relationship is created by the execution of this Agreement.
12. Merger Clause. This Agreement and its Attachments, if any, are the entire understanding of the parties, and there are no other terms or conditions, written or oral, controlling this matter. In the event of any conflict between the provisions of this Agreement and any of its Attachments, the provisions of this Agreement must prevail.
13. Anti-Waiver Clause. None of the provisions in this Agreement will be waived by CITY because of previous failure to insist upon strict performance, nor will any provision be waived because any other provision has been waived by CITY, in whole or in part.
14. Severability. The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.

15. Choice of Law. This Agreement is governed by the laws of the State of California. Venue for all actions arising from this Agreement must be exclusively in the state or federal courts located in San Diego County, California.
16. Multiple Copies of Agreement/Counterparts. Multiple copies and/or counterparts of this Agreement may be executed, including duplication by photocopy or by computerized scanning device. Each duplicate will be deemed an original with the same effect as if all the signatures were on the same instrument. However, the parties agree that the Agreement on file in the office of the Escondido City Clerk is the copy of the Agreement that shall take precedence should any differences exist among copies or counterparts of the document.
17. Provisions Cumulative. The foregoing provisions are cumulative and in addition to and not in limitation of any other rights or remedies available to the CITY.
18. Notices to Parties. Any statements, communications or notices to be provided pursuant to this Agreement must be sent to the attention of the persons indicated below. Each party agrees to promptly send notice of any changes of this information to the other party.
19. Business License. The CONTRACTOR is required to obtain a City of Escondido Business License prior to execution of this Agreement.
20. Compliance with Applicable Laws, Permits and Licenses. CONTRACTOR shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules in effect during the term of this Agreement. This shall include, but not limited to, all California Labor Code laws regarding payment of prevailing wages and all OSHA regulations. CONTRACTOR shall obtain any and all licenses, permits, and authorizations necessary to perform the services set forth in this Agreement. Neither CITY, nor any elected nor appointed boards, officers, officials, employees, or agents of CITY, shall be liable, at law or in equity, as a result of any failure of CONTRACTOR to comply with this section.
21. Prevailing Wages. If applicable, pursuant to Section 1770 et seq. of the Labor Code, CONTRACTOR agrees that a prevailing rate and scale of wages, in accordance with applicable State and Federal Law, will be paid in the carrying out of this Agreement. CONTRACTOR shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules pertaining to the payment of prevailing wages. The prevailing rate and scale to be paid shall be the same as the 'General Prevailing Wage Rates' approved by the Department of Industrial Relations as of the date of the execution of this Agreement. Said rates and scales are herein referred to and adopted in this Agreement as though fully and completely set forth herein, and said scale as adopted by the Department is made a part of this Agreement by reference. Copies of the prevailing rate of per diem wages are available on the Intranet at (<http://www.dir.ca.gov/DLSR>). Neither CITY, nor any elected nor appointed boards, officers, officials, employees, or agents of CITY, shall be liable, at law or in equity, as a result of any failure of CONTRACTOR to comply with this section.
22. Immigration Reform and Control Act of 1986. CONTRACTOR shall keep itself informed of and comply with the Immigration Reform and Control Act of 1986. CONTRACTOR affirms that as a licensed Contractor and employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will be employed on this public project. CONTRACTOR agrees to comply with such provisions before commencing and continuously throughout the performance of this Agreement.

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

CITY OF ESCONDIDO

Date: _____

Sam Abed
Mayor

Date: _____

Diane Halverson
City Clerk

EXECUTIVE LANDSCAPE, INC.

Date: _____

(Contractor signature)

Title

(The above signature must be notarized)

APPROVED AS TO FORM:

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

By: _____

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

RIGHT-OF-WAY LANDSCAPE MAINTENANCE SERVICES
SPECIAL PROVISIONS
AND
MAINTENANCE SPECIFICATIONS

A. SCOPE OF WORK

The work consists of general landscape maintenance within the City of Escondido. The work includes mowing, edging, weeding, fertilizing, litter control, debris removal, maintenance of all plants, maintenance of the irrigation systems, and the replacement of any damaged or vandalized irrigation equipment or plant material.

B. PROJECT LOCATIONS/AREAS DESCRIPTION

See pages 8-10 for the list of Project Locations/Areas Description.

C. PUBLIC CONVENIENCE

The successful contractor shall conduct the work at all times in a manner which will not interfere with normal pedestrian traffic on adjacent sidewalks or vehicular traffic on adjacent streets.

D. SCHEDULE OF WORK TO BE DONE

The successful contractor shall accomplish all normal landscape maintenance required under this contract sometime between the hours of 7 a.m. and 6 p.m., Monday through Friday. No maintenance functions that generate excess noise, which would cause annoyance to residents of the area, shall be commenced before 7 a.m., except in the case of a situation deemed emergency in nature. The successful contractor shall create a schedule of work to be followed in the performance of this contract. The schedule of work shall list days and approximate times the successful contractor will be on-site. A copy of the schedule of work shall be provided to Frank Schmitz, Parks and Open Space Administrator or designated representative. The City may deduct from the successful contractor's monthly payment for instances where successful contractor has failed to provide the required services. The successful contractor will be notified by the City prior to any actual deduction to allow for explanations.

E. EXAMINATION OF THE SITE

All potential contractors shall visit the site of the proposed work to fully acquaint himself/herself with the conditions and difficulties attending the performance of the contract. No additional compensation or relief from any obligations of the contract will be granted because of a lack of knowledge of the sites or conditions under which the work will be accomplished.

F. IRRIGATION GENERAL

The successful contractor shall maintain the entire irrigation system. This includes, but is not limited to, the replacement, repair, adjustment, and monitoring of the system to assure continued operation. The controllers and valve boxes shall be kept clean of soil and debris. Water usage shall not exceed the amount required to comply with irrigation schedules established by the successful contractor and approved by the City. The irrigation controllers shall be turned off during periods of rain by the successful contractor and turned back on and reprogrammed at the completion of each rainy period. Any damages to public or private property resulting from excessive irrigation of irrigation water runoff shall be the responsibility of the successful contractor to correct. A deduction from the successful contractor's monthly payment can be made if repairs are not made in a timely manner satisfactory to the City.

The successful contractor shall periodically inspect and test the operation of the system for any malfunction.

All repairs and/or replacement parts shall conform to the type and kind of the existing system. Any deviation must have prior approval from the City. All repairs shall be made in a timely manner. No periods of shutdown will be allowed.

Labor for incidental sprinkler repairs, such as repairs to valves, and irrigation equipment beyond the valve, will be included in the contract price. The City will reimburse the contractor for the cost of the parts for these repairs.

Major repairs, such as valve replacement, mainline breaks, wiring, controller, and backflow preventer repair, will be billed as extra work for parts and labor upon authorization from Frank Schmitz, Parks and Open Space Administrator or designated representative.

The City will be responsible for backflow repairs and certification tests.

Sites using recycled water require special training and certification of employees. The successful contractor must possess this certification in order to comply with recycled water regulations.

An irrigation schedule will be submitted to the City, which will include the following information:

1. Controller identification
2. Start time for each controller
3. Days programmed to water
4. Station numbers
5. Cycle time for each station
6. Total time for each station per day

The City will be notified of any changes in the irrigation schedule within 72 hours. Any modification to this irrigation schedule reporting requirement will require approval from Frank Schmitz, Parks and Open Space Administrator or designated representative.

G. PRUNING AND EDGING

The successful contractor shall be responsible for the pruning of all shrubs and groundcover in the work area to maintain plants in a healthy, growing condition. Dead or damaged limbs or branches shall be removed immediately and all pruning cuts shall be made cleanly with sharp pruning tools, with no projections or stubs remaining. All pruning shall be accomplished in a manner, which will permit the plants to grow naturally in accordance with their normal growth characteristics. Shearing or severe pruning of plants will not be permitted unless a situation exists considered by the City to be hazardous. All groundcover shall be edged as needed to prevent overgrowth on curb or sidewalk line. All plant growth shall be prevented from entering onto walkways, roadways, hard surface areas, and along fences and walls. Edging by chemical methods around trees, shrubs and along fence lines is approved as long as it does not affect adjacent private landscaping.

H. TREE MAINTENANCE

All trees shall be maintained in their natural shapes. All pruning shall be done according to approved industry standards and shall be limited to removal and disposal of any dead and/or broken branches and any sucker growth located in or on the tree. A minimum clear area of 6' shall be maintained under all trees. Young trees shall be thinned and shaped as needed to promote a strong healthy structure. Mature trees and those in excess of 20 feet in height shall be pruned and shaped up to 12 feet in order to maintain a clean appearance. Tree work above 12 feet be considered extra work and may be contracted out to tree trimming companies if necessary. The successful contractor shall maintain at his expense all tree stakes and supports. Trees shall be maintained in an erect, upright manner and shall be staked as necessary to maintain this position. The successful contractor shall remove or loosen any and all stakes and/or ties whenever girdling is causing damage to the trunk. Trees lost from the successful contractor's negligence shall be removed and replaced by the successful contractor with a like size and species at no cost to the City.

I. MOWING AND EDGING

Turf areas shall be mowed per the following schedule:

- March thru November..... Weekly (total of 40 mowings)
- December thru February..... Every two weeks (total of 7 mowings)

Mowing height shall be determined by the turf type, time of year, and in agreement with the Frank Schmitz, Parks and Open Space Administrator or designated representative.

The successful contractor shall be responsible for edging all turf grass areas. Edging will be done every other week. All turf grass shall be edged along sidewalks, walls, fences, planters, rocks, paved and hard surface areas and other features every two weeks.

J. REMOVAL OF DEBRIS

Promptly after the mowing, trimming, raking, weeding, edging, and other work required under this contract, the successful contractor shall remove all debris generated by the performance of the work. Immediately after working in the areas of public walks, driveways, or paved areas, they shall be cleaned with suitable equipment. All areas covered by this contract will be kept free of, but not limited to, the following: bottles, cans, paper, cardboard, or metallic items.

K. WEED CONTROL

All landscape areas within the specified maintenance area shall be reasonably kept free of weeds as determined by the City. Weeds shall be controlled by hand or mechanical methods. Herbicides may be used for weed control upon prior approval of the City's Frank Schmitz, Parks and Open Space Administrator or designated representative. The cost of herbicides and application labor is the responsibility of the successful contractor. All noxious plant materials such as, but not limited to, poison oak, shall be removed immediately by an approved method. Weeds and plant material removed shall be disposed by the successful contractor off-site.

L. DISEASE AND PEST CONTROL

The successful contractor shall regularly inspect all plants for presence of disease or insect infestation. The successful contractor shall advise the City of disease or infestation and specify control measures to be taken. Upon approval, the successful contractor shall implement the approved control measures exercising extreme caution in the application of spray material, dusts or other materials utilized. This work will be considered an extra and can be billed as such with prior approval of the cost by the City. The successful contractor shall utilize all safeguards necessary during disease or insect control operations to ensure the safety of the public and employees of the successful contractor. Care shall be taken that no puddles or pools of water that contain chemical residue remain after completion of applications of any harmful chemicals. Also, no permanent sterilant chemicals shall be used. No chemicals shall stain or cause to stain any concrete, brick, boulders, rocks, pavement, controllers, or landscape plant material, or cause damage to same. As previously noted, the successful contractor shall hold the City harmless for any damage and will repair or replace, as applicable, any damage caused by the use of chemicals.

The successful contractor shall possess a valid Qualified Applicator license or Maintenance Gardener license issued by the State of California and be registered with the San Diego County Agricultural Commissioner's Office.

M. REPLACEMENT OF PLANT MATERIAL

The successful contractor shall replace any tree, shrub or ground cover plant, which is damaged or lost as a result of faulty maintenance. Any plant damaged or lost by conditions or circumstances beyond the successful contractor's control shall be replaced at City expense.

In order to ensure maximum healthy growth and overall aesthetic appearance of plantings in the work area, it may be desirable to replace certain plants. The City shall determine the necessity or desirability of such plant replacement. The successful contractor will be responsible for the maintenance of the replacement plants at no extra cost to the City.

N. FERTILIZATION

All planted areas shall receive two (2) applications of fertilizer per year. Turf areas shall receive four (4) applications of fertilizer per year. Fertilizer shall be delivered to the site in the original unopened container, bearing the manufacturer's guaranteed analysis. Any fertilizer that becomes caked or damaged, making it unsuitable for use, will not be accepted. Immediately following application at each site, the fertilizer shall be thoroughly watered into the soil. The successful contractor shall notify the City with a written schedule one week prior to the date of the application. The fertilizer shall be a complete fertilizer with micronutrients, evenly broadcast at the rate recommended on the product label.

O. INSPECTION BY THE CITY

The City shall provide continuing inspection of the work area to ensure adequacy of maintenance and that methods of performing the work are in compliance with the contract. The successful contractor shall correct discrepancies and deficiencies in the work immediately.

Maintenance services performed by the successful contractor shall be performed to the satisfaction of the Frank Schmitz, Parks and Open Space Administrator or designated representative.

P. FAILURE TO PERFORM SATISFACTORILY

Should the successful contractor fail to perform the work as specified herein, the City: (1) will pay only for the amount of service received as determined by the City with an appropriate downward adjustment in contract price, or (2) may have such required work done by City staff or otherwise, and charge the cost thereof to the contractor.

Q. EMERGENCY CALLS

The successful contractor shall have the capability to receive and to respond immediately to call of an emergency nature during normal working hours and during outside of normal working hours. Calls of an emergency nature received by the City's Frank Schmitz, Parks and Open Space Administrator or designated representative shall be referred to the successful contractor for immediate disposition.

R. PERSONNEL, TRAINING AND LICENSE REQUIREMENTS

The successful contractor must obtain a City business license.

The successful contractor must have a C-27 license.

The successful contractor shall possess a valid Qualified Applicator license or Maintenance Gardener license issued by the State of California and be registered with the San Diego County Agricultural Commissioner's Office.

The successful contractor shall furnish upon request the appropriate documentation as to the training of their personnel in the following areas:

- Recycled Water
- Annual Pesticide Handler Training
- Safety in Traffic
- Specialized Equipment – Chainsaw, Tractor, etc.

In addition to the City's training and license requirements as noted above, the North County Transit District (NCTD) requires additional training and insurance to work in the railroad right-of-way (Sprinter Bike Trail). These training and insurance requirements are on file in the Engineering Services Department.

The successful contractor shall furnish sufficient supervisory and working personnel capable of promptly accomplishing, on schedule and to the satisfaction of the City, all work required under this contract during the regular and prescribed hours.

All such personnel shall be physically able to do their assigned work. The successful contractor and his/her employees shall conduct themselves in a proper and efficient manner at all times and shall cause the least possible annoyance to the public. They shall be fully clothed in suitable uniform attire with a company-identifying marker. The City shall require the successful contractor to remove from the work site any employee(s) deemed careless, incompetent, or otherwise objectionable, whose continued employment on the job is considered to be contrary to the best interests of the City.

The successful contractor shall have competent supervisors, and/or foremen, who may be working supervisors, who are capable of discussing in English matters pertaining to this

contract. Adequate and competent supervision shall be provided for all work done by the successful contractor's employees to ensure accomplishment of high quality work, which is acceptable to the City.

S. VANDALISM, THEFT

The successful contractor will be responsible for repairing and/or replacing irrigation equipment and plant materials that are damaged by vandalism, theft, or circumstances beyond the control of the successful contractor. The City will reimburse the successful contractor upon receipt of an approved invoice from the successful contractor itemizing the labor and materials involved. Compensation for materials shall be the wholesale cost of the items plus fifteen percent (15%) for the successful contractor's cost of handling.

T. TRAFFIC CONTROL

The successful contractor will be responsible for providing and employing approved traffic control methods established for the conditions under which the successful contractor is working, i.e. Parkways and Medians.

Right-of-Way Landscape Maintenance Services Project Locations/Areas

(1) Centre City Parkway

1. Centre City Parkway
2. Mercado

(2) West Valley Parkway

1. West Valley Parkway Medians and Parkway
2. Valley Parkway Medians at Gateway/La Terraza
3. West Valley parkway – south parkway east of Citracado to eucalyptus grove

(3) Auto Parkway

1. Auto Parkway Median – 9th Avenue to West Valley Parkway
2. Auto Parkway – ROW by Del Dios School
3. Auto Parkway Median/ROW northeast of Andreasen

(4) Citracado Parkway

1. Citracado Parkway
2. East Citracado Parkway – west of Scenic Trails HOA to West Valley Parkway
3. West Citracado parkway – north parkway wall from Citracado Parkway to end of wall

(5) El Norte Parkway

1. El Norte Median
2. Washington Hills
3. Ash Street – Ash Street and Lincoln Parkway intersection islands
4. North Ash Street – west parkway from Grove Park to Lincoln Parkway
5. North Ash Street – southeast corner at Ash and El Norte
6. El Norte Parkway – north parkway between 1432 and 1460, boulders and shrubs
7. El Norte Parkway – north parkway between Vista Verde and Rimrock
8. El Norte Parkway – south parkway cut outs and planters from Midway to Lincoln
9. El Norte Parkway – west parkway from Kaile to channel
10. El Norte Parkway – west parkway walls between Justin and Kaile
11. El Norte Parkway – west parkway between Oak Tree Place and East Valley Parkway
12. Daisy Street – end of cul-de-sac

(6) Hidden Trails Slope

(7) Sprinter Bike Trail

(8) Grand Avenue Median

(9) Downtown Parking Lots

(10) Queen Califia Landscape

(11) Police & Fire Headquarters Landscaping

(12) SR 78 Medians and Parkway – 100 to 300 block of Lincoln Parkway

(13) Via Rancho/Bear Valley/East Valley Parkways

1. Bear Valley Parkway
2. Via Rancho Parkway Parkway median
3. East Valley Parkway – Las Brisas (west)
4. East Valley Parkway median (Rose and Midway)
5. East Valley Parkway/Bear Valley Parkway median
6. Las Palmas mitigation area
7. Bear Valley Parkway – west parkway between Grand and Oak Hill
8. Bear Valley Parkway – south parkway between Alamo and 3030
9. Bear Valley parkway – south parkway between 2828 and corner of Canyon
10. Bear Valley Parkway – north parkway along sidewalk from Canyon to Mary Lane
11. Bear Valley Parkway – south parkway along sidewalk from golf course to Beethoven
12. Via Rancho Parkway – south parkway sidewalk next to eucalyptus grove at I-15
13. Via Rancho Parkway – south parkway walls west of Lomas Serenas
14. Via Rancho Parkway – south parkway walls and sidewalk west of Quiet Hills to 619
15. East Valley Parkway medians and ROW from Valley Parkway to Hickory
16. Ash Street Bike Trail
17. Date Street Bridge
18. Citrus and Glenridge – corner lot

(14) Quince Street and 2nd Avenue

1. Quince Street and 2nd Avenue islands – NW of bank and SE of Mi Guadalajara triangles
2. Quince Street and 2nd Avenue – northeast corner triangle with palm trees

(15) Miscellaneous Right of Ways

1. Chestnut and Juniper lot
2. Eleventh Avenue median
3. Fifth and Grape median
4. Los Arboles
5. Third Avenue median
6. Third, Beech, and Date – includes wall and park
7. North Broadway at Leslie Lane and Bahia
8. Circle Drive – planter in median east of Chestnut Street and south of Fifth Avenue
9. Citrus at Washington – pear trees along southwest parkway
10. Sunset Heights and Nutmeg – 1000 block of Sunset northeast ROW
11. South Tulip Street medians between 4th, 5th, 6th, and 7th

12. Eucalyptus Avenue – slope at the end of Eucalyptus Avenue north of Hamilton Lane
13. Ninth Avenue median – east and west of I-15
14. Triangle at Ninth Avenue and Auto Park Way
15. Mission Avenue median by Lowes
16. Mission Avenue medians – Andreasen to Enterprise
17. South Escondido Blvd. – 6th Avenue to 15th Avenue

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Orcl No. _____

Agenda Item No.: 6

Date: June 20, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Diane Halverson, City Clerk

SUBJECT: Award of Bid for Legal Advertising FY 2012-13

RECOMMENDATION:

That the City Council adopt Resolution No. 2012-104 awarding the bid for the City's legal advertising for a one-year period to the *North County Times*.

FISCAL ANALYSIS:

The costs for legal advertising are included within the City Clerk and public project budgets, and are not expected to exceed \$25,000.

BACKGROUND:

The California Public Contract Code Section 20169 requires when there is more than one newspaper of general circulation in a community that the public bidding process occur for the purpose of publishing legal notices.

A Notice Inviting Bids for Official Legal Advertising was published on May 13 and May 18, 2012, with a bid opening date of May 31, 2012. Bids were received from the *North County Times* and the *Union Tribune*.

An analysis of the bids submitted determined the North County Times to be the lowest most responsive and responsible bidder, based on their daily bid price per column inch, their bona fide subscription list of paying subscribers/circulation in Escondido, and additional services available, which gives us flexibility in complying with public noticing laws, as outlined in the bid specifications.

Respectfully submitted,



Diane Halverson, CMC
City Clerk

RESOLUTION NO. 2012-104

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AWARDING THE BID FOR THE CITY'S
LEGAL PUBLICATIONS FOR A ONE-YEAR
PERIOD AND AUTHORIZING THE CITY
CLERK TO EXECUTE THE CONTRACT
WITH THE NORTH COUNTY TIMES

WHEREAS, pursuant to Section 20169 of the California Public Contracts Code the City of Escondido proceeded to solicit proposals for the City's publication of legal notices; and

WHEREAS, a notice inviting bids was duly published and, pursuant to said notice, bids were received from the *North County Times* and the *Union Tribune*; and

WHEREAS, pursuant to the bids received and on file with the City Clerk's office and for the price set forth, the bona fide subscription list of paying subscribers and circulation in Escondido, and additional services available as outlined in the bid specifications, this City Council desires at this time and deems it to be in the best public interest to approve the bid submitted by the *North County Times*, the lowest most responsive and responsible bidder

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 bid of the *North County Times* for legal publications for a one-year period is accepted and approved.
3. That the City Clerk is hereby authorized to execute the contract attached as Exhibit "A" and incorporated by this reference,



CITY OF ESCONDIDO
AGREEMENT FOR SERVICES
(FOR CONTRACTS \$25,000 OR LESS)

This Agreement is made this _____ day of _____, 2012

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Diane Halverson, City Clerk
760-839-4617
("CITY")

And: NORTH COUNTY TIMES
207 E. Pennsylvania Avenue
Escondido, CA 92025
Attn: Melanie Grimsrud
Classified Inside Sales Manager
760-839-3333
("CONTRACTOR")

WHEREAS, the CITY and CONTRACTOR desire to enter into this Agreement for services, the parties agree as follows:

1. Services. The CONTRACTOR will furnish all of the legal advertising services described in its proposal dated _____ 2012, which was submitted to City in response to a request for proposals, published on May 13 and 18, 2012. CONTRACTOR'S proposal is found as an attachment to said contract and incorporated by this reference. CONTRACTOR agrees to the terms proposed in Attachment A for a period of one year, through July 15, 2013.
2. Scope of Compensation. The CONTRACTOR will be compensated for performance of tasks specified in Attachment "A" only, unless the parties agree in writing that additional tasks will be included.
3. Insurance.
N/A
4. No Subcontractors. If CONTRACTOR subcontracts, assigns, or delegates any task without first obtaining the written consent of the CITY, the CITY may terminate the agreement immediately.
5. Independent Contractor. CONTRACTOR is an independent contractor and no agency or employment relationship, express or implied, is created by the execution of this Agreement.
6. Additional Contract Terms. Both parties agree that this Agreement:
 - a. And its Attachments are the entire understanding of the parties, and that there are no oral terms.
 - b. Must prevail if any provision of this Agreement conflicts with any provision of its Attachment(s).
 - c. And its provisions will not be waived by City because City has waived any provision previously.
 - d. Will remain effective in its remainder if any court declares any portion of this Agreement invalid.

- e. Is governed by California law, in the state and federal courts of North San Diego County.
- f. May be executed in multiple copies by photocopy or scanning. Signatures on copies will have same effect as those on original.
- g. When placed on file with the Escondido City Clerk, will take precedence over other copies of the agreement.
- h. Business License. The CONTRACTOR agrees to obtain a City of Escondido Business License prior to execution of this Agreement.

(Continued on following signature page)

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

CITY OF ESCONDIDO

CONTRACTOR

City Clerk

Signature

Date: _____

Name and Title (please print)

Name of Company (please print)

Date Signed: _____

APPROVED AS TO FORM:

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

By: _____

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

**CITY OF ESCONDIDO
 BID SCHEDULE FOR FY 2012-13
 PUBLISHING OF LEGAL NOTICES**

1. Enter name and address of newspaper. Show address for mailing copy and address for making payment, if different
NORTH COUNTY Times
207 E. Pennsylvania Ave.
Escondido, CA 92025
 Email contact: MJamal@nctimes.com
 2. Vendor Code (Bidder - Leave Blank) _____
 3. Proof of Adjudication enclosed YES X NO _____
 4. Legal notices, show price per column inch, maximum for one insertion, per specifications \$ 17.89
 5. Legal notices, show price per column inch, maximum for subsequent insertion per specifications \$ 17.89
 6. Legal notices, show price per column inch, maximum for material composed or set, but not printed \$ 17.89
 7. Display advertising for one insertion (may include graphics, camera work composed, but not printed) \$ 17.89
 8. Display advertising for subsequent insertions (may include graphics, camera work composed, but not printed) \$ 17.89
 9. If on-line advertising is available, price per ad \$ 10.00
 10. Publication Dates: (Use the following symbols or abbreviations) D S
- Daily ----- D
 Sunday ----- S

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

11. Show latest certified circulation figures for each designation indicated below. If additional explanation of areas is necessary, please show on a separate sheet and note with ***.

CIRCULATION

- a. City of Escondido
(92025, 92026, 92027, 92029, 92033, 92046)
 - b. Rural (Specify location)
 - c. Total paid Escondido & Rural*
 - d. Unpaid Escondido (City Limits)
 - e. Unpaid rural*
- (* Rural – City of Escondido Sphere of Influence)

Daily - 8900
SUNDAY - 10,115
BOUSALL, FALLBROOK, PALA,
PAUMA VALLEY, VALLEY CENTER
DAILY - 5336
SUNDAY - 5942
0
0

CERTIFICATION

I, Melanie Jamil, DO HEREBY CERTIFY, UNDER PENALTY OF
(Print or Type Name)
PERJURY, THAT THIS INFORMATION IS CORRECT AND THAT ANY MISINFORMATION
MAY BE CAUSE FOR REJECTION OR CANCELLATION OF THIS BID.

DATE: 5-30-2012

Melanie Jamil
(Signature of Bidder)
(SIGNATURE MUST BE NOTARIZED)

**North County Times - Paid Circulation
Audit Bureau of Circulations**

Zip/Rural	Daily	Sunday
92025	2355	2567
92026	2868	3284
92027	2384	2827
92029	1293	1437
Total	8900	10115
Bonsall	290	315
Fallbrook	2986	3374
Pala	630	629
Paum Valley	168	197
Valley Center	1262	1427
Total	5336	5942

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of San Diego }
On 5-30-12 before me, Mary A. Walker, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Melanie Jamil
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~s~~ whose name~~s~~ ~~is~~ are subscribed to the within instrument and acknowledged to me that he~~she~~ they executed the same in his~~her~~ their authorized capacity~~(ies)~~, and that by his~~her~~ their signature~~s~~ on the instrument the person~~s~~, or the entity upon behalf of which the person~~s~~ acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Mary A. Walker
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Legal Advertising Bid
Document Date: 5-30-12 Number of Pages: 2
Signer(s) Other Than Named Above: —

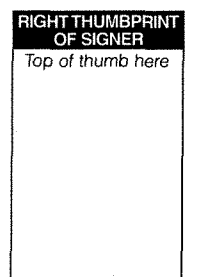
Capacity(ies) Claimed by Signer(s)

- Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____



Signer Is Representing: _____

- Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____



Signer Is Representing: _____

F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court

APR 27 2001

By: P. FRANK, Deputy

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO, NORTH COUNTY BRANCH

IN THE MATTER OF: THE PROPOSED) CASE NO: 172171
ASCERTAINMENT AND ESTABLISHMENT OF)
THE STANDING OF THE DAILY TIMES) ORDER MODIFYING PREVIOUS JUDGMENT
ADVOCATE AS A NEWSPAPER OF GENERAL) AND ESTABLISHING THE DAILY TIMES
CIRCULATION) ADVOCATE AS A NEWSPAPER OF GENERAL
) CIRCULATION
)
)
)
) JUDGE: The Honorable John S. Einhorn
)

The motion of SOUTHCOAST NEWSPAPERS INC.. dba the NORTH COUNTY
TIMES that the judgment previously rendered by this court be modified to change the name of
the newspaper of general circulation from the DAILY TIMES ADVOCATE to the NORTH
COUNTY TMES came on regularly for telephonic hearing on the 20th day of April, 2001 at 2:00
p.m.. in Department 18 of the above-entitled court before the Honorable John S. Einhorn. Judge
Presiding. The court after considering the motion, declaration and points and authorities in
support thereof, made the following Order:

1 The motion to modify the judgment establishing the newspaper as one of general
2 circulation is granted. The judgment previously rendered is hereby modified to change the name
3 of the newspaper of general circulation from the DAILY TIMES ADVOCATE to the NORTH
4 COUNTY TIMES.
5

6 IT IS HEREBY ADJUDGED that the newspaper, the NORTH COUNTY TIMES is
7 determined and declared to be a newspaper of general circulation for the City of Escondido,
8 County of San Diego, State of California.

9 Dated: 4-27-2001

JOHN S. EINHORN

THE HONORABLE JOHN S. EINHORN
Judge of the Superior Court



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7

Date: June 20, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Diane Halverson, City Clerk

SUBJECT: General Municipal Election – November 6, 2012

RECOMMENDATION:

It is requested that the City Council adopt resolutions calling and holding a General Municipal Election and requesting consolidation with the November 6, 2012 Statewide General Election.

1. Adopt Resolution No. 2012-95 calling and giving notice of a General Municipal Election on November 6, 2012 for the following elective offices:

- a. Two (2) City Council Members with a four-year term
- b. One (1) City Treasurer with a four-year term

And the following measures:

- c. One (1) General Plan Measure
- d. Proposed Escondido City Charter

2. Adopt Resolution No. 2012-96 directing preparation of impartial analysis for City measures, authorizing its members to file written arguments in favor of City measures and providing for the filing of rebuttal arguments for City measures

3. Adopt Resolution No. 2012-97 Requesting the Board of Supervisors, County of San Diego, to consolidate the City's General Municipal Election with the Statewide General Election.

FISCAL ANALYSIS:

\$175,000 has been allocated in the 2012-13 General Fund Non-Departmental budget for this election.

BACKGROUND:

The Escondido Municipal Code Section 2-29 requires the City's General Municipal Election to be held on the same day as the Statewide General Election, which is November 6, 2012. The resolutions presented give notice of the upcoming Municipal Election. The resolutions must be filed with the Registrar of Voters.

Respectfully submitted,

Diane Halverson, CMC
City Clerk

RESOLUTION NO. 2012-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, CALLING AND GIVING NOTICE FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS QUESTIONS RELATING TO (i) THE GENERAL PLAN AND (ii) THE ADOPTION OF A PROPOSED CHARTER BY THE CITY

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal election shall be held on November 6, 2012, for the election of Municipal Officers; and

WHEREAS, the City Council of the City of Escondido, California, desires to submit to the voters of the City at a General Municipal Election a proposed measure relating to the General Plan; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to a proposed Charter City; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City

of Escondido, California, on Tuesday, November 6, 2012, a General Municipal Election for the purpose of electing:

- a. Two (2) Members of the City Council for the full-term of four years, and
- b. One (1) City Treasurer for the full term of four years.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election, the following questions:

Shall the changes to the City of Escondido's General Plan, approved by the City Council in Resolution 2012-54(R), be adopted?	YES
	NO

Shall the City of Escondido be changed from a general law city to a charter city through the adoption of the charter proposed by Resolution 2012-99(R) of the Escondido City Council?	YES
	NO

SECTION 3. That the proposed complete text of the General Plan Amendment measure submitted to the voters is attached as Exhibit "A" and the proposed complete text of the City Charter is attached as Exhibit "B"; both Exhibits "A" and "B" are incorporated by this reference.

SECTION 4. That the ballots to be used at the election shall be in the form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

RESOLUTION NO. 2012-54(R)

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING AMENDMENTS TO THE
GENERAL PLAN FOR CONSIDERATION BY
VOTERS AT A FUTURE ELECTION

Case No. PHG 09-0020

WHEREAS, on May 23, 2012, the City Council considered, and by Resolution No. 2012-52(R) approved, a comprehensive General Plan Update (excluding the Housing Element) to establish a "blueprint" for the future growth of the city; and

WHEREAS, the General Plan states that amendments to specified policies and intensification of permitted land uses in the residential areas of the City shall require the voters to approve such changes; and

WHEREAS, the General Plan further states that amendments increasing residential density permitted by law; changing, altering, or increasing the General Plan residential land use categories; changing any residential to commercial or industrial designation on any property designated rural, estate, suburban, and/or urban; amending policies readopted and reaffirmed by the voters shall be approved by the voters; and

WHEREAS, the City Council approved Resolution 2012-53(R) certifying the General Plan EIR's conformance with the California Environmental Quality Act (CEQA), and has determined that it is complete and adequate for this project; and

WHEREAS, this City Council has considered the staff report, the Planning Commission recommendations, and public testimony presented at the Council meeting;

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

1. That the above recitations are true.

2. That the City Council has reviewed and considered the environmental review and has certified the EIR, environmental findings, and Mitigation Monitoring and Reporting Program previously issued for the project.

3. That the City Council approves and directs staff to prepare the following amendments to the General Plan, as described below, for consideration of the voters at the next general election.
 - a. Area 1. Approximately 7 acres located north and south of Nutmeg Street immediately west of Centre City Parkway and immediately east of Interstate 15 proposed for redesignation from Estate II (single family estate; up to 2 units/acre) to Office as described in Exhibit "A," which is attached to this Resolution and incorporated by this reference.

 - b. Area 2. Approximately 127 acres located immediately east of Interstate 15, immediately west of Centre City Parkway and South Iris Lane, north of El Norte Parkway, including properties along Imperial Drive and Seven Oakes Road proposed for redesignation from Suburban (single family; up to 3.3 units/acre) to Specific Plan Area #13 for employment uses on approximately 102 acres and Urban I (single family; up to 5.5 units/acre) on approximately 25 acres as described in Exhibit "A."

c. Area 3. Approximately 85 acres located immediately south and east of Country Club Drive, southeast of Auto Park Way, west of Citracado Parkway, including properties along Ross Drive and Ginger Way proposed for redesignation from Estate I and Estate II (single family estate; up to 1 and 2 units/acre respectively) to Specific Plan Area #8 for employment uses as described in Exhibit "A."

d. Area 4. Approximately 86 acres located generally south and east of Harmony Grove Road, west of Hale Avenue, and immediately north of Avenida del Diablo proposed for redesignation from Estate I and Estate II (single family estate; up to 1 and 2 units/acre respectively) to Specific Plan Area #8 for employment uses as described in Exhibit "A."

e. Area 5. Approximately 17 acres located immediately south and east of Harmony Grove Road and north west of Escondido Creek proposed for redesignation from Urban I (single family up to 5.5 units per acre) to Light Industrial as described in Exhibit "A."

f. Area 6. Approximately 66 generally acres located on the east and west side of Interstate 15 and on both sides of Citracado Parkway, Gamble Lane and Felicita Road proposed for redesignation from Suburban (single family; up to 3.3 units/acre) and Estate II (single family estate; up to 2 units/acre) to Planned Office as described in Exhibit "A."

g. Area 7. Approximately 28 acres located on the south side of Ninth Avenue, west of Valley Parkway, and on both sides of Del Dios Highway proposed for redesignation from Urban IV (multifamily residential up to 24

units/acre) to add a mixed-use overlay allowing commercial and office uses as described in Exhibit "A."

h. Area 8. Approximately 45 acres located between 6th and 13th Avenues, and between Pine and Redwood Street proposed to retain the existing Urban I (single family up to 5.5 units per acre) and Urban II (multi-family residential up to 12 units/acre) residential densities and to add a mixed use overlay for adaptive re-use allowing small-scale, residentially-compatible employment opportunities as described in Exhibit "A."

i. Area 9. Approximately 44 acres located on Amanda and Gamble Lanes, north of Calle Catalina and west of Golden Crest Drive proposed for redesignation from Estate I (single family estate; up to 1 unit/acre) to Estate II (single family estate; up to 2 units/acre) as described in Exhibit "A."

j. Area 10. Approximately 22 acres located on both sides of Orange Street between Centre City Parkway and Escondido Boulevard, between 6th and 15th Avenues proposed for redesignation from Urban IV (multifamily residential up to 24 units/acre) to Urban V (multifamily residential up to 30 units/acre) as described in Exhibit "A."

4. That the City Council approves and directs staff to prepare the following policy text amendments to the General Plan, as described below, for consideration of the voters at the next general election:

a. Add the following text in General Plan Figure II-6 (General Plan page II-22) describing Urban V (multifamily residential up to 30 units/acre):

Higher density multi-family residential units, town homes and apartments, flats and condominium. This designation is appropriate near the downtown core, transit stations, along major thoroughfares in close proximity to shopping centers, entertainment, community facilities and employment opportunities to provide residential the opportunity to live near work and amenities.

b. Delete the following General Plan Residential Clustering Policy

5.11 (General Plan page II-103):

Under the cluster provisions, at least 50 percent of all residential lots must back up to open space areas.

c. Delete the following General Plan Community Character Policy

1.14 (General Plan page II-95):

The City Council will consider ordinances or policies intended to meet the maximum population objectives of 150,000 to 165,000 with a maximum anticipated population of 155,000.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 23rd day of May, 2012 by the following vote to wit:

- AYES : Councilmembers: ABED, GALLO, MORASCO, WALDRON
- NOES : Councilmembers: DIAZ
- ABSENT : Councilmembers: NONE

APPROVED: 4/1/0



SAM ABED, Mayor of the
City of Escondido, California

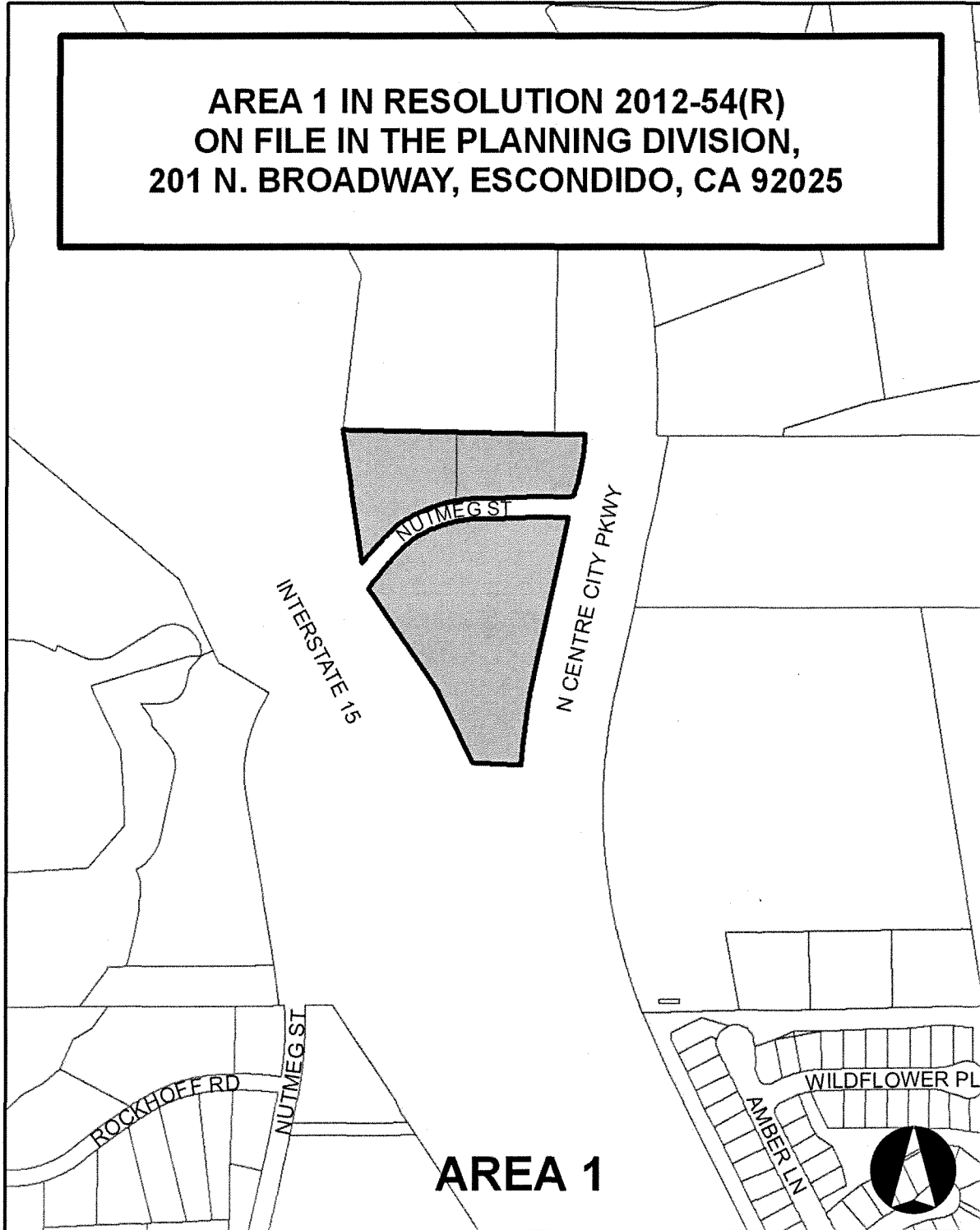
ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

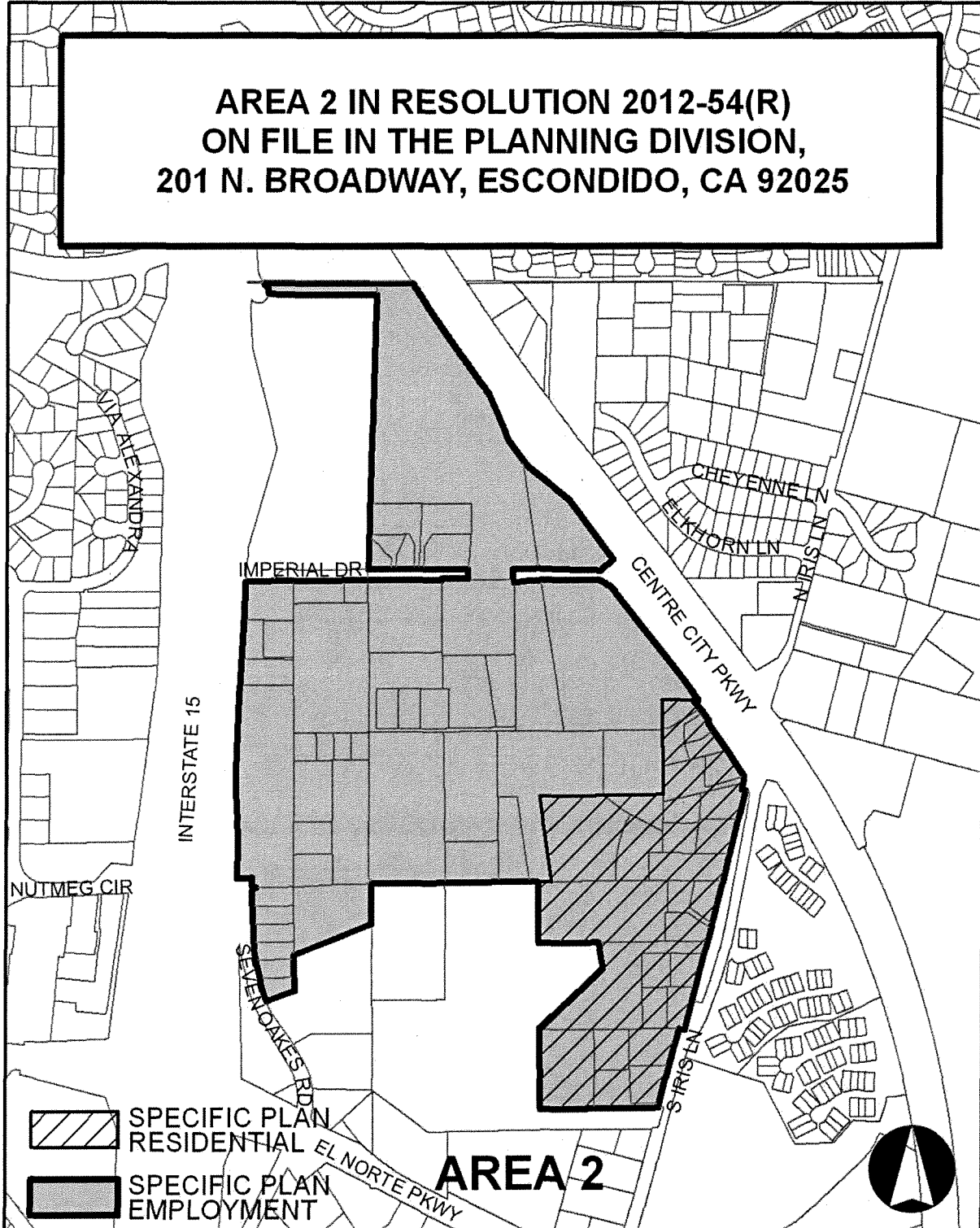
RESOLUTION NO. 2012-54R

**AREA 1 IN RESOLUTION 2012-54(R)
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**

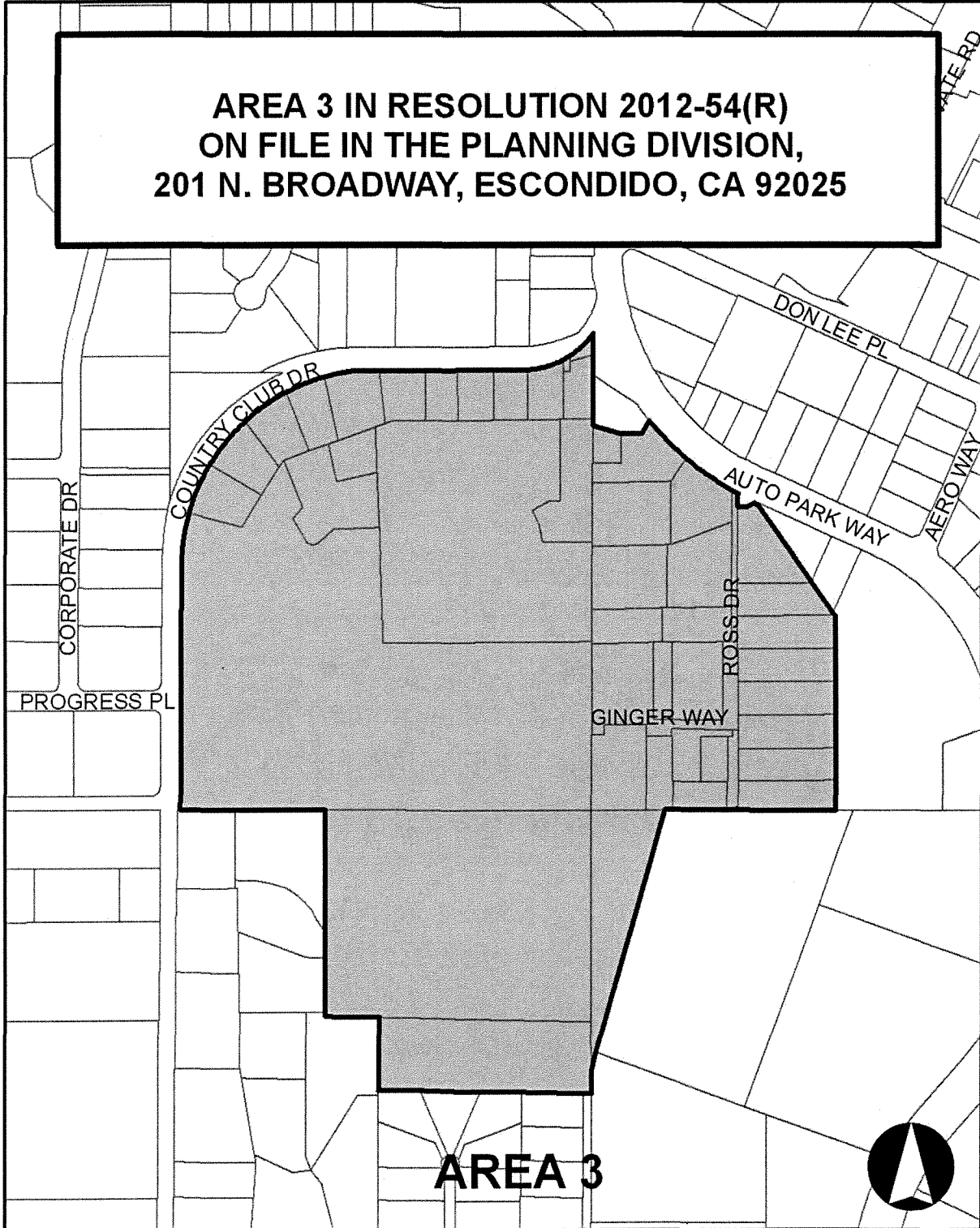


AREA 1

**AREA 2 IN RESOLUTION 2012-54(R)
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



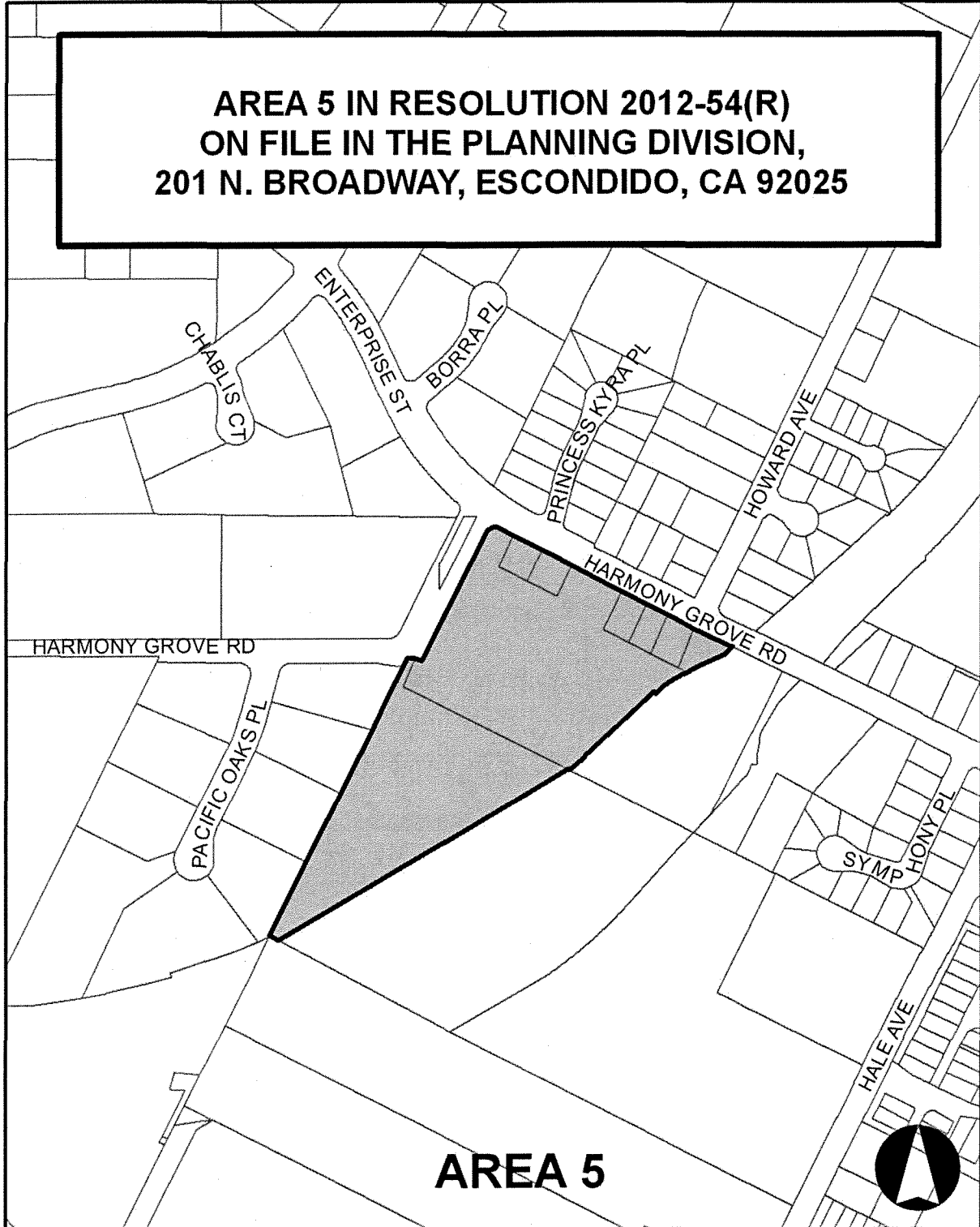
**AREA 3 IN RESOLUTION 2012-54(R)
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



**AREA 4 IN RESOLUTION 2012-54(R)
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**

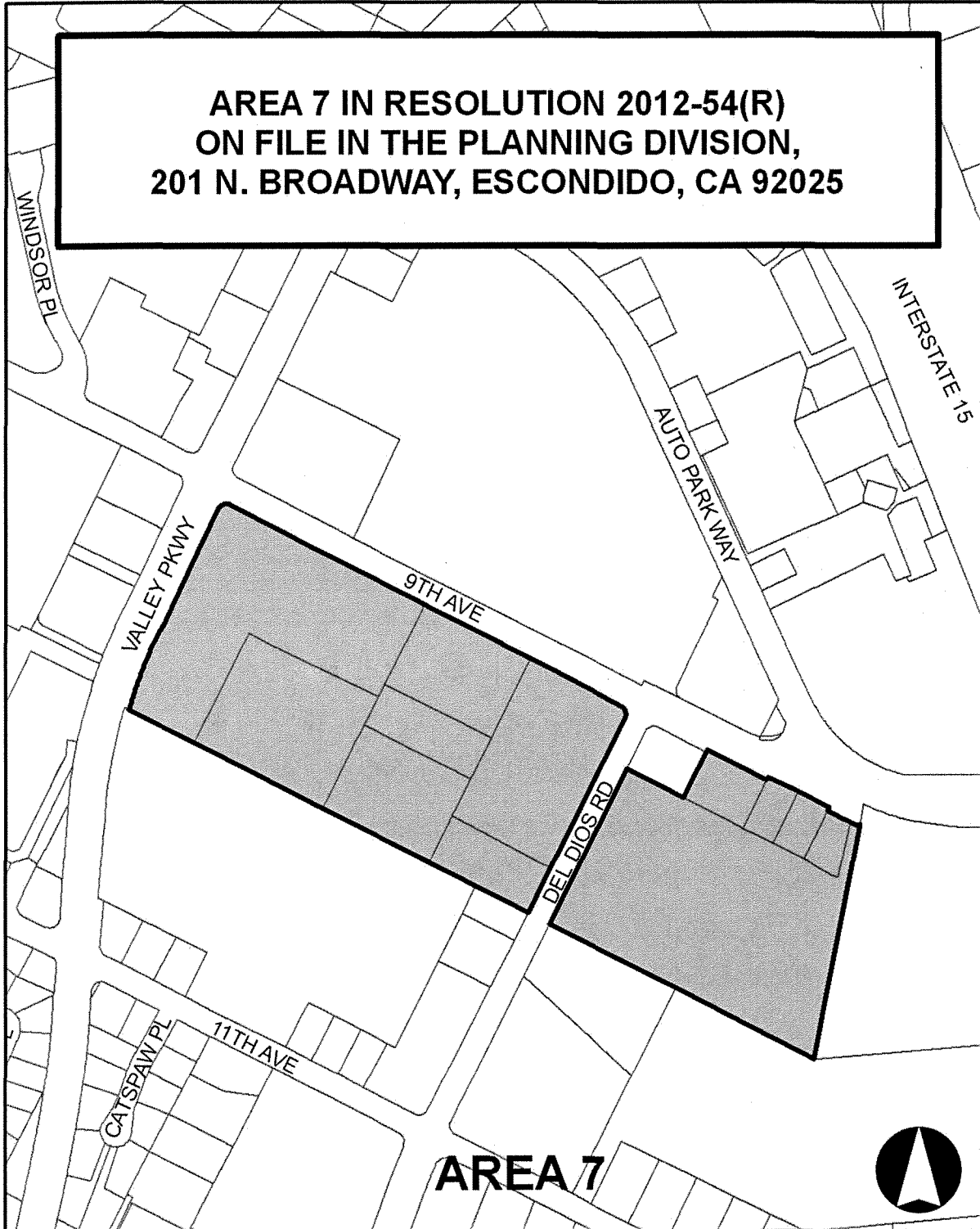


**AREA 5 IN RESOLUTION 2012-54(R)
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



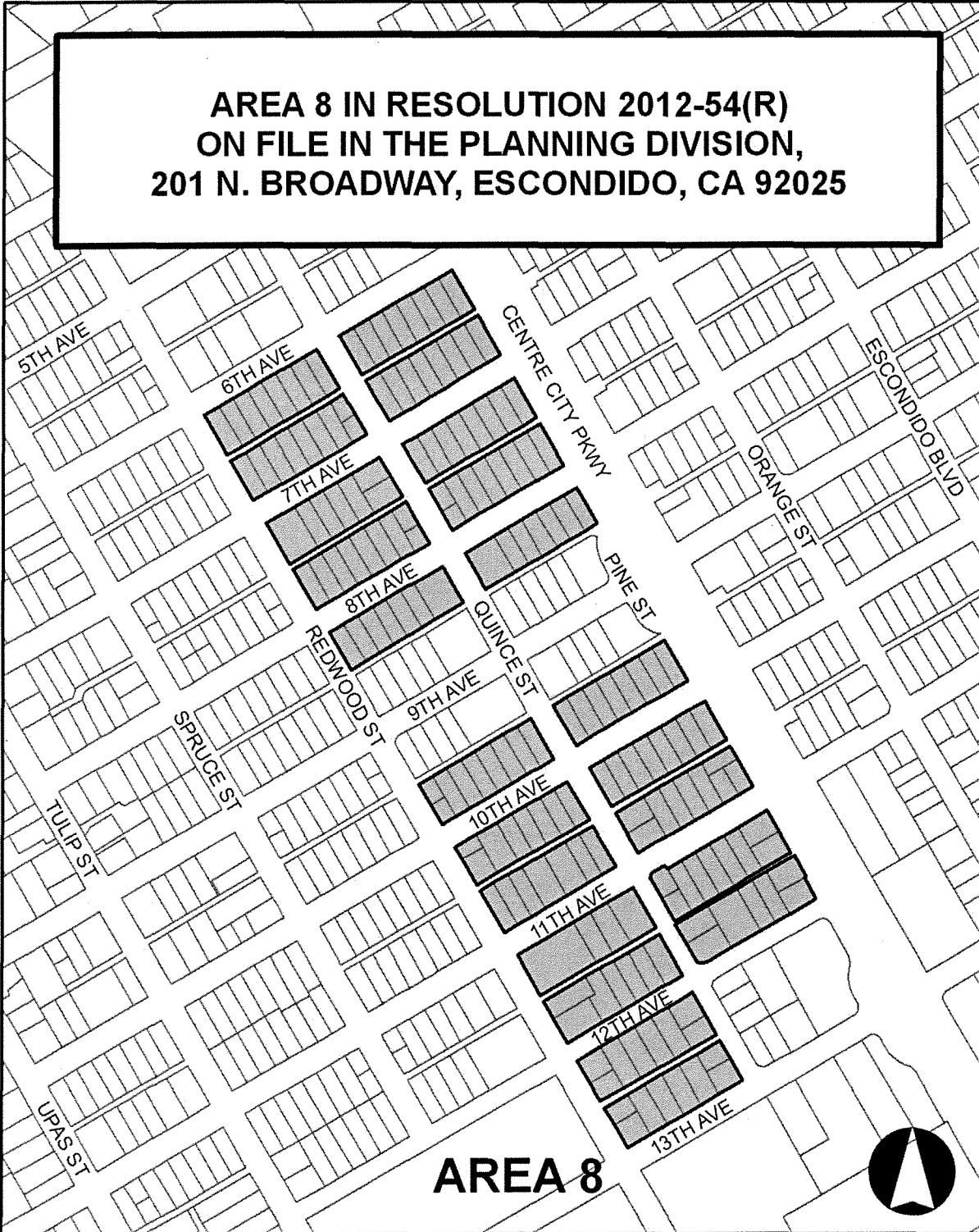


**AREA 7 IN RESOLUTION 2012-54(R)
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



AREA 7

**AREA 8 IN RESOLUTION 2012-54(R)
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**

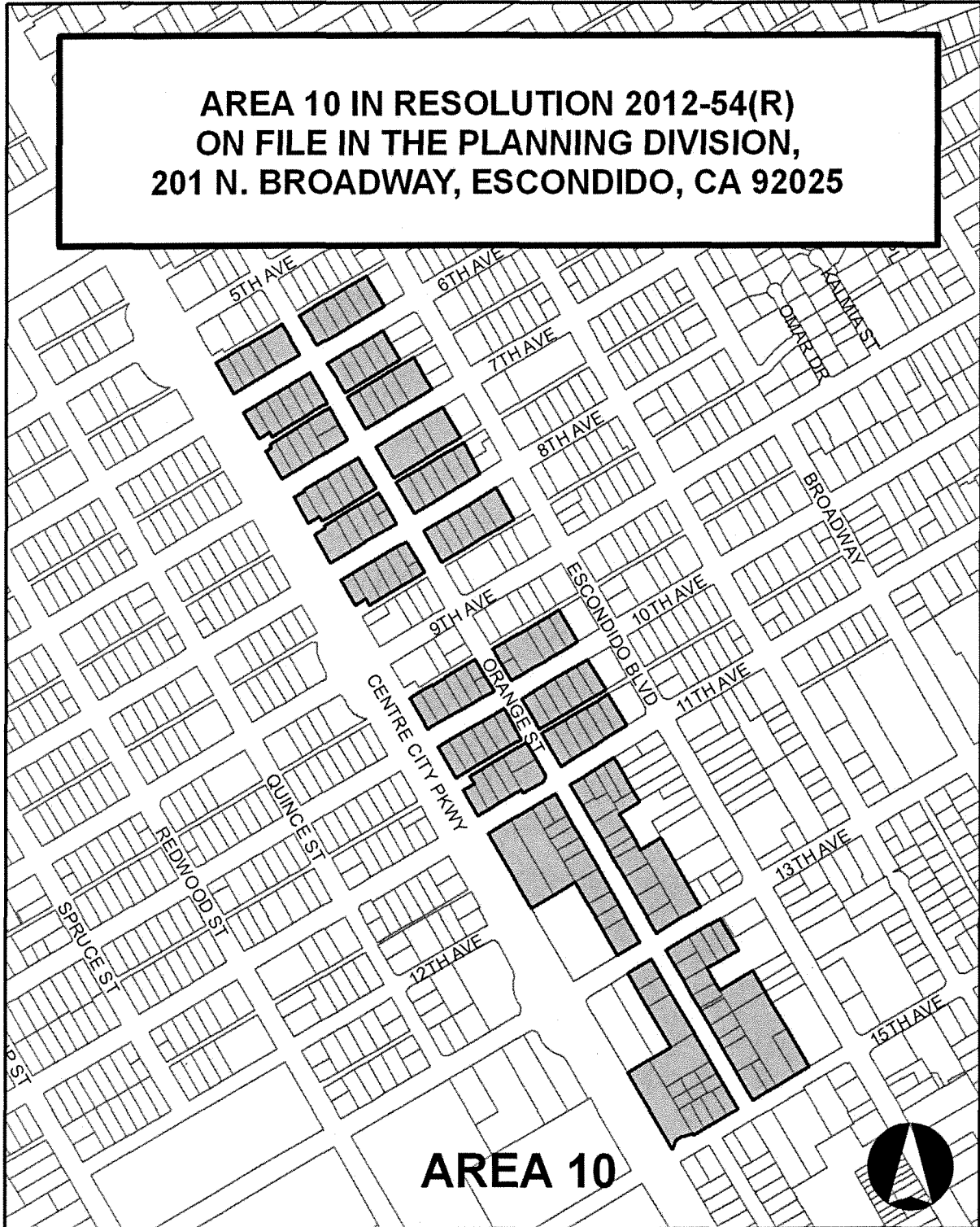




**AREA 9 IN RESOLUTION 2012-54(R)
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**

AREA 9

**AREA 10 IN RESOLUTION 2012-54(R)
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



RESOLUTION NO. 2012-99(R)

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING THE FORM OF A PROPOSED
CHARTER FOR THE CITY OF ESCONDIDO
FOR SUBMISSION TO THE VOTERS OF
THE CITY OF ESCONDIDO ON
NOVEMBER 6, 2012

WHEREAS, the City of Escondido has determined that it is in the public interest for the City of Escondido to change from a general law city to a charter city; and

WHEREAS, the City Council has determined that the text of a charter for the residents of the City should include those powers and limitations necessary and appropriate to guide the City in the conduct of its municipal affairs; and

WHEREAS, California Government Code § 34458(a) allows the City Council to propose a charter to be submitted to the voters for adoption; and

WHEREAS, California Government Code § 34458(b) requires that two public hearings be held upon the matter of the proposal of a charter and the content of the proposed charter prior to its submission to the voters of the City; and

WHEREAS, California Government Code § 34458(b) requires that the City Council may vote upon the question of whether to approve the submission of the proposed charter to the qualified voters of the City only after 21 days have elapsed since the second public hearing described above; and

WHEREAS, the City Council held public hearings on the questions of the substance of the proposed charter and the submission of the proposed charter to the qualified voters of the City on April 18, 2012, and May 23, 2012; and

WHEREAS, the City Council has determined that enactment of the proposed charter would be beneficial for the City of Escondido and its residents by providing residents with the ultimate say in all municipal affairs.


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

1. That the above recitations are true.
2. That a Measure be proposed to the voters of Escondido on whether the City of Escondido shall adopt the Proposed Charter.
3. The election upon which the voters are to vote on the Measure proposing the question of whether the City of Escondido shall adopt the proposed charter is Tuesday, November 6, 2012, pursuant to a separate resolution of the City Council calling the election for that purpose.
4. That pursuant to Government Code § 34458 there is hereby approved for submission to the voters of the City of Escondido for adoption a charter in the form as set forth in Exhibit "A," attached hereto and incorporated by this reference.
5. This resolution and the proposed charter, including the full text of the proposed charter, attached as Exhibit "A" shall be made available in print and for public examination by the City Clerk, in accordance with California Elections Code § 9223.
6. That if approved by the voters of the City of Escondido at a general election to be called by the City Council, the Escondido City Charter shall guide and govern the conduct of municipal affairs in the City of Escondido.
7. That the City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 13th day of June, 2012 by the following vote to wit:

- AYES : Councilmembers: ABED, GALLO, MORASCO, WALDRON
- NOES : Councilmembers: DIAZ
- ABSENT : Councilmembers: NONE

APPROVED: 4/1/0



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

RESOLUTION NO. 2012-99R

CHARTER OF THE CITY OF ESCONDIDO

PREAMBLE

WE THE PEOPLE of the City of Escondido declare our intent to restore to our community the historic principles of self governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed and firm in the conviction that the economic and fiscal independence of our local government will better serve and promote the health, safety and welfare of all of the citizens of Escondido, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Escondido.

CHARTER

Article 1 Municipal Affairs

Section 100. Municipal Affairs

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is unique to the benefit of the citizens of the City of Escondido.

Section 101. Powers

The City shall have all powers that a City can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 102. Incorporation and Succession

The City shall continue to be a municipal corporation known as the City of Escondido. The boundaries of the City of Escondido shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had,

possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of same. It shall be subject to all debts, obligations and liabilities, which exist against the City at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Article 2 Form of Government

Section 200. Form of Government

This municipal government established by this Charter shall be known as the "Council-Manager" form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

Article 3 Elected Officers

Section 300. Enumeration and Term

The elected officers of the City shall consist of:

A City Council composed of five members who are registered voters of the City, four to be residents of their respective Districts and nominated and elected only by the residents of their respective Districts. The fifth shall be nominated and elected from the City at large and shall hold the office of Mayor.

Other elected officer(s) of the City shall be:

A City Treasurer with duties, responsibilities and compensation as provided by Ordinance of the City Council.

All of the elected officers shall serve for a term of four years following their election. The terms of all elected officers shall commence upon installation and each shall serve until the officer's successor is elected and installed.

Section 301. Districts

For the purpose of electing the members of the Council, excepting the Mayor, the City shall be divided into four Districts. The City Council shall, by ordinance, establish four Districts that shall be used for the elections of Council members, excepting the Mayor. Said Districts shall be in compliance with applicable laws.

The ordinance establishing the boundaries of the Districts shall be adopted on or before December 31, 2013.

Section 302. Redistricting

District boundaries shall be altered when necessary as shown by the most recent federal decennial census, or by more current data certified by the City Council as sufficiently reliable and detailed to serve as a basis for district boundary alteration, or by annexation or consolidation of territory.

Section 303. Eligibility

An elected officer of the City shall be a resident, United States citizen and voter in the City.

In addition, every Council member or candidate shall be and remain a qualified voter in the District from which the Council member or candidate is nominated, as required by the California Elections Code. No change in the boundary or location of any district shall abolish or terminate the term of office of any Council member prior to expiration of the term of office for which the member was elected, notwithstanding any other provision of this Section. Each Council member will, during the duration of the member's term, represent the District from which the member was elected.

Section 304. Vacancies

A vacancy in any elective office, from whatever cause, shall be filled by appointment by the City Council, such appointee to hold office for the remainder of any unexpired term, and until a successor is elected and installed.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office is declared vacant, it shall cause an election to be held to fill such vacancy.

Section 305. Invalidation of California Voting Rights Act

Upon the invalidation or repeal of the California Voting Rights Act (California Elections Code §§ 14025-32) by a court of competent jurisdiction or the California State Legislature, the City Council shall adopt an ordinance setting forth the process and schedule for returning to an at-large method of election.

Section 306. Prior Laws

This Article shall supersede all other provisions of the laws of the City of Escondido pertaining to the office of City Treasurer, all of which shall be of no further force and effect.

Article 4 Fiscal Matters

Section 400. Economic and Community Development

The City shall encourage, support, and promote economic development and community development in the City.

Section 401. Public Works Contracts

The City is exempt from the provisions of all California statutes regulating public contracting and purchasing except as provided by ordinance or by agreement approved by the City Council. The City shall establish all standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including but not limited to, the compensation rates to be paid for the performance of such work.

Section 402. Prevailing Wage

No City contract shall require payment of the prevailing wage schedule unless: the prevailing wage is legally required, and constitutionally permitted to be imposed, by federal or state grants pursuant to federal or state law; or the project is considered by the City Council not to be a municipal affair of the City; or payment of the prevailing wage schedule is authorized by resolution of the City Council. Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates published by the State of California.

Section 403. Fair and Open Competition

The City will promote fair and open competition for all City construction projects so that all contractors and workers, whether union or non-union, are treated equally in the bidding and awarding of City construction contracts.

Section 404. Definition of Public Works

For purposes of this Article, the term "public works" means: (1) A building, road, street, sewer, storm drain, water system, irrigation system, reclamation project, redevelopment project, or other facility owned or to be owned or to be contracted for by the City of Escondido or the Escondido Community Development Commission, that is paid for in whole or in part with tax revenue paid by residents of the City of Escondido; or (2) Any other construction service or nonconstruction service.

Section 405. Voluntary Employee Political Contributions

Unless otherwise required by law, neither the City, nor its agents, shall deduct from the wages, earnings or compensation of any City employee any political contributions unless the employee has first presented, and the City has received, a signed written authorization of such deductions, which authorization must be

renewed annually and may be revoked by the employee at any time by giving written notice of such revocation to the City.

Article 5 Revenue Retention

Section 500. Reductions Prohibited

Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 501. Mandates Limited

No person whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority.

Article 6 General Laws

Section 600. General Law Powers

In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

Section 601. Council Member Compensation

Notwithstanding the previous paragraph, the salary of the Mayor and the Council Members will continue to be set pursuant to California Government Code sections 36516 and 36516.1 where the formula considers city population and state law.

Article 7 Interpretation

Section 700. Construction and Interpretation

The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter which is a municipal affair.

Section 701. Severability

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

**Article 8
Amendment**

Section 800. Amendment to Charter, revised or repealed

This Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.

**AUTHENTICATION
AND
CERTIFICATION**

Authenticated and certified to be a true copy by Mayor Sam Abed and City Clerk Diane Halverson.

Date of Municipal Election: November 6, 2012

ATTEST:

Sam Abed, Mayor

Diane Halverson, City Clerk

RESOLUTION NO. 2012-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, (i) DIRECTING PREPARATION OF IMPARTIAL ANALYSIS FOR CITY MEASURES (ii) AUTHORIZING ITS MEMBERS TO FILE WRITTEN ARGUMENTS IN FAVOR OF CITY MEASURES AND (iii) PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES

WHEREAS, a General Municipal Election is to be held in the City of Escondido, California, on November 6, 2012, at which there will be submitted to the voters the following measures:

Shall the changes to the City of Escondido's General Plan, approved by the City Council in Resolution 2012-54(R), be adopted?	YES
	NO

Shall the City of Escondido be changed from a general law city to a charter city through the adoption of the charter proposed by Resolution 2012-99(R) of the Escondido City Council?	YES
	NO

WHEREAS Section 9282 of the Elections Code of the State of California authorizes the legislative body, or any member or members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, to file a written argument for or against any city measure; and

WHEREAS, Section 9285 of the Elections Code of the State of California authorizes the City Council to adopt provisions to provide for the filing of rebuttal

arguments for city measures submitted at municipal elections;

NOW, THEREFORE, the City Council of the City of Escondido, California, does resolve, declare, determine and order as follows:

SECTION 1. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, and directs the City Attorney to prepare and submit to the City Clerk an impartial analysis of the measure not exceeding 500 words showing the effect of the measures on the existing law and the operation of the measures, all pursuant to California Elections Code Section 9280. The impartial analysis shall be filed no later than August 13, 2012.

SECTION 2. That the City Council, being the legislative body of the City, hereby authorizes any and all members of the City Council to file a written argument in Favor of City measures, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including, August 13, 2012, the date fixed by the City Clerk after which no arguments for or against the City measures may be submitted to the City Clerk.

The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 3. That this City Council, being the legislative body of the City, pursuant to Section 9285 of the California Elections Code, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

A rebuttal argument may not be signed by more than five authors.

The rebuttal argument, not exceeding 250 words, shall be filed with the City Clerk, signed, with the printed name(s) and signatures(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, no later than August 23, 2012. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. 2012-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Escondido has called a General Municipal Election to be held on November 6, 2012, for the purpose of the electing two (2) members of the City Council and one (1) City Treasurer; and

WHEREAS, the City Council is submitting to the voters two questions: (1) whether or not to amend the General Plan and (2) whether or not to adopt the proposed City Charter, and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the County Elections Department of the County of San Diego canvass the returns of the General Municipal election and that the election be held in all respects as if there were only one election;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Escondido, California, does resolve, declare and order as follows:

SECTION 1. That pursuant to the requirements of Section 10403 of the

California Elections Code, the Board of Supervisors of the County of San Diego is hereby requested to consent and agree to the consolidation of the General Municipal election with the Statewide General election on Tuesday, November 6, 2012, for the purpose of the election of:

- a. Two (2) members of the City Council for the full term of four years; and
- b. One (1) City Treasurer for the full term of four years

SECTION 2. That measures are to appear on the ballot as follows:

Shall the changes to the City of Escondido's General Plan, approved by the City Council in Resolution 2012-54(R), be adopted?	YES
	NO

Shall the City of Escondido be changed from a general law city to a charter city through the adoption of the charter proposed by Resolution 2012-99(R) of the Escondido City Council?	YES
	NO

SECTION 3. The County Election Department of the County of San Diego is hereby authorized to canvass the returns of the General Municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 4. The Board of Supervisors of the County of San Diego is hereby requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 5. The City of Escondido recognizes that the County will incur

additional costs by reasons of this consolidation and agrees to reimburse the County for any costs.

SECTION 6. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of San Diego.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8

Date: June 20, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services
Frank P. Schmitz, Parks and Open Space Administrator

SUBJECT: Final Assessment Engineer's Report for Zones 1-37 of the City of Escondido Landscape Maintenance Assessment District for FY 2012/2013

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-72 approving the Assessment Engineer's Report for Zones 1-37 of the City of Escondido Landscape Maintenance District (LMD) (map attached to staff report), and approving the annual levy and collection of assessments in Zones 1-37 of the LMD for fiscal year 2012/2013.

FISCAL ANALYSIS:

The LMD reimburses all costs incurred in all zones except Zone 12 and Zone 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 Center 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.

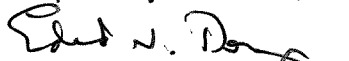
PREVIOUS ACTION:

On March 21, 2012 the City Council adopted Resolution Nos. 2012-23 and 2012-24 initiating proceedings for the annual levy of assessments for Zones 1-37 of the LMD, approving the preliminary Assessment Engineer's Report, and setting a public hearing date of May 9, 2012.

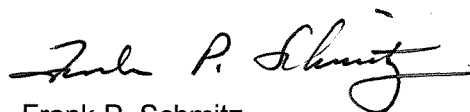
BACKGROUND:

The City Council has approved the preliminary Assessment Engineer's Report for Zones 1-37 of the LMD for fiscal year 2012/2013 that details the budget and assessments for the LMD. A public hearing was held on May 9, 2012 to provide the opportunity for public input on the proposed assessments. The final Engineer's Report for Zones 1-37 of the LMD submitted for City Council approval today reflects the budget and assessments for Zones 1-37 of the LMD for fiscal year 2012/2013 after completion of the City review and public input process.

Respectfully submitted,

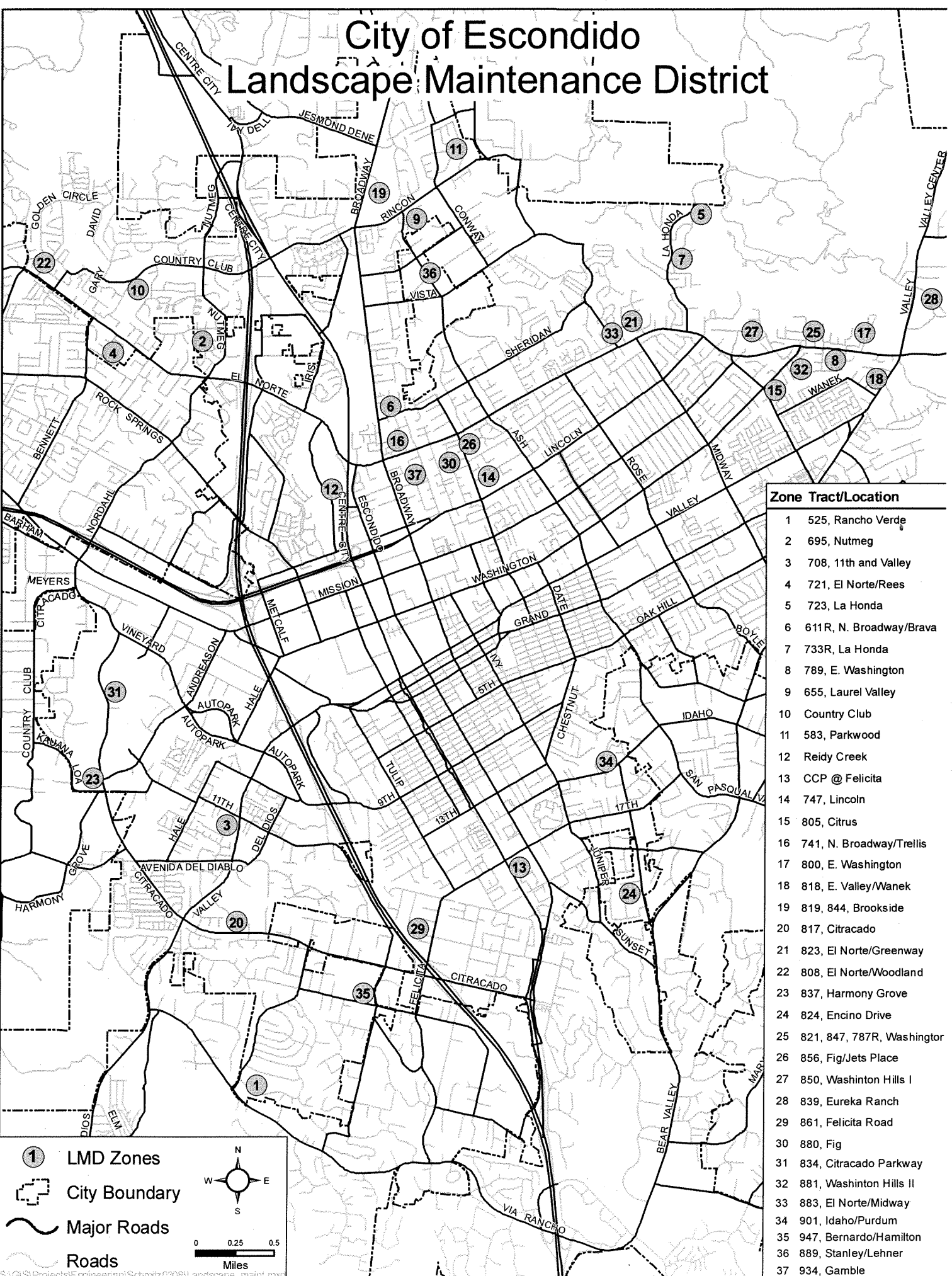


Edward N. Domingue, P.E.
Director of Engineering Services



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. 2012-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORT, AND APPROVING THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN ZONES 1-37 OF THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2012-2013

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 herein as a "Zone"); and

WHEREAS, on May 9, 2012, the City Council held a public hearing and initiated proceedings to provide for the annual levy and collection of assessments for Zones 1-37 of the Maintenance District for the next ensuing fiscal year to provide for the costs and expenses necessary to pay for the maintenance of the existing improvements in Zones 1-37 of the Maintenance District; and

WHEREAS, notice of the public hearing was duly and legally published in the time, form, and manner as required by law; and

WHEREAS, the City Council also previously received and preliminarily approved a report of the Assessment Engineer (the "Assessment Engineer's Report"), a copy of which is attached hereto as Exhibit "A" and by this reference incorporated herein, for Zones 1-37 of the Maintenance District as required by the 1972 Act, and this City Council desires to continue with the proceedings for the annual levy and collection; and

WHEREAS, this City Council 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 1-37 of the Maintenance District and is satisfied that the assessments for Zones 1-37 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 City Council desires to confirm and approve such final Assessment Engineer's Report and to authorize the annual levy and collection of the assessments for Zones 1-37 of the Maintenance District for Fiscal Year 2012-2013; and

WHEREAS, the City Council finds the Maintenance District as exempt from the California Environmental Quality Act (Public Resources Code Section 21000 and following) ("CEQA") pursuant to section 15302(d) of the State CEQA guidelines;

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

1. That the above recitals are true.

2. Based upon the Assessment Engineer's Report and the testimony and other evidence received at the public hearing, it is hereby determined that:

A. The proportionate special benefit derived by each parcel proposed to be assessed has been determined in relationship to the entirety of the cost of maintenance of the improvements.

B. No assessment is proposed to be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit to be conferred on such parcel from the improvements.

C. Only special benefits have been assessed.

4. That the Assessment Engineer's Report, is hereby approved 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 said Assessment Engineer's Report for a full and detailed description of:

(a) The existing improvements to be maintained;

(b) The maintenance of the improvements to be performed;

(c) The estimates of costs of the maintenance of the improvements to be performed, including the cost of incidental expenses in connection therewith, and including that portion of the costs and expenses representing the special benefits to be conferred by such maintenance of the improvements on the parcels within Zones 1-37 of the Maintenance District;

(d) The diagram of the Maintenance District and the zones therein showing (i) the exterior boundaries of the Maintenance District; (ii) the boundaries and zones

within the Maintenance District; and (iii) the lines and dimensions of each parcel of land within the Maintenance District; provided, however, such diagram may refer to the San Diego County Assessor's maps for detailed description of such lines and dimensions, in which case such maps shall govern for all details concerning such lines and dimensions; and

(e) The assessment of the total amount of the cost and expenses of the maintenance of the improvements upon the several divisions of land in the Maintenance District in proportion to the estimated special benefits to be conferred on such subdivisions, respectively, by such maintenance and the assessments upon assessable lots and parcels of land within the Maintenance District.

8. That the public interest and convenience requires the fiscal Year 2012-2013 annual levy and collection of the assessments for Zones 1-37 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 1-37 of the Maintenance District in accordance with the special benefits received from the existing improvements.

9. The City Clerk is hereby ordered and directed to immediately file a certified copy of the diagram and assessment with the County Auditor. Said filing to be made no later than the August 10, 2012.

10. After the filing of the diagram and assessment, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the assessment.

11. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.

12. The annual assessments as above authorized and confirmed and levied for these proceedings will provide revenue to finance the maintenance of authorized improvements for Zones 1-37 of the Maintenance District in the fiscal year commencing July 1, 2012, and ending June 30, 2013.

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

Assessment Engineer's Report Zones 1 to 37

City of Escondido
201 North Broadway – Escondido California 92025
Landscape Maintenance Assessment District

FINAL REPORT
June 20, 2012

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 Assessment Engineer's Report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements described herein.

**DUE TO THE NUMBER OF PAGES OF EXHIBIT(S) A COMPLETE SET IS AVAILABLE IN THE OFFICE OF THE CITY CLERK OR CITY ATTORNEY.
For Councilmembers, a set is available in the Council reading file.**

SPECIAL DISTRICT FINANCING & ADMINISTRATION

437 W. Grand Avenue
Escondido CA 92025
760 • 233 • 2630 Fax 233 • 2631

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9

Date: June 20, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Edward N. Domingue, Director of Engineering Services
Dan Higbee, Acting Construction Project Manager
SUBJECT: Notice of Completion for Ash Street Pedestrian Bike Path Project

RECOMMENDATION:

It is requested that Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the Ash Street Pedestrian Bike Path Project.

FISCAL ANALYSIS:

Total project cost was \$1,770,726.54. Funding was provided from a SANDAG grant and Local Transnet funds.

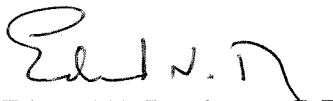
PREVIOUS ACTION:

On April 28, 2010, Council approved Resolution No. 2010-55 accepting SANDAG grant funds for this project. On August 10, 2011, Council awarded Southland Paving, Inc. the Ash Street Pedestrian Bike Path Project for \$2,042,983.

BACKGROUND:

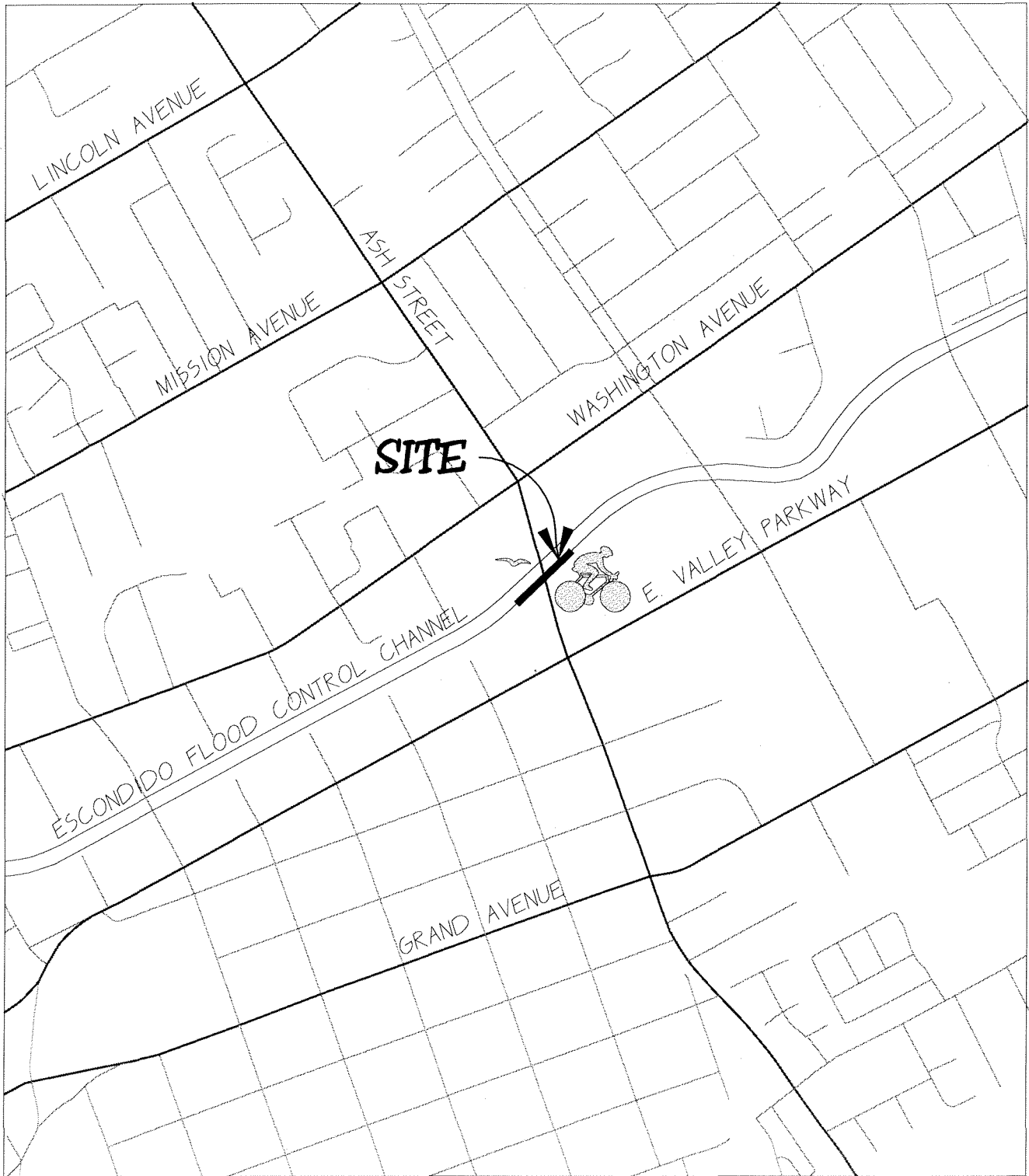
The Ash Street Pedestrian Bike Path Project consists of improvements to the existing bike path, addition of underbridge crossing, colored reinforced retaining walls, wall graphics, storm drain, street lights, landscaping, underbridge lighting, fencing, paving, and striping. Project revisions to minimize impacts to the Escondido Creek Channel and optimize construction methods resulted in the final project expenses being less than the original construction bid.

Respectfully submitted,


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


Dan Higbee
Acting Construction Project Manager

ASH STREET PEDESTRIAN BIKE PATH PROJECT



NOTICE OF COMPLETION
CITY COUNCIL MEETING 06-20-2012

ORDINANCE NO. 2012-14

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING SECTION 17-54 OF THE
ESCONDIDO MUNICIPAL CODE PERTAINING
TO JUVENILE CURFEW

WHEREAS, in 2002 the Grand Jury conducted a study dealing with truancy and curfew practices throughout San Diego County and recommended the eighteen cities within the County adopt uniform curfew hours; and

WHEREAS, juvenile curfew hours were set from 11:00 p.m. to 5:00 a.m. in 2002 and adopted by the Escondido City Council through Ordinance 2002-23; and

WHEREAS, in April 2010 the San Diego County Board of Supervisors approved a change in curfew hours from 10:00 p.m. to 5:00 a.m. and urged other jurisdictions to implement uniform hours;

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

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

SECTION 2. That Section 17-54 (Curfew established; exceptions) of the Escondido Municipal Code, is amended to read as follows:

Sec. 17-54. Curfew Hours for Minors; Definitions.

(a) Definitions. In this section:

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

ORDINANCE NO. 2012-13

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 SECOND AMENDMENT TO THE
DEVELOPMENT AGREEMENT FOR THE
179-LOT, TRACT 932 RESIDENTIAL
DEVELOPMENT

PLANNING CASE NO. PHG 09-0037

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 2005-34) 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 amendment 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 second amendment to the Development Agreement for Tract 932 is
consistent with the General Plan and all applicable specific plans of the City of
Escondido.

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

ORDINANCE NO. 2012-07(R)

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA, TO
ADD ARTICLE 36, CARGO CONTAINERS TO
THE ESCONDIDO ZONING CODE

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

SECTION 1. The use of cargo containers for accessory buildings, sheds, storage, and other purposes has increased within the City causing in some instances blight.

SECTION 2. Cargo containers present unique challenges to public safety, health and welfare based on the lack of specific standards for usage as accessory buildings.

SECTION 3. Cargo containers, due to their size and industrial appearance, are not appropriate for use as permanent accessory buildings or storage sheds in certain areas of the City.

SECTION 4. The City desires, in order to protect the health, safety and welfare, to regulate and provide for the use of such cargo containers.

SECTION 5. That cargo containers are portable personal property, commonly sold on the open market and two years from the date of approval provides the owner a reasonable opportunity to recoup the investment if adoption of this ordinance creates a nonconforming use.

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

ORDINANCE NO. 2012-12

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING AMENDMENTS TO THE
ESCONDIDO MUNICIPAL CODE CHAPTER 6
ARTICLES 17, 18A-D, AND 21, AND
CHAPTER 33 ARTICLE 37 REGARDING
DEFERRAL OF DEVELOPMENT FEES

Case No. AZ 12-0003

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 Escondido Municipal Code Chapter 6, Article 17,
Sections 6-438 is amended as follows:

Sec. 6-438. Imposition, calculation and collection of development fees.

(a) Development fees shall be imposed as a condition of approval of a
development project. No tentative or final subdivision map, parcel map, grading permit,
building permit, final inspection or certificate of occupancy shall be approved unless the
provisions of this section have been fulfilled.

(b) Development fees shall be imposed by affixing the following language to
the development approval:

Approval of this development project is conditioned upon payment of all
applicable development fees and connection fees in the manner provided in Chapter 6
of the Escondido Municipal Code.

(c) Water and sanitary sewer connection fees shall be calculated and
collected at the time of application for connection to the utility system; except that
payment of sanitary sewer fees may be deferred pursuant to section 6-465.5 of Article
18D of this chapter.

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



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 14
Date: June 20, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Gilbert Rojas, Director of Finance, and Edward Domingue, Director of Engineering Services

SUBJECT: Five-year Capital Improvement Program; the Fiscal Year 2012/13 CIP Budget; and Transnet Five-year Local Street Improvement Program

RECOMMENDATION:

It is requested that City Council:

- 1) Approve Resolution No. 2012-86 adopting Fiscal Years 2012/13 - 2016/17 Five-year Capital Improvement Program (CIP) and the Fiscal Year 2012/13 Project CIP Budgets;
- 2) Adopt Resolution No. 2012-87 approving the Transnet Five-Year Local Street Improvement Program of Projects for Fiscal Years 2012/13 - 2016/17.

FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM AND FY 2012/13 CIP BUDGET

BACKGROUND:

The CIP is a five-year planning tool which is developed and updated annually. Management's main focus is identifying dependable funding resources for fiscal year 2012/13 and the corresponding uses of those funds. A preliminary summary of capital project requests was prepared and submitted to council on April 25, 2012.

FISCAL ANALYSIS:

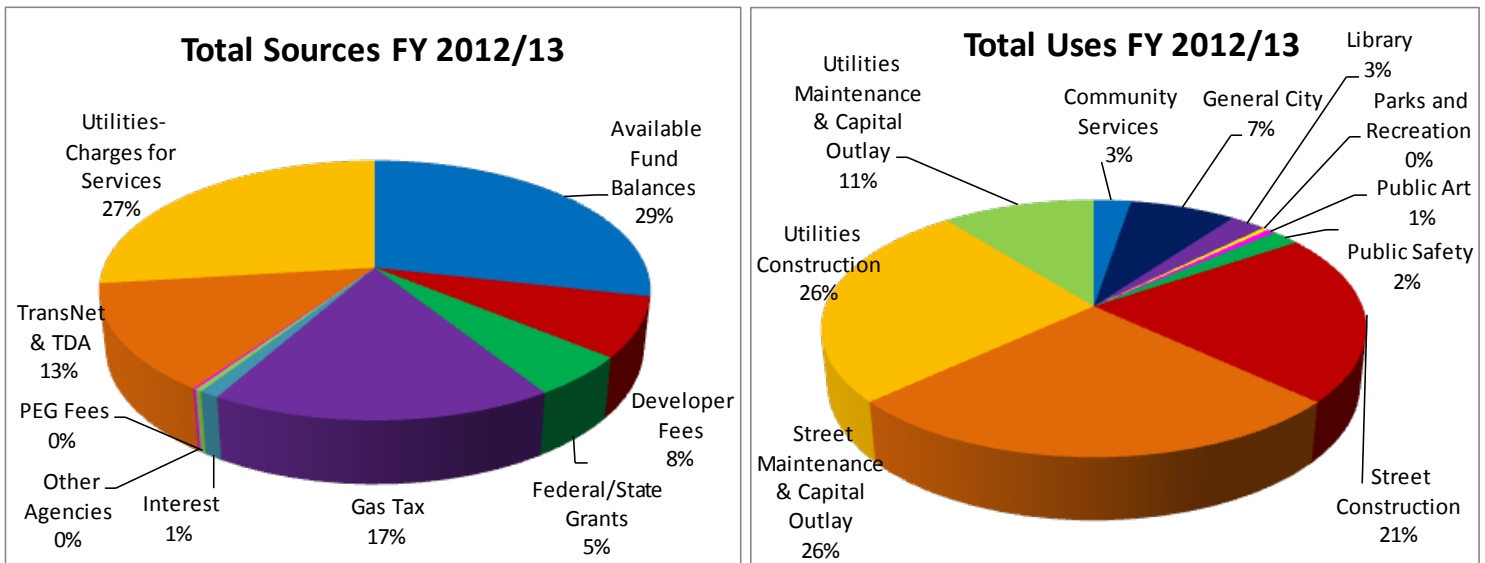
The Five-Year Capital Improvement Program (CIP or Program) summarizes anticipated resources and their estimated uses. In order to maintain the City's high quality-of-life standards and to affirm Escondido as the "City of Choice," the CIP budget has programed major infrastructure, capital construction, improvements, and other maintenance projects.

The proposed budget estimates source revenues of \$15.9 million which when combined with available fund balances of \$6.4 million will provide total resources of \$22.3 million available to fund

capital improvements and other maintenance capital outlay expenditures. The current year budget requests anticipate uses of \$19.1 million in appropriated expenditures and transfers.

Upon completion of a project, any remaining balance is returned to the appropriate fund's reserves and becomes available to fund future projects. This program includes approximately \$3.2 million in reserves available for future projects. The majority of the reserves are restricted funding only to be used for specific purposes such as \$2.1 million for public facilities and \$460,000 restricted for street related expenditures.

The following charts highlight by category the funding Sources and Uses contained in the current Five-Year Capital Improvement Program for fiscal year 2012/13.



Also attached to this staff report is a list that outlines the specific projects requesting funding for fiscal year 2012/13 and where more detail about the project is located in the actual Capital Improvement Program and Budget.

FIVE-YEAR STREET CIP PLANNING PROCESS

Each year, the City updates the Five-Year Street Capital Improvement Program. In the past, the five-year plan was developed with the assistance and oversight of the Traffic and Transportation Task Force. Similar to last year, the Task Force was not formed primarily due to the past commitments to several large and costly major street projects through development agreements or through federal funding secured through lobbying efforts. These major projects are:

- Centre City Parkway and Mission Avenue
- Citracado Parkway, West Valley Parkway to Harmony Grove Road
- East Valley Parkway & Valley Center Road

Over the next five years, the majority of Transnet and Traffic Impact Funding is recommended to be programmed towards the projects listed above. By doing so it is believed that the projects will be fully funded through construction. If it turns out that our needs exceed our funding capabilities, the City has the option to borrow against future Transnet funds. Many agencies in the San Diego region have used this loan process made available through SANDAG to deliver major projects in a timely manner.

The value of the Task Force's participation in the street CIP planning process was also impacted by the large transfer of gas tax funds to the general fund offsetting Maintenance Division costs and by large amounts of Transnet funds dedicated to our annual street maintenance program. In short, there was very little remaining in uncommitted street funds that the Task Force could use to consider new projects of any real significance.

ANNUAL OPERATING AND MAINTENANCE PROGRAMS

There are also a number of ongoing annual operating and maintenance programs funded through the Five-Year Street CIP budget. These programs, which continue from year to year, are:

- Neighborhood Projects
- School Safety Committee
- Storm Drain Infrastructure
- Street Maintenance
- Traffic Signals and Intersections
- Traffic Signal Infrastructure

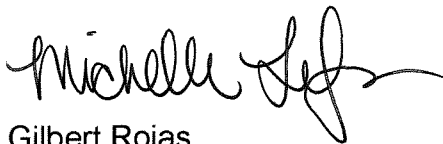
The Street Maintenance account will continue to receive 30% of the annual Transnet allocation received each year (which is the maximum percentage allowed by the Transnet ordinance) as well as a portion of our gas tax fund allocation. The remaining annual programs are funded at levels that are fairly consistent with prior years.

TRANSNET PROGRAM OF PROJECTS

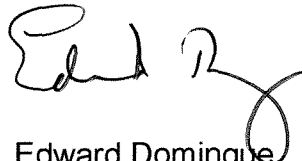
As of July 1, 2008, new Transnet funds that accrue to the City are being collected through the Transnet Extension Ordinance approved by San Diego area voters in November of 2004. The extended ordinance is considerably more complex than the original Transnet measure. Among the new procedures is a requirement to be clear with regard to programming of the new Transnet funds and to be transparent to the public so any interested party can comment on the use of these funds.

Four projects are being programmed with Transnet funds for FY 2012/2013. These are ESC-11, Street Maintenance, in the amount of \$896,000; ESC-35, Bear Valley Parkway/San Pasqual Valley to Boyle in the amount of \$100,000; ESC-04, Citracado/Harmony Grove to West Valley Parkway in the amount of \$2,160,733 and, ESC-06, El Norte Parkway Bridge at the Escondido Creek, in the amount of \$300,000. Transnet funding in these amounts for these projects constitutes the City of Escondido's Transnet Local Street Improvement Program of Projects for Fiscal Years 2013 through 2017 as presented for Council approval in the attached implementing Resolution No. 2012-87. The funding for the projects mentioned above have been input into ProjectTrak, SANDAG's automated system for programming of regional highway and street funds by City staff. Amendments to the Program of Projects in the ProjectTrak system, if needed, are permitted by SANDAG quarterly.

Respectfully submitted,



for Gilbert Rojas
Director of Finance



Edward Domingue
Director of Engineering Services

Capital Projects that City Council will Consider Approving on June 20th, 2012

List of Projects by Fund	Proposed FY 2012/13	Project Type*	Description Page in Budget
Americans with Disabilities Act	\$ 50,000	m	pg 29
Bear Villy Pkwy/San Pasqual to Boyle	100,000	c	pg 9
Citracado/Harmony Grove-WVP	2,900,785	c	pg 10
Community Service Programs	499,745	m	pg 29
Computer Aided Dispatch	125,100	m	pg 29
Digester Cleaning	50,000	m	pg 29
EKG Monitors	145,000	m	pg 29
El Norte Pkwy Bridge at Escondido Creek	300,000	c	pg 11
Elm St/Habitat for Humanity	100,000	c	pg 12
Escondido Creek Art NEW	89,435	c	pg 13
Evaluation-West Side Lift Station	650,000	m	pg 29
Facility Improvements NEW	875,000	m	pg 29
General Plan Update	80,000	m	pg 30
Grape Street Improvements	200,000	c	pg 14
HARRF Expansion Ph III- Ops Bldg	2,500,000	c	pg 15
Indirect Potable Reuse Study	150,000	m	pg 30
La Honda Dr - Tract 920 Participation	23,970	m	pg 30
Lake Wohlford Dam Project	1,000,000	c	pg 16
Lakes Dock Replacement NEW	400,000	c	pg 17
Library and Technology Center Expansion NEW	200,000	c	pg 18
Library Books	200,000	m	pg 30
Library Books Supplemental	60,000	m	pg 30
Library Technology	5,000	m	pg 30
Library Trust Special Projects	15,000	m	pg 30
Loan Repayment to Wastewater Fund	331,300	m	pg 30
Manhole Rehabilitation	100,000	m	pg 31
Miscellaneous Main Replacement	100,000	m	pg 31
Neighborhood Projects	200,000	m	pg 31
Park Avenue Community Center NEW	40,000	m	pg 31
PEG Channel Facilities Upgrade (Trf from Deposit Acct)	75,000	m	pg 31
Police Radio Upgrades NEW	108,515	m	pg 31
Public Art Administration	24,920	m	pg 31
Reidy Creek Equipment NEW	33,550	m	pg 31
School Safety Committee	50,000	m	pg 32
Storm Drain Fees Available for Developer Reimbursement	3,760	m	
Storm Drain Infrastructure	100,000	m	pg 32
Street Maintenance	2,495,625	m	pg 32
Traffic Signal Infrastructure	100,000	m	pg 32
Traffic Signals & Intersections	150,000	c	pg 19
Transfer to General Fund - Live Video Streaming	11,000	m	
Transfer to General Fund - Street Maintenance	2,055,000	m	
Tulip Street Improvements	337,335	c	pg 20
Water Pipeline Replacement	100,000	c	pg 21
Water Treatment Plant Major Maintenance	100,000	m	pg 32
Water Treatment Plant Onsite Chlorine Generation	1,000,000	c	pg 22
Water Treatment Plant Sed Basin Lining NEW	900,000	m	pg 32
Total	\$ 19,135,040		

* m = Maintenance and Other Capital Outlay Project, c = Construction Project

RESOLUTION NO. 2012-86

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING THE FIVE-YEAR CAPITAL
IMPROVEMENT PROGRAM FOR FISCAL
YEARS 2012/13 – 2016/17 AND THE
PROJECT BUDGETS FOR FISCAL YEAR
2012/13

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

SECTION 1. That the budgets for all capital projects for the period July 1, 2012, through June 30, 2013, inclusive, contained in the Fiscal Years 2012/13-2016/17 Five-Year Capital Improvement Program and Budget Document (a copy of which is on file in the Office of the City Clerk) as amended by Council, are adopted as the final project budgets for Fiscal Year 2012/13. Amendments to this budget may be made from time to time following review and approval by minute action of the City Council.

SECTION 2. That the Fiscal Year 2012/13 amount designated for each project and each fund in the Five-Year Capital Project Improvement Program and Budget, on file with the City Clerk, are hereby appropriated to the fund for which it is designated. Such appropriations as adjusted shall be neither increased nor decreased without approval of the City Council, except for transfers within funds allowed under the City of Escondido's adopted budget adjustment policy. All amounts designated in each project budget on file with the City Clerk are hereby appropriated for such uses to the

fund under which they are listed, and shall be neither increased nor decreased without approval of the City Manager.

SECTION 3. Any Council action changing the above mentioned assumptions will cause the Five-Year Capital Improvement Program and FY 2012/13 Project Budgets to be revised and brought back to the City Council for modification.

RESOLUTION NO. 2012-87

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING THE TRANSNET LOCAL STREET
IMPROVEMENT PROGRAM OF PROJECTS
FOR FISCAL YEARS 2013 THROUGH 2017

WHEREAS, on November 4, 2004, the voters of San Diego County approved the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (*TransNet* Extension Ordinance); and

WHEREAS, the *TransNet* Extension Ordinance provides that SANDAG, acting as the Regional Transportation Commission, shall approve a multi-year program of projects submitted by local jurisdictions identifying those transportation projects eligible to use transportation sales tax (*TransNet*) funds; and

WHEREAS, the City of Escondido ("City") was provided with an estimate of annual *TransNet* local street improvement revenues for fiscal years 2013 through 2017; and

WHEREAS, the City has held a clearly noticed public hearing regarding its proposed list of projects prior to approval by its authorized legislative body in accordance with Section 5(A) of the *TransNet* Extension Ordinance and Rule 7 of SANDAG Board Policy 31.

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 pursuant to Section 2(C)(1) of the *TransNet* Extension Ordinance,

the City certifies that no more than 30 percent of its annual revenues shall be spent on maintenance-related projects.

3. That pursuant to Section 4(E)(3) of the *TransNet* Extension Ordinance, the City certifies that all new projects, or major reconstruction projects, funded by *TransNet* revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed shall be clearly noticed as part of the City of Escondido's public hearing process.

4. That pursuant to Section 8 of the *TransNet* Extension Ordinance, the City certifies that the required minimum annual level of local discretionary funds to be expended for street and road purposes will be met throughout the five-year period consistent with the most recent Maintenance of Effort Requirements adopted by the SANDAG.

5. That pursuant to Section 9(A) of the *TransNet* Extension Ordinance, the City certifies that they will extract \$2,165 from the private sector for each newly constructed residential housing unit in that jurisdiction to comply with the provisions of the Regional Transportation Congestion Improvement Program (RTCIP).

6. That pursuant to Section 13 of the *TransNet* Extension Ordinance, the City certifies that it has established a separate Transportation Improvement Account for *TransNet* revenues with interest earned expended only for those purposes for which the funds were allocated.

7. That pursuant to Section 18 of the *TransNet* Extension Ordinance, the City certifies that each project of \$250,000 or more will be clearly designated during construction with *TransNet* project funding identification signs.

8. That the City does hereby certify that all other applicable provisions of the *TransNet* Extension Ordinance and SANDAG Board Policy 31 have been met.

9. That the City agrees to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims related to local *TransNet* funded projects.

10. That the City's Five-year Transnet Local Street Improvement Program of Projects for Fiscal Years 2013 through 2017, as presented to City Council in the staff report considered at the public hearing conducted at the regular City Council meeting, at which time the City Council approved the Fiscal Years 2012/2013 through 2016/2017 Five-year Capital Improvement Program (CIP) and the Fiscal Year 2012/2013 Project CIP Budgets, is hereby approved.

FUTURE CITY COUNCIL AGENDA ITEMS
June 14, 2012

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

Green Sheet Due by Noon on Monday 6/11/12
Staff Reports/Resos due by Noon on Tuesday 6/19/12

JUNE 27, 2012
4:30 p.m.

PRESENTATION

Presentation to the Family of Luis Romero

CONSENT CALENDAR

Authorization to approve and execute First Amendments for two Chemical Bid Awards
(C. McKinney)

Due to Aeration panels rupturing there was a degradation in biological treatment requiring process control manipulation and an increase in chemical treatment to meet regulatory requirements resulting in additional chemical usage at the Hale Avenue Resource Recovery Facility. Due to a Sempra Energy power plant shut down, there has been a reduction in chemical use in the production of reclaimed water resulting in a cost saving. There will be no net increase in the chemical budget at this time.

Annual Submission of the City of Escondido's Investment Policy
(K. Hugins)

In accordance with the California Government Code Section 53646(a)(2), the City Treasurer may annually prepare and submit to the legislative body a statement of Investment Policy and any changes thereto, which will be considered at a Public Meeting. The investment Policy provides the City with guidelines for the investment of City funds.

Vista Verde Reservoir Replacement Project
(C. McKinney)

The existing 750,000 gallon steel tank serving the Vista Verde Zone is deteriorating and in need of replacement. This project will replace the existing reservoir with two new 1 million gallon prestressed concrete reservoirs.

Community Grant Program Application
(J. Van Leeuwen)

The Council is being asked to approve an application to the Best Buy Children's Foundation for a Community Program Grant to purchase I-pads for use in a pilot program for the summer C.I.T (Counselor in Training) program.

JUNE 27, 2012
Continued

CONSENT CALENDAR Continued

Consulting Agreement with AECOM for Final Design – Citracado Parkway, Andreasen Drive to West Valley Parkway
(E. Domingue)

On April 18, 2012, City Council approved the EIR for the project which now allows the final design and right-of-way acquisition phase of the project to commence. Scope of final engineering work includes civil design, surveying, right-of-way support, geotechnical engineering, structural design, environmental permitting, landscape design and utility design. One of the mitigation measures in the EIR also requires an extensive cultural resources data recovery program which is included in the scope of work.

Consultant Agreement Amendment #1 - Benton Burn Site
(E. Domingue)

The Benton Burn Site within the Escondido County Club area was operated in the late 1940s/early 1950s. CalRecycle approved a grant to the city in 2010 for remediation of the site. The resource agencies overseeing the project have required, as part of the remediation process, additional consultant tasks and processing which will be completed by the City's consultant.

Senior Nutrition – Transportation Contract
(J. Van Leeuwen)

The Escondido Senior Center provides a nutrition program for seniors, Monday through Friday. This program is primarily funded by grants through the County of San Diego AIS and CDBG, which help to off-set costs. Under contract with the City, Redwood Elderlink will provide door-to-door transportation for Escondido seniors, enabling them to access the program. Action by the Council is needed to extend this agreement for one year.

Senior Nutrition – Meal Contract
(J. Van Leeuwen)

The Escondido Senior Center provides a nutrition program for seniors, Monday through Friday. The lunchtime program is primarily funded by grants through the County of San Diego AIS and CDBG, which help to off-set costs. Under contract with the City, Redwood Town Court will provide meals to the Joslyn Senior Nutrition Program. Action by the Council is needed to extend this agreement for one year.

Tree Inventory Grant from Cal Fire
(J. Van Leeuwen)

The City has successfully applied for a Tree Inventory Grant from the California Department of Forestry and Fire Protection. The requested budget adjustment will enter the grant into the grant and budget management program of the City.

JUNE 27, 2012

Continued

CONSENT CALENDAR Continued

Management and Concession Contract for Reidy Creek Golf Course

(G. Rojas)

JC Resorts is the current operator of Reidy Creek Golf Course on behalf of the City. The 10 year contract is similar to the current contract that is expiring.

Police Officers' Association Contract

(S. Bennett)

Representatives from the Police Officer's Association and the City have met and conferred in good faith regarding salary and working conditions. Tentative agreement was reached by the parties on June 13, 2012. Members of the Bargaining unit have voted in support of the agreement.

PUBLIC HEARINGS:

Fire Chief's Cost Report for the 2012 Weed Abatement Program and Consideration of any Objections

(M. Lowry)

Confirming the 2012 Weed Abatement Report will allow property owners to be assessed through the County Tax Assessor for the amount incurred by the contractor for the removal of the hazardous weeds and rubbish. Fire prevention services, Inc. has provided weed abatement services to the properties listed in the 2012 Weed Abatement Report and billed the property owners. Fire Prevention Services, Inc. is unable to collect the amount incurred for the abatement.

Short-Form Rent Review Board Hearing for Casa de Amigos Mobilehome Park

(J. Van Leeuwen)

The application meets all eligibility criteria for submittal of a short-form rent increase application. The amount requested covers an 18-month period of consideration from June 30, 2010 to December 31, 2011. Seventy five per cent of the change in the Consumer Price Index for the 18-month period is 2.80%. The owner is requesting an increase for 45 of the 138 spaces in the park. Spaces not listed on the application request are on long-term leases or are vacant. The average space rent for the 45 spaces subject to rent control is \$570.83. The average increase per space is approximately \$15.98.

JUNE 27, 2012
Continued

PUBLIC HEARINGS Continued

Short-Form Rent Review Board Hearing for Eastwood Meadows Mobilehome Community

(J. Van Leeuwen)

The application meets all eligibility criteria for submittal of a short-form rent increase application. The amount requested covers a 24 month period of consideration from December 31, 2009 to December 31, 2011. Seventy five per cent of the change in the Consumer Price Index for the 24-month period is 2.989%. The owner is requesting an increase for 93 of the 129 spaces in the community. Spaces not listed on the application request are on long-term leases or are vacant. The average space rent for the 93 spaces subject to rent control is \$446.90. The average increase per space is approximately \$12.90.

CURRENT BUSINESS

Comprehensive Economic Development Strategy (CEDS) Presentation

(J. Masterson)

As part of the adopted Action Plan pertaining to Economic Development, the City Council directed staff to contract with a consultant to develop an Economic Development Master Plan for the City. The City approved a contract with The Natelson-Dale Group, Inc. to complete the plan.

Indirect Potable Reuse (IPR) Program Manager Contract Award

(C. McKinney)

Consulting agreement with Black & Veatch/Brown and Caldwell for an as needed IPR Program Manager to assist the City in its decisions related to water sustainability through the efficient expansion of the recycled water system. Decisions need to be made on a programmatic basis to achieve our long term goal of total reuse including expanding the non-potable reuse, future potential of indirect potable reuse and future potential for direct potable reuse.

Appointment to Personnel Board of Review

(D. Halverson)

Due to the resignation of Orvil Hale from the Personnel Board of Review, a replacement should be appointed to complete his term, which expires in March 2016.

Future Agenda Items (D. Halverson)

Green Sheet Due by Noon on Monday 6/18/12
Staff Reports/Resos due by Noon on Tuesday 6/26/12

JULY 4, 2012
No Meeting (Holiday)