

Council Meeting Agenda

August 17, 2011

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	Marsha Whalen
CITY ATTORNEY	Jeffrey Epp
DIRECTOR OF COMMUNITY DEVELOPMENT	Barbara Redlitz
DIRECTOR OF ENGINEERING SERVICES	Ed Domingue

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

August 17, 2011
3:30 p.m. Meeting

Escondido City Council Community Development Commission

CALL TO ORDER

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

ORAL COMMUNICATIONS

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

CLOSED SESSION: (COUNCIL/CDC/RRB)

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

- a. Property: 455 Quince Street
Agency Negotiators: Charlie Grimm
Negotiating parties: City and Wickline Bedding
Under negotiation: Price and terms of payment
- b. Property: 525 Quince Street
Agency Negotiators: Charlie Grimm
Negotiating parties: City and Salvation Army
Under negotiation: Price and terms of payment

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

- a. City of Escondido v. AT&T Services, Inc., et al., Case No. 37-2010-00060712-CU-BC-NC

ADJOURNMENT



Council Meeting Agenda

**August 17, 2011
4:30 p.m. Meeting**

**Escondido City Council
Community Development Commission**

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

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

PROCLAMATIONS: Heritage K-8 Charter School

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. **BALLPARK-BUSINESS PARK BUDGET ADJUSTMENT** – Request City Council and the Community Development Commission approve a budget adjustment that will place \$118,285 into the Community Development Commission (CDC) budget for ongoing consulting services pertaining to the development of a minor league ballpark or business park.

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

5. **ESTABLISHING THE PROPERTY TAX RATE AND FIXED CHARGE ASSESSMENTS FOR GENERAL OBLIGATION BONDED INDEBTEDNESS** – Request Council establish the property tax rate and fixed charge assessments for bonded indebtedness for the Fiscal Year 2011-12.

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

RESOLUTION NO. 2011-100

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

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

CURRENT BUSINESS

6. **APPROVAL OF THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM AND ENFORCEABLE OBLIGATION SCHEDULE** – Request Council consider and adopt ordinances providing for a voluntary alternative redevelopment program, including an enforceable obligation schedule, and thereby permit the continued existence and operation of the Redevelopment Agency of the City of Escondido.

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

- a. ORDINANCE NO. 2011-11 – Introduction and First Reading
- b. ORDINANCE NO. 2011-13 – Urgency Ordinance

WORKSHOP

7. **PRELIMINARY CITY COUNCIL ACTION PLAN – EMBRACE DIVERSITY** – Request Council provide direction regarding proposed content for the Embrace Diversity element of the 2011-2012 City Council Action Plan. Continued from June 22, 2011.

Staff Recommendation: Provide direction to staff **(City Manager's Office: Joyce Masterson and Human Resources: Sheryl Bennett)**

8. **PRELIMINARY CITY COUNCIL ACTION PLAN – IMAGE AND APPEARANCE** – Request Council provide direction regarding proposed content for the Image and Appearance element of the 2011-2012 City Council Action Plan

Staff Recommendation: Provide direction to staff **(City Manager's Office: Joyce Masterson and Community Development/Planning: Barbara Redlitz)**

FUTURE AGENDA

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

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

ORAL COMMUNICATIONS

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

COUNCIL MEMBERS COMMITTEE REPORTS/COMMENTS/BRIEFING

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
August 24	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers
August 31	No Meeting			
September 7	No Meeting			
September 14	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers
September 21	No Meeting			

TO ADDRESS THE COUNCIL

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

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

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

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

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

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

LIVE BROADCAST

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

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

**The City Council is scheduled to meet the first four Wednesdays
of the month at 3:30 in Closed Session and 4:30 in Open Session.**

(Verify schedule with City Clerk's Office)

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

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



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

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

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. 2004-_____ File No. _____

Ord No. 2004-_____

Agenda Item No.: 4
Date: August 17, 2011

TO: Honorable Mayor and Members of the City Council and Community Development Commission

FROM: Joyce Masterson, Assistant to the City Manager

SUBJECT: Ballpark/Business Park Budget Adjustment

RECOMMENDATION:

It is requested that the City Council and the Community Development Commission approve a budget adjustment that will place \$118, 283 into the Community Development Commission (CDC) budget for consulting services pertaining to the development of a minor league ballpark.

FISCAL ANALYSIS:

Council has previously authorized funding in the amount of \$728,209. An additional \$118,283 is required from redevelopment funds for the following:

- BBC Environmental \$61,808
- Keyser Marston \$50,000
- CB Urban Development \$ 6,475

GENERAL PLAN ANALYSIS:

A minor league ballpark or business park is consistent with the General Plan Economic Development and Community Revitalization goals.

PREVIOUS ACTION:

On September 22, 2010, the City Council in public session authorized a total of \$373,000 from redevelopment funds for the following consulting services related to the ballpark:

1. A consulting agreement with Linscott, Law & Greenspan for transportation, traffic and parking studies in the amount of \$75,000.
2. A consulting agreement with Helix Environmental Planning, Inc. for \$148,000 for environmental studies.
3. An additional \$150,000 for various consulting services pertaining to financial analysis, legal and redevelopment analysis, soil contamination testing of the public works yard and construction soils testing. These funds were used for payments to CB Urban Development, Stradling Yocca Carlson & Rauth, BBC Environmental, Inc. and GEOCON, Inc.

On November 17, 2010, the City Council in closed session authorized a study to relocate the North County Transit District's CNG filling station and bus parking yard currently located on Spruce Street. No funding source was designated at that time.

On December 15, 2010, City Council and the Community Development Commission approved Resolutions CDC 2010-15 and CDC 2010-16 authorizing a First Amendment to consulting agreements with Helix Environmental Planning, Inc. and Linscott, Law & Greenspan (LLG). Council and the Commission also approved a total budget adjustment of \$263,579 into the Community Development Commission (CDC) budget for the above amendments as well as ongoing and new consulting services pertaining to the development of a minor league ballpark.

On March 16, 2011 City Council and the Community Development Commission approve a budget adjustment that will place \$91,630 into the Community Development Commission (CDC) budget for ongoing consulting services pertaining to the development of a minor league ballpark.

BACKGROUND:

To fully evaluate the feasibility of a minor league baseball ballpark/business park project, certain environmental, financial, legal, transportation, and redevelopment studies were necessary. Additional funding is needed for expenses already incurred for the following:

BBC Environmental – Funding is requested in the amount of \$61,808 to complete the environmental studies at both the eastern and western Public Works Yards, as well as a Phase II study at 480 N. Spruce. See Attachment 1.

CB Urban Development – Funding is requested in the amount of \$6,475 for consulting services from June 1 through June 30, 2011. See Attachment 2.

In addition, funding in the amount of \$50,000 is requested to cover estimated expenses for consulting services to be provided by Keyser Marston related to potential modifications to the City's Redevelopment Plan to include a business park.

Respectfully submitted,



Joyce Masterson
Assistant to the City Manager

BBC ENVIRONMENTAL, INC.

3593 Adams Avenue, San Diego, CA 92116

June 1, 2011

Antone Oliveira
City of Escondido
201 N. Broadway
Escondido, CA 92025
Via USPS

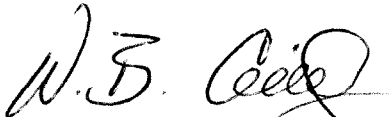
RE: COST PROPOSALS FOR PUBLIC WORKS PROJECTS

Mr. Oliveira:

Per your request, please find enclosed the BBC Environmental, Inc. (BBC) cost proposals for work to be performed at the Public Works Yard facilities. Included with the cost breakdowns is a copy of the current Consulting Agreement that BBC has with the City of Escondido and current insurance certificates for general liability, auto liability, and worker's compensation.

Should you require anything further from BBC Environmental, Inc. please do not hesitate to contact me directly at 619-546-7165.

Thank You,
BBC ENVIRONMENTAL, INC.



Mr. Walter B. Craig, R.E.A.
President / Principal Engineer

Enclosures (6):
City of Escondido Consulting Agreement dated 10-22-10
BBC General, Prof., Pollution, and Auto Insurance Certificate
BBC Worker's Compensation Insurance Certificate
Cost Proposals for 480 N. Spruce; Eastern Yard; Western Yard

RECEIVED
CITY OF ESCONDIDO

JUN 06 2011

ENGINEERING SERVICES



CITY OF ESCONDIDO
CONSULTING AGREEMENT

COPY

This Agreement is made this 22nd day of October, 2010.

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Joyce Masterson
760-839-4621
("CITY")

And: BBC Environmental, Inc.
3593 Adams Avenue
San Diego, CA 92116
Attn: Walter B. Craig
619-546-7165
("CONSULTANT")

Witness that whereas:

- A. It has been determined to be in the CITY's best interest to retain the professional services of a consultant to perform environmental assessment, and if required, environmental remediation services and
- B. The CONSULTANT is considered competent to perform the necessary professional services for CITY;

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

- 1. Services. The CONSULTANT will furnish all of the services as described in "Attachment A" which is attached and incorporated by this reference.
- 2. Compensation. The CITY will pay the CONSULTANT in accordance with the conditions specified in "Attachment A," in the sum of \$61,801. Any breach of this Agreement will relieve CITY from the obligation to pay CONSULTANT, if CONSULTANT 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 CONSULTANT contained in subsequent amendment(s) shall not exceed a cumulative total of twenty-five percent (25%) of the maximum payment provided for in this Section 2.

- 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 CITY includes its officials, employees, and volunteers. The endorsement must be ISO Form CG 20 10 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 CONSULTANT'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.
- c. In executing this Agreement, CONSULTANT 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.
- 9. Indemnification. CONSULTANT (which in this paragraph 9 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:
 - a. Any claim of liability arising out of the negligence or any acts or omissions of CONSULTANT in the performance of this Agreement;
 - b. Any personal injuries, property damage or death that CONSULTANT 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
 - c. Any injury or death which results or increases by any action taken to medically treat CONSULTANT.
- 10. Anti-Assignment Clause. The CONSULTANT may not assign, delegate or transfer any interest or duty under this Agreement without advance written approval of the CITY, and any attempt to do so will immediately render this entire Agreement null and void.
- 11. 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.
- 12. Independent Contractor. CONSULTANT is an independent contractor and no agency or employment relationship, either express or implied, is created by the execution 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.

Date: 10/25/10

CITY OF ESCONDIDO

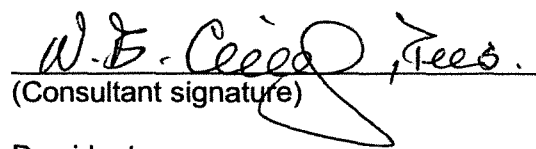


Clay Phillips
City Manager

COPY

Date: 10/22/10

BBC Environmental, Inc.
(Consultant name)



President
Title

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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/13/2010

PRODUCER Edgewood Partners Insurance Center (EPIC) 19000 MacArthur Blvd. PH Floor Irvine, CA 92612 www.edgewoodins.com	(949) 263-0606 (949) 263-0906	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURED BBC Environmental Inc. 3593 Adams Avenue San Diego CA 92116	INSURERS AFFORDING COVERAGE	NAIC #

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/>	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Cont Pollution <input checked="" type="checkbox"/> Professional GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	ECC101001842-02 Professional is claims made form	7/15/2010	7/15/2011	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/PIOP AGG \$ 2,000,000
B		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	MZG80921758	7/15/2010	7/18/2011	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ GARAGE LIABILITY <input type="checkbox"/> ANY AUTO AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$ EXCESS / UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below Y / N <input type="checkbox"/>				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
		OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Cet holder is additional insured as respects Gen. Liab.per form FEI-319-ECC0708 and auto liability per Fleetcover Endorsement but only if required by written contract with the named insured prior to an occurrence subject to all policy terms and conditions. Waiver of Sub. form FEI-320-ECC0708 incl persons/ organizations that are parties to a contract that require this End provided contract is executed prior to a loss.

CERTIFICATE HOLDER

City of Escondido
 201 North Broadway
 Escondido CA 92025

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. * 10 Days for Non-Payment of Premium.

AUTHORIZED REPRESENTATIVE

Timothy Caldwell

ACORD 25 (2009/01)

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**ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS – SCHEDULED PERSON OR
ORGANIZATION**

This endorsement, effective 8/13/2010 attaches to and forms a part of Policy Number ECC101001842-02. This endorsement changes the Policy. Please read it carefully.

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location(s) Of Covered Operations
City of Escondido	Those project locations where this additional insured coverage is required by contract.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

- 1. Your acts or omissions; or
- 2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

CG 20 10 07 04

© ISO Properties, Inc., 2004

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

CG 20 10 07 04

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ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/12/2011

PRODUCER
Automatic Data Processing Insurance Agency, Inc
1 ADP Boulevard
Roseland, NJ 07068

INSURED
BBC ENVIRONMENTAL INC
3593 ADAMS AVE
San Diego, CA 92116-

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Travelers Property Casualty Company of	25674
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS																				
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMPI/OP AGG \$																				
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	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$																				
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$																				
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	IJUB433M035A11	1/1/2011	1/1/2012	<table border="1"> <tr> <td><input checked="" type="checkbox"/></td> <td>WC STATU-TORY LIMITS</td> <td><input type="checkbox"/></td> <td>OTH-ER</td> <td></td> </tr> <tr> <td></td> <td>E.L. EACH ACCIDENT</td> <td>\$</td> <td></td> <td>1,000,000</td> </tr> <tr> <td></td> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$</td> <td></td> <td>1,000,000</td> </tr> <tr> <td></td> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$</td> <td></td> <td>1,000,000</td> </tr> </table>	<input checked="" type="checkbox"/>	WC STATU-TORY LIMITS	<input type="checkbox"/>	OTH-ER			E.L. EACH ACCIDENT	\$		1,000,000		E.L. DISEASE - EA EMPLOYEE	\$		1,000,000		E.L. DISEASE - POLICY LIMIT	\$		1,000,000
<input checked="" type="checkbox"/>	WC STATU-TORY LIMITS	<input type="checkbox"/>	OTH-ER																						
	E.L. EACH ACCIDENT	\$		1,000,000																					
	E.L. DISEASE - EA EMPLOYEE	\$		1,000,000																					
	E.L. DISEASE - POLICY LIMIT	\$		1,000,000																					
	OTHER																								

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS


Per Endorsement #1600 Walter B. Craig; Pres,Sec,Tres - Excluded

CERTIFICATE HOLDER

City of Escondido
201 N Broadway
Escondido, CA 92025-2709

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL **30** DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE 

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

ADJACENT PARCEL

480 North Spruce Street
Escondido, California

RECEIVED
CITY OF ESCONDIDO
JUN 06 2011
ENGINEERING SERVICE

Cost Proposal for Workplan, Limited ESA, and Reporting

Task 1	Labor - Site Document Review & Workplan Development		Task Description	Hours / Units	Rate	Cost
	Labor Category	Date				
	Project Geologist		Review & Stamp	1.50	\$90.00	\$135.00
	Project Manager		Regulatory Liason, Project Mgmt, Workplan Development, Review, and QA/QC	6.00	\$90.00	\$540.00
	Staff Env. Scientist		Workplan Preparation, DEH Document Review	10.00	\$75.00	\$750.00
	Drafting		Workplan Figures and Mapping	3.00	\$65.00	\$195.00
	Clerical		Workplan Data Input, Reproduction, Distribution	2.00	\$55.00	\$110.00
			Regulatory Doc Review & Workplan Development Subtotal:			\$1,730.00
Task 2	Labor - Project Coordination & Scheduling - Limited ESA		Task Description	Hours / Units	Rate	Cost
Labor Category	Date					
	Project Manager		Client Notification, Scope Discussions, Subcontractor Coordination, Project Team Mgmt	12.00	\$90.00	\$1,080.00
	Staff Env. Scientist		Project Set-Up & Coordination, Subcontractor and Public Agency Scheduling & Coordination	8.00	\$75.00	\$600.00
			Project Coordination Subtotal:			\$1,680.00
Task 3	Labor - Site Health & Safety Plan for Site Assessment Event		Task Description	Hours / Units	Rate	Cost
Labor Category	Date					
	Project Manager		HASP Review & Signature	0.25	\$90.00	\$22.50
	Staff Env. Scientist		HASP Preparation & Development	1.00	\$75.00	\$75.00
	Drafting		Site Maps and Figures	1.00	\$65.00	\$65.00
	Clerical		HASP Reproduction & Distribution	0.50	\$45.00	\$22.50
			Site Health & Safety Plan Subtotal:			\$185.00

Task 4	Boring Installation and GW Sampling Permitting			Hours / Units	Rate	Cost
Labor Category	Date	Task Description				
Project Geologist		Permit Review and Signature	1.50	\$90.00	\$135.00	
Staff Env. Scientist		Permit Application Prep. and Development	4.00	\$75.00	\$300.00	
Drafting		Site Maps and Figures	2.00	\$65.00	\$130.00	
Clerical		Permit Reproduction and Distribution	0.50	\$45.00	\$22.50	
		Boring Installation Permitting Subtotal:			\$587.50	
Task 5	Public Utility Survey - Location and Verification of Offsite Utilities			Hours / Units	Rate	Cost
Labor Category	Date	Task Description				
Staff Env. Scientist		Utility Agency Requisitions, Document Review and Compilation, Field Survey, QA/QC	8.00	\$75.00	\$600.00	
		Public Utility Survey Subtotal:			\$600.00	
Task 6	Site Walk, Scoping Verification, and Sample Location Mark-Out			Hours / Units	Rate	Cost
Labor Category	Date	Task Description				
Staff Env. Scientist		Site Walk, Scoping Verification, and Sample Point Mark-Out	4.00	\$75.00	\$300.00	
		Site Walk and Scoping Subtotal:			\$300.00	

Cost Proposal for Workplan, Limited ESA, and Reporting

Task 7	USA Dig Alert Meet & Mark and Onsite Utility Survey		Hours / Units	Rate	Cost
Labor Category	Date	Task Description			
Staff Env. Scientist		Project Coordination and Scheduling	2.00	\$75.00	\$150.00
Staff Env. Scientist		Direction of Utility Mark-Out Reqs, Marking Adjustments, and Onsite Utility Survey	6.00	\$75.00	\$450.00
		USA Meet & Mark and Onsite Utility Survey Subtotal:			\$600.00
Task 8	Coring and Clearing of Utilities at Drilling Locations		Hours / Units	Rate	Cost
Labor Category	Date	Task Description			
Sr. Field Tech		Project Implementation - Hand Augering	8.00	\$65.00	\$520.00
Field Tech		Project Implementation - Hand Augering	8.00	\$55.00	\$440.00
		Coring and Clearing Subtotal:			\$960.00
Task 9	Boring Installations and GW Sampling		Hours / Units	Rate	Cost
Labor Category	Date	Task Description			
Project Geologist		Project Oversight - QA/QC	12.00	\$90.00	\$1,080.00
Staff Env. Scientist		Document and Perform Soil Sampling, Boring Logs, Well Installs and Development	12.00	\$75.00	\$900.00
Field Tech		Perform and Assist with Soil Sampling, Boring and Well Installations, Sample COC Protocols	12.00	\$55.00	\$660.00
		Boring Installation and GW Well Sampling Subtotal:			\$2,640.00
Task 10	Site XYZ Survey		Hours / Units	Rate	Cost
Labor Category	Date	Task Description			
Field Tech		Site Visit and Field Coordination	6.00	\$55.00	\$330.00
		Site XYZ Survey Subtotal:			\$330.00

Task 11	Generated Waste Disposal		Date	Task Description	Hours / Units	Rate	Cost
	Labor Category						
	Staff Env. Scientist			Coordination with T&D Subcontractors	1.00	\$75.00	\$75.00
	Clerical			Obtain, Reproduce, and Distribute Manifests	1.00	\$45.00	\$45.00
				Waste Disposal Subtotal:			\$120.00
Task 12	Site Sensitive Receptor Survey		Date	Task Description	Hours / Units	Rate	Cost
	Project Engineer			Project Coordination and Oversight	1.00	\$90.00	\$90.00
	Staff Env. Scientist			Agency Records Requisitions, Document Review and Compilation, Field Survey, QA/QC	2.00	\$75.00	\$150.00
				Sensitive Receptor Survey Subtotal:			\$240.00
Task 13	Well Completion and Boring Abandonment Report		Date	Task Description	Hours / Units	Rate	Cost
	Project Geologist			Data Evaluations, QA/QC, Review & Stamp	1.50	\$90.00	\$135.00
	Staff Env. Scientist			Field Data Compilation, Report Preparation	8.00	\$75.00	\$600.00
	Drafting			Boring and Well Installation Log Development	6.00	\$65.00	\$390.00
	Clerical			Report Reproduction and Distribution	1.00	\$45.00	\$45.00
				Well Completion Report Subtotal:			\$1,170.00

Cost Proposal for Workplan, Limited ESA, and Reporting

Task 14	Initial Site Assessment Report		Hours /	Rate	Cost
	Labor Category	Date	Units		
	Sr. Hydrogeologist		4.00	\$105.00	\$420.00
	Project Engineer		6.00	\$90.00	\$540.00
	Staff Env. Scientist		30.00	\$75.00	\$2,250.00
	Drafting		12.00	\$65.00	\$780.00
	Clerical		5.00	\$45.00	\$225.00
				Initial Site Assessment Report Subtotal:	\$4,215.00
Task MSE	BBC Environmental Field Work Materials, Supplies, and Equipment		Hours /	Rate	Cost
	Labor Category	Task No. & Date	Units		
	Equipment	8	1.00	\$75.00	\$75.00
	Equipment	8	2.00	\$30.00	\$60.00
	Equipment	8	1.00	\$25.00	\$25.00
	Truck 1	9	2.00	\$45.00	\$90.00
	Truck 2	9	2.00	\$45.00	\$90.00
	Equipment	9	2.00	\$75.00	\$150.00
	Equipment	9	2.00	\$25.00	\$50.00
	Equipment	9	2.00	\$40.00	\$80.00
	Equipment	9	200.00	\$4.00	\$800.00
				Field Work Materials, Supplies, and Equipment Subtotal:	\$1,420.00

Cost Proposal for Workplan, Limited ESA, and Reporting

Task OS	Outside Services	Task No. & Date	Task Description	Hours / Units	Rate	Cost
	Service Company					
	County of SD, DEH	4	Permit Fees (10 Direst Push Borings)	1.00	\$650.00	\$650.00
	USL Services	7	Onsite Utility Survey	1.00	\$750.00	\$750.00
	Pacific Coast Concrete	8	Concrete/Asphalt Coring	12.00	\$40.00	\$480.00
	H&P Strataprobe	9	Boring Installations & GW Sampling	2.00	\$2,500.00	\$5,000.00
	Associated Laboratories	9	8015M - Soil - TPH Full Range	20.00	\$80.00	\$1,600.00
	Associated Laboratories	9	8260B - Soil - VOC's Including Fuel Oxy's	20.00	\$70.00	\$1,400.00
	Associated Laboratories	9	8080M - Soil - CAM Metals	10.00	\$100.00	\$1,000.00
	Associated Laboratories	9	8080M - Soil - PCBs	2.00	\$70.00	\$140.00
	Associated Laboratories	9	8015M - Water - TPHg	11.00	\$30.00	\$330.00
	Associated Laboratories	9	8015M - Water - TPHd	10.00	\$45.00	\$450.00
	Associated Laboratories	9	8015M - Water - Carbon Chain	10.00	\$45.00	\$450.00
	Associated Laboratories	9	8260B - Water - VOC's Including Fuel Oxy's	11.00	\$80.00	\$880.00
	Associated Laboratories	9	8260B - Water - CAM Metals	10.00	\$100.00	\$1,000.00
	Hopwood Land Surveying	10	XYZ Site Survey	1.00	\$1,200.00	\$1,200.00
	Pacific Petroleum Equip	11	55-Gallon DOT Drum Procurement	2.00	\$75.00	\$150.00
	EFR Environmental	11	Solid & Liquid Waste Transport & Disposal	2.00	\$100.00	\$200.00
			Outside Services Subtotal:			\$15,680.00

Cost Proposal for Workplan, Limited ESA, and Reporting

Task OS	Outside Services - Continued		Task No. & Date	Task Description	Hours / Units	Rate	Cost
	Service Company						
	Mark-Up		4	County of SD, DEH	0.15	\$650.00	\$97.50
	Mark-Up		7	USL Services	0.15	\$750.00	\$112.50
	Mark-Up		8	Pacific Coast Concrete	0.15	\$480.00	\$72.00
	Mark-Up		9	H&P Strataprobe	0.15	\$5,000.00	\$750.00
	Mark-Up		9	Associated Laboratories	0.15	\$1,600.00	\$240.00
	Mark-Up		9	Associated Laboratories	0.15	\$1,400.00	\$210.00
	Mark-Up		9	Associated Laboratories	0.15	\$1,000.00	\$150.00
	Mark-Up		9	Associated Laboratories	0.15	\$140.00	\$21.00
	Mark-Up		9	Associated Laboratories	0.15	\$330.00	\$49.50
	Mark-Up		9	Associated Laboratories	0.15	\$450.00	\$67.50
	Mark-Up		9	Associated Laboratories	0.15	\$450.00	\$67.50
	Mark-Up		9	Associated Laboratories	0.15	\$1,000.00	\$150.00
	Mark-Up		10	Hopwood Land Surveying	0.15	\$1,200.00	\$180.00
	Mark-Up		11	Pacific Petroleum Equip	0.15	\$150.00	\$22.50
	Mark-Up		11	EFR Environmental	0.15	\$200.00	\$30.00
						Mark-up on Outside Services Subtotal:	\$2,220.00
						PROPOSED COST ESTIMATE TOTAL:	\$34,677.50

**CITY OF ESCONDIDO
PUBLIC WORKS DEPARTMENT
Eastern Yard**

475 North Spruce
Escondido, California

RECEIVED
CITY OF ESCONDIDO

JUN 06 2011

ENGINEERING SERVICE

Task 1	Labor - Project Coordination & Scheduling		Hours /	Rate	Cost
	Labor Category	Date	Units		
		Task Description			
	Project Manager	Client Notification, Scope Discussions, Subcontractor Coordination, Project Team Mgmt	8.00	\$90.00	\$720.00
	Staff Env. Scientist	Project Set-Up & Coordination, Subcontractor and Public Agency Scheduling & Coordination	2.00	\$75.00	\$150.00
		Project Coordination Subtotal:			\$870.00
Task 2	Site Health & Safety Plan for Site Assessment Event		Hours /	Rate	Cost
	Labor Category	Date	Units		
		Task Description			
	Project Manager	HASP Review & Signature	0.25	\$90.00	\$22.50
	Staff Env. Scientist	HASP Preparation & Development	1.00	\$75.00	\$75.00
	Drafting	Site Maps and Figures	1.00	\$65.00	\$65.00
	Clerical	HASP Reproduction & Distribution	0.50	\$55.00	\$27.50
		Site Health & Safety Plan Subtotal:			\$190.00
Task 3	Groundwater Sampling		Hours /	Rate	Cost
	Labor Category	Date	Units		
		Task Description			
	Field Technician	Field Sampling Labor	16.00	\$70.00	\$1,120.00
	Clerical	Sample Transfer - COC Relinquishment	0.25	\$55.00	\$13.75
		Groundwater Sampling Subtotal:			\$1,133.75

Cost Proposal for GWMS and Next Phase Workplan

Task 4	Groundwater Sampling Report			Hours /	Rate	Cost
	Labor Category	Date	Task Description	Units		
	Project Geologist		Report Review, Signature and Stamp	1.50	\$90.00	\$135.00
	Project Engineer		Project coordination, Report QA/QC and Review	3.00	\$90.00	\$270.00
	Staff Env. Scientist		Report Preparation	8.00	\$75.00	\$600.00
	Drafting		Preparation of Report Figures	6.00	\$65.00	\$390.00
	Clerical		Data Entry, Report Reproduction and Distribution	4.00	\$55.00	\$220.00
			Groundwater Sampling Report Subtotal:			\$1,615.00
Task 5	Public Records Review			Hours /	Rate	Cost
	Labor Category	Date	Task Description	Units		
	Project Engineer		Data Evaluations, QA/QC, Conclusions	2.50	\$90.00	\$225.00
	Staff Env. Scientist		Field Data Compilation, Report Preparation	6.00	\$75.00	\$450.00
	Clerical		Report Reproduction and Distribution	4.00	\$45.00	\$180.00
			Groundwater Sampling Report Subtotal:			\$855.00
Task 6	Workplan Development			Hours /	Rate	Cost
	Labor Category	Date	Task Description	Units		
	Sr. Hydrogeologist		Workplan Review, Signature and Stamp	1.50	\$105.00	\$157.50
	Project Engineer		Project coordination, Agency communications,	8.00	\$90.00	\$720.00
	Staff Env. Scientist		Workplan QA/QC and Review	12.00	\$75.00	\$900.00
	Drafting		Workplan Development	6.00	\$65.00	\$390.00
	Clerical		Preparation of Workplan Figures	4.00	\$55.00	\$220.00
			Workplan Reproduction and Distribution			
			Workplan Development Subtotal:			\$2,387.50

Cost Proposal for GWMS and Next Phase Workplan

Task MSE	BBC Environmental Field Work Materials, Supplies, and Equipment			Hours /	
Labor Category	Task No. & Date	Task Description	Units	Rate	Cost
Truck 2	3	Specialized Equipment Truck	2.00	\$75.00	\$150.00
Equipment	3	Interface Probe	2.00	\$40.00	\$80.00
Equipment	3	Turbidity Meter	2.00	\$40.00	\$80.00
Equipment	3	pH/Cond/Temp Meter	2.00	\$40.00	\$80.00
Equipment	3	Generator, 4kW	2.00	\$40.00	\$80.00
Equipment	3	Grundfos, RF2 Pump	2.00	\$45.00	\$90.00
Equipment	3	Disposable, Single-Use Bailers	2.00	\$10.00	\$20.00
Equipment	3	Small Misc. Items	2.00	\$25.00	\$50.00
		Field Work Materials, Supplies, and Equipment Subtotal:			\$630.00
Task OS	Outside Services			Hours /	
Service Company	Task No. & Date	Task Description	Units	Rate	Cost
Associated Laboratories	3	8015M - Water - TPHg	14.00	\$25.00	\$350.00
Associated Laboratories	3	8015M - Water - TPHd,mo	14.00	\$45.00	\$630.00
Associated Laboratories	3	8260B - Water - VOC's Including Fuel Oxy's	16.00	\$70.00	\$1,120.00
Pacific Petroleum Equip	3	55-Gallon DOT Drum Procurement	5.00	\$75.00	\$375.00
EFR Environmental	3	Solid & Liquid Waste Transport & Disposal	5.00	\$100.00	\$500.00
		Outside Services Subtotal:			\$2,975.00
Mark-Up	3	Associated Laboratories	0.15	\$350.00	\$52.50
Mark-Up	3	Associated Laboratories	0.15	\$630.00	\$94.50
Mark-Up	3	Associated Laboratories	0.15	\$1,120.00	\$168.00
Mark-Up	3	Pacific Petroleum Equip	0.15	\$375.00	\$56.25
Mark-Up	3	EFR Environmental	0.15	\$500.00	\$75.00
		Mark-up on Outside Services Subtotal:			\$446.25
		PROPOSED COST ESTIMATE TOTAL:			\$11,102.50

**CITY OF ESCONDIDO
PUBLIC WORKS DEPARTMENT
Western Yard**

901 W. Washington Avenue
Escondido, California

Cost Proposal for Site Assessment and Reporting

Task 1 Labor - Project Coordination & Scheduling		Task Description	Hours / Units	Rate	Cost
Labor Category	Date				
Project Manager		Client Notification, Scope Discussions, Subcontractor Coordination, Project Team Mgmt	10.00	\$90.00	\$900.00
Staff Env. Scientist		Project Set-Up & Coordination, Subcontractor and Public Agency Scheduling & Coordination	6.00	\$75.00	\$450.00
			Project Coordination Subtotal:		\$1,350.00
Task 2 Site Health & Safety Plan for Site Assessment Event		Task Description	Hours / Units	Rate	Cost
Labor Category	Date				
Project Manager		HASP Review & Signature	0.25	\$90.00	\$22.50
Staff Env. Scientist		HASP Preparation & Development	1.00	\$75.00	\$75.00
Drafting		Site Maps and Figures	1.00	\$65.00	\$65.00
Clerical		HASP Reproduction & Distribution	0.50	\$45.00	\$22.50
			Site Health & Safety Plan Subtotal:		\$185.00
Task 3 Boring Installation and GW Sampling Permitting		Task Description	Hours / Units	Rate	Cost
Labor Category	Date				
Project Geologist		Permit Review and Signature	1.50	\$90.00	\$135.00
Staff Env. Scientist		Permit Application Prep. and Development	2.50	\$75.00	\$187.50
Drafting		Site Maps and Figures	1.50	\$65.00	\$97.50
Clerical		Permit Reproduction and Distribution	0.50	\$45.00	\$22.50
			Boring Installation Permitting Subtotal:		\$442.50

Cost Proposal for Site Assessment and Reporting

Task 4	Public Utility Survey - Location and Verification of Offsite Utilities		Hours / Units	Rate	Cost
Labor Category	Date	Task Description			
Staff Env. Scientist		Utility Agency Requisitions, Document Review and Compilation, Field Survey, QA/QC	2.00	\$75.00	\$150.00
		Public Utility Survey Subtotal:			\$150.00
Task 5	Site Walk, Scoping Verification, and Sample Location Mark-Out		Hours / Units	Rate	Cost
Labor Category	Date	Task Description			
Staff Env. Scientist		Site Walk, Scoping Verification, and Sample Point Mark-Out	3.00	\$75.00	\$225.00
		Site Walk and Scoping Subtotal:			\$225.00
Task 6	USA Dig Alert Meet & Mark and Onsite Utility Survey		Hours / Units	Rate	Cost
Labor Category	Date	Task Description			
Staff Env. Scientist		Project Coordination and Scheduling	1.50	\$75.00	\$112.50
Staff Env. Scientist		Direction of Utility Mark-Out Reps, Marking Adjustments, and Onsite Utility Survey	2.00	\$75.00	\$150.00
		USA Meet & Mark and Onsite Utility Survey Subtotal:			\$262.50
Task 7	Coring and Clearing of Utilities at Drilling Locations		Hours / Units	Rate	Cost
Labor Category	Date	Task Description			
Field Tech		Project Implementation - Hand Augering	4.00	\$70.00	\$280.00
Field Tech		Project Implementation - Hand Augering	4.00	\$70.00	\$280.00
		Coring and Clearing Subtotal:			\$560.00

Task 8 Boring Installations and GW Sampling		Date	Task Description	Hours / Units	Rate	Cost
Labor Category						
Project Geologist			Project Oversight - QA/QC	10.00	\$90.00	\$900.00
Staff Env. Scientist			Document and Perform Soil Sampling, Boring Logs, Well Installs and Development	10.00	\$75.00	\$750.00
Field Tech			Perform and Assist with Soil Sampling, Boring and Well Installations, Sample COC Protocols	10.00	\$70.00	\$700.00
Boring Installation and GW Sampling Subtotal:						\$2,350.00
Task 9 Well Completion and Boring Abandonment Report						
Labor Category		Date	Task Description	Hours / Units	Rate	Cost
Project Geologist			Data Evaluations, QA/QC, Review & Stamp	1.50	\$90.00	\$135.00
Staff Env. Scientist			Field Data Compilation, Report Preparation	8.00	\$75.00	\$600.00
Drafting			Boring and Well Installation Log Development	6.00	\$65.00	\$390.00
Clerical			Report Reproduction and Distribution	1.00	\$45.00	\$45.00
Well Completion Report Subtotal:						\$1,170.00
Task 10 Public Records Review						
Labor Category		Date	Task Description	Hours / Units	Rate	Cost
Project Engineer			Data Evaluations, QA/QC, Conclusions	2.50	\$90.00	\$225.00
Staff Env. Scientist			Field Data Compilation, Report Preparation	6.00	\$75.00	\$450.00
Clerical			Report Reproduction and Distribution	4.00	\$45.00	\$180.00
Public Records Review Subtotal:						\$855.00

Task 12	Site Assessment Report	Date	Task Description	Hours / Units	Rate	Cost
Labor Category						
Sr. Hydrogeologist			Data Evaluations, Conclusions, Recommendations, Review & Stamp	4.00	\$105.00	\$420.00
Project Engineer			Report Development, Review, and QA/QC	6.00	\$90.00	\$540.00
Staff Env. Scientist			Field Data Compilation & Tabulation, Report Preparation	8.00	\$75.00	\$600.00
Drafting			Site Figures and Mapping	6.00	\$65.00	\$390.00
Clerical			Data Input, Report Reproduction and Distribution	5.00	\$45.00	\$225.00
				Site Assessment Report Subtotal: \$2,175.00		
Task MSE	BBC Environmental Field Work Materials, Supplies, and Equipment					
Labor Category	Task No. & Date	Task Description	Hours / Units	Rate	Cost	
Truck 1	5	Truck	1.00	\$45.00	\$45.00	
Truck 1	6	Truck	1.00	\$45.00	\$45.00	
Truck 1	7	Truck	1.00	\$45.00	\$45.00	
Equipment	7	Gas Monitor - PID	1.00	\$75.00	\$75.00	
Equipment	7	Hand Auger	1.00	\$30.00	\$30.00	
Equipment	7	Small Misc. Items	1.00	\$25.00	\$25.00	
Truck 1	8	Truck	1.00	\$45.00	\$45.00	
Truck 2	8	Truck	1.00	\$45.00	\$45.00	
Equipment	8	Gas Monitor - PID	1.00	\$75.00	\$75.00	
Equipment	8	Small Misc. Items	1.00	\$25.00	\$25.00	
Equipment	8	Interface Probe	1.00	\$40.00	\$40.00	
Equipment	8	PVC for Temporary Wells	60.00	\$4.00	\$240.00	
Truck 1	11	Truck	1.00	\$45.00	\$45.00	
				Field Work Materials, Supplies, and Equipment Subtotal: \$780.00		

Cost Proposal for Site Assessment and Reporting

Task OS	Outside Services	Service Company	Task No. & Date	Task Description	Hours / Units	Rate		Cost
						Rate	Cost	
	County of SD, DEH		3	Permit Fees (7 Direct Push Borings)	1.00	\$494.00		\$494.00
	USL Services		6	Onsite Utility Survey w/GPR	1.00	\$510.00		\$510.00
	Pacific Coast Concrete		7	Concrete/Asphalt Coring (minimum)	1.00	\$165.00		\$165.00
	H&P Strataprobe		8	Boring Installations & GW Sampling	1.00	\$2,500.00		\$2,500.00
	H&P Mobile Laboratories		8	8015M - Soil - TPHg,d,mo	1.00	\$1,650.00		\$1,650.00
	H&P Mobile Laboratories		8	8260B - Soil - VOC's Including Fuel Oxy's	1.00	\$1,150.00		\$1,150.00
	Associated Laboratories		8	6010B - Soil - CAM Metals	7.00	\$100.00		\$700.00
	Associated Laboratories		8	8015M - Water - TPHg	3.00	\$25.00		\$75.00
	Associated Laboratories		8	8015M - Water - TPHd,mo	3.00	\$45.00		\$135.00
	H&P Mobile Laboratories		8	8260B - Water - VOC's Including Fuel Oxy's	(Included w/Soils)			\$0.00
	Associated Laboratories		8	6010B - Water - CAM Metals	3.00	\$100.00		\$300.00
	County of SD, DEH		11	Document Copies	500.00	\$0.20		\$100.00
				Outside Services Subtotal:				\$7,779.00
	Mark-Up		3	County of SD, DEH	0.15	\$494.00		\$74.10
	Mark-Up		6	USL Services	0.15	\$510.00		\$76.50
	Mark-Up		7	Pacific Coast Concrete	0.15	\$165.00		\$24.75
	Mark-Up		8	H&P Strataprobe	0.15	\$2,500.00		\$375.00
	Mark-Up		8	H&P Mobile Laboratories	0.15	\$1,650.00		\$247.50
	Mark-Up		8	H&P Mobile Laboratories	0.15	\$1,150.00		\$172.50
	Mark-Up		8	Associated Laboratories	0.15	\$700.00		\$105.00
	Mark-Up		8	Associated Laboratories	0.15	\$75.00		\$11.25
	Mark-Up		8	Associated Laboratories	0.15	\$135.00		\$20.25
	Mark-Up		8	H&P Mobile Laboratories	0.15	\$0.00		\$0.00
	Mark-Up		8	Associated Laboratories	0.15	\$300.00		\$45.00
	Mark-Up		11	County of SD, DEH	0.15	\$100.00		\$15.00
				Mark-up on Outside Services Subtotal:				\$1,166.85
				PROPOSED COST ESTIMATE TOTAL:				\$19,450.85
				County of San Diego, VAP Alternative:				\$3,500.00
				PROPOSED COST ESTIMATE TOTAL (w/VAP Alternative):				\$22,950.85

Charles E. Black
CB Urban Development
 14668 Encendido
 San Diego, CA 92127

June 30, 2011

Mr. Clay Phillips
 City Manager
 City of Escondido
 201 North Broadway
 Escondido, CA 92025

Subject: Final Invoice for Consulting Services from June 1, 2011 through June 30, 2011 (Reference Agreement for Consulting Services dated June 21, 2010)

Date	Time (hours)	Description of Activity
6.2.11	.5	Review emails regarding North County Ventures and parking discussion in MND.
6.3.11	1.0	Telephone conference with Jeff Epp regarding project status. Telephone conference with Dave Ferguson regarding project issues.
6.5.11	6.0	Review and comment on draft DDA revised by Amy Forbes. Telephone conference with Dave Ferguson regarding transaction structure.
6.6.11	3.5	Prepare email to Clay Phillips, Jeff Epp and Tom Clark regarding deal structure. Continued review and comment on draft DDA and Ballpark Lease.
6.9.11	1.5	Continued review and comment on draft DDA and Ballpark Lease. Prepare email to Amy Forbes regarding DDA.
6.10.11	3.5	Review and comment on Ballpark Lease.
6.14.11	2.0	Telephone conference with Dave Ferguson regarding review of DDA. Review Key Ballpark Characteristics. Prepare analysis of same.
6.29.11	.5	Telephone calls with Jeff Epp and Steve Peace regarding project status. Prepare emails to Amy Forbes regarding Ballpark Lease.
Total hours: 18.5 @ \$350 per hour		\$6,475.00

Thank You

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No. 5
Date: August 17, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Gilbert Rojas, Director of Finance

SUBJECT: Establishing the Property Tax Rate and Fixed Charge Assessments for General Obligation Bonded Indebtedness

RECOMMENDATION:

It is recommended that the Council approve Resolution 2011-100 to establish the property tax rate and fixed charge assessments for bonded indebtedness for fiscal year 2011-12.

FISCAL ANALYSIS:

A total of \$5,225,745 will be needed for the annual debt service payment for the General Obligation Bond. This represents \$1,797,873 due in March, 2012 for fiscal year 2011-12 and \$3,427,872 due in September, 2012 for fiscal year 2012-13.

PREVIOUS ACTION:

The City Council certified the results of the November 2, 2004 election approving Proposition P on December 1, 2004. On July 12, 2006 Council authorized the issuance and sale of the General Obligation bonds. The bonds were sold on August 1, 2006. The bonds provided financing for the construction of three new fire stations, a replacement of Fire Station 1, and a combined police and fire headquarters facility.

BACKGROUND:

General Obligation Bonds are secured by the legal obligation to levy an ad valorem property tax upon taxable property within the City in an amount sufficient to pay the yearly debt service (principal and interest) payment. The debt service payment for March 2012 (this fiscal year) is \$1,797,873 and the debt service payment for September 2012 (next fiscal year) is \$3,427,872. The City is required to set a tax rate to meet these financial obligations. The assessed value for property in Escondido is used as the basis for applying the levy to taxable properties.

Property Tax Rate for
 General Obligation Bonds
 Page 2

The starting point for calculating the property tax levy is the current year taxable assessed value. To this assessed value amount, a delinquency factor is applied. As a result of the downturn in the residential real estate market, the City had increased the taxable secured property delinquency factor to 5% for the fiscal year 2009-10 tax year calculation. The delinquency factor was reduced to 4% for the fiscal year 2010-11 tax rate calculation. For fiscal year 2011-12, the City has used a 3.5% delinquency factor in calculating the property tax rate for both secured and unsecured property. This rate allows for a conservative provision for delinquencies and also considers the annual trend of declining delinquency rates. The City's fiscal year 2010-11 actual delinquency rates for secured and unsecured property were 1.6% and 2.7% respectively, and the 3 year average delinquency rates were 2.6% and 2.4%.

The County of San Diego has provided information regarding the City's fiscal year 2011-12 taxable assessed valuations. A two year comparison of the total secured and unsecured assessed city valuations, as adjusted by the applicable annual delinquency factor, is shown below. The net assessed valuations increased by approximately 1.42%. This increase in net assessed value will cause a decrease in the calculated property tax rate for fiscal year 2011-12.

Assessed Values:	2010-11	2011-12	% Increase (decrease)
SECURED			
Secured Assessed Valuation	\$ 11,437,242,106	\$ 11,550,136,823	
less 3.5% delinquency factor	(457,489,684)	(404,254,789)	
Net Collectible Secured	\$ 10,979,752,422	\$ 11,145,882,034	1.51%
UNSECURED			
Unsecured Assessed Valuation	\$ 450,327,466	\$ 443,202,400	
less 3.5% delinquency factor	(18,013,099)	(15,512,084)	
Net Collectible Unsecured	\$ 432,314,367	\$ 427,690,316	-1.07%
TOTAL ALL NET COLLECTIBLE	\$ 11,412,066,789	\$ 11,573,572,350	1.42%

The property tax rate calculation is also adjusted to reflect accrued interest received, fund balance, penalties and interest received for property tax delinquency payments, and other miscellaneous taxable revenue. In order to collect the required debt service, the property tax rate will be set at 0.04067 per \$100 of assessed value. This represents \$40.67 per \$100,000 of assessed value resulting in a decrease of \$.07 compared to last year's property tax rate of \$40.74.

Property Tax Rate for
General Obligation Bonds
Page 3

Based on current and updated information, we estimate that the average annual tax rate over the life of the bonds will be \$33.49 for \$100,000. During the November 2, 2004 election, the ballot measure provided to the citizens of Escondido, estimated that the average annual tax rate over the life of the bonds would be \$34.75 for \$100,000 of assessed valuation for single family homes.

Respectfully submitted,


Gilbert Rojas
Director of Finance

RESOLUTION NO. 2011-100

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ESTABLISHING THE PROPERTY TAX RATE
AND FIXED CHARGE ASSESSMENTS FOR
BONDED INDEBTEDNESS FOR FISCAL
YEAR 2011-12

WHEREAS, the City Council of the City of Escondido desires to establish the rate of property tax required to generate an amount of revenue from the tax base to provide sufficient moneys to pay debt service on the voter approved bonded indebtedness payable during the fiscal year ending June 30, 2012; and

WHEREAS, the total net taxable secured assessed valuation of the City of Escondido is now estimated at \$11,550,136,823 full value; and

WHEREAS, the total net taxable unsecured assessed valuation of the City of Escondido is now estimated at \$443,202,400 full value; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido that the property tax rate within the City for the City of Escondido General Obligation Bond, Election of 2004, Series A (Fire, Police, and Emergency Response Measure) for the fiscal year ending June 30, 2012, be and hereby is established at \$0.04067 per \$100 assessed value.

BE IT FURTHER RESOLVED that the City Manager and the Director of Finance are each hereby directed and authorized to take any and all actions necessary to ensure that such property tax rate is enrolled with the County of San Diego Auditor Controller, including, but not limited to, filing the Tax Amount Rate Certificate attached hereto as Exhibit "A" and is incorporated by this reference.

\$84,350,000
CITY OF ESCONDIDO
San Diego County, California
General Obligation Bonds, Election of 2004, Series A
(Fire, Police and Emergency Response Measure)

I, Gilbert Rojas, hereby certify that I am the Director of Finance of the City of Escondido (the "City"), and as such I am authorized to execute this certificate on behalf of the City.

I hereby further certify that in connection with the City's \$84,350,000 General Obligation Bonds, Election of 2004, Series A (Fire, Police and Emergency Response Measure) the City Council has adopted the attached Resolution No. 2011-100 establishing the tax rate and fixed charge assessments for bonded indebtedness for 2011-12 and attached herewith is the summary for the calculation of the property tax rate for 2011-12.

IN WITNESS WHEREOF, I hereunto set my hand this 17th day of August, 2011.

CITY OF ESCONDIDO

By: _____
Gilbert Rojas, Director of Finance

City of Escondido
 General Obligation Bond, Election of 2004, Series A
 Calculation for 2011-12 Debt Service Requirements

2010-11 Semi-Annual Debt Service Requirements:	
March 2012	\$ 1,797,872.50
September 2012	3,427,872.50
Total	<u>5,225,745.00</u>

As of June 30, 2011

Cash	\$ 3,807,533.39
September, 2011 Debt Service Payment	<u>(3,394,172.50)</u>
Remaining Revenue	\$ 413,360.89
June revenues JE not yet posted:	104,972.72
Designation from Public Facilities - Police	<u>0.00</u>
Total	518,333.61

Net 2011-12 Tax Revenues needed for Debt Service Requirement \$ 4,707,411.39

Unsecured Calculation

2011-12 Taxable Unsecured Assessed Valuation for the City- w/o	
Homeowners exemptions:	\$ 443,202,400.00
Delinquency Factor 0.035	<u>(15,512,084.00)</u>
Total	<u>\$ 427,690,316.00</u>

2010-11 Tax Rate Per \$100 of Net Assessed Value: 0.04074

Total Unsecured times tax rate divided by \$100 174,241.03

Net 2011-12 Debt Service Coverage Requirement	\$ 4,707,411.39
Minus Unsecured Levy to be assessed for FY 2011-12	<u>(174,241.03)</u>
Total Remaining 2011-12 Debt Service Coverage Requirement	<u>\$ 4,533,170.36</u>

Secured Calculation

2011-12 Taxable Secured Assessed Valuation for the City- w/o	
Homeowners exemptions:	\$ 11,550,136,823.00
Delinquency Factor 0.035	<u>(404,254,788.81)</u>

Net Collectible Secured Assessed Valuation \$ 11,145,882,034.20

Net collectible taxable Secured Assessed Valuation divided by \$100 111,458,820.34

Total Remaining 2011-12 Debt Service Requirement to be levied against secured property \$ 4,533,170.36

2011-12 Tax Rate Per \$100 of Net Assessed Value 0.04067



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6
 Date: August 17, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Gilbert Rojas, Director of Finance
 Jennifer K. McCain, Assistant City Attorney

SUBJECT: Approval of a Voluntary Alternative Redevelopment Program and Authorization to Expend Funds for Required State Payments

RECOMMENDATION:

It is requested that Council adopt Ordinance 2011-13, which will be effective immediately, and also introduce Ordinance No. 2011-11 to permit the continued existence and operation of the Redevelopment Agency of the City of Escondido.

FISCAL ANALYSIS:

The estimated payment to the State which is required to participate in this program and continue redevelopment will be \$9.5 million for FY 11/12 and \$2.2 million dollars every fiscal year thereafter for the life of the plan. According to current staff projections, the Redevelopment Agency can only afford to cover a portion of the State payments which are due in order to maintain the redevelopment program in the short term. Thus, the City's General fund will have to contribute by means of a loan to the Agency of approximately 10-11 million dollars over the next 5 fiscal years. However, by FY 2017 it is projected that the Agency will have sufficient funds to cover the 2.2 million dollar payment. Staff is also proposing to take advantage of the state legislation that would allow FY 11/12 Housing funds to be used for the FY 11/12 state payment. It has been determined that \$3.5 million dollars of the projected \$4.6 million in current year housing revenues can be used by the Agency.

BACKGROUND:

As the State of California attempted to cope with a significant budget deficit this year, the Governor proposed eliminating local redevelopment agencies as part of the fiscal year 2011-2012 State budget, in order to redirect \$1.7 billion in local revenues to solve an estimated \$26 billion State budget shortfall. On June 29, 2011, the legislature approved, and the governor signed, the main budget bill SB 87 and bills AB1X 26 (Dissolution Bill) and AB1X 27 (Continuation Bill), approving the budget and effectively eliminating redevelopment agencies throughout the state.

The Dissolution Bill is a complex bill that intends, in its simplest form, to discontinue local redevelopment activity and to make redevelopment agency assets and revenues available to the State to pay State obligations by tasking a successor agency with winding down an agency's operations and liquidating its assets.

Under limited circumstances, the Dissolution Bill provides for redevelopment agencies to honor "enforceable obligations" entered into prior to June 29, 2011. The Dissolution Bill defines "enforceable obligations" as bonds; loans; payments to the federal government or imposed by state law, judgments, or settlements; and contracts, including contracts necessary for the continued administration or operation of the agency. Except to carry out enforceable obligations, the Dissolution Bill prohibits agencies from acquiring or disposing of real property and other assets such as accounts receivable, cash deposits, contract rights, or grant proceeds.

The Dissolution Bill provides for the City to continue the Agency's housing activities and the State will transfer the Agency's housing assets to the City, excluding any funds in the low and moderate income housing fund. The provision only provides funding for housing purposes on a going-forward basis subject to payments to satisfy State obligations.

The Continuation Bill provides an opportunity to preserve redevelopment in the form of an alternative voluntary program that requires cities and counties with redevelopment agencies to accept certain responsibilities and make certain annual payments to the State in order to preserve redevelopment activities. With the proposed Ordinances, the City opts-in, under protest, to the provisions of the Continuation Bill. Since the Continuation Bill provides that the Agency would continue only upon "enactment" of an ordinance, staff believes it is important to adopt an Emergency Ordinance to be effective immediately as well as a regular ordinance that would supersede the Emergency Ordinance upon its effective date.

The Escondido Redevelopment Agency ("Agency") was established in 1984 in connection with the adoption of the Escondido Redevelopment Plan ("Plan") and a redevelopment project area ("Escondido Redevelopment Project Area"). The Agency later combined with the Escondido Housing Authority to form the Community Development Commission. The Commission consists of the members of the Escondido City Council. The City and the Commission are legally separate entities.

A key project of the Escondido Redevelopment Project Area was a proposed Civic Center consisting of a city hall and a performing arts, museum, and educational complex. (It was defined in 1991 as "Civic Center" meaning the Lyric Theater, Community Theater, Art Center/Workshops, Conference Center, and associated parking facilities, including furnishing, fixtures and equipment for such facilities.) The issue of whether the project should be undertaken was submitted to the voters, where it passed at a special election held on June 4, 1985.

If the City decides to dissolve the Escondido Redevelopment Agency by not adopting the necessary ordinance and making the required payments, a successor agency would be established at the county level. The successor agency would operate under the supervision of a seven-member oversight board, consisting of members appointed by the county board of supervisors, the mayor of the City of Escondido, the largest special district within the agency boundaries, the county superintendent of education, and the chancellor of community colleges. The Continuation Bill vests

the oversight board with the authority to direct and approve the activities of the former redevelopment agency with the intention of winding down the agency's operations and liquidating its assets to maximize the value to the State.

In the case of the Escondido Redevelopment Agency, the successor entity would control whether or not to honor a loan from the Agency to the City (unrelated to the Civic Center) of \$14 million that is still outstanding. The successor agency would also be in control of all assets owned by the Agency. There is also concern that the successor agency may not pay the annual 2007 Lease Revenue bond payment in the amount of 7 million dollars and that the City General Fund would have to make that payment.

According to staff projections, the Redevelopment Agency has a significant amount of income (bonding capacity) starting in FY 2019/2020 that could be used for future projects provided the City does not choose to be paid back all loan amounts until after FY 24/25.

Because of various deadlines in the legislation, uncertainty surrounding the legislation, and ongoing litigation challenging the legislation, it is recommended that the City Council take a twofold approach to continue redevelopment activities. Ordinance 2011-13 is proposed as an emergency measure authorized under California Government Code Section 36937, and requires specific findings. Ordinance 2011-13 would be effective immediately upon adoption. In the event the emergency findings are questioned in any manner, the regular introduction and adoption of Ordinance 2011-11 will then suffice to accomplish the same objective.

In addition, the Dissolution Bill requires the City Council to adopt an "Enforceable Obligation Schedule," on or before August 27, 2011. The Enforceable Obligation Schedule is attached and must be adopted at a public meeting of the City Council, posted on the City's website and transmitted to the San Diego County Auditor Controller, the State Controller and the Department of Finance. Due to the uncertainty surrounding the legislation, staff recommends Council approval of the Enforceable Obligation Schedule.

ENVIRONMENTAL REVIEW

This Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4) because the community remittances authorized hereunder are a government funding mechanism and fiscal activity and do not involve any commitment to any specific project that may result in any potentially significant environmental impact.

Respectfully submitted,



Gilbert Rojas
Director of Finance



Jennifer K. McCain
Assistant City Attorney

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total
					Aug**	Sept	Oct	Nov	Dec	
1) 2001 Lease Revenue Bonds	Bank of New York	Funding for Center for the Arts		2,627,730	2,627,730					2,627,730
2) 2007A Lease Revenue Bonds	Bank of New York	Funding for Center for the Arts		5,615,400	4,870,650					4,870,650
3) 2007B Lease Revenue Bonds	Bank of New York	Funding for Center for the Arts		2,422,087	2,081,962					2,081,962
4) Bond Expense	Bank of New York	Bond Trustee Admin Fees		15,000	3,000					3,000
5) Advances from General Fund	City of Escondido	Program Administration		0						0
6) Advance from Traffic Impact Fund	City of Escondido	Capital Improvement		0						0
7) Advance from Housing Set Aside Fund	City of Escondido	ERAF Payments		0						0
8) Due to General Fund	City of Escondido	Program Administration		13,402,961						13,402,961
9) Governing Board Costs	Members of the Governing Board	Payroll for Governing Board		18,260	1,522	1,522	1,522	1,522	1,680,109	6,373,157
10) Audit Fees	Unknown	Settlement Agreement Obligation		20,000		20,000				20,000
11) Property Tax Admin Fee	County of San Diego	Tax Increment Administration		285,581						285,581
12) Transfer to General Fund	City of Escondido	AB 1X 26 & 27 Obligation		4,821,933					7,667	7,667
13)										0
14)										0
15)										0
16)										0
17)										0
18)										0
19)										0
20)										0
21)										0
22)										0
23)										0
24)										0
25)										0
26)										0
27)										0
28)										0
29)										0
30)										0
Totals - This Page			0	28,198,922	1,522	9,584,864	21,522	1,680,261	4,702,237	15,990,406
Totals - Page 2			0	0	0	0	0	0	0	0
Totals - Page 3			0	0	0	0	0	0	0	0
Totals - Page 4			0	0	0	0	0	0	0	0
Totals - Other Obligations			0	9,284,054	0	0	5,014,784	0	1,149,492	7,275,368
Grand total - All Pages			0	38,482,976	1,522	9,584,864	5,036,306	1,680,261	5,851,729	23,265,772

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 1/1/30/11.)
 If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.
 ** Include only payments to be made after the adoption of the EOPS.

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total
					Aug**	Sept	Oct	Nov	Dec	
1) 1992 Revenue & Cap. Appr. Bonds	Bank of New York	Funding for Center for the Arts	4,480,000	0						0
2) 2001 Lease Revenue Bonds	Bank of New York	Funding for Center for the Arts	2,627,730	2,627,730	2,627,730					2,627,730
3) 2007A Lease Revenue Bonds	Bank of New York	Funding for Center for the Arts	41,112,900	5,615,400	4,870,650					4,870,650
4) 2007B Lease Revenue Bonds	Bank of New York	Funding for Center for the Arts	17,225,211	2,422,057	2,081,962					2,081,962
5) Bond Expense	Bank of New York	Bond Trustee Admin Fees	0	15,000	3,000					3,000
6) Advances from General Fund	City of Escondido	Program Administration	14,032,810	0						0
7) Advance from Traffic Impact Fund	City of Escondido	Capital Improvement	975,484	0						0
8) Advance from Housing Set Aside Fund	City of Escondido	ERAF Payments	3,399,292	0						0
9) Due to General Fund	City of Escondido	Program Administration	0	13,248,297						13,248,297
10) Governing Board Costs	Members of the Governing Board	Payroll for Governing Board	0	18,260	1,522	1,522	1,522	1,522	1,522	6,240
11) Audit Fees	Auditors to be determined	Settlement Agreement Obligation	0	20,000	20,000					20,000
12) Property Tax Admin Fee	County of San Diego	Tax Increment Administration	0	255,581						255,581
13) Transfer to General Fund	City of Escondido	AB 1X 26 & 27 Obligation	0	4,821,933						4,821,933
14) Consulting Services	Diane Hadland	Tax Increment Review	0	17,360	5,360	3,000	3,000	3,000	3,000	17,360
15) Consulting Services	BBC Environmental	Ballpark Project	0	61,808	61,808					61,808
16) Consulting Services	Keyser Marston	Ballpark Project	0	50,000	50,000					50,000
17) Consulting Services	CB Urban Development	Ballpark Project	0	6,475	6,475					6,475
18) CalHFA Loans	CalHFA	Affordable Housing Projects	6,930,000	0						0
19) NSP Reimbursement	Developers to be determined	Affordable Housing Projects	0	786,000						786,000
20) Housing Employee Costs	Employees of Housing	Payroll for Employees	0	647,360	53,947	53,947	53,947	53,947	53,947	269,735
21) Housing Operations	City of Escondido	Program Administration	0	537,165	44,764	44,764	44,764	44,764	44,764	223,820
22) EI Norte Apartments	Community Housing Works	Redevelopment Projects	788,970	1,961,030	163,420	163,420	163,420	163,420	163,420	817,100
23) Low-Mod Housing	Various Individuals	Loans & Subsidies	0	1,605,000	133,750	133,750	133,750	133,750	133,750	668,750
24) Mobilhome Park Operations	City of Escondido	Program Administration	0	32,675	2,723	2,723	2,723	2,723	2,723	13,615
25)										0
26)										0
27)										0
28)										0
29)										0
30)										0
Totals - This Page			91,572,397	34,749,131	523,769	9,986,468	423,126	2,081,865	5,103,841	18,119,069
Totals - Page 2										
Totals - Page 3										
Totals - Page 4										
Totals - Other Obligations			403,435,781	9,284,054	0	0	5,014,784	0	1,149,492	7,275,366
Grand total - All Pages			495,008,178	44,033,185	523,769	9,986,468	5,437,910	2,081,865	6,253,333	25,394,435

Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)
 If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.
 ** Include only payments to be made after the adoption of the EOPS.

OTHER OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total	
					Aug**	Sept	Oct	Nov	Dec		
1) Pass Through Agreement	County of San Diego	Payments per 33401	82,694,000	3,380,858							1,419,961
2) Pass Through Agreement	North County Cemetery District	Payments per 33401	1,191,700	47,668				270,469		1,149,492	0
3) Pass Through Agreement	Rincon Del Diablo Municipal Water District	Payments per 33401	4,685	123							0
4) Statutory Payments	City of Escondido	Payments per 33607	8,156,148	313,698			313,698				313,698
5) Statutory Payments	Resource Conservation District of Greater San Diego County	Payments per 33607	7,722	297			297				297
6) Statutory Payments	Vallecitos Water District	Payments per 33607	11,154	429			429				429
7) Statutory Payments	San Diego County Water Authority	Payments per 33607	189,618	7,293			7,293				7,293
8) Statutory Payments	Metropolitan Water District	Payments per 33607	215,358	8,283			8,283				8,283
9) Pass Through Agreement	Palomar Pomerado Health	Payments per Settlement Agreement	9,295,486	131,044			131,044				131,044
10) Pass Through Agreement	San Marcos Unified School District	Payments per Settlement Agreement	2,123,536	29,937			29,937				29,937
11) Pass Through Agreement	Palomar Community College	Payments per Settlement Agreement	24,801,318	349,640			349,640				349,640
12) Pass Through Agreement	Escondido Elementary School District	Payments per Settlement Agreement	149,023,781	2,719,949			2,719,949				2,719,949
13) Pass Through Agreement	Escondido Union High School District	Payments per Settlement Agreement	113,612,060	2,073,880			2,073,880				2,073,880
14) Pass Through Agreement	San Diego County Superintendent of Schools	Payments per Settlement Agreement	12,109,215	220,955			220,955				220,955
15)											0
16)											0
17)											0
18)											0
19)											0
20)											0
21)											0
22)											0
23)											0
24)											0
25)											0
26)											0
27)											0
28)											0
Totals - Other Obligations			403,435,781	9,284,054	0	5,014,784	0	0	1,149,492	7,275,366	

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)

** Include only payments to be made after the adoption of the EOPS.

*** All payment amounts are estimates

ORDINANCE NO. 2011-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AGREEING, UNDER PROTEST, TO COMPLY WITH THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF ESCONDIDO WHICH WOULD OTHERWISE BE SUBJECT TO SUSPENSION AND DISSOLUTION

WHEREAS, the City Council of the City of Escondido ("City") approved and adopted the Redevelopment Plan for the Escondido Redevelopment Project ("Redevelopment Plan") covering certain properties within the City (the "Project Area"); and

WHEREAS, the Redevelopment Agency of the City of Escondido ("Agency") is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

WHEREAS, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

WHEREAS, over the next few years, the Agency hopes to implement a variety of redevelopment projects and programs to continue to eliminate and prevent blight, stimulate

and expand the Project Area's economic growth, create and develop local job opportunities and alleviate deficiencies in public infrastructure, to name a few; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature has recently enacted and the Governor has signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments; and

WHEREAS, specifically, AB 1X 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011; and

WHEREAS, AB 1X 27 provides that a community may participate in an "Alternative Voluntary Redevelopment Program," in order to enable a redevelopment agency within that community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code; and

WHEREAS, the Alternative Voluntary Redevelopment Program requires that the community agree by ordinance to remit specified annual amounts to the county auditor-controller; and

WHEREAS, under the threat of dissolution pursuant to AB 1X 26, and upon the contingencies and reservations set forth herein, the City shall make the Fiscal Year 2011-2012 community remittance, currently estimated to be nine and a half million

dollars (\$9,500,000), as well as the subsequent annual community remittances as set forth in the CRL; and

WHEREAS, the City reserves the right to appeal the California Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in Health and Safety Code Section 34194; and

WHEREAS, City understands and believes that an action challenging the constitutionality of AB 1X 26 and AB 1X 27 has been filed on behalf of cities, counties and redevelopment agencies; and

WHEREAS, while the City currently intends to make these community remittances, they shall be made under protest and without prejudice to the City's right to recover such amounts and interest thereon, to the extent there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional; and

WHEREAS, the City reserves the right, regardless of any community remittance made pursuant to this Ordinance, to challenge the legality of AB 1X 26 and AB 1X 27; and

WHEREAS, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of AB 1X 26 and AB 1X 27, the City shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. Participation in the Alternative Voluntary Redevelopment Program. In accordance with Health and Safety Code Section 34193, and based on the Recitals set forth above, the City Council hereby determines that the City shall comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as enacted by AB 1X 27.

SECTION 3. Payment Under Protest. Except as set forth in Section 4, below, the City Council hereby determines that the City shall make the community remittances set forth in Health and Safety Code section 34194 *et seq.*

SECTION 4. Effect of Stay or Determination of Invalidity. City shall not make any community remittance in the event a court of competent jurisdiction either grants a stay on the enforcement of AB 1X 26 and AB 1X 27 or determines that AB 1X 26 and AB 1X 27 are unconstitutional and therefore invalid, and all appeals therefrom are exhausted or unsuccessful, or time for filing an appeal therefrom has lapsed. Any community remittance shall be made under protest and without prejudice to the City's right to recover such amount and interest thereon in the event that there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional. If there is a final determination that AB 1X 26 and AB 1X 27 are invalid, this Ordinance shall be deemed to be null and void and of no further force or effect.

SECTION 5. Implementation. The City Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to implement this Ordinance, including but not limited to notifying the San Diego County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Ordinance and the City's agreement to comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as set forth in AB 1X 27.

SECTION 6. Additional Understandings and Intent. It is the understanding and intent of the City Council that, once the Agency is again authorized to enter into agreements under the CRL, the City will enter into an agreement with the Agency as authorized pursuant to Section 34194.2, whereby the Agency will transfer annual portions of its tax increment to the City in amounts not to exceed the annual community remittance payments to enable the City, directly or indirectly, to make the annual remittance payments. The City Council does not intend, by enactment of this Ordinance, to irrevocably pledge any of its general fund revenues or assets to make the remittance payments.

SECTION 7. CEQA. The City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a "project," but instead consists of the creation and continuation of a governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.

SECTION 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the City Clerk's office located at 201 N. Broadway, Escondido, CA 92025. The custodian for these records is Marsha Whalen, City Clerk.

SECTION 9. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 10. Certification; Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of Escondido, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code § 36933.

ORDINANCE NO. 2011-13

AN UNCODIFIED EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AGREEING, UNDER PROTEST, TO COMPLY WITH THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF ESCONDIDO WHICH WOULD OTHERWISE BE SUBJECT TO SUSPENSION AND DISSOLUTION

WHEREAS, the City Council of the City of Escondido ("City") approved and adopted the Redevelopment Plan for the Escondido Redevelopment Project ("Redevelopment Plan") covering certain properties within the City (the "Project Area"); and

WHEREAS, the Redevelopment Agency of the City of Escondido ("Agency") is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

WHEREAS, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

WHEREAS, over the next few years, the Agency hopes to implement a variety of redevelopment projects and programs to continue to eliminate and prevent blight, stimulate

and expand the Project Area's economic growth, create and develop local job opportunities and alleviate deficiencies in public infrastructure, to name a few; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature has recently enacted and the Governor has signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments; and

WHEREAS, specifically, AB 1X 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011; and

WHEREAS, AB 1X 27 provides that a community may participate in an "Alternative Voluntary Redevelopment Program," in order to enable a redevelopment agency within that community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code; and

WHEREAS, the Alternative Voluntary Redevelopment Program requires that the community agree by ordinance to remit specified annual amounts to the county auditor-controller; and

WHEREAS, under the threat of dissolution pursuant to AB 1X 26, and upon the contingencies and reservations set forth herein, the City shall make the Fiscal Year 2011-2012 community remittance, currently estimated to be nine and a half million

dollars (\$9,500,000), as well as the subsequent annual community remittances as set forth in the CRL; and

WHEREAS, the City reserves the right to appeal the California Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in Health and Safety Code Section 34194; and

WHEREAS, City understands and believes that an action challenging the constitutionality of AB 1X 26 and AB 1X 27 has been filed on behalf of cities, counties and redevelopment agencies; and

WHEREAS, while the City currently intends to make these community remittances, they shall be made under protest and without prejudice to the City's right to recover such amounts and interest thereon, to the extent there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional; and

WHEREAS, the City reserves the right, regardless of any community remittance made pursuant to this Ordinance, to challenge the legality of AB 1X 26 and AB 1X 27; and

WHEREAS, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of AB 1X 26 and AB 1X 27, the City shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay; and

WHEREAS, in light of the immediate effect of the legislation referred to above and the uncertainty of the legality of the legislation there exists an emergency with respect to the life, health, public welfare and property in the City of Escondido; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. Participation in the Alternative Voluntary Redevelopment Program. In accordance with Health and Safety Code Section 34193, and based on the Recitals set forth above, the City Council hereby determines that the City shall comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as enacted by AB 1X 27.

SECTION 3. Payment Under Protest. Except as set forth in Section 4, below, the City Council hereby determines that the City shall make the community remittances set forth in Health and Safety Code section 34194 *et seq.*

SECTION 4. Effect of Stay or Determination of Invalidity. City shall not make any community remittance in the event a court of competent jurisdiction either grants a stay on the enforcement of AB 1X 26 and AB 1X 27 or determines that AB 1X 26 and AB 1X 27 are unconstitutional and therefore invalid, and all appeals therefrom are exhausted or

unsuccessful, or time for filing an appeal therefrom has lapsed. Any community remittance shall be made under protest and without prejudice to the City's right to recover such amount and interest thereon in the event that there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional. If there is a final determination that AB 1X 26 and AB 1X 27 are invalid, this Ordinance shall be deemed to be null and void and of no further force or effect.

SECTION 5. Implementation. The City Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to implement this Ordinance, including but not limited to notifying the San Diego County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Ordinance and the City's agreement to comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as set forth in AB 1X 27.

SECTION 6. Additional Understandings and Intent. It is the understanding and intent of the City Council that, once the Agency is again authorized to enter into agreements under the CRL, the City will enter into an agreement with the Agency as authorized pursuant to Section 34194.2, whereby the Agency will transfer annual portions of its tax increment to the City in amounts not to exceed the annual community remittance payments to enable the City, directly or indirectly, to make the annual remittance payments. The City Council does not intend, by enactment of this Ordinance, to irrevocably pledge any of its general fund revenues or assets to make the remittance payments.

SECTION 7. CEQA. The City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is not a “project,” but instead consists of the creation and continuation of a governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.

SECTION 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the City Clerk’s office located at 201 N. Broadway, Escondido, CA 92025. The custodian for these records is Marsha Whalen, City Clerk.

SECTION 9. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 10. Certification; Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of Escondido, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code § 36933.

SECTION 11. Findings. The adoption of this Urgency Ordinance is necessary for the immediate protection of the public peace, health and safety. In accordance with California Government Code Section 36937 and in order to protect the public peace, health and safety, the City Council of the City of Escondido finds and determines as follows:

(a) AB 1X 26 prohibits agencies from taking numerous actions, until the City Council adopts an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code, including but not limited to incurring any new monetary or legal obligations or expanding any existing monetary or legal obligations, entering into agreements with any person for any purpose or amending or modifying any existing agreements and taking any action with respect to a redevelopment plan;

(b) Prior to the enactment of an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code, the Agency will be unable to continue efforts to eliminate and prevent blight (including remediation of buildings and structures which are unhealthy or unsafe to occupy or properties with hazardous waste), stimulate and expand the Project Area's economic growth, create and develop local job opportunities and alleviate deficiencies in public infrastructure;

(c) Blighting conditions in the Project Area constitute substantial threats to public peace, health and safety, and are so prevalent they cannot be eliminated without Agency action, including but not limited to the use of Agency funds and authorization of redevelopment projects and programs;

(d) During the current economic crisis, the Agency must have the ability to act and continue the efforts set forth in (b) above. The Agency must have all tools

available in order to eliminate and prevent blighting conditions, including implementation of the Agency's economic development programs;

(e) The Agency is actively engaged in efforts to rehabilitate housing units, to provide assistance for property improvements and to provide safe and affordable housing. Adoption of this Urgency Ordinance will permit the Agency to continue these efforts immediately.

SECTION 12. Effective Date. The City Council hereby declares, on the basis of the findings set forth above, that an emergency exists and that this Ordinance is necessary to preserve the public peace, health and safety. Accordingly, this Ordinance is adopted as an emergency ordinance and shall take effect and be in force immediately upon its adoption.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7
Date: August 17, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Sheryl Bennett, Director of Human Resources
Joyce Masterson, Assistant to the City Manager

SUBJECT: Preliminary City Council Action Plan – Embrace Diversity

RECOMMENDATION:

It is requested that Council provide direction to staff on the proposed content of the Embrace Diversity and Community Outreach element of the 2011-2012 City Council Action Plan.

FISCAL ANALYSIS:

None

PREVIOUS ACTION:

The City Council held a workshop for the development of the 2011-2012 Council Action Plan on February 2, 2011. On April 6, 2011, Council approved the format and schedule for the development of the 2011-2012 City Council Action Plan. On May 11, 2011, Council reviewed the proposed content for the Financial Stability element. On June 15, 2011 Council reviewed the proposed content for the Economic Development element.

BACKGROUND:

The City Council Action Plan represents the City Council's collective vision for Escondido's future and the key strategies that will be used to achieve that vision. It is developed biennially following a workshop where key policy goals are identified and discussed.

On April 6, 2011, Council approved the format as well as a recommendation that a review of a draft of each priority area be scheduled individually to provide the City Council with adequate time to discuss each section and to provide feedback to ensure the action plan truly reflects the Council's desires.

A draft Embrace Diversity and Community Outreach element is attached to this document as Attachment 1. Staff will incorporate any revisions into a final draft to be presented on September 14, 2011.

Preliminary Council Action Plan
August 17, 2011
Page 2

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Sheryl Bennett', written in a cursive style.

Sheryl Bennett
Director of Human Resources

A handwritten signature in black ink, appearing to be 'Joyce Masterson', written in a cursive style.

Joyce Masterson
Assistant to the City Manager

City Council Action Plan 2011-2012

Embrace Diversity and Community Outreach

Goal	Current Reality	Strategy	Evaluation Measures	Outcome
<p>Community Events Downtown</p>	<p>The City has a robust history of downtown events to draw a diverse group of citizens to the area.</p> <p>In 2010, over 274,000 people visited a variety of downtown events hosted by many different Escondido-based groups.</p> <p>This is a partial listing of some of the popular events:</p> <ul style="list-style-type: none"> • Cruisin' Grand - April - Sept • 2nd Saturday Art Walk • Saturdays in the Park - History Center - Weekly Sat events in Grape Day Park • Escondido JC's Christmas Parade • Chocolate Festival - February 	<p>Add three new events:</p> <ol style="list-style-type: none"> 1. Sunrise Rotary Downtown 5K – 9/10/11 2. 9/11 10th Anniversary Remembrance Event at the Escondido Police and Fire HQ 3. Fiesta Escondido– 9/18/11 Escondido Celebration in Grape Day Park, including music, dance, food and family activities 	<p>Number of attendees at each event.</p>	

	<ul style="list-style-type: none"> • Dia De Los Ninos - April • Escondido Street Fair - Oct • American Heritage Car Show in Grape Day • Summer Movies in Grape Day Park • 4th of July Celebration in the Park • Grape Day Festival and Parade - Sept 			
<p>Making things easier for residents to communicate with government</p>	<p>Current communication tools include:</p> <ul style="list-style-type: none"> • City's Internet Page • Recreation brochure • Newsletters • Facebook (Library & Recreation) • Twitter • Online Crime Reporting • Email • Phone System • Utility Bill Inserts • Escondido Experience through Chamber • Escondido Workforce Roundtable • Council meetings, live, televised, and on the Internet • City Sourced Application (graffiti and potholes) <p>Communication has mostly been</p>	<p>Increase opportunities for the community to provide input to City:</p> <ol style="list-style-type: none"> 1. Hold Mayor's Town Hall Meeting 2. Conduct community survey to obtain feedback from the residents on the methods they would like the City to use to share and receive information. Survey will be done via staff and City resources at a minimal cost. 3. Offer the public quarterly tours of City Hall and the Police & Fire HQ. 4. Expand City Sourced Application 5. Create "City" Facebook Page 	<p>Number of attendees</p> <p>Responses from survey and analysis to the potential need for changes in communication methods.</p> <p>Number of attendees</p> <p>Number of referrals</p> <p>Number of followers</p>	

	<p>“one-way”, from the city to residents. More interactive communication is desirable.</p>			
<p>Communication and Listening</p>	<p>Current customer service training is focused primarily on new employees and includes:</p> <ul style="list-style-type: none"> • New Employee Orientation • Fish Training <p>Additional periodic training is needed as a refresher for long-time employees.</p> <p>An informational kiosk would enhance customer service, by allowing visitors to get their questions answered from the kiosk, submit reports on-line and avoid having to wait in line. The cost of a kiosk is approximately \$5,100.</p>	<p>Internal Customer Service</p> <ol style="list-style-type: none"> 1. Provide additional citywide customer service training 2. Solicit feedback from customers on the quality of service they received from City staff. <p>External Customer Service</p> <ol style="list-style-type: none"> 1. Purchase kiosk with online resources for customers to access information at City Hall 2. Develop a protocol between the City Manager’s Office and the Mexican Consul General’s Office to share information about issues or incidents affecting Escondido. 	<p>Number of employees trained</p> <p>Number of feedback forms received and quality of service measured.</p> <p>Number of utilizations</p> <p>Number of communications</p>	

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8
Date: August 17, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Barbara Redlitz, Director of Community Development
Joyce Masterson, Assistant to the City Manager

SUBJECT: Preliminary City Council Action Plan – Image and Appearance

RECOMMENDATION:

It is requested that Council provide direction to staff on the proposed content of the Image and Appearance element of the 2011-2012 City Council Action Plan.

FISCAL ANALYSIS:

None

PREVIOUS ACTION:

The City Council held a workshop for the development of the 2011-2012 Council Action Plan on February 2, 2011. On April 6, 2011, Council approved the format and schedule for the development of the 2011-2012 City Council Action Plan. On May 11, 2011, Council reviewed the proposed content for the Financial Stability element. On June 15, 2011 Council reviewed the proposed content for the Economic Development element.

BACKGROUND:

The City Council Action Plan represents the City Council's collective vision for Escondido's future and the key strategies that will be used to achieve that vision. It is developed biennially following a workshop where key policy goals are identified and discussed.

On April 6, 2011, Council approved the format as well as a recommendation that a review of a draft of each priority area be scheduled individually to provide the City Council with adequate time to discuss each section and to provide feedback to ensure the action plan truly reflects the Council's desires.

A draft Image and Appearance element is attached to this document as Attachment 1. Staff will incorporate any revisions into a final draft to be presented on September 14, 2011.

Preliminary Council Action Plan
August 17, 2011
Page 2

Respectfully submitted,



Barbara Redlitz
Director of Community Development



Joyce Masterson
Assistant to the City Manager

City Council Action Plan 2011-2012

Attachment 1

Image and Appearance

Goal	Current Reality	Strategy	Evaluation Measures	Outcome
<p>Pro-active code enforcement (residential and commercial properties); implement existing ordinances; public education on violations</p>	<p>1. The Appearance and Compliance Team (ACT) was highly successful in proactively improving the City's appearance, but was disbanded due to the recession's impact on staffing and budget. A modified version of the ACT can be reinstated, although monthly sweeps cannot yet be accommodated.</p> <p>Code enforcement currently is complaint-based, with priority given to health/safety violations. Priorities are as follows:</p> <ul style="list-style-type: none"> • Health & Safety violations <ul style="list-style-type: none"> • Garage conversions • Non-permitted room additions • Substandard dwellings • Graffiti removal • Inoperable street lights • Abandoned vehicles • Abandoned and foreclosed properties • Weed and junk abatement • Shopping carts • Potholes • Illegal signs • Business license violations 	<p>1a. Reinstated a modified version of the interdepartmental ACT to identify and monitor problem properties and attractive nuisances; anticipate "ripple effect"; and adjust resources accordingly.</p> <p>1b. Identify specific geographic areas of the city for methodical, proactive enforcement; give advance public education or notification, then target for concentrated enforcement, focusing on appearance violations.</p> <p>1c. Establish reporting mechanisms to determine baselines and progress made by geographic or specific areas.</p> <p>1d. Develop additional public education information on reporting problems or finding solutions (i.e. website, handouts, etc.)</p>	<p>Quarterly reports from various departments and/or operations</p>	

Goal	Current Reality	Strategy	Evaluation Measures	Outcome
	<p>2. Code enforcement part time staffing:</p> <ul style="list-style-type: none"> • Allows for weekend and flexible coverage. • Officers lack experience; not yet fully trained. • No night-time enforcement <p>Over the years, city employees in all departments have been encouraged to report code violations, potholes, burned out street lights, etc. Unless continually reminded, personal responsibility for this lessens over time.</p>	<p>2a. Train volunteers in all organized neighborhoods to report code violations; examine potential to use volunteers in other low and moderate income areas in the City.</p> <p>2b. Release periodic reminders encouraging all field personnel, inspectors, police volunteer patrols, and general City employees to report potential code violations.</p> <p>2c. Work with the DBA, Chamber of Commerce, realtors, and other business and non-profit groups to encourage voluntary compliance.</p>	<p>Quarterly reports from various departments.</p> <p>Track volunteer numbers and hours.</p>	
	<p>3. City Appearance Committee reviews public and private projects involving city-owned property or facilities, and along gateways and medians for appropriate level of design and issues related to maintenance, public safety, liability, etc.</p>	<p>3. Appoint a representative from the City Appearance Committee to sit on the interdepartmental team and coordinate or resolve issues that may arise.</p>	<p>Biannual report from City Appearance Committee.</p>	
	<p>4. Multiple inspections are often required to achieve compliance.</p>	<p>4. Establish a re-inspection fee to encourage timely compliance.</p>	<p>Adopt fee for non-responsive cases.</p> <p>Number of cases requiring multiple inspections.</p>	

Goal	Current Reality	Strategy	Evaluation Measures	Outcome
	<p>5. Due to the nature of major, regional businesses regulated by agencies other than the City, clean-up and/or beautification of various properties is not self-monitored.</p>	<p>5. Develop protocol for working with Palomar/SDG&E/Palomar-Pomerado, etc. to resolve unsightly property maintenance issues. This may require Council member or City Manager initiation and/or advocacy.</p>	<p>Develop and maintain contact list. Track response times.</p>	
	<p>6. Maintenance of city property should set the standard in the community. Unfortunately it has been reduced due to diminished resources.</p>	<p>6a. Analyze City workforce to effectively maintain City property. 6b. Develop an "Adopt-a-Lot" program for maintenance of public properties. Explore a corporate sponsorship program or other form of recognition as an incentive. 6c. Co-sponsor community and corporate volunteerism, such as work days, coordinated through the City's Volunteer Coordinator.</p>	<p>Mid-year report on maintenance needs, concurrent with mid-year budget review. Establish policies and procedures for an "Adopt-a-Lot" program.</p>	
	<p>7. In CDBG-eligible areas:</p> <ul style="list-style-type: none"> • Staff actively educates and trains residents and 15 neighborhood groups regarding violations • NEAT staff and PD District Area Commanders attend neighborhood meetings and Neighborhood Leadership forums • NEAT staff prepare items of interest in the Neighborhood News 	<p>7a. Use CDBG funds to:</p> <ul style="list-style-type: none"> • Expand Project NEAT program to all CDBG-eligible neighborhoods • Add Code Enforcement officer(s) for CDBG-eligible commercial properties • Conduct field survey of commercial property and identify high violations rates • Focus efforts in areas of high pedestrian use 	<p>Number of cases with voluntary compliance; Number of cases referred to Code Enforcement; Number of cases referred to the City Attorney.</p>	

Goal	Current Reality	Strategy	Evaluation Measures	Outcome
	<ul style="list-style-type: none"> • NEAT staff participate in neighborhood tours with group leadership members • Project NEAT assesses 2,600 residential properties for property maintenance and appearance issues. • Funding for additional Code Enforcement personnel through CDBG has been authorized for FY 2011-12. 	<p>7b. Develop an expanded marketing plan for Project NEAT. Identify and maintain key private citizen groups (realtors, service clubs, churches) to educate them regarding the importance of property maintenance issues</p>	<p>Track and report new outlets used to market Project NEAT, and determine if new projects are generated by the use of these outlets.</p>	
	<p>8. Enforcement successes are not well publicized to the City Council, other departments or the public, resulting in a skewed and potentially negative perception of City Image.</p>	<p>8. Develop standardized reports to track enforcement complaints, caseload, responsiveness, and trends using upgraded TRAKIT and Azteca software approved in the FY 2011-12 CIP budget.</p>	<p>Quarterly reports regarding enforcement caseload and results. Post results on website.</p>	
	<p>9. Proliferation of new types of temporary signs such as "feather" signs create unsightly appearance, but provide a cost-effective way for businesses to attract customers. An increased number of businesses are painting murals on large blank walls without design review approval.</p>	<p>9. Evaluate sign ordinance to address feather/temporary signs and murals.</p>	<p>Adopt code amendment.</p>	
	<p>10. Special volunteer projects on City properties provide public improvements that may not otherwise be funded, but lack of a standardized policy result in proposals that do not make efficient use of staff resources.</p>	<p>10. Develop policy to address offers of special projects on City property, i.e., Eagle Scout projects, including procedures and identification of types of desirable projects and locations.</p>	<p>Adopt policy.</p>	

Goal	Current Reality	Strategy	Evaluation Measures	Outcome
	<p>11. Weed Abatement enforcement response is handled by Code Enforcement under property maintenance provisions of the Municipal Code, and by the Fire Department under the Fire Code.</p>	<p>Coordinate weed abatement enforcement efforts by Code Enforcement and Fire Department to ensure communication and provide consistent direction to property owner.</p>	<p>Response time.</p>	
	<p>12. FY 2011-12 CIP Budget authorized \$177,000 for CRW upgrades. Code Enforcement officers document their cases when they return to the office. Additional CRW software is available to increase staff accuracy and efficiency by allowing immediate field entry (Mobile TRAK) and monitor customer response (CRM). Cost for the additional software and annual maintenance is \$40,500 plus additional laptop purchase and internet fees of \$20,000.</p> <p>Customer complaints are submitted through a variety of sources, often resulting in overlapping responses that are difficult to track and create inefficiencies. Additional TRAKIT software (Citizens Response Management or CRM) is also available to manage and monitor customer complaints. Cost for software and annual maintenance is \$22,500.</p>	<p>12. Purchase additional TRAKIT software (Mobile TRAK and CRM).</p>	<p>Response time.</p>	

Goal	Current Reality	Strategy	Evaluation Measures	Outcome
<p>Urban Renewal, Overlays and Standards</p>	<p>1. Vacant and foreclosed properties are poorly maintained. Enforcement efforts are hampered by difficulty determining ownership or responsible party.</p> <p>2. The Economic Development element of the Council Action Plan requested funding for a consultant to update the Zoning Code.</p> <p>Some code provisions lack enforceability due to conflicting language, inconsistencies or lack of clarity between guidelines and standards.</p> <p>Current City policy requires preliminary step of City Council initiation prior to processing.</p>	<p>1. Explore strategies employed by other jurisdictions to address maintenance of vacant and foreclosed properties, and assess necessary resources for implementation as additional funding becomes available.</p> <p>2a. Expand scope of Zoning Code update to evaluate land use and development related code sections and guidelines to delete outdated provisions and amend codes as necessary to better support current enforcement goals and policies.</p> <p>2b. Eliminate City Council initiation of code amendments and authorize Planning staff to process as deemed necessary, in consultation with City Attorney.</p>	<p>Summary Report.</p> <p>Adoption of code amendments.</p> <p>Adoption of code amendments.</p>	



FUTURE CITY COUNCIL AGENDA ITEMS
August 11, 2011

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

Green Sheet Due by Noon on Monday, 8/8/11
 Staff Reports/Resos due by Noon on Tuesday 8/16/11

AUGUST 24, 2011
4:30 p.m.

CONSENT CALENDAR	
1	<p>Second Amendment to the Consulting Agreement with SCS Engineers for Remediation of the Orange Glen Market Site (E. Domingue)</p> <p><i>As part of the Bear/East Valley Parkway project, the City acquired the Orange Glen Market site. This site was contaminated by petroleum products leaking from a fueling operation that ended with the removal of tanks in 1999. The City has and continues to work with the previous owner and the operator in the remediation of this site; the expenses are covered by state funding and the previous owner.</i></p>
2	<p>Budget Adjustment – Questys (M. Whalen)</p> <p><i>A budget adjustment to upgrade the City's Imaging/Records Management System (Questys) to be compatible with the Windows 7 update.</i></p>
PUBLIC HEARINGS:	
3	<p>Casa Grande Mobilehome Park / Short-form Rent Increase Application (J. VanLeeuwen)</p> <p><i>The application meets all the eligibility criteria for submittal of a short-form rent increase application. The amount requested covers a 2-year period of consideration from December 31, 2008 to December 31, 2010. 75% of the change in the Consumer Price Index for the 2-year period is 1.393%. The Owner is requesting an increase for 95 of the 102 spaces in the park. Spaces not subject to rent control are vacant, occupied by Park management, or are on a long-term lease. The average space rent for the 95 spaces subject to the rent increase is \$452.96. The average increase per space is approximately \$6.31.</i></p>

AUGUST 24, 2011
Continued

CURRENT BUSINESS

4	Ground Lease at Mountain View Park (J. VanLeeuwen) <i>Archery In Motion is requesting a ground lease to establish a variety of archery instruction programs and classes at Mountain View Park.</i>
5	Future Agenda Items (M. Whalen)

AUGUST 31, 2011
NO MEETING (5TH WEDNESDAY)