



NOVEMBER 7, 2018
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	John Masson
COUNCIL MEMBERS	Olga Diaz Ed Gallo Michael Morasco
CITY MANAGER	Jeffrey Epp
INTERIM CITY CLERK	Eva Heter
CITY ATTORNEY	Michael McGuinness
DIRECTOR OF COMMUNITY DEVELOPMENT	Bill Martin
DIRECTOR OF ENGINEERING SERVICES	Julie Procopio

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

**November 7, 2018
3:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

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

ORAL COMMUNICATIONS

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

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

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

- a. **Property:** 480 North Spruce Street, APN 232-091-28-00
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Pretium LLC (Custom Blow Molding)
Under Negotiation: Price and Terms of Existing Lease

- b. **Property:** Municipal Parking Lot #1, APN 229-421-26
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Touchstone Communities
Under Negotiation: Price and Terms of Agreement

ADJOURNMENT



Council Meeting Agenda

**November 7, 2018
4:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

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

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 15 minutes. Any remaining speakers will be heard during Oral Communications at the end of the meeting.

CONSENT CALENDAR

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

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**

2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**

3. **[APPROVAL OF MINUTES: Regular Meeting of October 24, 2018](#)**

4. **[FISCAL YEAR 2018-19 BUREAU OF JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP AND BUDGET ADJUSTMENT -](#)**

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2018-19 Bureau of Justice Assistance Bulletproof Vest Partnership Program grant in the amount of \$3,041.88; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments to spend grant funds.

Staff Recommendation: **Approval (Police Department: Craig Carter)**

5. **[FISCAL YEAR 2018-19 STATE OF CALIFORNIA CITIZENS' OPTIONS FOR PUBLIC SAFETY \(COPS\) PROGRAM GRANT AND BUDGET ADJUSTMENT -](#)**

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2018-19 Citizens' Options for Public Safety (COPS) Program Grant in the amount of \$230,220; approve grant expenditures consistent with guidelines in AB 1913; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

Staff Recommendation: **Approval (Police Department: Craig Carter)**

6. **[INNOVATIONS IN COMMUNITY-BASED CRIME REDUCTION PROGRAM GRANT AND BUDGET ADJUSTMENT -](#)**

Request the City Council approve accepting an Innovations in Community-Based Crime Reduction Program Grant in the amount of \$931,395 from the United States Office of Justice Programs; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

Staff Recommendation: **Approval (Police Department: Craig Carter)**

7. **[ENCROACHMENT AGREEMENT WITH PACIFIC BELL TELEPHONE COMPANY \(DBA AT&T CALIFORNIA\) -](#)**

Request the City Council approve authorizing the Director of Engineering Services/City Engineer to execute an Encroachment Agreement with Pacific Bell Telephone Company (dba AT&T California) for the encroachment upon a portion of right-of-way in order to relocate an underground fuel tank.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2018-172

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

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

PUBLIC HEARINGS

8. [ANNUAL CODE CLEAN-UP AND AMENDMENTS TO THE MUNICIPAL AND ZONING CODE \(AZ 18-0007\) -](#)

Request the City Council approve amending Articles 1, 6, 16, 26, 30, 39, 40, 41, 45, 46, 56, 57, 65, and 73 of the Escondido Zoning Code to address changes in state laws, correct errors, and improve existing regulations.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

ORDINANCE NO. 2018-20 (First Reading and Introduction)

CURRENT BUSINESS

9. [BID AWARD FOR THE HIGHWAY SAFETY IMPROVEMENT SIGNALS \(HSIP\) PROJECT -](#)

Request the City Council approve awarding the bid to DBX, Inc., which was determined to be the lowest responsive and responsible bidder; and authorize the Mayor and City Clerk to execute a Public Improvement Agreement in the amount of \$687,276, for the HSIP Signals Project.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2018-166

10. [2017-2018 CITY COUNCIL ACTION PLAN UPDATE -](#)

Request the City Council review the 2017-2018 City Council Action Plan Update and provide input regarding the status of specified strategies discussed.

Staff Recommendation: **Provide Direction (City Manager's Office: William Wolfe)**

11. [ADOPTION OF RESOLUTION OF INTENTION TO AMEND THE CALPERS CONTRACT AND INTRODUCTION OF THE FIRST READING OF ORDINANCE AMENDING THE CALPERS CONTRACT -](#)

Request the City Council approve the intention to amend the contract between the City of Escondido and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to include the Escondido Police Officers' Association/Safety Unit (POA) and Firefighters' Association (FFA) Bargaining Unit CalPERS Classic members contributing an additional one percent towards the employer's CalPERS costs, Government Code Section 20516; and approve amending the contract between the City and CalPERS to include employees sharing an additional cost of one percent for POA and FFA CalPERS Classic members, Government Code Section 20516.

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

A) RESOLUTION NO. 2018-155 B) ORDINANCE NO. 2018-19 (First Reading and Introduction)

FUTURE AGENDA

12. [FUTURE AGENDA -](#)

The purpose of this item is to identify issues presently known to staff or which members of the City 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: Eva Heter)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development.

- [WEEKLY ACTIVITY REPORT](#)

ORAL COMMUNICATIONS

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

ADJOURNMENT

UPCOMING MEETING SCHEDULE

Date	Day	Time	Meeting Type	Location
November 14	-	-	No Meeting	-
November 21	-	-	No Meeting	-
November 28	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers
December 5	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Submission of Speaker forms prior to the discussion of an item is highly encouraged. 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.

Nomination forms for Community Awards are available at the Escondido City Clerk's Office or at <http://www.escondido.org/city-clerks-office.aspx>

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.escondido.org/meeting-agendas.aspx>
- 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 clicking the "Live Streaming –City Council Meeting now in progress" button on the home page.

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 Successor Agency to the CDC, Escondido Joint Powers
Financing Authority and the Mobilehome Rent Review Board.**

**CITY HALL HOURS OF OPERATION
Monday-Friday 8:00 a.m. to 5:00 p.m.**



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4643. 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.



Consent Item No. 1

November 7, 2018

AFFIDAVITS

OF

ITEM

POSTING



Consent Item No. 2

November 7, 2018

APPROVAL

OF

WARRANT REGISTER

CITY OF ESCONDIDO
October 24, 2018
4:30 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, October 24, 2018 in the City Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

Bill Pinkerton led the Moment of Reflection.

FLAG SALUTE

Deputy Mayor Masson led the flag salute

ATTENDANCE:

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

Also present were: Jeffrey Epp, City Manager; Michael R. McGuinness, City Attorney; Bill Martin, Director of Community Development; Julie Procopio, Director of Engineering Services; Eva Heter, Assistant City Clerk; and Jennifer Ekblad, Deputy City Clerk.

PRESENTATIONS

Cynthia Jimenez was presented with a Certificate of Recognition.

Cynthia Weir, Board President, Jerry VanLeeuwen, Executive Director, and Rachel Kesner, Assistant Executive Director presented regarding the California Center for the Arts, Escondido utilizing a PowerPoint presentation.

ORAL COMMUNICATIONS

Wayne Louth, Escondido, commented on potential impacts to mobilehome park residents regarding Assembly Bill 3066.

Alba Miller, shared concerns regarding over-development and traffic along Interstate 15 and in Escondido.

CONSENT CALENDAR

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve all Consent Calendar items with the exception of item 6. Motion carried unanimously.

- 1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
- 2. APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
- 3. APPROVAL OF MINUTES: Regular Meeting of October 10, 2018**

4. ANNUAL DESTRUCTION OF RECORDS -

Request the City Council approve authorizing the destruction of City records and Police Department records for the following departments and divisions: City Attorney, City Clerk, City Manager, City Treasurer, Community Development, Community Services, Employee Benefits, Engineering, Finance, Fire, Hale Avenue Resource Recovery Facility, Housing, Human Resources, Library, Payroll, Police, Public Works, Risk Management, and Utilities. (File No. 0160-35)

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

RESOLUTION NO. 2018-154

5. PROFESSIONAL SERVICES AGREEMENT WITH QUESTICA LTD. TO PROVIDE BUDGET SOFTWARE AND IMPLEMENTATION SERVICES -

Request the City Council approve authorizing the Mayor and City Clerk to execute a three (3) year Public Services Agreement with Questica Ltd. effective October 24, 2018 through October 23, 2021, with three (3) additional one-year renewal options. The total annual estimated cost for the first year is \$122,826; total cost not to exceed \$180,378 for the three-year agreement. (File No. 0600-10 [A-3270])

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

RESOLUTION NO. 2018-156

6. TELECOMMUNICATIONS NETWORK LICENSE AND ENCROACHMENT AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC -

Request the City Council approve authorizing the Mayor and City Clerk to execute a Telecommunication Network License and Encroachment Agreement with New Cingular Wireless PCS, LLC; and authorize the Real Property Manager to act on behalf of the City of Escondido as necessary to implement the Agreement. (File No. 0600-10 [A-3271])

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2018-159

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve authorizing the Mayor and City Clerk to execute a Telecommunication Network License and Encroachment Agreement with New Cingular Wireless PCS, LLC; and authorize the Real Property Manager to act on behalf of the City of Escondido as necessary to implement the Agreement and adopt Resolution No. 2018-159. Motion carried unanimously.

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/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

7. FINANCIAL STATUS REPORT FOR FISCAL YEAR 2017/18 AND BUDGET ADJUSTMENT FOR FISCAL YEAR 2017/18 -

Request the City Council receive and file the annual financial status report for Fiscal Year 2017/18; and approve the budget adjustment that recommends using the year-end General Fund surplus of \$3,029,000 to fund specific department funding requests totaling \$2,029,000 and to transfer the remaining balance \$1,000,000 to the Section 115 Irrevocable Pension Trust. (File No. 0430-30)

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

Sheryl Bennett, Deputy City Manager/Administrative Services, and Joan Ryan, Assistant Director of Finance, Michelle Collett, Accountant, presented the staff report utilizing a PowerPoint presentation.

Roxana Aslan, representative from Unite Here!, voiced concerns regarding JC Resorts' management of the Reidy Creek Golf Course; requested the City investigate any concerns of sexual harassment; and shared a PowerPoint presentation.

Paulina Esquivel, Escondido, shared comments in Spanish translated by a representative from Unite Here!; indicated concerns about JC Resorts' management of the Reidy Creek Golf Course and requested the Council investigate any issues with sexual harassment at Reidy Creek Golf Course.

Rev. Dr. Beth Johnson, Vista, expressed concerns of sexual harassment allegations regarding JC Resorts.

Vanessa Valenzuela, Escondido, shared comments on revenue and expenses related to the Financial Status Report and expressed concerns regarding Reidy Creek Golf Course finances.

Laura Hunter, Escondido, expressed concerns about the contract with JC Resorts and suggested a budget oversight committee.

Cynthia Weir, representative for the California Center for the Arts, Escondido, thanked Council for funding repairs and maintenance of the California Center for the Arts, Escondido.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to receive and file the annual financial status report for Fiscal Year 2017/18; and approve the budget adjustment that recommends using the year-end General Fund surplus of \$3,029,000 to fund specific department funding requests totaling \$2,029,000 and to transfer the remaining balance \$1,000,000 to the Section 115 Irrevocable Pension Trust. Motion carried unanimously.

FUTURE AGENDA

8. FUTURE AGENDA -

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

Staff Recommendation: **None (City Clerk's Office: Diane Halverson)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Gallo reported North County Transit District received a presentation from SANDAG addressing potential issues in regards to the Del Mar bluffs.

Mayor Abed reported SANDAG will hold a community meeting at the Escondido Public Library on October 25, 2018 at 6:00 p.m. to gather input regarding the 2019-2050 Regional Plan.

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development.

• WEEKLY ACTIVITY REPORT -

ORAL COMMUNICATIONS

ADJOURNMENT

Mayor Abed adjourned the meeting at 6:16 p.m.

MAYOR

ASSISTANT CITY CLERK

DEPUTY CITY CLERK



CITY COUNCIL STAFF REPORT

Consent Item No. 4

November 7, 2018

File No. 0480-70

SUBJECT: Fiscal Year 2018-19 Bureau of Justice Assistance Bulletproof Vest Partnership Program and Budget Adjustment

DEPARTMENT: Police Department

RECOMMENDATION:

It is requested that the City Council authorize the Escondido Police Department to accept a FY 2018-19 Bureau of Justice Assistance Bulletproof Vest Partnership Program grant in the amount of \$3,041.88; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments to spend grant funds.

PREVIOUS ACTION:

On November 16, 2016, the City Council approved a FY 2016-17 US Bulletproof Vest Partnership Program grant.

BACKGROUND:

The Escondido Police Department received funds in the amount of \$3,041.88 from the Bureau of Justice Assistance Bulletproof Vest Partnership Program. Funds can be used to subsidize up to 50% of the cost of body armor. The Escondido Police Department proposes to use grant funds for vests for front-line law enforcement personnel.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Craig Carter, Chief of Police
10/30/2018 4:18 p.m.

ATTACHMENTS:

1. Budget Adjustment



CITY COUNCIL STAFF REPORT

Consent Item No. 5

November 7, 2018

File No. 0480-70

SUBJECT: Fiscal Year 2018-19 State of California Citizens' Options for Public Safety (COPS) Program Grant and Budget Adjustment

DEPARTMENT: Police Department

RECOMMENDATION:

It is requested that the City Council authorize the Escondido Police Department to accept a FY 2018-19 Citizens' Options for Public Safety (COPS) Program Grant in the amount of \$230,220; approve grant expenditures consistent with guidelines in AB 1913; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds

PREVIOUS ACTION:

On December 6, 2017, the City Council accepted a FY 2017-18 COPS Program Grant in the amount of \$231,784.

BACKGROUND:

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

As a result of these actions, the City of Escondido will receive a FY 2018-19 COPS Grant. Due to the uncertainty of the funding level and the continued possibility of a statewide reallocation of funds, as was experienced in past years, the State has recommended that each city adopt a conservative spending plan and if necessary, amend that plan later in the year when more information is available. The minimum award per jurisdiction is \$100,000.

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

Government Code Section 30061 requires that Supplemental Local Law Enforcement Fund monies allocated to counties must be deposited in a Supplemental Law Enforcement Services Fund (SLESF). Cities who receive SLESF allocations must deposit them in their own SLESF prior to expending

funds. SLESF allocations may not be intermingled with other city funds and they must draw interest until spent. The City of Escondido established a SLESF account in 1996 and has maintained it since that time for COPS grant allocations.

The Police Department has examined needs for law enforcement services in the community, and recommends using this year's COPS allocation to fund salary and benefits for temporary part-time positions that, due to budget constraints, have been reduced or eliminated from the General Fund budget. Positions funded by the allocation may include records technicians, property and evidence technicians, department specialists in the Traffic Division, Investigations Bureau, Patrol Division, and the Internal Affairs Unit.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Craig Carter, Chief of Police
10/30/2018 4:18 p.m.

ATTACHMENTS:

1. Budget Adjustment

CITY COUNCIL STAFF REPORT

Consent Item No. 6

November 7, 2018

File No. 0480-70

SUBJECT: Innovations in Community-based Crime Reduction Program Grant and Budget Adjustment

DEPARTMENT: Police Department

RECOMMENDATION:

It is requested that the City Council accept an Innovations in Community-Based Crime Reduction Program Grant in the amount of \$931,395 from the United States Office of Justice Programs; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

FISCAL ANALYSIS:

Funds will cover approved grant costs. This action will have no impact on the General Fund Budget.

BACKGROUND:

The Community-Based Crime Reduction Program Grant funds will cover crime prevention, intervention, and suppression efforts through a multi-disciplinary collaboration. Grant funds will be used to expand the current Neighborhood Transformation Project (NTP) concept. The grant program will be called Community Transformation Project (CTP). CTP is a community policing initiative that seeks to reduce crime and enhance the quality of life in Escondido through micro-environmental focus and social transformation. The multi-disciplinary approach targets habitual offenders, physically improves neighborhoods, and builds a sense of community.

- Escondido Police Department Personnel: Grant funds cover salary and benefit expenses for a full-time Criminal Intelligence Unit Supervisor and a full-time Criminal Intelligence Unit Analyst.
- Escondido Police Department Overtime Operations: Grant funds cover overtime and associated benefits for crime suppression operations.
- Community-based Partner Collaboration: Grant funds cover project costs for community-based partner, Escondido Education COMPACT, to fund a Family Intervention Team (FIT); a Community Outreach Coordinator; partially fund a Juvenile Diversion Coordinator; and partially fund an Executive Director.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Craig Carter, Chief of Police
10/30/2018 4:18 p.m.

ATTACHMENTS:

1. Budget Adjustment



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: October 30, 2018

Department: Police

Division: Administration

Project/Budget Manager: Lisa Rodelo 4905
 Name Extension

Council Date (if applicable): November 7, 2018
 (attach copy of staff report)


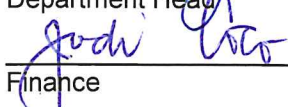
For Finance Use Only	
Log #	_____
Fiscal Year	_____
_____	Budget Balances
_____	General Fund Accts
_____	Revenue
_____	Interfund Transfers
_____	Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Revenue - Federal Grant	4128-451-New Project Nubmer	\$931,395	
Police	451-New Project Number	\$931,395	

Explanation of Request:

A budget adjustment is needed to spend Innovations in Community-based Policing Grant funds for salaries, overtime, benefits, and subgrantee allocations.

APPROVALS

	<u>10.30.18</u>	_____	_____
Department Head	Date	City Manager	Date
	<u>10/30/18</u>	_____	_____
Finance	Date	City Clerk	Date

Distribution (after approval): Original: Finance

CITY COUNCIL STAFF REPORT

Consent Item No. 7

November 7, 2018

File No. 0600-10, A-3274

SUBJECT: Encroachment Agreement with Pacific Bell Telephone Company (dba AT&T California)

DEPARTMENT: Engineering Services Department, Real Property

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2018-172 authorizing the Director of Engineering Services/City Engineer, to execute an Encroachment Agreement with Pacific Bell Telephone Company (dba AT&T California) for the encroachment upon a portion of right-of-way in order to relocate an underground fuel tank.

FISCAL ANALYSIS:

There is no anticipated fiscal impact. Pacific Bell Telephone Company (dba AT&T California) will pay the Encroachment Permit, inspection, and related cost recovery fees.

BACKGROUND:

Pacific Bell Telephone Company (dba AT&T California) currently occupies the property at 146 South Broadway and had previously installed an underground fuel storage tank located on the adjacent City owned parcel; the location of Parking Lot #4. The underground tank is required to operate backup generators required in the event of a power outage. The existing underground tank is to be removed and a new underground storage tank is to be installed within the right-of-way, adjacent to their building, along East 2nd Avenue. If a future public project conflicts with the tank, AT&T will relocate or modify the facilities placed in the public right of way at its own expense.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
11/1/2018 8:58 a.m.

ATTACHMENTS:

1. Resolution No. 2018-172
2. Resolution No. 2018-172 – Exhibit A – Encroachment Agreement

RESOLUTION NO. 2018-172

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES/CITY ENGINEER TO EXECUTE, ON BEHALF OF THE CITY, AN ENCROACHMENT AGREEMENT WITH PACIFIC BELL TELEPHONE COMPANY (DBA AT&T CALIFORNIA)

WHEREAS, Pacific Bell Telephone Company (dba AT&T California) occupies the property at 146 South Broadway and currently uses an underground fuel storage tank, located on the adjacent city owned parcel (APN 233-081-26); and

WHEREAS, Pacific Bell Telephone Company (dba AT&T California) plans to relocate their fuel storage tank and would encroach upon and occupy a portion of the public right-of-way, adjacent to their building on East Second Avenue; and

WHEREAS, the Director of Engineering Services/City Engineer, recommends approval of the Encroachment Agreement with Pacific Bell Telephone Company (dba AT&T California) for use of the municipal facilities over the next ten years; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve of the Encroachment Agreement with Pacific Bell Telephone Company (dba AT&T California).

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

1. That the above recitations are true.

2. That the Director of Engineering Services/City Engineer is authorized to execute, on behalf of the City, the Encroachment Agreement with Pacific Bell Telephone Company (dba AT&T California), which is attached hereto as Exhibit "A" and is incorporated by this reference, and as approved by the City Attorney in substantially similar form.

CITY OF ESCONDIDO ENCROACHMENT AGREEMENT

RECITALS:

- A. WHEREAS, the City of Escondido ("City") has requested that Pacific Bell Telephone Company, a California corporation doing business as AT&T California ("Applicant") relocate its underground storage tank as shown in Exhibit A attached and incorporated by this reference, as further described in Section 1 below (the "Project"); and
- B. WHEREAS, the Project will require the occupation of the public rights-of-way in the City; and
- C. WHEREAS, the City and Applicant now enter into the present Agreement to provide for the installation and maintenance of the Project.

NOW THEREFORE, in consideration of the mutual promises and agreements contained in this agreement, the parties agree as follows:

1. Scope of Project and Use.

The City authorizes Applicant to encroach upon and occupy a portion of the public rights-of-way for the limited purpose of the Project which consists of constructing, installing, replacing, removing, operating and maintaining an 8,000-gallon fuel tank, as provided in Exhibit A. It is anticipated that a 12,000-gallon tank may be required in the future, at which time Exhibit A would be modified.

2. Term and Termination.

The term of this Agreement (the "Initial Term") is ten years, commencing on the date both Applicant and City have executed this Agreement ("Effective Date"). This Agreement may be automatically renewed for additional terms (each a "Renewal Term") of five years each, in perpetuity, so long as Applicant is occupying the rights-of-way in full compliance with this Agreement, any conditions of an encroachment permit and all state, federal and local laws.

3. Permit Fees.

Applicant will pay any and all published permit, inspection, and related cost-recovery fees of the City.

4.. Assignment/Subletting.

This Agreement may not be assigned by Applicant without the express written consent of City, which consent shall not be unreasonably withheld or delayed; provided, however, that Applicant shall have the right, without City's consent, to assign or transfer this agreement, in whole or in part, to any parent, subsidiary or affiliate of Applicant, or to any person, firm or corporation which shall control, be under the control of, or be under common control with Applicant, or to any corporation into which Applicant may be merged or consolidated or which purchases all or substantially all of the assets or stock of Applicant.

5. Improvements.

All work and entry upon, over, under or along the public rights-of-way must be done under the supervision of Applicant and its contractors in a good and skillful manner and must comply with all standards imposed by the City from time to time. Any and all damage to the rights-of-way resulting from the activities of Applicant must be repaired by Applicant at no expense to the City, and to the reasonable satisfaction of City. The excavation on the public rights-of-way by Applicant must be monitored by Applicant for any lateral movement or other forms of trench failure.

6. Assumption of Risk

The Applicant, on the Applicant's own behalf and on behalf of any successor or assign, hereby acknowledges and assumes all responsibility, financial or otherwise, for the permitted use of the public rights-of-way

property and the planning, design, installation, construction, maintenance, repair, operation and removal of the facilities, which shall be undertaken without risk or liability on the part of the City. All of Applicant's constructions, installation, removal, repair and maintenance work shall be performed at Applicant's sole cost and expense in accordance with applicable law, using generally accepted construction standards.

7. Maintenance

Applicant shall ensure that the Project is maintained in a clean and safe condition, in good repair and free of any defects. Applicant shall employ reasonable care at all times in installing and maintaining the Project and will install and maintain in use commonly accepted methods and/or devices to reduce the likelihood of damage, injury or nuisance to the public. The construction, operation, and maintenance of the Project shall be performed by experienced and properly trained, and if required, licensed maintenance and construction personnel.

8. Default.

If either party is in default under this Agreement for a period of (a) 15 days following receipt of notice from the non-defaulting party with respect to a default which may be cured solely by the payment of money, or (b) 30 days following receipt of notice from the non-defaulting party with respect to a default which may not be cured solely by the payment of money, then, in either event, the non-defaulting party may terminate this Agreement, and may pursue any remedies available to it against the defaulting party under applicable law. If the non-monetary default may not reasonably be cured within a 30-day period, this Agreement may not be terminated if the defaulting party commences action to cure the default within such 30-day period and proceeds diligently to fully cure the default.

9. Taxes.

Applicant will be responsible for payment of all personal property taxes, use taxes, and possessory interest taxes assessed upon and arising from its use of the communications facility on the Project.

10. Insurance.

Applicant will procure and maintain commercial general liability insurance, with limits of not less than \$3,000,000 combined single limit per occurrence for bodily injury and property damage liability, pursuant to the terms of the Encroachment Permit. Policy must name the City specifically as additional insured under the policy on a separate endorsement page. Policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs.

11. Relocation.

Expense of Applicant. Whenever, during the term of this Agreement or any renewal term, the City changes the grade, width or location of any street or improves any street in any manner, including the laying of any sewer, storm drain, conduits, gas, water, electric or other utility system, or other pipes owned or operated by the City or any other public agency or public utility, or constructs any pedestrian tunnels, or moves existing utilities where Applicant's facilities are located to an underground location, or other work of the City and such work will, in the sole opinion of the City, render necessary any change in the position or location of any facilities of Applicant in or into the street, Applicant will, at its own cost and expense, do any and all things to effect such change in position or location, in conformity with the written notice of the City Applicant. If Applicant, after ninety (90) days notice, fails or refuses to relocate its facilities located in, on, upon, along, under, over, across or above any highway or to pave, surface, grade, repave, resurface or regrade as required, pursuant to any provision of the Agreement, the City or other public entity may cause the work to be done and will keep an itemized account of the entire cost thereof, and the Applicant will hold harmless the City, its officers and employees from any liability which may arise or be claimed to arise from the moving, cutting, or alteration of any of Applicant's facilities, or the turning on or off of water, oil, or other liquid, gas, or electricity. Applicant agrees to, and will, reimburse the City or other public entity for such cost within thirty (30) days after presentation to Applicant of an itemized account of such costs.

12. Indemnification of City

Applicant shall waive all claims against City for any damages to the personal property and equipment of Applicant or City in, upon or about the public rights-of-way and for injuries to any employees of Applicant or their agents in, upon, or about the public rights-of-way from any cause arising at any time, unless the damages and/or injuries arise out of the City's sole negligence or willful misconduct. In addition, Applicant will fully indemnify, hold harmless, and faithfully defend, the City, including its elected and appointed officials, officers, employees, contractors and agents ("Indemnified Parties"), from any damage or injury to any person, or any property, arising from the use of the public rights-of-way by Applicant or Applicant's officers, employees, contractors, or agents, or from the failure of Applicant to keep the Project and equipment in good condition and repair, as provided for in this Agreement. Applicant shall indemnify and hold harmless City and its employees from and against all claims, damages, losses, expenses, including attorney's fees arising out of or resulting from the performance by Applicant of the Agreement whether resolution proceeds to judgment or not. Should a conflict arise, Applicant shall bear the reasonable cost of retaining independent counsel to represent the City, which counsel shall be chosen by the City.

Applicant acknowledges and agrees that Applicant bears all risks of loss or damage of its equipment and materials installed in the public rights-of-way pursuant to this Agreement from any cause, and the City shall not be liable for any cost of repair to damaged equipment, including, without limitation, damage caused by the City's removal of the equipment other than that caused by the City's sole negligence or willful misconduct.

CITY OF ESCONDIDO

Date: _____

Julie Procopio
Engineering Services Director/City Engineer

PACIFIC BELL TELEPHONE COMPANY,
A CALIFORNIA CORPORATION

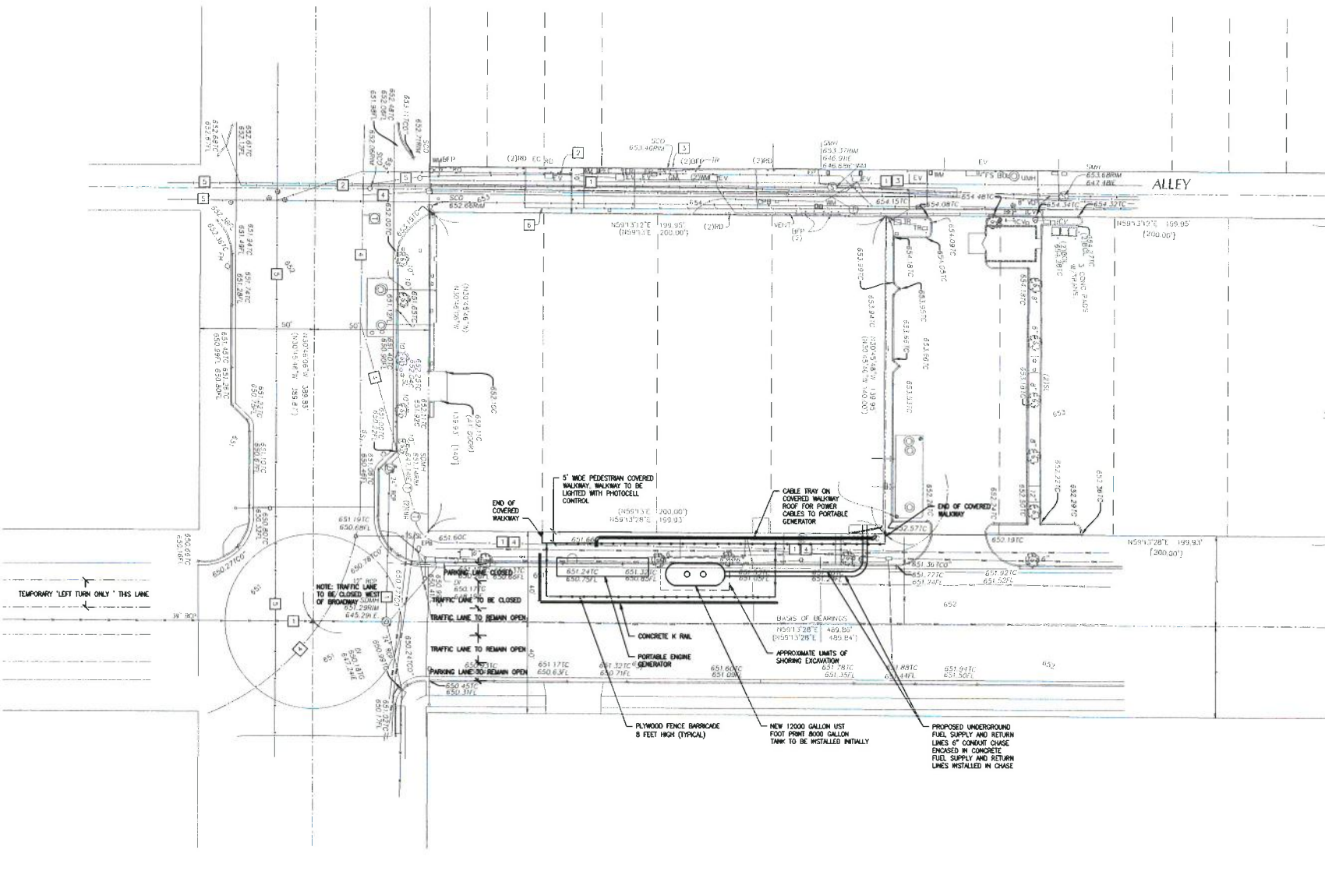
Date: _____

John M Carrillo
Director of Real Estate Operations – D&C

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, CITY ATTORNEY

BY: _____



SITE PLAN
 SCALE: 1" = 20'-0"

CONSULTANT STAMP

TURPIN & RATTAL
 ENGINEERS ARCHITECTS

1334
 Exp. 12-31-18

PROJECT # 17263
 05/21/18

REVISIONS / AUTHORIZATIONS

NO.	REVISION / AUTHORIZATION	DATE	BY

PROPRIETARY AT&T INFORMATION
 NOT FOR GENERAL USE OR DISCLOSURE OUTSIDE OF AT&T
 THIS INFORMATION MAY ONLY BE USED BY AUTHORIZED
 PERSONNEL OF THE LOCAL GOVERNMENT AGENCY IN CONNECTION
 WITH APPLICATION FOR PERMITS AND AUTHORIZATIONS FOR
 BUILDING, CONSTRUCTION, AND/OR ZONING CHANGES.

DRINKING WATER/SEWER FOR

AT&T CORPORATE
 REAL ESTATE

PROJECT TITLE:
UST RELOCATION
 126 EAST SECOND AVE
 ESCONDIDO
 CA US
 ESCNCA01 121408.01 DB108

SHEET TITLE:
SITE PLAN GENERAL

AT&T PROJECT NUMBER: W23390	DATE: 08-01-18	SCALE: 1"=20'-0"
DRAWN BY: PS	CHECKED BY: MDR	
AT&T APPROVAL:	DATE: 08-01-18	SHEET NO. 1
ADAM KILIAN	W23390	

EXHIBIT 'A'

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 8

November 7, 2018

File No. 0810-20

SUBJECT: Annual Code Clean-Up and Amendments to the Zoning Code (AZ 18-0007)

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is requested that the City Council introduce Ordinance No. 2018-20, which amends Articles 1, 6, 16, 26, 30, 39, 40, 41, 45, 46, 56, 57, 65, and 73 of the Escondido Zoning Code to address changes in state laws, correct errors, and improve existing regulations.

PROJECT DESCRIPTION:

The Project involves an annual review and update of various City codes and regulations to ensure that they stay current and up-to-date. The City proposes to amend the Zoning Code to correct minor errors in the text, incorporate code interpretations, and improve existing regulations to eliminate uncertainty for staff, customers, and the public.

PLANNING COMMISSION ACTION:

On September 11, 2018, the Planning Commission adopted Planning Commission Resolution No. 6127, recommending that the City Council approve the proposed Zoning Code Amendment, by a 6-0 vote (Garcia absent). The September 11, 2018, Planning Commission staff report and meeting minutes are included for reference as Attachment 1 and Attachment 2 to this report, respectively.

Since the Planning Commission hearing, City staff reviewed the proposed Ordinance and suggests a modification to the proposed changes that were approved by Planning Commission Resolution No. 6127 for Article 6, Section 33-100, related interior side yard setbacks in residential zones. The analysis and justification of which is provided herein this staff report.

ENVIRONMENTAL REVIEW:

The proposed Zoning Code Amendments are exempt from environmental review in conformance with California Environmental Quality Act Guidelines ("CEQA" and "CEQA Guidelines") Section 15061(b)(3) since there would be no possibility of a significant effect on the environment because the amendments will not directly result in development. Any future project or development as defined by CEQA that may occur as a result of the amended language would be subject to CEQA review and analysis. The scope of the changes being considered through this action includes corrective clerical errors or clarification of ambiguities.

BACKGROUND:

The Planning Division of the Community Development Department initiated a process and schedule for maintaining City codes and regulations through an annual omnibus code clean-up. The proposed amendments affect many different sections of the Zoning Code. The annual omnibus code clean-up is not intended to be a comprehensive update to the codes or to be utilized to change land use designations or zoning districts. Instead, the annual code clean-up process is meant to focus on relatively minor changes to the codes and regulations to make it easier for the public to understand and for staff to administer.

A number of code clean-up amendments have been combined into a single clean-up batch proposal, which helps promote organizational streamlining and efficiency to facilitate customer-based services.

ANALYSIS:

For this year's cycle of the code clean-up, the suggested amendment list includes amendments to various articles of the Zoning Code. Many of the proposed changes are self-explanatory consisting of grammar and punctuation corrections or simple updates to position titles to reflect those currently used by the City. The explanation for the proposed changes that require further explanation can be found below.

Article 1 (General Provisions), Section 33-8. This amendment adds a definition for “senior housing”. This amendment is necessary to establish parameters to understanding the code, as words that have common meanings in everyday usage may have different definitions in terms of zoning regulation. Although the proposed definition makes reference to Article 41 (Senior Housing Ordinance) and the essential nature of the term described therein, the proposed definition to Article 1 enables a common understanding of the term throughout the Zoning Code, in its entirety.

Article 6 (Residential Zones), Sections 33-94 and 95. This amendment adds permitted and conditional uses to the permitted use and accessory use tables. The addition of senior housing, and public recreation and private uses and structures does not alter the intent of the residential zoning classification.

Article 6 (Residential Zones), Section 33-100. This amendment makes the driveway, side-yard setback standards in residential zones consistent with how engineering standards have been applied during project-level review, which has been clarified since the Planning Commission hearing. Existing regulations require a side yard setback that is wide enough to accommodate a ten-foot-wide, unobstructed, paved pathway. Initially it was thought that the standard should be increased to fourteen feet to accommodate future property owner improvements (such as wall/fence and/or landscaping), while still maintaining ten-foot drive aisle clearance. Upon further review of potential standards for vehicular access and setbacks, it became apparent that the critical issue for the Engineering Services Department is to

maintain the minimum unobstructed drive aisle width, not necessary the setback dimension. That is, a setback alone does not ensure continued accessibility. Therefore, Ordinance No. 2018-20 has been prepared to replace the previous fourteen-foot recommendation with a standard that ensures continued adequate access of the property. It is important to note that Engineering Services Department may still deviate from this standard with respect to apparent health and safety issues, ramp slopes, and if the driveway services more than one home. Modifications to the width may also increase when the Fire Code Official determines that access to the site or a portion thereof may become compromised due to emergency operations or if buildings constructed need to be accessible to Fire Department apparatus.

Article 6 (Residential Zones), Section 33-113. This amendment introduces a user-friendly process for business and building owners to install well-screened mechanical equipment and other utility hardware. Most of these standards are proposed as new language in Article 56. The reference and incorporation of Article 56 language provides guidance for the design of landscaping and screening for new residential projects. Staff or the decision-making body will review new development projects for consistency with these design standards.

Amendment to Section 33-113 also provides standards for designing trash and recycling areas that will be used by building occupants in new developments or significant remodels. Conventional recycling and green waste recycling must be designed into the site along with the trash capacity. The standards and guidelines will provide adequate space for containers needed by residents, be compliant with health and safety requirements, and reduce storm water runoff from containers.

Article 16 (Commercial Zones), Section 33-337. This amendment is similar to the amendments proposed in Article 6 (Residential Zones) by introducing requirements for well-screened mechanical equipment. The existing section is moved to a new location in Article 56 within the proposed text and adds new sections. The proposed amendment also includes similar provisions for waste management services needed by business to be compliant with health and safety requirements. State mandates Assembly Bill (AB) 341 mandatory commercial recycling and AB 1826 for mandatory commercial organic recycling require that businesses must divert more recycling and organics from the landfill.

Amendment to Section 33-337 also provides for shopping cart management in new site development proposals, which is a transference to the shopping cart regulations contained in Chapter 17 of the Municipal Code (Offenses – Miscellaneous Provisions). Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within Escondido. Whereas, Chapter 17 of the Escondido Municipal Code would still be the relevant source of shopping cart regulation and require business establishment owners to retrieve shopping carts removed from the establishment's premises consistent with California Business and Professions Code Section 22435.2, the proposed amendment to Section 33-337 simply facilitates early design considerations for shopping cart management.

Article 26 (Industrial Zones), Section 33-565. This amendment adds permitted and conditional uses to the permitted use and accessory use tables. The addition of contractor storage and temporary offices does not alter the intent of the industrial zoning classification. Its inclusions makes the industrial zone category consistent with other zoning designation use allowances.

Article 26 (Industrial Zones), Section 33-570. This amendment is similar to the amendments proposed in Article 6 (Residential Zones) and Article 16 (Industrial Zones) by introducing requirements for well-screened mechanical equipment and provisions for waste management services needed by business to be compliant with health and safety requirements. State mandates Assembly Bill (AB) 341 mandatory commercial recycling and AB 1826 for mandatory commercial organic recycling require that businesses must divert more recycling and organics from the landfill.

Article 39 (Off Street Parking), Section 33-765. In accordance with the Zoning Code, off-street parking is be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, and protect surrounding uses from undesirable impacts such as overflow parking. The proposed amendment helps the City right-size some of the on-site parking requirements and establishes updated parking standards for schools, large care facilities, and private/public parks projects. A “senior housing” land use typology is also proposed to help differentiate senior housing projects from other all-aged housing projects to better reflect the parking needs and preferences of senior-aged persons. The majority of proposed amendments incorporate changes to off-street minimum parking requirements, based on current industry standards, which focus on existing parking conditions and future parking demand and operations.

Article 40 (Historical Resources), Section 33-803. This amendment proposes to clarify the duration of advertising for a non-emergency demolition permit.

Article 41 (Senior Housing), Section 33-811. Senior housing is housing that is suitable for the needs of an aging population. This amendment proposes to broaden the definition of senior housing to make its application consistent with varying funding sources that may be used to facilitate senior housing construction.

Article 56 (Miscellaneous Uses), Section 33-1085. In order to minimize visibility from adjacent roads and adjacent properties, rooftop, ground-level, and wall-mounted mechanical equipment must be screened from view. The new standards as proposed in this section will apply to all new developments and redevelopments that occur in residential, commercial, and industrial zones. These standards are designed to improve the streetscape and aesthetic impact of the development. The standards will be used as the basis for developments and may be modified for specific developments, but the architectural standards must remain as the baseline level.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
10/31/2018 8:12 p.m.

ATTACHMENTS:

1. Attachment 1 – September 11, 2018, Planning Commission Staff Report
2. Attachment 2 – September 11, 2018, Planning Commission Meeting Minutes
3. Ordinance No. 2018-20
4. Ordinance No. 2018-20 – Exhibits “A” and “B”



PLANNING COMMISSION

Agenda Item No.: G.1
Date: September 11, 2018

CASE NUMBER: AZ 18-0007

APPLICANT: City of Escondido

LOCATION: Citywide

TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: A series of proposed Zoning Code Amendments to address changes in state laws, correct errors, and improve existing regulations. The proposal involves minor amendments to Articles 1, 6, 16, 26, 30, 39, 40, 41, 45, 46, 56, 57, 65, and 73 of the Escondido Zoning Code. The proposal also includes the adoption of the environmental determination prepared for the project.

STAFF RECOMMENDATION: Recommend the City Council approve the proposed batch of Zoning Code Amendments.

BACKGROUND/SUMMARY OF ISSUES: It is important that municipalities periodically review and update their codes and regulations to ensure that they stay current and up-to-date. In 2017, the City initiated a new, recurring work program to annually review the Zoning Code to see if anything needs to be updated to reflect State mandated changes, correct errors or inconsistencies, and to address today's land use challenges. Now, as established, the Planning Division is able to maintain a regular process and consistent schedule for maintaining the City's codes and regulations. These amendments are combined into a single clean-up batch proposal, called Annual Omnibus Code Clean-Up, as a means of efficiently modifying the Zoning Code.

The City proposes to amend the Zoning Code to correct minor errors in the text, incorporate code interpretations, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. The proposed amendments affect many articles of the Zoning Code.

REASONS FOR STAFF RECOMMENDATION: Staff recommends approval of the proposed Zoning Code Amendments for the following reasons:

- The batch of amendments relate to organizational effectiveness and efficiency and are considered a housekeeping measure.
- The proposed Zoning Code changes would make the code more internally consistent and easier to understand and apply. The amendments make corrections, clarifications, and updates to improve the application process or how the codes are administered.

Respectfully Submitted,

A handwritten signature in black ink that reads "MDS".

Mike Strong
Assistant Planning Director

CITY OF ESCONDIDO

**ACTION MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION**

September 11, 2018

The meeting of the Escondido Planning Commission was called to order at 7:00 p.m. by Chairman Spann, in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: James Spann, Chairman; Don Romo, Vice-chairman; Michael Cohen, Commissioner; James McNair, Commissioner; Mark Watson, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: Joe Garcia, Commissioner.

Staff present: Mike Strong, Assistant Planning Director; Owen Tunnell, Principal Engineer; Adam Phillips, Deputy City Attorney; and Kirsten Peraino, Minutes Clerk.

MINUTES:

Moved by Chairman Spann, seconded by Commissioner Weiler, to approve the Action Minutes of the August 28, 2018, meeting. Motion carried unanimously (6-0)

WRITTEN COMMUNICATIONS – None.

FUTURE NEIGHBORHOOD MEETINGS: – None.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:

1. ZONING CODE AMENDMENT – AZ 18-0007:

REQUEST: A series of Escondido Zoning Code Amendments to address changes in state laws, correct errors, and improve existing regulations. The proposal involves minor amendments to Articles 1, 6, 16, 26, 30, 39, 40, 41, 45, 46, 56, 57, 65, and 73 of the Escondido Zoning Code. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

STAFF REPORT PRESENTATION: Staff report presented by Assistant Planning Director Mike Strong

RECOMMENDATION: Approval

COMMISSIONER DISCUSSION AND QUESTIONS.

ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Cohen to approve staff's recommendation with the following modifications:

1. Recommended change to Section 33-100 footnote No. 1 for side yard setbacks to be increased to 16 feet minimum width to accommodate Fire Department access.
2. Recommended change to Section 33-100 footnote No. 4 as it relates to paving driveway materials.
3. Clarify that roof rust prevention is only necessary when metal roofs are proposed on trash enclosures.

Motion carried unanimously. (6-0)

CURRENT BUSINESS: – None.

ORAL COMMUNICATIONS: – None.

ADJOURNMENT:

Chair Spann adjourned the meeting at 7:30 p.m. The Planning Commission meeting scheduled for September 25, 2018 has been cancelled. The next regularly scheduled Planning Commission meeting will be held at 7:00 p.m. on Tuesday, October 9, 2018 in the City Council Chambers, 201 North Broadway Escondido, California.



Mike Strong, Secretary to the Planning Commission



Kirsten Peraino, Minutes Clerk

ORDINANCE NO. 2018-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ARTICLES 1, 6, 16, 26, 30, 39, 40, 41, 45, 46, 56, 57, 65, AND 73 OF THE ESCONDIDO ZONING CODE TO ADDRESS CHANGES IN STATE LAWS, CORRECT ERRORS, AND IMPROVE EXISTING REGULATIONS.

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 18-0007

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

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

SECTION 2. The Planning Commission conducted a public hearing on September 11, 2018, to discuss the proposed amendments to the Zoning Code, consider and consider public testimony, and make a recommendation to the City Council.

SECTION 3. The City Council has duly reviewed and considered all evidence submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated September 11, 2018, which along with its attachments, is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 4. The City Council finds that the City's Municipal Code, Zoning Code, and Specific Plans need to be reviewed and amended periodically to address changes in State law, correct errors, and improve regulations. At this time, the City Council of the City Escondido desires to amend the Escondido Zoning Code to correct minor errors in the text, incorporate code interpretations, and improve existing regulations to eliminate uncertainty for staff, customers, and the public.

SECTION 5. This action is exempt from environmental review pursuant to California Environmental Quality Act Guidelines ("CEQA" and "CEQA Guidelines") Section 15061(b)(3) since there would be no possibility of a significant effect on the environment because the amendments will not directly result in development. Any future project or development as defined by the CEQA that may occur as a result of the amended language would be subject to CEQA review and analysis.

SECTION 6. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the "Findings of Fact," attached as Exhibit "A" to this Ordinance and incorporated herein by this reference as though fully set forth herein, this City Council finds the Zoning Code Amendments are consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 7. That the specified sections of the Escondido Zoning Code are amended as set forth in Exhibit "B" to this Ordinance and incorporated herein by this reference as though fully set forth herein

SECTION 8. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and

independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. That as of the effective date of this Ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

EXHIBIT "A"

FACTORS TO BE CONSIDERED/FINDINGS OF FACT

AZ 18-0007

Zoning Code Amendments

1. Over the years, staff and customers have found certain sections of the Zoning Code are vague, unclear, or conflicting, which results in confusion and disagreement in code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure a customer-focused government through transparent services and positive organizational culture.

The Planning Division maintains a regular process and schedule for maintaining the City's codes and regulations. Those issues that have been identified are being addressed as part of this clean-up effort, whereby all code amendments have been combined in a single batch, called an omnibus. Additional items to correct or improve the Zoning Code may be considered in the next annual omnibus code clean-up cycle.

2. The City Council concludes and finds, based on the analysis of the project described in the November 7, 2018 City Council staff report, that City Council's consideration and action on this project complies with Division 4 of Article 61 of the Escondido Zoning Code, which regulates the local procedures for establishing and amending zoning regulations.
 - a. The public health, safety, and welfare would not be adversely affected by the proposed batch of Zoning Code Amendments because they correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the code consistent with changing state or federal regulations.
 - b. The proposed batch of Zoning Code amendments would be consistent with the goals and policies of the General Plan because they address changes in state laws, correct errors, and improve existing regulations to eliminate uncertainty for staff, customers, and the public.
 - c. The proposed Zoning Code amendments do not conflict with any specific plan.
 - d. In addition to the foregoing, Section 33-1264 of Division 4 of Article 61 of the Escondido Zoning Code consists of factors to be considered that relate to specific properties, change of zoning district(s), and/or property development proposals. Matters related to proposed land use zones, districts, or property development proposals are not applicable to this project. This effort is not intended to be a comprehensive update to the local code or change land use densities or intensities.

Article 6, Residential Zones, Section 33-95. Permitted accessory uses and activities. Amend as set forth below.

	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
<u>Minor home occupations pursuant to Article 44</u>	P	P	P	P	P	P	P	P

Article 6, Residential Zones, Section 33-95. Permitted accessory uses and activities. Add a new accessory use activity as set forth below.

	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
<u>Private recreation uses and structures (no private membership or use-fee)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Private or semi-public recreation uses and structures (with private membership or use-fee)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

Article 6, Residential Zones, Section 33-100. Side setback. Amend as set forth below.

Table 33-100 lists side setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-100

Interior Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Interior side setback width (feet)	10 ¹	10 ¹	5 ^{1,2}	5 ⁴	5 ^{3,4}	5 ^{3,4}	5 ^{3,4}	5 ^{1,5}

Notes:

1 When used for access to a required parking facility, the ~~side setback~~ drive aisle clearance shall be wide enough for a ten (10) foot-wide, unobstructed, paved driveway. The minimum width shall be increased to 16-feet with an approved turnaround (large enough to accommodate fire trucks) for driveways longer than 150 feet.

- 2 If the lot or parcel does not abut an alley, one (1) such side setback shall be at least ten (10) feet in width.
- 3 An additional five (5) foot setback shall be provided on each side of a lot or parcel of land for each story over two (2) of a principal building, with a maximum requirement for any such side setback of fifteen (15) feet.
- 4 A driveway that serves two (2) homes has a minimum width of twenty (20) feet. A driveway that provides a parking facility housing three (3) homes or nine (9) or more vehicles with access to a street or alley shall be at least twenty-four (24) feet wide, unless the parking facility is served by two (2) one-way drives, in which case each driveway shall be at least twelve (12) feet wide. All driveways shall have a height clearance of at least thirteen (13) feet, and shall be paved with cement, ~~or~~ asphaltic concrete, or other construction material(s) to the satisfaction of the Director of Community Development.
- 5 Title 25 provisions shall apply where appropriate.

Article 6, Residential Zones, Section 33-107. Building requirements, generally. Amend as set forth below.

Table 33-107 lists building requirements in residential zones (excluding mobilehome parks approved pursuant to Article 45).

Table 33-107

Building Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T*
Building height (feet), except as otherwise provided in this chapter	35	35	35	35 ¹	35 ¹	75	75	35
Maximum building stories				2 ¹	3 ¹	4 ¹	4 ¹	
Minimum distance Distance between residence and accessory buildings (feet)	10	10	10	10	10	10	10	10
Dwelling unit minimum floor area (square feet) ²	850	1,000	850	500	400	400	400	700
Maximum percent lot coverage by primary and accessory structures	20%	30%	40%	50%	none	none	none	60%
Maximum floor area ratio (FAR) ³	0.3	0.4 ⁴	0.5	0.6	0.7	0.8	0.9	none
Minimum square Square-feet allowed for residential and parking regardless of the FAR	1,500	1,500	1,500	2,500	3,500	4,500	5,000	700

Article 6, Residential Zones, Section 33-113. Trash storage. Amend the section title and text as set forth below.

Section 33-113. ~~Trash storage~~Performance standards.

(a) Exterior mechanical equipment or devices shall be subject to siting and design standards pursuant to Section 33-1085.

(b) The following trash storage provisions shall apply in residential zones:

(1) The size and dimensions of the trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting shall be approved by the Director of Community Development, pursuant to city standards.

~~(a) Containers required for trash and recyclables storage shall be of a size, type and quantity approved by the director of community development.~~

(2) Containers shall be placed so as to be concealed from the street and shall be maintained.

~~(b)(3) Required trash enclosure areas shall be constructed of decorative materials—and landscape screening may be required pursuant to Article 62. The trash enclosure shall have architecturally acceptable gates and roofing pursuant to city standards.~~

(A) Chain link fencing with or without wooden/plastic slats is prohibited.

(B) Metal roofs shall be painted with rust inhibitive paint or offer methods of rust prevention.

(4) New trash enclosure areas shall contain a planting area around the perimeter of the enclosure wall except at access gates, to the extent practicable, in accordance with Section 33-1339. The landscaping in the planting area shall consist of vertical planting (vines, hedges) which serve to screen the enclosure. Ground cover or mulching shall be used on the ground surface to provide coverage.

Article 16, Commercial Zones, Section 33-337. Performance standards. Amend as set forth below.

The following performance standards shall apply to all land and structures in commercial zones.

(a) All permitted uses shall be conducted entirely within completely enclosed buildings in all commercial zones, except vending machines, parking, loading, pushcarts for specialized food sales, outdoor display, outdoor dining, retail sale of flowers and plants from a gazebo or kiosk, vehicle, boat, and aircraft sales and rental lots, farm and nursery/garden supplies, helipads, and athletic and recreational facilities in conformance with the standards of this chapter, or outdoor retail approved as part of a conditional use permit or other permit issued by the city.

~~(b) No mechanical equipment, tank, duct, elevator enclosure, cooling tower and/or mechanical ventilator shall be erected, constructed, maintained or altered on the roof of any building or elsewhere on the premises unless all such equipment and appurtenances mentioned above are adequately screened by portions of the same building or other structure with construction and appearance similar to the building on which the equipment and other appurtenances are supported. Exterior mechanical equipment or devices shall be subject to siting and design standards pursuant to Section 33-1085.~~

(c) No material, equipment or goods of any kind shall be stored on the roof of any building in the commercial zones.

(d) In the CN zone, business hours shall be limited to the hours between 7:00 a.m. and 11:00 p.m. except those uses which are granted a minor CUP under section 33-1200 et seq., of this

chapter. Security lighting shall be permitted during closed hours. Those lighted signs which are directly used in conjunction with a twenty-four (24) hour use shall be reviewed with the CUP.

(e) The following trash storage provisions shall apply in commercial zones:

(1) The size and dimensions of the trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting shall be approved by the Director of Community Development, pursuant to city standards.

(2) Containers shall be placed so as to be concealed from the street and shall be maintained.

(3) The design of the trash enclosure shall be architecturally compatible with the primary building(s) on site to provide a coordinated design. The exterior materials and colors of the enclosure walls shall match the building walls. The trash enclosure shall have architecturally acceptable gates and roofing pursuant to city standards.

(A) Chain link fencing with or without wooden/plastic slats is prohibited.

(B) Metal roofs shall be painted with rust inhibitive paint or offer methods of rust prevention.

(4) New trash enclosure areas shall contain a planting area around the perimeter of the enclosure wall except at access gates, to the extent practicable, in accordance with Section 33-1339. The landscaping in the planting area shall consist of vertical planting (vines, hedges) which serve to screen the enclosure. Ground cover or mulching shall be used on the ground surface to provide coverage.

(f) Shopping cart management.

(1) Every business, property, or shopping cart owner who provides shopping carts for customer or public use shall contain and control all shopping carts within the boundaries of the premises. Containment of shopping carts shall be achieved through the design and implementation of a city-approved shopping cart containment plan or control method pursuant to Chapter 17 of the Municipal Code.

(2) Shopping cart storage shall not be located in required parking or truck loading spaces within the designated parking lot or other property provided by a business establishment for use by a customer for parking an automobile or other vehicle. The Director of Community Development may require modifications or alterations in the existing or proposed construction or the operational procedures of shopping cart storage areas to determine the adequacy of the shopping cart containment system and/or control method or ensure that compliance with the performance standards will be maintained.

Article 26, Industrial Zones, Section 33-565. Accessory uses and structures. Add a new accessory category as set forth below.

Use Title	I-O	M-1	M-2	I-P
<u>Storage of materials used for the construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further, that such use shall be permitted only during the construction period and the 30 days thereafter</u>	P	P	P	P

Article 26, Industrial Zones, Section 33-570. Performance criteria. Amend the section title and text as set forth below.

Section 33-570. Performance ~~criteria~~standards.

(a) The following performance standards shall be maintained in M-1, M-2, I-O and I-P zones:

(1) Every use and operation shall be conducted so that no unreasonable odor, heat, vapor, glare, vibration, dust, smoke, water pollution, drainage pollution, radioactivity, or electrical or electronic interference which constitutes a public nuisance pursuant to Cal. Civil Code section 3480 is discernible at the property line of the parcel upon which the use or operation is located. Upon investigation by the city, certain emissions from a business may not constitute a violation based on the nature, intensity and duration of said emissions, if they are considered limited in nature and negligible in scope.

(2) No substance shall be discharged into the sewer system which may cause harm or prevent the use of reclaimed water.

(3) No substance other than clean water (as described by industry regulations) shall be permitted to enter the open storm drain system from the property.

(4) All metal structures or buildings shall have factory-applied color finished exterior surfaces.

(5) The noise level from any operation shall not exceed allowable limits set forth within the Escondido Municipal Code.

(6) For new construction, a complete system of underground electrical and telephone and related off-site distribution facilities shall be provided. Any relief from the requirements of the installation of underground utilities shall be conditioned on the requirement that a stub-out shall be provided for the future service of the premises by underground utilities.

(7) Exterior mechanical equipment or devices shall be subject to siting and design standards pursuant to Section 33-1085.

(8) All water runoff from outdoor storage areas must meet all mandated water quality regulations and shall be tested as required by applicable federal, state, county, and city regulations.

~~(8)~~(9) All permitted uses within the M-1, I-P, and I-O zones shall be conducted entirely within completely enclosed buildings, except for parking, loading, pushcarts for specialized food sales, and storage (as permitted by the M-1 and M-2 zones) as permitted by the zone and approval process.

(10) The following trash storage provisions shall apply in industrial zones:

(A) The size and dimensions of the trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting shall be approved by the Director of Community Development, pursuant to city standards.

(B) Containers shall be placed so as to be concealed from the street and shall be maintained.

(C) The design of the trash enclosure shall be architecturally compatible with the primary building(s) on site to provide a coordinated design. The exterior materials and colors of the enclosure walls shall match the building walls. The trash enclosure shall have architecturally acceptable gates and roofing pursuant to city standards. Metal roofs shall be painted with rust inhibitive paint or offer methods of rust prevention.

(D) Landscape screening may be required to the satisfaction of the Director of Community Development pursuant to Article 62. Planting areas around the perimeter of the enclosure wall except at access gates may be required, in accordance with Section 33-1339.

(b) All businesses defined as “environmentally sensitive businesses” in section 33-564, above, shall meet the following operational standards:

(1) The business must complete and maintain on file annually with the fire department an updated environmental compliance plan consistent with the department’s requirements;

(2) The administrative fines to be assessed for any violation of this code that is related to an environmentally sensitive business, as set forth in Escondido Municipal Code section 1A-11(a), shall be the maximum current penalties established and allowed under California state law; and

(3) Appeals hearings regarding fines assessed pursuant to Escondido Municipal Code section 1A-9(b) shall be heard by the building advisory and appeals board whenever feasible.

(c) Any violation of this section, or of the operating conditions set forth in the environmental compliance plan for any environmentally sensitive business, shall constitute a misdemeanor.

Article 30, Hazardous Chemical Overlay Zone, Section 33-663. Uses and structures. Amend as set forth below.

The following uses and structures are allowed in any M-1 and M-2 zone designated as an H-C-O, hazardous chemical overlay district:

Use No.	Use Title
2800	Chemical and allied products, except 2830, 2844, 2893 and except 2892—explosives and 2899—fireworks
5120	Drugs, chemicals and allied products
5192	Petroleum bulk stations and terminals

(a) Chemicals and allied products, except the following:

- (1) Perfumes, cosmetics, and other toilet preparations;
- (2) Printing ink;
- (3) Explosives, including dynamite, nitroglycerin, fuses, etc.;
- (4) Battery acid;
- (5) Non-agricultural pesticides; and
- (6) Fireworks;
- (b) Drugs; and
- (c) Petroleum bulk stations and terminals.

Article 39, Off Street Parking, Section 33-765. Parking spaces required. Revise the multiple dwellings use category and standard as set forth below.

Use	Parking Spaces Required
<p>Sanatoriums, children's homes, <u>supportive housing, congregate and care facilities, homes for the aged, asylums, nursing homes, etc.</u></p>	<p><u>A minimum of one (1) parking space for each three (3) beds is required. Additional parking requirements may be applied based on type and intensity of occupancy. The number of required parking spaces shall be determined by the Director of Community Development and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: (1) on-site employees, (2) service deliveries, (3) on-site amenities, and (4) group-use programmed space. Adequate provisions for loading and unloading or pick-up and drop off zones shall be provided, subject to approval of a Plot Plan/CUP.</u></p>
<p><u>Senior housing</u></p>	<p><u>Two (2) parking spaces, plus three (3) parking spaces for every four (4) units that are studios/bachelor units or one (1) bedroom units. Units with two (2) or more bedrooms require one and one-half (1 ½) spaces per unit. Senior housing must also provide adequate provisions for loading and unloading or pick-up and drop-off zones.</u></p>

Article 39, Off Street Parking, Section 33-765. Parking spaces required: Add a new recreational category and standard as set forth below.

Use	Parking Spaces Required
<u>Other types of public or private recreation</u>	<u>The number of required parking spaces shall be determined by the Director of Community Development and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: (1) on-site employees, (2) service deliveries, (3) on-site amenities, and (4) group-use programmed space.</u>

Article 39, Off Street Parking, Section 33-765. Parking spaces required. Revise the miscellaneous use category (schools, private and public) and standard as set forth below.

Use	Parking Spaces Required
Grade schools, elementary and junior high schools <u>(primary and lower secondary schools)</u>	One (1) parking space for each employee and faculty member, <u>with adequate provisions for loading and unloading or pick-up and drop-off zones pursuant to section 33-1103.</u>
<u>Preschool, day nurseries, and/or child care centers</u>	<u>One (1) parking space per staff person during the shift with the maximum number of employees plus one (1) space for each ten (10) children, with adequate provisions for loading and unloading or pick-up and drop-off zones pursuant to section 33-1103.</u>
Senior high school <u>(upper secondary school)</u>	One (1) parking space for each employee <u>staff person during the shift with the maximum number of employees</u> and one (1) for each three (3) students for which the facility is designed, <u>with adequate provisions for loading and unloading or pick-up and drop-off zones pursuant to section 33-1103.</u>

Article 40, Historical Resources, Section 33-803. Procedure and findings for obtaining a nonemergency demolition permit. Amend as set forth below.

(a) Submittal. When staff receives a request for non-emergency demolition of an historic resource, staff shall perform a preliminary assessment to determine if the resource is significant in concert with the city's Environmental Quality Regulations. Staff may employ a registered historian to help make this determination. If the site is determined not to be significant, the demolition permit will be considered at staff level after appropriate environmental review has been publicly noticed and issued and photo documentation to the city's satisfaction has been performed. If the historic resource is determined to be significant or if staff's decision to approve the demolition permit is appealed, an

application for a nonemergency demolition permit shall be submitted in writing to the planning division using forms provided by the city.

(b) Review. The HPC and city council shall each hold a duly noticed public hearing prior to the demolition of a significant historic resource. The applicant shall provide, at a minimum, the following items to the satisfaction of the director of community development or designee:

(1) Advertisement of the resource's availability in at least one (1) local newspaper and the San Diego Daily Transcript, published for a minimum period of two (2) weeks prior to the HPC public hearing and/or City Council public hearing;

(2) Research into the feasibility of relocating a significant resource within the community including a licensed contractor's bid for the cost of moving the resource. For structures the research shall include cost of improving the structure to meet relevant building code standards;

(A) In the case of a demolition application involving an income-producing property, whether the owner can obtain a reasonable return from the property without the granting of a demolition permit.

Article 41, Senior Housing, Section 33-811. Definitions. Amend as set forth below.

(b) Senior or senior households means persons sixty-two (62) years of age or older or households of which one member is sixty-two (62) years of age or older, provided that these age limits shall be reduced to fifty-five (55) for senior housing projects. Senior housing may be provided under any state or federal program that the Secretary of Housing and Urban Development determines is specifically designated and operated to assist senior citizens (as defined in the state or federal program); or intended for, and solely occupied by persons 62 years of age or older; or a residential development developed, substantially rehabilitated, or substantially renovated, for persons 55 years of age or older, that has at least 35 dwelling units (rental or for-sale units) and at least 80 percent of the occupied dwelling units occupied by at least one person who is 55 years of age or older. Exceptions to this requirement shall be made for persons with disabilities. Additional exceptions to this requirement shall be permitted for managers at the following ratios:

(1) One (1) to sixteen (16) units: none;

(2) Seventeen (17) to eighty (80) units: one (1);

(3) Eighty-one (81) to one hundred ninety (190) units: two (2) (one (1) manager and one (1) assistant);

(4) Two hundred (200) or more units: three (3) (one (1) manager and two (2) assistants).

Article 45, Mobilehome Parks, Section 33-875. Trash storage. Amend as set forth below.

(a) Containers for trash storage shall be of a size, type and quantity approved by the director of community development, pursuant to city standards. ~~They~~Containers shall be placed so as to be concealed from the street and shall be maintained.

(b) Required trash enclosure areas shall be constructed of decorative materials. The trash enclosure shall have architecturally acceptable gates and roofing pursuant to city standards.

(1) Chain link fencing with or without wooden/plastic slats is prohibited.

(2) The roof shall be painted with rust inhibitive paint or offer methods of rust prevention.

(b) New trash~~Trash~~ enclosure areas shall contain a planting area around the perimeter of the enclosure wall except at access gates, to the extent practicable. The landscaping in the planting area shall consist of vertical planting (vines, hedges) which serve to screen the enclosure. Ground cover or mulching shall be used on the ground surface to provide coverage.

Article 46, Travel Trailer Parks, Section 33-907. Trash storage. Amend as set forth below.

(a) Containers for trash storage, garbage disposal of a type and quantity approved by the city shall be provided. ~~They~~Containers shall be placed so as to be concealed from the street and easily accessible to the travel trailer and campground sites.

(b) One (1) or more metal or plastic garbage cans with tight fitting covers, shall be provided for every three (3) travel trailer or campsites or fractional part thereof within the park.

(c) Trash receptacles shall be provided at all common recreational facilities.

(d) Trash receptacles shall at all times be maintained in a clean and sanitary condition

(e) The size and dimensions of trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting pursuant to city standards. Containers shall be placed so as to be concealed from the street and shall be maintained.

(1) Required trash enclosure areas shall be constructed of decorative materials. The trash enclosure shall have architecturally acceptable gates and roofing pursuant to city standards.

(A) Chain link fencing with or without wooden/plastic slats is prohibited.

(B) The roof shall be painted with rust inhibitive paint or offer methods of rust prevention.

(2) New trash enclosure areas shall contain a planting area around the perimeter of the enclosure wall except at access gates, to the extent practicable. The landscaping in the planting area shall consist of vertical planting (vines, hedges) which serve to screen the enclosure. Ground cover or mulching shall be used on the ground surface to provide coverage.

Article 56, Miscellaneous Development Standards, Section 33-1085. Reserved. Establish a new section and add new text as set forth below.

Section 33-1085. ReservedMechanical equipment and devices.

(a) Screening of mechanical equipment. The screening of roof-mounted, ground-mounted, or wall-mounted mechanical equipment and devices is required in all zoning districts at the time of new installation or replacement.

(1) Roof-mounted mechanical equipment and devices.

(A) Mechanical equipment, including but not limited to air conditioning, heating, tanks, ducts, elevator enclosures, cooling towers, or other similar equipment shall be adequately screened from view from surrounding properties, adjacent public streets, and on-site parking areas. Screening shall be accomplished with mechanical roof wells recessed below the roof line, by solid and permanent roof-mounted screens, use of parapet walls, or building design integration and concealment by portions of the same building or other structure. Alternative methods for screening may include the consolidation and orientation of devices towards the center of the rooftop with enclosure and the use of neutral color surfaces or color paint matching. Chain link fencing with or without wooden/plastic slats is prohibited.

(B) Any under-roof or wall-mounted cables, raceway, conduit, or other device connection to support roof-mounted assemblies is subject to Section 33-1085(a)(3).

(C) All roof appurtenances and screening devices shall be architecturally integrated with construction and appearance similar to and compatible with the building on which the equipment is placed to the satisfaction of the Director of Community Development.

(2) Ground-mounted mechanical equipment and devices.

(A) All ground-mounted mechanical equipment, including heating and air conditioning units and swimming pool and spa pumps and filters, shall be completely screened from view from surrounding properties and adjacent public streets by a solid wall or fence or shall be enclosed within a building or electrical/service room. Depending on the location, height, and length of any wall or fence used for screening purposes, landscaping shall be used to the extent practicable to shield and obscure said wall or fence. Alternative methods for screening equipment from the public right-of-way and adjacent properties may include the placement of said equipment in locations where buildings serve the purpose of screening or other method approved by the Director. Chain link fencing with or without wooden/plastic slats is prohibited.

(B) In locations where ground-mounted mechanical equipment is completely screened from surrounding properties and adjacent public streets, but visible on-site, it shall be surrounded by sight-obscuring landscaping, equipment enclosure, and/or painted with neutral colors that are compatible with structures and landscaping on the property.

(C) Screening shall be maintained in good condition at all times. Landscaping used as screening shall provide a dense, year-round screen.

(D) Structural, design, and/or landscaping plans for any required screening under the provisions of this section shall be approved by the Director of Community Development and Building Official.

(3) Wall-mounted mechanical devices.

(A) Large wall-mounted mechanical and electrical equipment, which are larger than thirty-six (36) inches in height or width, shall be completely screened from the public right-of-way, adjacent properties, and on-site parking areas or shall be enclosed within a building or electrical/service room.

(B) Minor utility equipment, such as small generators, utility meters, or junction boxes, which are less than thirty-six (36) inches in height and width shall be screened to the maximum extent practicable through the use of building design integration and concealment, enclosure, or surface color paint matching and be screened by walls or fences or sight-obscuring landscaping. Chain link fencing with or without wooden/plastic slats is prohibited.

(C) All exterior wall-mounted cables, raceway, conduit, or other device connection to support any roof-mounted, ground-mounted, or wall-mounted mechanical devices, shall be painted to match the

color of the building wall or surface on which they are mounted and shall be sited to minimize the appearance or be in a location that is reasonably compatible and in harmony with the architectural styling and detailing of the building. Additional wall and/or landscaping screening may be required to the satisfaction of the Director of Community Development.

(D) Structural, design, and/or landscaping plans for any required screening under the provisions of this section shall be approved by the Director of Community Development and Building Official.

(4) Exceptions to screening requirements. Where it can be clearly demonstrated that the exterior mechanical equipment is not visible from any surrounding properties, adjacent public streets, and on-site parking areas, the Director of Community Development may waive the screening requirements of this section. Furthermore, the following mechanical equipment and devices will be exempt from the foregoing screening requirements of this section, but may be regulated separately by some other local, state, or federal law:

(A) Electric vehicle charging support systems.

(B) Electric generating facilities, including solar photovoltaic systems.

(C) Communication facilities, including satellite antennas.

Article 57, Miscellaneous Restrictions, Section 33-1101. Airports, heliports and landing strips. Amend as set forth below.

Conditional use permits for airports, heliports and landing strips (~~use numbers 4311, 4391 and 4392~~) may be granted by the planning commission upon consideration of the following criteria:

(a) The site should be of adequate size for the proposed use and the possible future expansion thereof;

(b) The site should be reasonably compatible with nearby land uses;

(c) The site should be such that the proposed use will not create a nuisance by causing excessive noise, dust or vibration;

(d) The proposed use should not have an adverse effect on the safety and welfare of the surrounding community.

All conditional use permits for airports, heliports and landing strips shall be made subject to the granting of a license or a permit from the cognizant state or federal aviation agency.

Article 57, Miscellaneous Restrictions, Section 33-1102. Cemeteries, crematories, mausoleums and columbariums. Amend as set forth below.

Conditional use permits for cemeteries may be granted by the planning commission upon consideration of the following criteria:

(a) Access to the site should be sufficient and should not create traffic congestion;

(b) The site should be obscured from view by natural or artificial screening.

The planning commission may require the applicant for a conditional use permit for a cemetery, crematory, mausoleum or columbarium (~~use numbers 6242, 6243 and 6244~~) to include with his or her application a site map, the names and addresses of all residents within a radius of two thousand (2,000) feet from the exterior boundaries of the proposed site, a proposal for the perpetual care of the facility, proof of financial ability to develop and maintain the facility and such other information as may be reasonably necessary to adequately process the application.

The commission shall set a reasonable filing fee to be charged the applicant in order to cover costs involved in processing the application.

Article 57, Miscellaneous Restrictions, Section 33-1105. Youth organizations. Amend as set forth below.

Facilities for youth organizations (~~use number 6944~~) may be approved as permitted uses in specified commercial zones and by conditional use permit granted by the planning commission in specified residential zones upon consideration of the following criteria:

(a) An off-street area for the loading and unloading of children from vehicles should be provided and should be designed so as to provide for the efficient movement of vehicles both entering and leaving the site;

(b) The provision of adequate and off-street parking in conformance with the standards of Article 39 including at least one (1) space for each employee and additional spaces dependent upon the nature of the activities at the facility which may require visitor parking;

(c) Outdoor recreational areas, including those required by applicable licensing agencies, should be located outside of required front yards and should be enclosed by a six (6) foot masonry or decorative solid wood fence to avoid potential conflicts with traffic areas;

(d) The facilities should incorporate architectural features, landscaping and utility building heights compatible with surrounding uses;

(e) Special attention should be given to lighting and noise generated by outdoor activities and measures to ensure compatibility with adjacent properties

Article 57, Miscellaneous Restrictions, Section 33-1113. Automobile service stations. Amend as set forth below.

The city council shall, after recommendation by the city planning commission, adopt a resolution setting forth standards and design criteria to be utilized in approving automobile service stations (~~use number 5530~~). The planning commission, or the city council on appeal, shall apply all of the standards and criteria in said resolution as conditions of every conditional use permit granted for a service station, unless specific findings are made and enumerated in the resolution of approval stating the unique circumstances and undue hardship that require a modification to the standards and criteria

Article 57, Miscellaneous Restrictions, Section 33-1116. Household pets in the residential zone. Amend as set forth below.

Animals and/or household pets may be maintained on the premises as pets for the personal use of the occupants of each dwelling unit in a residential zone in accordance with the following:

(i) ~~A second~~An accessory dwelling unit in conformance with Article 70 shall not be considered a separate dwelling unit for purposes of determining the number of permitted pets in accordance with this section. The total number of household pets permitted on a parcel which contains ~~a second~~an accessory dwelling unit shall be the total permitted for one (1) unit

Article 65, Old Escondido Neighborhood, Section 33-1376. Property development standards. Amend as set forth below.

(a) Properties shall be developed in accordance with the single-family residential (R-1) zone of Article 10(R-1 zone)-article 6 of this zoning code, except as specifically mentioned in this article.

Article 73, Outdoor Display, Section 33-1532. Permitted zones. Amend as set forth below.

The outdoor display of retail merchandise shall be permitted as an accessory use subject to the approval of an outdoor display permit as discussed in section 33-1535 in the CG, CBD, CP, CT, CN, and existing PD-C zones, and the ~~South Escondido Boulevard~~South Centre City Specific Plan and East Valley Parkway ~~area plans~~Area Plan. Temporary outdoor sales are permitted in the aforementioned zones and specific and area plans subject to the approval of a temporary use permit as discussed in section 33-1535.

CITY COUNCIL STAFF REPORT

Current Business No. 9

November 7, 2018

File No. 0600-10, A-3272

SUBJECT: Bid Award for the Highway Safety Improvement Signals (HSIP) Project

DEPARTMENT: Engineering Services Department, Transportation Division

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2018-166 awarding the bid to DBX, Inc., which was determined to be the lowest responsive and responsible bidder; and authorizing the Mayor and City Clerk to execute a Public Improvement Agreement in the amount of \$687,276 for the HSIP Signals Project ("Project").

FISCAL ANALYSIS:

Federal Highway Safety Improvement Program (HSIP) Grant funds reimbursement, managed by Caltrans for Local Agencies in the amount of \$564,227, are available from the HSIP Grant Account No. 206-616501. In addition, \$136,075 is available in Traffic Signals & Intersection CIP (Account Nos. 641201, 691402 and 691801).

PREVIOUS ACTION:

The City Council authorized staff to apply for funds and execute a grant agreement for the Project on July 24, 2013.

BACKGROUND:

Periodically, the Traffic Engineering staff evaluate collision, delay and safety data to recommend an updated priority list for potential traffic signal projects. This most recent list was reviewed and evaluated by the Transportation and Community Safety Commission on January 10, 2013. The recommended list of priority signals and signal modification projects were adopted by the City Council on April 17, 2013. Since that time, the priority list has been used to determine the order that projects are pursued.

Based on the adopted priority list, staff determined that collision data would support a grant of HSIP funds for two of the priority signals. The two selected intersections are as follows:

- El Norte Parkway and Fig Street – Priority location #1
- Valley Parkway and Date Street – Priority location #4

The City of Escondido was selected for HSIP funding in 2013. Work on this Project began early in July 2014 with the preparation of technical studies to support the environmental review for California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) requirements. The traffic signals project design was prepared by City staff.

On October 18, 2018, six (6) sealed bids were received in response to the advertised request for bids on this Project. The bid results are listed below:

DBX, Inc.	\$687,276.00
ILB Electric	\$692,167.00
Sturgeon Electric California, LLC.	\$739,592.00
HMS Construction Corp.	\$745,000.00
Lekos Electric:	\$763,395.00
Select Electric, Inc.	\$894,224.00

Staff recommends that the bid submitted by DBX, Inc. be considered the lowest responsive and responsible bid, and that the contract be awarded in the amount of \$687,276.00 to DBX, Inc. The lowest responsive bid is 14.7 percent higher than the low end of the Engineer's estimate range of \$586,500.

The bid costs for traffic signals are higher than the Engineer's estimate because of the recent updates to Caltrans Standard Plans for traffic signal standards released in 2017. These updates increased both the foundation and traffic signal pole size. The construction budget for the project was set in 2013 when staff applied for grant funds. Staff believes that the bids received were competitive and recommends award of the contract to DBX, Inc. in the amount of \$687,276.

El Norte Parkway Corridor

This Project will be the first of three projects planned along El Norte Parkway.

Bridge and Street Widening

The design for widening of the bridge over Escondido Creek is nearly complete and is expected to begin construction in 2019. The project also includes landscaped medians on El Norte Parkway between East Valley Parkway and Washington Avenue. A pedestrian signal will be installed to improve safety of pedestrians and cyclists using the Escondido Creek pedestrian path. The pedestrian signal is funded by an Active Transportation Program (ATP) grant. Staff is working to finalize specifications, bid documents and agreements with affected utility owners. Staff anticipates the Project to advertise for bids in January 2019, and construction to begin in March 2019.

Signal Synchronization

Construction of the bridge and new signal at Fig Street will allow synchronization of the traffic signals along the El Norte Parkway corridor, between Valley Parkway and Iris Lane (16 signalized intersections). Initial planning will begin while the two new traffic signals are being constructed. El Norte Parkway is a major commute corridor connecting the freeways, I-15 and SR 78, to the eastern part of the City with an average daily traffic volume ranging from 25,000 to 30,000 vehicles. The goal of the Project is to improve traffic progression, reduce the number of stops, and overall traffic delay along El Norte Parkway during the peak commute periods. A traffic consultant will be hired for this effort. After the traffic signal at El Norte Parkway and Fig Street is energized and in operation, it is anticipated that traffic data will be collected in early 2019 and new signal timing will be implemented in summer 2019. A “before” and “after” comparison will be performed to demonstrate the effectiveness of the project in reducing motorists travel time and delay.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
11/1/2018 8:58 a.m.

ATTACHMENTS:

1. Resolution No. 2018-166
2. Resolution No. 2018-166 - Exhibit 1 - Public Improvement Agreement

RESOLUTION NO. 2018-166

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AWARDING A BID TO DBX, INC., AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A PUBLIC IMPROVEMENT AGREEMENT, FOR THE HIGHWAY SAFETY IMPROVEMENT PROGRAM SIGNALS CONSTRUCTION PROJECT

WHEREAS, the City Council authorized staff to apply for Highway Safety Improvement Program (“HSIP”) funds and complete grant agreements on July 24, 2013; and

WHEREAS, the City Council has programmed Highway Safety Improvement Program (HSIP) funds in the Capital Improvement Program budget; and

WHEREAS, a notice inviting bids for said improvements was duly published; and

WHEREAS, pursuant to said notice, six (6) sealed bids for the Project were opened and evaluated on October 18, 2018; and

WHEREAS, DBX Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to award this contract to DBX, Inc. in the amount of \$687,276; and

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

1. That the above recitations are true.
2. That the Mayor and the City Clerk are authorized to execute, on behalf of

the City, a Public Improvement Agreement with DBX, Inc. in a substantially similar form to that which is attached and incorporated to this Resolution as Exhibit "1", and subject to final approval as to form by the City Attorney.

PUBLIC IMPROVEMENT AGREEMENT

This "Agreement", dated the ____ day of _____, 2018__, in the County of SAN DIEGO, State of California, is by and between **THE CITY OF ESCONDIDO** (hereinafter referred to as "CITY"), and **DBX, Inc.** (hereinafter referred to as "CONTRACTOR").

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

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

HSIP Traffic Signals on El Norte Parkway and Fig Street and Valley Parkway and Date Street.

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

3. CITY shall pay to the CONTRACTOR, as full consideration for the faithful performance of the contract, subject to any additions or deductions as provided in the Project documents, the sum of **Six hundred and eighty-seven thousand, two hundred and seventy-six Dollars (\$687,276)**.
4. The work shall be commenced on or before the twenty-first (21st) day after receiving the CITY'S Notice to Proceed and shall be completed within **Thirty (30) working days** from the date specified in the Notice to Proceed.
5. Time is of the essence. If the work is not completed in accordance with Paragraph 4 above, it is understood that the CITY will suffer damage. It being impractical and infeasible to determine the amount of actual damage(s), in accordance with Government Code Section 53069.85, it is agreed that CONTRACTOR shall pay to CITY as fixed and liquidated damages, and not as a penalty, the

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

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

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

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

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

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

By: _____
Eva Heter, Interim City Clerk

By: _____
Sam Abed, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

CONTRACTOR

By: _____
Signature

By: _____
Signature*

Print Name

Print Name

Title

Title

(Second signature required only for corporation)

By: _____
Signature**

Print Name

Title

(CORPORATE SEAL OF CONTRACTOR, if corporation)

Contractor's License No.

Tax ID/Social Security No.

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

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

SECTION A-00610 - FAITHFUL PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENT,

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

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

HSIP Traffic Signals on El Norte Parkway and Fig Street and Valley Parkway and Date Street.

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

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

PROVIDED, that

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

attorneys fees and consultant costs, as well as actual costs incurred by OWNER for the increased dedication/commitment of time of OWNER employees to the Project. These costs shall be in addition to the penal sum of the bond.

SIGNED AND SEALED, this _____ day of _____, 20__.

Contractor

Surety

Address

Phone No.

(SEAL)

BY _____
Signature

Signature

(SEAL AND NOTARIAL ACKNOWLEDGEMENT OF SURETY)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

SECTION A-00620 - LABOR AND MATERIAL BOND

KNOW ALL MEN BY THESE PRESENT,

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

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

HSIP Traffic Signals on El Norte Parkway and Fig Street and Valley Parkway and Date Street.

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

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

SIGNED AND SEALED, this _____ day of _____, 20__.

Contractor

Surety

Address

Phone No.

(SEAL)

BY _____
Signature

Signature

(SEAL AND NOTARIAL ACKNOWLEDGEMENT OF SURETY)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

SECTION A-00630 - CITY OF ESCONDIDO BUSINESS LICENSE

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

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

City of Escondido Business License No. _____

Expiration Date _____

Name of Licensee _____

SECTION A-00660 - WORKERS' COMPENSATION INSURANCE CERTIFICATE

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

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

Dated: _____

Contractor

By: _____
Signature

SAMPLE NOTICE
(REQUIRED UNDER GENERAL CONDITIONS, ARTICLE 6.1.B)
TO THE PEOPLE ON THIS STREET:

WITHIN THE NEXT FEW DAYS, WORK WILL BE STARTED ON THE FOLLOWING PROJECT:

**HSIP Traffic Signals on El Norte Parkway and
Fig Street and Valley Parkway and Date Street.**

The work may cause some inconvenience, but will be of permanent benefit.

We shall appreciate your cooperation in the following matters:

1. Please be alert when driving or walking in the construction area.
2. Tools, materials and equipment are attractive to children. For the safety of the children, please keep them away.
3. Please report all inconvenience to the Foreman on the job, or to the City of Escondido Field Engineering Inspection Office, 839-4664. The name and phone number of the contractor are given below.

This work is being performed for the City of Escondido by:

We will endeavor to complete this work as rapidly as possible and with a minimum of inconvenience to you.



CITY COUNCIL STAFF REPORT

Current Business No. 10

November 7, 2018

File No. 0610-95

SUBJECT: 2017-2018 City Council Action Plan Update

DEPARTMENT: City Manager's Office

RECOMMENDATION:

It is requested that the City Council review the 2017-2018 City Council Action Plan Update and provide input regarding the status of specified strategies discussed.

FISCAL ANALYSIS:

None

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the City Council's Action Plan update regarding strategies that have a milestone review date of November-December 2018.

PREVIOUS ACTION:

On February 15, 2017, the City Council held a workshop for the development of the 2017-2018 City Council Action Plan. A draft of the Action Plan involving a variety of strategies was presented to the City Council on April 5, 2017, and the Plan was approved for implementation. On June 11, 2018, the City Council received the latest update on several strategy items from the Plan that had a target review date of June 2018, and provided input to staff.

BACKGROUND:

The Action Plan represents the City Council's collective vision for Escondido's future. The Plan is developed biennially following a workshop where goals are identified and discussed. Four Priority Areas are identified in the 2017-2018 City Council Action Plan, with a single overarching goal accompanying each Priority Area. Within these four Priority Areas, there are 5 individual strategies with a target review date for November – December 2018. The purpose of this presentation is to provide a status update to the City Council, and to solicit feedback from the City Council to staff regarding the progress for implementing these individual strategies.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

William L. Wolfe, Deputy City Manager
10/31/2018 5:00 p.m.

CITY COUNCIL STAFF REPORT

Current Business Item No. 11

November 7, 2018

File No. 0720-40

SUBJECT: Adoption of Resolution of Intention to Amend the CalPERS Contract and Introduction of the First Reading of Ordinance Amending the CalPERS Contract

DEPARTMENT: Human Resources Department, Benefits Division

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2018-155, approving the intention to amend the contract between the City of Escondido (City) and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to include the Escondido Police Officers' Association/Safety Unit (POA) and Firefighters' Association (FFA) Bargaining Unit CalPERS Classic members contributing an additional one percent towards the employer's CalPERS costs, Government Code Section 20516.

It is also requested that the City Council introduce the first reading of Ordinance No. 2018-19 amending the contract between the City and CalPERS to include employees sharing an additional cost of one percent for POA and FFA CalPERS Classic members, Government Code Section 20516.

FISCAL ANALYSIS:

The sharing of the CalPERS cost by POA and FFA CalPERS Classic members of one percent each year of the agreement has an estimated cost savings to the City at approximately \$561,000 for the term of the (2018-2020) Memorandum of Understanding (MOU) with both groups.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council Action Plan regarding Fiscal Management. The additional employee cost sharing of pension benefits relates to addressing the cost of pension obligations.

PREVIOUS ACTION:

Within the POA and FFA agreements, it was agreed the Classic CalPERS members will share an additional cost of one percent of the City's CalPERS costs each year of the three-year term. On April 18, 2018, the City Council approved Ordinance No. 2018-06 authorizing an amendment to CalPERS contract to include the one percent for the first year of the POA and FFA agreements.

BACKGROUND:

City staff reached three-year labor agreements with the POA and FFA that covers the period of January 1, 2018, through December 31, 2020. Association members of both Bargaining Units and City staff framed agreements to help address the long-term budget impacts as a result of CalPERS

pension liabilities; all parties understood the importance of reducing the CalPERS unfunded liability. More importantly, the CalPERS Classic members of both Bargaining Units agreed to cost-sharing the employer's CalPERS costs by an additional one percent for each year of the three-year agreement. Currently, Classic members are contributing nine percent of their salary towards the employee's contribution and one percent towards the employer's costs. The CalPERS amendment will change the contribution structure to nine percent of the employee's salary towards the employee's contribution and two percent towards the employer's costs. By the end of the contract with the Bargaining Units, Classic CalPERS members will be contributing 12 percent towards their CalPERS retirement benefit. This will greatly assist all parties in addressing the CalPERS cost, particularly unfunded liability

Prior to the City implementing the additional one percent of cost-sharing, it is necessary for the City to amend its contract with CalPERS. There are several steps and requirements in amending the City's contract with CalPERS. The City Council must adopt a Resolution of Intention to amend the contract and adopt the first reading of the Ordinance. The proposed CalPERS contract amendment will modify Section A, Paragraph 15(k) of the current contract by replacing "From and after May 20, 2018, 1% for classic local safety members in the Escondido Firefighters' Association and the Escondido Police Officers' Association" with "From May 20, 2018 and until the effective date of this amendment to contract, 1% for classic local safety members in the Escondido Firefighters' Association and the Escondido Police Officers' Association." The following additional paragraph will be added to the contract, "From and after the effective date of this amendment to contract, 2% for classic local safety members in the Escondido Firefighters' Association and the Escondido Police Officers' Association."

CalPERS also requires a secret ballot election by the employees affected by the additional one percent of cost sharing, per Government Code 20474. Even though the POA and FFA voted to approve their MOU, an election is required whenever the contract is amended to provide a benefit that changes the employees' rate of contribution. All affected members will vote via electronic ballot either for or against cost sharing. A simple majority is required to approve the proposed change. Voting ballots will be counted by a third party administrator.

Additionally, California Government Code Section 7507 requires that future annual costs or benefit changes of the proposed contract amendment be made public at a public meeting at least two weeks prior to the adoption of the final Ordinance. Upon City Council approval of the first reading of the Ordinance, the final reading will occur on November 28, 2018. The effective date of the CalPERS contract amendment will be January 13, 2019.

The CalPERS process requirements on cost-sharing will soon be revised. Governor Brown approved and signed Assembly Bill 2310 on August 27, 2018, which will amend Section 20516 of the Government Code. This bill specifies that once a contracting agency elects to be subject to the cost sharing provision, contract amendments are not required to effectuate cost sharing in subsequent collective bargaining agreements or memoranda of understanding ratified by the employee bargaining unit and City Council.

Adoption of Resolution of Intention to amend the CalPERS Contract and
Adoption of First Reading of the Ordinance Amending the CalPERS Contract
November 7, 2018
Page 3

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Sheryl Bennett, Deputy City Manager/Administrative Services
10/31/2018 6:33 p.m.

ATTACHMENTS:

1. Resolution No. 2018-155
2. Resolution No 2018-155 – Exhibit “A”
3. Ordinance No. 2018-19
4. Ordinance No. 2018-19 – Exhibit “A”

RESOLUTION NO. 2018-155

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, OF ITS INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF ESCONDIDO

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment of said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Government Code Section 20516 (Employees Sharing Additional Cost) of an additional one percent for classic local safety members in the Escondido Firefighters' Association and the Escondido Police Officers' Association.

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

1. That the above recitations are true.
2. That the governing body of the above agency does hereby give notice of

Intention to approve an Amendment to the Contract (“Amendment”) between said public agency and the Board of Administration of the Public Employees’ Retirement System, a copy of said Amendment being attached hereto, as Exhibit “A” and by this reference made a part hereof.



California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

**Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Escondido**

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective November 1, 1958, and witnessed August 6, 1958, and as amended effective August 1, 1964, December 1, 1968, July 1, 1973, January 1, 1974, February 7, 1975, July 1, 1977, November 1, 1978, August 1, 1980, July 1, 1982, June 28, 1987, December 25, 1988, June 25, 1989, May 27, 1990, January 1, 1991, June 1, 1991, October 9, 1993, January 20, 1996, May 25, 1996, January 2, 1998, July 12, 1998, July 11, 1999, January 9, 2000, November 12, 2000, June 24, 2001, September 26, 2004, July 1, 2007, May 27, 2012, September 30, 2012, December 23, 2012, May 20, 2018 and August 12, 2018 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 20 are hereby stricken from said contract as executed effective August 12, 2018, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members and age 57 for new local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after November 1, 1958 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **PROGRAM PERSONNEL HIRED ON OR AFTER 1/1/1973; AND**
 - b. **BUS DRIVERS HIRED ON OR AFTER FEBRUARY 7, 1975**
6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
7. This contract shall be a continuation of the contract of the Escondido Community Development Commission, hereinafter referred to as "Former Agency". The accumulated contributions, assets and liability for prior and current service under the Former Agency's contract shall be merged pursuant to Section 20508 of the Government Code. Such merger occurred July 1, 1996.
8. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after July 1, 2007 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1973, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
9. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after July 1, 2007 and not entering membership for the first time in the miscellaneous classification after December 23, 2012 shall be determined in accordance with Section 21354.3 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1973, termination of Social Security, for members whose service has been included in Federal Social Security (3% at age 60 Full and Modified).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

10. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time in the miscellaneous classification after December 23, 2012 shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
12. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member entering membership in the fire classification on or prior to May 27, 2012 and for those classic local police members entering membership in the police classification on or prior to September 30, 2012 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
13. The percentage of final compensation to be provided for each year of credited current service as a classic local fire member entering membership for the first time in the fire classification after May 27, 2012 and for those classic local police members entering membership for the first time in the police classification after September 30, 2012 shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full)..
14. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
15. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21574 (Fourth Level of 1959 Survivor Benefits).
 - b. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
 - c. Section 20614, Statutes of 1978, (Reduction of Normal Member Contribution Rate). From November 1, 1978 and until June 28, 1987, the normal local safety member contribution rate shall be 2.75%. Legislation repealed said Section effective September 29, 1980.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- d. Section 20690, Statutes of 1980, (To Prospectively Revoke Section 20614, Statutes of 1978).
- e. Section 20042 (One-Year Final Compensation) for those classic local fire members entering membership on or prior to May 27, 2012, classic local police members entering membership on or prior to September 30, 2012 and classic local miscellaneous members entering membership on or prior to December 23, 2012.
- f. Section 20965 (Credit for Unused Sick Leave).
- g. Section 21024 (Military Service Credit as Public Service).
- h. Section 20692 (Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period) for classic local police members only.
- i. Section 21548 (Pre-Retirement Option 2W Death Benefit).
- j. Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local fire members entering membership for the first time with this agency in the fire classification after May 27, 2012.

Section 21362 (2% @ 50 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local police members entering membership for the first time with this agency in the police classification after September 30, 2012.

Section 21353 (2% @ 60 Full Formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local miscellaneous members entering membership for the first time with this agency in the miscellaneous classification after December 23, 2012

- k. Section 20516 (Employees Sharing Additional Cost):

From May 20, 2018 and until the effective date of this amendment to contract, 1% for classic local safety members in the Escondido Firefighters' Association and the Escondido Police Officers' Association.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

From and after August 12, 2018, 1% for classic local miscellaneous members in the Maintenance and Operations Bargaining Unit Teamsters Local 911.

From and after the effective date of this amendment to contract, 2% for classic local safety members in the Escondido Firefighters' Association and the Escondido Police Officers' Association.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

16. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on August 1, 1980. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
17. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
18. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

19. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

20. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF ESCONDIDO

BY _____
ARNITA PAIGE, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest: _____

Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"

PLEASE DO NOT SIGN "EXHIBIT ONLY"

ORDINANCE NO. 2018-19

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING AN AMENDMENT TO THE
CONTRACT BETWEEN THE CITY COUNCIL
OF THE CITY OF ESCONDIDO AND THE
BOARD OF ADMINISTRATION OF THE
CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM

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

SECTION 1. That an Amendment to the Contract ("Amendment") between the City Council of the City of Escondido and the Board of Administration of the California Public Employees' Retirement System is hereby authorized, a copy of said Amendment being attached hereto as Exhibit "A," and by such reference made a part hereof as though herein set out in full.

SECTION 2. That the Mayor of the City Council is hereby authorized, empowered, and directed to execute said Amendment for and on behalf of said Agency.

SECTION 3. That this Ordinance shall take effect 30 days after the date of its adoption and prior to the expiration of 15 days from the passage thereof shall be published at least once in the newspaper of general circulation, published and circulated in the City of Escondido and thenceforth and thereafter the same shall be in full force and effect.



California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

**Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Escondido**

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective November 1, 1958, and witnessed August 6, 1958, and as amended effective August 1, 1964, December 1, 1968, July 1, 1973, January 1, 1974, February 7, 1975, July 1, 1977, November 1, 1978, August 1, 1980, July 1, 1982, June 28, 1987, December 25, 1988, June 25, 1989, May 27, 1990, January 1, 1991, June 1, 1991, October 9, 1993, January 20, 1996, May 25, 1996, January 2, 1998, July 12, 1998, July 11, 1999, January 9, 2000, November 12, 2000, June 24, 2001, September 26, 2004, July 1, 2007, May 27, 2012, September 30, 2012, December 23, 2012, May 20, 2018 and August 12, 2018 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 20 are hereby stricken from said contract as executed effective August 12, 2018, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members and age 57 for new local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after November 1, 1958 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **PROGRAM PERSONNEL HIRED ON OR AFTER 1/1/1973; AND**
 - b. **BUS DRIVERS HIRED ON OR AFTER FEBRUARY 7, 1975**
6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
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B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF ESCONDIDO

BY _____
ARNITA PAIGE, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest: _____

Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"

PLEASE DO NOT SIGN "EXHIBIT ONLY"



FUTURE CITY COUNCIL AGENDA ITEMS

Updated October 31, 2018

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

November 14, 2018
NO MEETING (Veterans' Day)

November 21, 2018
NO MEETING (Thanksgiving Day)

Weekly Activity Report



November 1, 2018

FEATURED THIS WEEK

Missing Link Bike Path Update

With the installation of the green bollards along Valley Parkway, the Missing Link Bicycle Path is starting to come together. In November we will see completion of the bicycle bridge over the Escondido Creek and paving of the bikeway along the Escondido Creek between Quince and Centre City Parkway. In addition, new signals will be installed along Broadway at Woodward and linking Grape Day Park to the Children's Museum. The green bollards are a unique feature that separate vehicle traffic from the two-way cycle track. As you can see from the [video](#) below, they are both durable and aesthetically pleasing.



Escondido Tamale Festival this Weekend

This Saturday, November 3 is the annual Escondido Tamale Festival in Grape Day Park. This event is a celebration of tamales and all the great Latin foods that have become iconic staples of California's culture. Stop by this free event! For more information, click [here](#).



Escondido Group Helps Fund Community Events

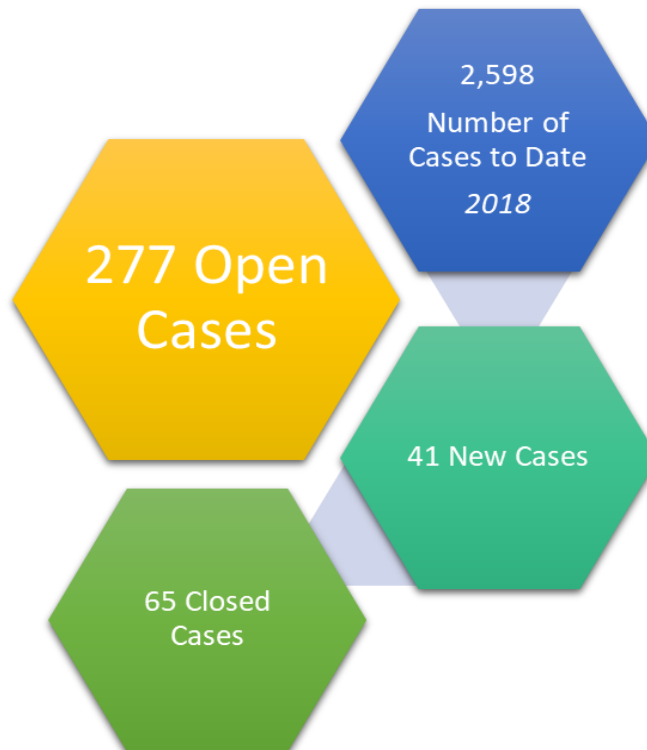
The Escondido Charitable Foundation awarded \$183,910 in grants to six different nonprofits that host community events and programs in the City. Since 2002 the Foundation has granted over \$2.2 million to Escondido groups. To learn more about the Escondido Charitable Foundation and upcoming community events, click [here](#).



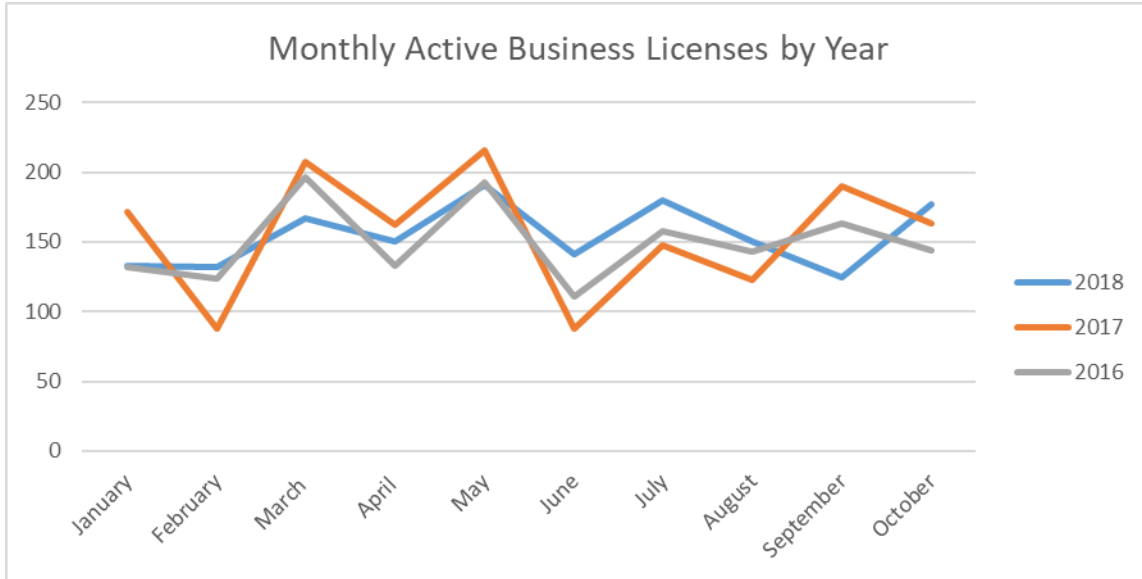
Woody Woodaman, Escondido Arts Partnership; Colleen MacKinnon, Escondido Charitable Foundation; Rosemary Burson, ECF; Jan Bourgeois, ECF; Chrisanne Moats, Escondido Arts Partnership; Brian Murphy, Escondido Arts Partnership and Ceci Lusky, Escondido Charitable Foundation

BY THE NUMBERS

Code Enforcement



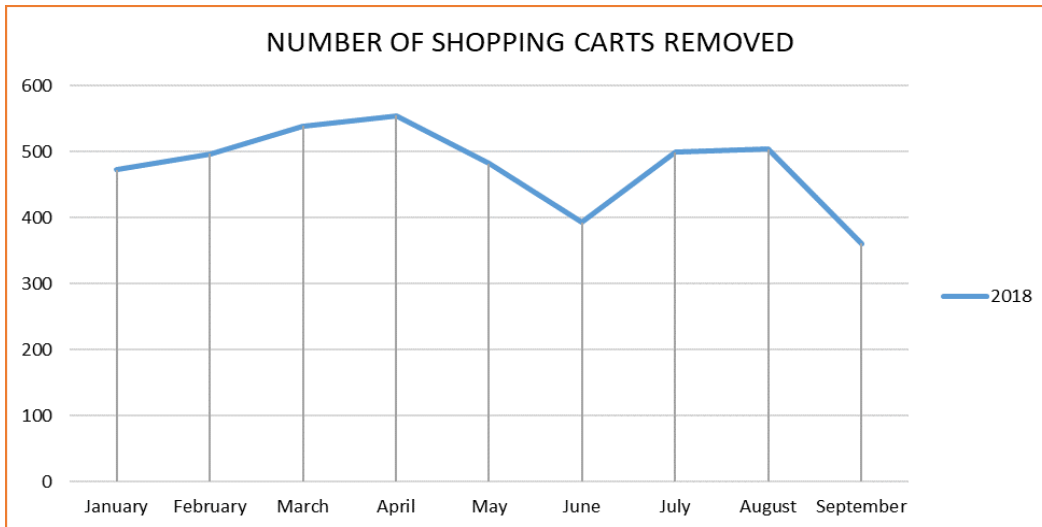
Business Licenses

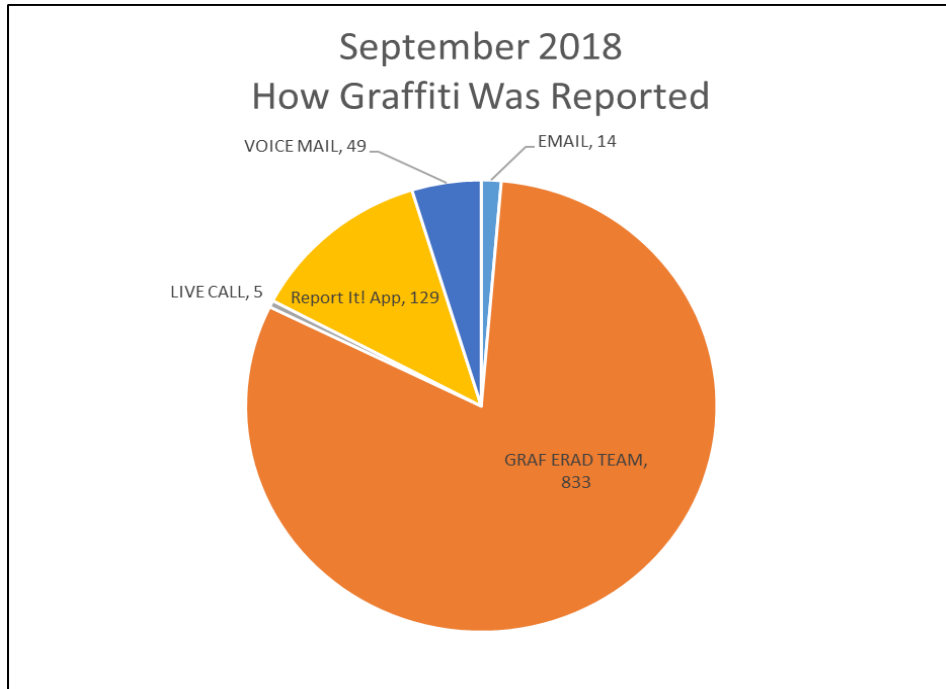
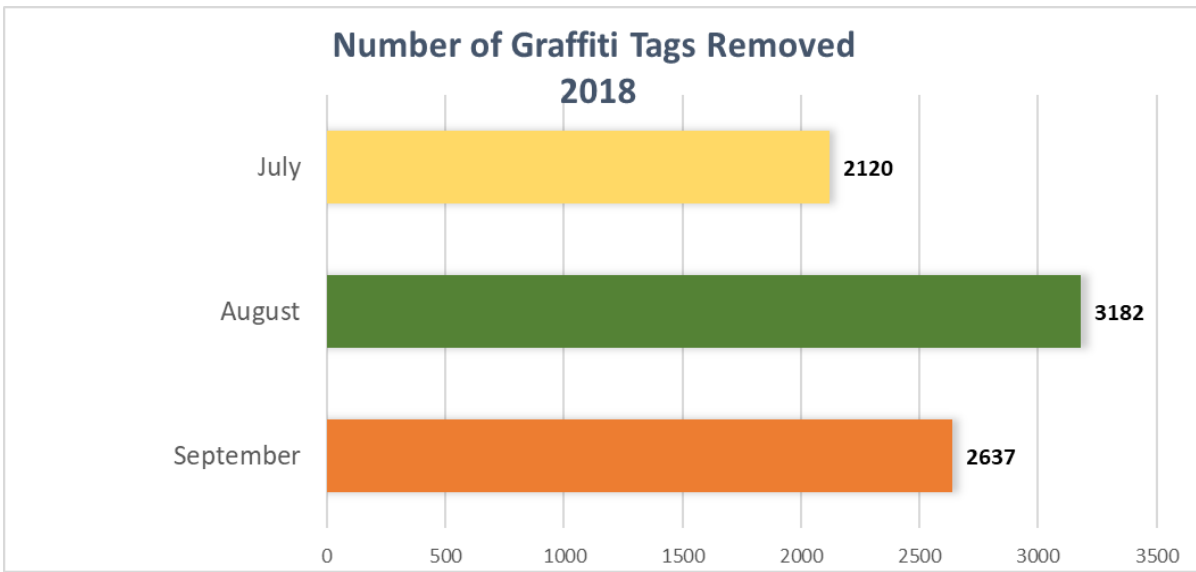


Graffiti Restitution

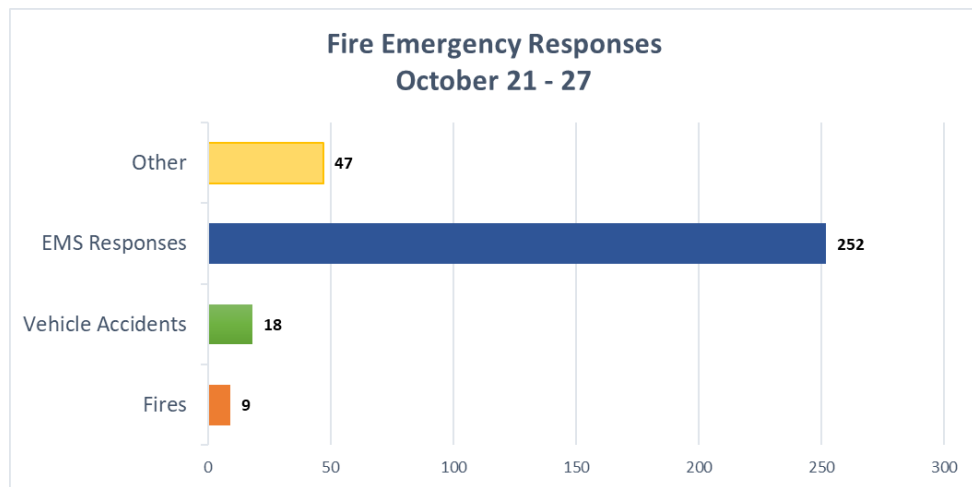
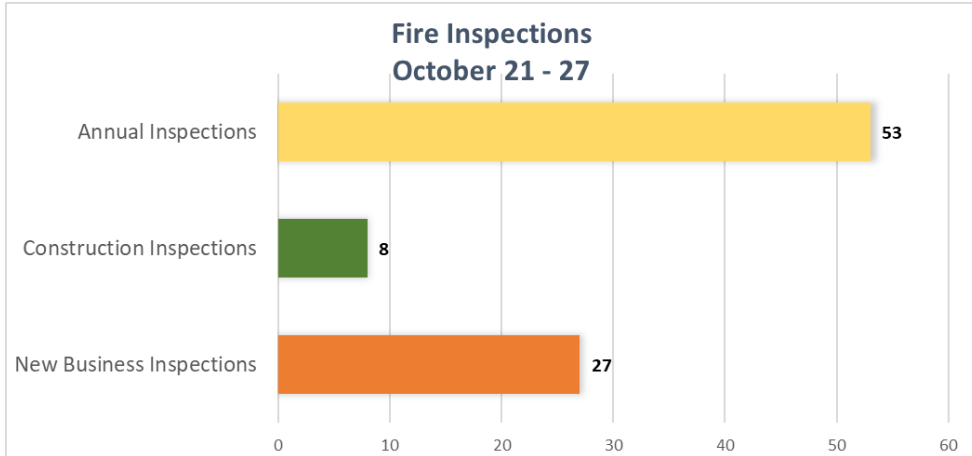
Collected This Week	Collected Year to Date
\$80.05	\$8,779.40

Public Works



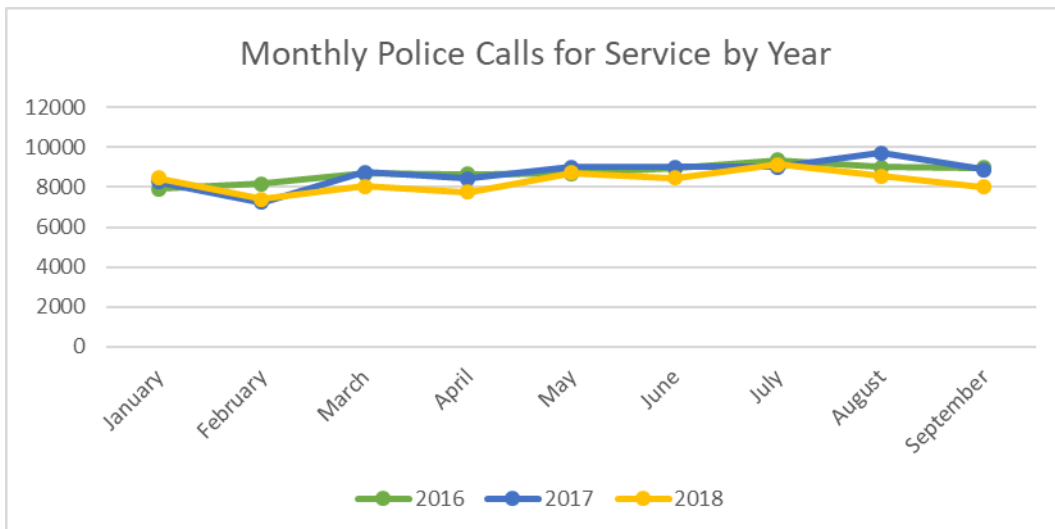


Fire

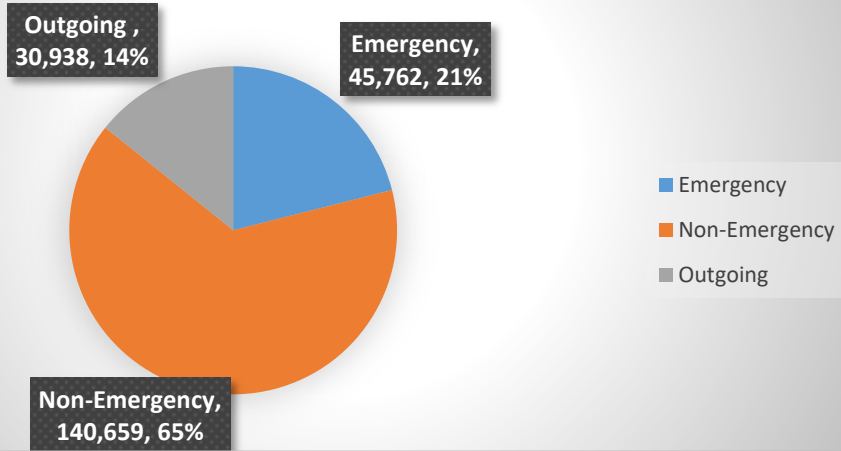


Total Emergency Responses (Year To Date)	12,756
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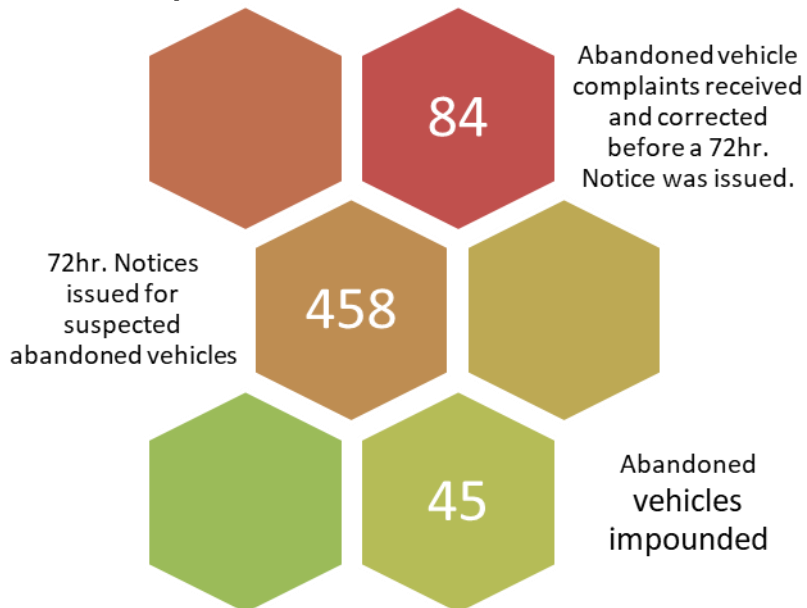
Police



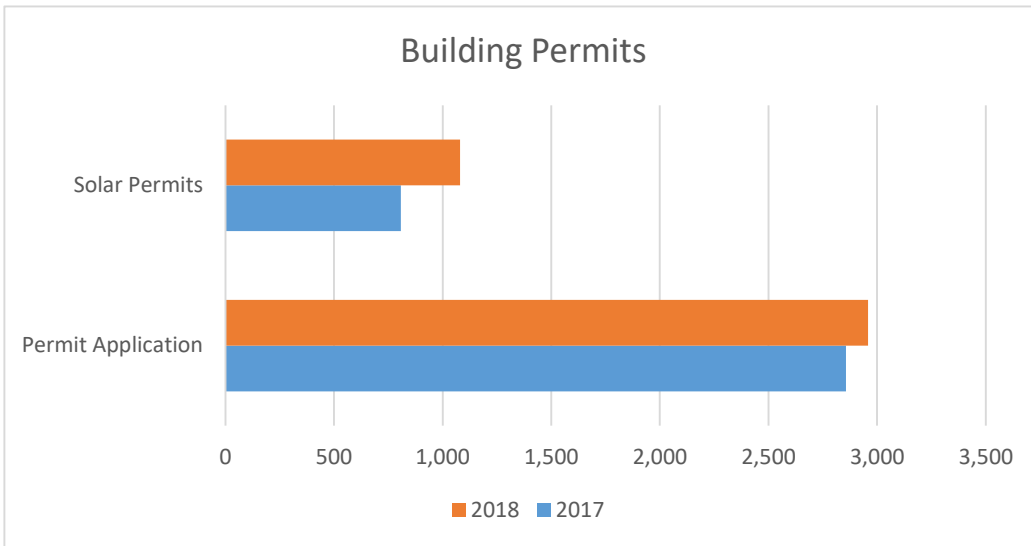
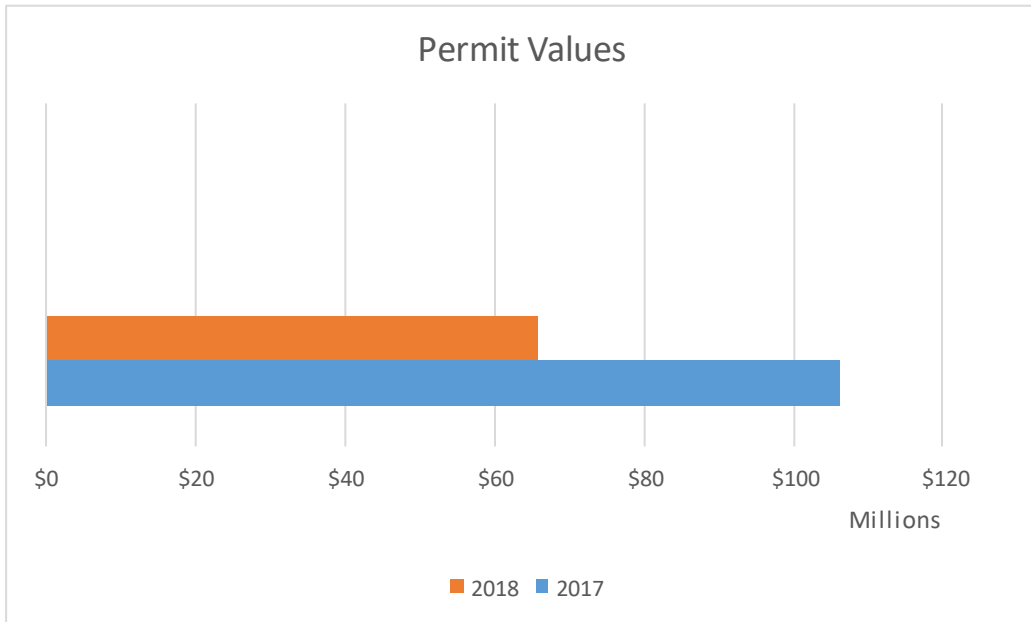
Year to Date Police/Fire Communication Center Call Volume



September Abandoned Vehicle Data



Building Division:



POLICE DEPARTMENT

Incidents:

Stolen Car, Weapons and Drugs Recovered During Traffic Stop

On October 22 at 2:40 a.m., a patrol officer made a traffic enforcement stop on a car. Drug paraphernalia was seen in the car. During the ensuing investigation, officers seized several illegal weapons, including; three sets of “brass knuckles” (“brass knuckles” are made of various types of metal and placed over the hand to be used as a striking instrument. They are illegal in California), a loaded handgun, and over one gram of methamphetamine. Additionally, it was discovered that the car had been reported stolen out of the city of Upland. The driver, Hoguer Tapia (37-year-old resident of Escondido) was arrested and booked into the Vista Detention Facility on a slew of felony narcotics and illegal weapon possession charges.

Pedestrian Struck by Vehicle

On October 23 at 8:20 p.m., officers responded to a vehicle versus pedestrian collision at the intersection of Washington Ave. and Quince St. The collision investigation determined that the adult female pedestrian was crossing Washington Ave. against a red traffic signal, when she was struck by a car traveling east on Washington Ave. The car had a green light. The pedestrian suffered a broken leg and was transported to Palomar Medical Center for treatment. Alcohol was not a factor in this collision.

Alert Residents Help Police Nab Burglary Suspect

During the early morning hours of October 24, a resident in the 500 block of Dana Ln. called 911 to report that an unknown male had just attempted to force entry into their home. Officers arrived within minutes, but the suspect had already fled the area. A short time later additional residents called to report the same suspect in the 600 block of Jacks Creek Rd. Officers established a perimeter around the neighborhood and began a search for the suspect. The suspect was found standing in the front yard of a home, facing a corner in the fence, and refusing to look towards the officers. This odd approach to hiding from the police appeared more in-line to a childhood game of “if I can’t see the cops, they can’t see me.” This tactic was unsuccessful, and Hunter Berger-Parks (22-year-old resident of Oceanside) was arrested. Berger-Parks was charged with burglary, resisting arrest, and drug possession.

COPPS:

The COPPS (Community Oriented Policing and Problem-Solving) Unit is dedicated to increasing the quality of life for the residents of Escondido through pro-active responses to crime trends, quality of life issues, and addressing crime and public nuisance in Grape Day Park and at Maple Plaza.

- 1 arrest
- 8 citations

Events:

On Friday, October 26, Captain Murphy attended the Blue Knights award dinner to honor Officer Brown for his accomplishments in Patrol.



Captain Murphy (left) and Officer Brown (right)

Tip of the Week:

Traffic safety is a priority of the Escondido Police Department. This week's collision was completely avoidable had the pedestrian simply not crossed the road on a red light. Additionally, research has shown an increase in pedestrian collisions shortly after the conclusion of Daylight Savings Time, which will occur on November 4. Here are some tips for drivers and pedestrians:

Pedestrians:

- Walk on sidewalks or a path off of the roadway
- If there is no sidewalk, walk facing traffic and stay as far away from traffic as possible
- Distracted walking is a thing! While not illegal, walking and looking at your phone is a distraction that takes your attention away from potential danger
- Never assume a driver sees you
- Cross at crosswalks
- Wear bright colors
- Obey traffic signals

Drivers:

- Look out for pedestrians everywhere, at all times
- Slowdown and prepare to stop when turning or entering a crosswalk
- Always stop for pedestrians in a crosswalk
- Never pass vehicles stopped at a crosswalk, they are stopped to allow pedestrians to cross the street
- Never driver under the influence of drugs or alcohol
- Follow the speed limit, especially in school zones and residential neighborhoods

FIRE

News:

On October 19, Escondido Firefighters participated with other North Zone Fire agencies in an off-road driver training hosted by Camp Pendleton Fire. Drivers trained driving in steep, off-road conditions often encountered on wildland fires. Topics discussed included theory, troubleshooting and safety procedures.

On October 24 at approximately 06:00 a.m., Escondido Fire responded to a structure fire at the 1200 block of Joshua Street. The first arriving engine reported a large amount of fire and smoke coming from the rear of a single-family residence. The fire was contained and controlled in approximately 20 minutes. The home sustained extensive fire damage and moderate smoke damage throughout the dwelling. There were no injuries to firefighters or civilians however, 4 dogs and 3 pet birds died from smoke inhalation. In all, 4 fire engines, 1 truck company, 1 rescue ambulance and 2 Battalion Chiefs responded to the fire. The cause of the fire is under investigation.

On October 26 at approximately 11:30 a.m., the Escondido Police and Fire Communication Center received a report of a structure fire in the 2500 block of Sea Scape Glen. The first arriving engine found light smoke coming from an upstairs window of a two-story home. The home was equipped with both smoke detectors and residential fire sprinklers that held the fire in check, limited fire and smoke damage, and helped firefighters contain the fire to one upstairs bedroom. Complete containment and control occurred within just minutes of the Fire Department's arrival. There were no firefighter or civilian injuries. The cause of the fire is currently under investigation.



COMMUNITY DEVELOPMENT

Major Projects Update

The following major projects are being reviewed and coordinated by Planning, Engineering, Fire, Building and Utilities. The list of projects below encompasses recent project updates and/or milestones from last week.

Commercial / Office:

1. Escondido Research and Technology Center (ERTC) – West (Developer: James McCann) 2181 Citracado Parkway – A plan for a new two-story, 57,000 SF, 52-bed Palomar Rehabilitation Institute was submitted as a Plot Plan on July 31, 2017. The Plot Plan approval letter was issued on February 7, 2018. A second grading plan check was submitted by the applicant on April 16, 2018, and the grading permit is ready to be issued once Planning receives information from the applicant that assures adequate parking is provided. A related 10-lot parcel map recorded on October 16, 2018.
2. Escondido Research and Technology Center (ERTC) – East (Developer: James McCann) 2130 Citracado Parkway – Building plans for the first 71,656 SF medical office building in this approved medical complex area across from Palomar Hospital were submitted into plan check on October 9, 2018. Esgil provided plan check comments on October 16, 2018.
3. Ritz Theater “The Grand” (Developer: New Venture Church) 301, 309 E. Grand Avenue – A proposed CUP to renovate the existing Ritz Theater and adjacent commercial building to provide for a variety of assembly uses including performing arts and religious services. The application was submitted on May 17, 2018. The Historic Preservation Commission considered historic-related design issues on July 19, 2018, and provided direction to the applicant. The applicant was granted expedited processing through the Business Enhancement Zone regulations at a City Council Economic Development Subcommittee meeting on August 9, 2018. A Mitigated Negative Declaration has been prepared to analyze the environmental impacts of the project. Advertisement for review of the Mitigated Negative Declaration was posted. The 20-day public review period will run from November 2nd to November 26th. A City Council hearing has tentatively been scheduled for December 5, 2018.

Industrial

1. Escondido Self-Storage Facility (Developer: Brandywine Homes, Inc.) 2319 Cranston Dr. – Updated building plans were resubmitted into plan check on July 24, 2018. Esgil and Fire have approved the plans. Planning provided comments on the building plans on September 19, 2018. The final map was approved by City Council on September 19, 2018, and should record soon. The grading permit has been approved and the final improvement plan mylars have been signed.
2. Citracado Business Park (Developer: Dent Properties) 2207 Harmony Grove Road – A proposed specific plan for two industrial warehouse/office buildings (145,930 SF and 125,930 SF) with the buildings to be separated by the future extension of Citracado Parkway. The application was submitted on August 14, 2018. All departments have completed their initial

review and comments were sent to the applicant on September 17, 2018. SDG&E also has provided comments regarding the high voltage power lines that traverse the site. The applicant's traffic consultant submitted revised methodology and distribution to Engineering on October 19, 2018. A meeting with the applicant to review the various departmental comments occurred on October 29, 2018.

City Projects

1. Micro-Filtration Reverse Osmosis (Developer: City of Escondido Utilities Department) SE corner Ash/Washington – The City Council approved a contractual agreement with Black and Veatch for engineering services on April 4, 2018. A project design kick-off meeting occurred on June 13, 2018. A Request for Qualifications to solicit a Design/Build firm was released the first week of September. A site walk with potential bidders was conducted the last week of September. Statements of Qualifications have been received; and the RFP is expected to be issued soon to a short-list of three selected consultants.
2. Lake Wohlford Replacement Dam (Developer: City of Escondido Utilities Department) – A Draft EIR was prepared and issued for a 45-day public review period that began on October 4, 2016 and closed on November 17, 2016. A field visit with staff from the state and federal wildlife agencies took place on May 11, 2017, to review biological mitigation requirements including an agency request for full mitigation for emergent vegetation at the eastern end of the lake that came into existence since the lake level was reduced for safety reasons. Staff sent a follow-up letter to the wildlife agencies on June 29, 2017, seeking clarification on the proposed biological mitigation requirements. Additional information is being compiled by the City's biological consultants based on recent conversations with the agencies. The biological consultant and staff met on October 4, 2018, to discuss potential options. A tentative meeting with the wildlife agencies has been scheduled.

Institutional

1. Escondido Assisted Living (Developer: Tigg Mitchell, Mitchell Group) 1802 N. Centre City Parkway – This CUP application for a 71,300 SF three-story, assisted living and memory care facility with 90 total units was submitted on October 31, 2017. The City Council authorized review of a General Plan Amendment request on March 21, 2018, which was necessary to review the request to allow a third floor for the building. The applicant has been actively engaged with Fire, Engineering and Planning staff and has provided several revisions intended to address identified issues with the most recent project revision received on June 25, 2018. Draft environmental documents were submitted to Planning the second week of August and comments on those documents were returned to the applicant on August 29, 2018. The applicant and Planning staff discussed the comments on September 12, 2018, and revised environmental documents for public review are expected soon.

Residential

1. Safari Highlands Ranch (SHR) (Developer: Jeb Hall, Concordia Homes) 550 lots east of Rancho San Pasqual – A Notice of Availability for the Draft EIR was issued on October 16, 2017 for public review and comment. The comment period ended on January 2, 2018. Staff transmitted all the comment letters and emails to the Draft EIR consultant for review and to

prepare a response to each comment. The Draft EIR and appendices have been posted on the City's website at the following link:

<https://www.escondido.org/safari-highlands-ranch-specific-plan.aspx>

It is expected the responses to comments will generate related revisions to the project design. The applicant's engineer is currently working to incorporate those revisions into the proposed tentative map. The project engineer met with Utilities, Engineering and Planning on August 15, 2018 to discuss some of the proposed revisions. Revisions to the tentative map have been received. All the material will be posted online within the next week.

2. 18 lots at 701 San Pasqual Valley Rd (Developer: Bob Stewart) – Staff comments on the revised tentative map were issued the last week of July 2017. Planning staff met with the applicant on June 27, 2018 to discuss remaining issues. The applicant has occasionally engaged in discussions with various departments since that time, but has declined a staff offer to schedule a comprehensive meeting with all city departments.
3. The Villages at Escondido Country Club (Developer: Jason Han, New Urban West, Inc.) 380 residences – The City Council voted 3-2 to approve the project on November 15, 2017. A lawsuit challenging the project approval was filed in Superior Court on behalf of the Escondido Country Club Homeowners (ECCHO) on December 15, 2017. The City has agreed to review construction plans for the project while the lawsuit is pending. The applicant submitted rough grading plans, drainage improvement plans and utility relocation plans for all three villages on May 7, 2018. There have been three rounds of plan checks on the rough grading plans since the original submittal and a permit-ready letter for rough grading was issued on August 31, 2018 and revised on September 4, 2018. Landscape plans were submitted on June 5, 2018, and a second submittal was received on October 2, 2018. The applicant submitted the final map and other improvement plans on July 9, 2018. Additional comments on the improvement plans, utility location plans, storm drain plans and all technical studies were provided by Engineering on September 11, 2018. Country Club Lane street improvement plans were submitted for first plan check on October 9, 2018.

The approved tentative subdivision map, Final EIR and appendices, Specific Plan and other related information can be accessed on the City's website at the following link:

<https://www.escondido.org/ecc.aspx>

5. North Avenue Estates (Developer: Casey Johnson) 34 lots at North Ave./Conway Dr. –The City Council approved the project on January 10, 2018. LAFCO approved the annexation application on October 1, 2018. A first round of final engineering plans was submitted on May 24, 2018. Comments were returned to the applicant on July 5, 2018. The developer has indicated that a homebuilder will be taking over the project and new final engineering plans and an application for a Precise Development Plan will be provided.
6. Aspire (106 condo units on Municipal Lot 1) (Developer: Addison Garza, Touchstone Communities) – The proposal consists of a six-story mixed-use development across from City Hall on Parking Lot 1. The project was initially submitted for entitlement processing on June 23, 2017. Subsequent meetings with the applicant and staff have been on-going, and the most recent resubmittal of the project plans was received on May 10, 2018. Fire is awaiting confirmation that Maple Street will support the weight of their apparatus. A Traffic

Impact Analysis has been provided and Planning is awaiting submittal of the rest of the environmental documentation for review. A meeting with the applicant occurred on September 12, 2018, to discuss remaining project issues. A purchase and sale agreement for the project site (Parking Lot 1) was approved by the City Council on September 19, 2018. Concerns regarding parking have been expressed; and the applicant has brought a parking consultant on board to review the issue.

7. The Ivy (95 condo units at 343 E. 2nd) (Developer: Addison Garza, Touchstone Communities) - The condo project was initially submitted for entitlement processing on June 23, 2017. Subsequent meetings with the applicant and staff have been on-going, and the most recent resubmittal of the project plans was received on May 10, 2018. An environmental initial study and Draft Mitigated Negative Declaration (MND) were submitted for review on June 11, 2018. Comments on the MND were sent to the applicant and consultant on July 30, 2018, and revised documents are expected soon. Planning met with the applicant and consultant to discuss the comments on August 9, 2018. A meeting with the applicant occurred on September 12, 2018, to discuss remaining project issues.
8. Grand Avenue Apartments (Developer: Norm LaCaze, Escondido Venture 99, LLC) 15 apt. units at 1316 E. Grand Ave. – A planned development application proposing 15 multi-family units in one three-story building on a vacant 0.51-acre lot was submitted for entitlement processing on September 22, 2017. Several follow-up meetings with staff were held to discuss issues regarding the project design and revised plans were submitted in early April, and most recently on August 10, 2018. Outstanding issues include guest parking, drainage, additional fire hydrant and an ambulance turnaround. A meeting with the applicant to discuss these issues took place on October 11, 2018.
9. Quince Street Senior Housing (Developer: Matt Jumper, 220 Quince, L.P.) 145 apartment units at 220 N. Quince St. – The five-story affordable senior housing apartment project was submitted on November 21, 2017. Four meetings with the applicant team and multiple city departments have occurred since the project submittal to discuss project design issues, with the most recent meeting occurring on July 12, 2018. Utilities conducted a fire flow test at the site on June 26, 2018. A constraints map to identify fire access routes and locations of existing utilities has been approved by staff and will allow the applicant to commence with redesign efforts.
10. Sager Ranch/Daley Ranch Resort Specific Plan (Developer: J. Whalen Associates, Inc., Sager Ranch Partners) 203 housing units and 225-room resort hotel on 1,783-acres, just north and east of Daley Ranch – This proposed residential and resort hotel annexation and specific plan project was received on March 2, 2018. The project submittal has been deemed incomplete and a letter from staff requesting additional project related information was sent to the applicant on April 4, 2018. Requested information includes annexation exhibits, proposed general plan amendment text, a proposed Transfer of Development Rights Program, environmental initial study, and a fiscal impact analysis. Planning met with the applicant on May 17, 2018 to discuss items listed in the letter. A follow-up meeting to discuss engineering issues occurred on June 27, 2018. The applicant met with Escondido Fire and Valley Center Fire on August 1, 2018 to discuss fire protection issues. Significant fire-related issues to be addressed include the steepness of the project entry road, secondary emergency access and Fire Department response times. A follow-up meeting with the applicant to discuss these issues occurred on October 11, 2018.

A project webpage containing draft documents and plans has been added to the Planning Division's website at the following link:

[Daley Ranch Resort Specific Plan - City of Escondido](#)

11. Nutmeg Condo General Plan Amendment (Developer: Jim Simmons, CCI) 137 townhome condo units on 7.7 acres on both sides of Nutmeg between I-15 and Centre City Parkway – This proposed multi-family residential development includes a GPA from Office to Urban III (up to 18 du/acre) as well as a vacation of approximately one acre of public right-of-way for use in the project. The project application was received on June 15, 2018. Comments from Planning, Fire, Engineering, Utilities and Traffic Engineering were provided to the applicant on July 13, 2018. A follow-up meeting with the applicant to discuss the comments occurred on July 31, 2018. Engineering has indicated that a specific alignment plan will be required to address the street radius on Nutmeg along the project frontage. Fire has identified some access issues that need to be addressed as well. Based on a preliminary environmental study of the project, it has been determined that an Environmental Impact Report will be prepared to support the project. A Notice of Preparation was sent out on August 29, 2018, and closed on October 1, 2018. A Scoping Meeting occurred on September 6, 2018. The applicant submitted revised plans and studies on October 16, 2018.
12. Oak Creek (Builder: KB Homes) 65 single-family residential lots on approximately 44 acres at Felicita Road and Hamilton Lane – The original developer, New Urban West, has secured permits from CDFW, ACOE and RWQCB. The new builder (KB Homes) has filed a modification to the Precise Development Plan to revise the architecture and reduce the size of the homes. The Zoning Administrator approved the revised architecture on October 25, 2018. Grading, drainage and storm water management plans were submitted for first plan check on July 25, 2018. Fire and Engineering issued comments on the rough grading plan on September 4, 2018. Second plan check submittals for rough grading, off-site improvements and final map were received on October 23, 2018. The model homes were submitted into plan check last week. Construction drawings and building permits are under review.
13. Mercado 3-Story Mixed Use Building (Developer: Curtis Lively) 5 residences and 2 commercial suites on 0.14-acre at 510 W. 2nd Avenue – A Plot Plan for five two-story residential units on top of 2,375 SF of commercial floor area and a parking garage was submitted July 13, 2018. Staff review comments were provided to the applicant who then submitted revised plans. A water main extension north from Third Avenue will be required to serve the project. Additional Planning and Engineering comments were sent to the applicant on September 27, 2018.
14. 555 West Grand Mixed-Use Building (Developer: Ed McCoy) 32 condo units in three floors over a parking garage – This 32-unit mixed-use development with 610 SF of office/flex space was submitted as a planned development application on August 27, 2018. The project is seeking a reduction in parking and open space standards. Initial multi-department comments were sent to the applicant on September 26, 2018. The applicant met with Fire, Engineering, Planning and Utilities staff on October 16, 2018 to discuss the staff comments.
15. Accessory Dwelling Units – Planning staff is currently working on six applications for accessory dwelling units. 21 accessory dwelling units have been approved so far this year. Three accessory dwelling units were approved last year.

Building Division:

1. The Building Division issued 86 permits (including 37 solar photovoltaic) with a total valuation of \$335,591.
2. Our building inspectors responded to 164 inspection requests and 166 customers visited the Building counter during the week.
3. *No Change from the previous:* The Meadowbrook three-story apartment building with underground garage at 2081 Garden Valley Glen is preparing the building for final inspection. Building inspected the gas lines on September 13, 2018. Cabinetry installation is ongoing.
4. *No Change from the previous:* The Westminster Seminary at 1725 Bear Valley Pkwy so far has received final inspection approval and Temporary Certificates of Occupancy for all buildings except for Buildings B and H.
5. The Emmanuel Faith Church at 639 E 17th Ave has requested final building inspection and certificate of occupancy for 10/29/2018.
6. *No Change from the previous:* Drywall has been inspected and approved on 10/18 and gas pressure test approved on 10/18 at the Veterans Village project at 1540 S Escondido Blvd.
7. Centre City Shopping Center (Centre City Parkway/Mission Avenue) – Electrical panel clearance has been inspected and approved for the new carwash business in the southernmost building. Interior tenant improvement permits were issued and gas test and drywall has been inspected for the new Yoshinoya restaurant in the center building. Interior tenant improvement permits were issued for the new Habit Burger and Stanton Optical in the northern building. Habit Burger has received kitchen hood, rough mechanical and suspended ceiling inspections. Stanton Optical has partial drywall and framing approval.
8. The Latitude 2 apartment project at 650 Center City Pkwy is nearing completion of Building 1, cabinets and finish are being set at Building 2 and 3, drywall has been approved at Building 3, garage framing is approved at building 5. A Certificate of Occupancy for the first building is expected in November.
9. *No Change from the previous:* The new two story church sanctuary building at 1864 N. Broadway has completed the slab, roof sheathing and exterior lath.
10. The 212,000 SF industrial shell building at 2005 Harmony Grove has received a 30-day Temporary Certificate of Occupancy.
11. The new 63-unit condominium project, Citron, at 2516 S Escondido Blvd has received gas test inspection for building 2, exterior lath inspection for building 3 and underground plumbing for Buildings 7 and 8.

12. The new 105 room hotel at 200 La Terraza received approval for exterior lath and 4th floor framing.
13. The four-story, 102,774 sf storage building at 222 W Mission Ave has received inspection approval for the light standard footings.
14. *No Change from the previous:* The new five-story storage building at 852 Metcalf St. has received slab inspection approval.
15. *No Change from the previous:* The new Gateway Grand 126-unit apartment project at 700 W. Grand Ave. has received underground plumbing and slab inspection for Buildings B and the clubhouse.
16. *No Change from the previous:* Foundation and underground plumbing have been approved for all 3 buildings at the new apartments on 917 W Lincoln Ave. The project has 3 buildings and 9 total units.

ENGINEERING DEPARTMENT

Capital Improvements

1. Valley Parkway/Valley Center Road Widening Project: Calendar Day 327 - The contractor has been cleared to begin planting all landscape areas within the project. The fencing contractor is on site to install the metal guard rail system along Valley Center Road at the new bridge abutment.
2. Transit Center Pedestrian Bridge Project – *No changes from that reported last week:* Transit Center Pedestrian Bridge and Spruce Street Channel Improvement Project is moving forward with 100% design. City is seeking final Permit from the Army Corps. Negotiations of drainage/wall easements and TCEs with property owners are still underway. Negotiation with NCTD for a MOU is ongoing.
3. Missing Link Project - The new bike path striping and green bike path bollards have been installed along Broadway, South from Pennsylvania intersection and along Valley Parkway. The pedestrian bridge abutment will be poured this Friday. The bridge abutments are located along Broadway between the channel bridge and the Boys and Girls Club playground area. The pre-manufactured metal pedestrian/bike bridge is scheduled for delivery in November.
4. Public Service Agreement - Maintenance Yard Groundwater Monitoring Well Destruction - *No changes from that reported last week:* The City has solicited bids for the destruction of 14 groundwater monitoring wells located within the Public Works Maintenance Yard. The apparent low bid was \$33,680.00 for the project. The project will be scheduled for November 26, 2018.

5. HSIP Traffics Signal Project – *No changes from that reported last week*: The bid opening was this past Thursday in the Park View Room at City Hall. The apparent low bid was received from DBX Construction in the amount of \$687,276.00. The project will provide new traffic signal at Valley Parkway / Date Street and El Norte Parkway / Fig Street intersections. The project is funded by Highway Safety Improvements Projects.

Private Development

1. Centre City Shopping Center - Construction of the offsite public improvements along Mission Avenue are continuing with the placement of all concrete improvements along the project frontage. Asphalt paving of the new roadway is set for Wednesday of this week. The project is located at 425 West Mission Avenue.
2. Tract 932 - Canyon Grove Shea Homes Community - *No changes from that reported last week*: Paving will begin for Vista Avenue and Vista Verde Road this week.
3. Latitude II Condominiums by a Lyon Homes Partnership: Washington Avenue @ Centre City Parkway - Reconstruction of the Centre City Parkway improvements are scheduled for completion on Wednesday of this week. The pavement section requirements require the closure of the #2 lane of North bound Centre City Parkway. The work will be completed during normal business hours.
4. Exeter Industrial Park - *No changes from that reported last week*: The remaining roadway improvements along Harmony Grove Road were completed on Saturday, October 20. Final striping and traffic signal loop installation is set for Thursday of this week. The project is located at 2005 Harmony Grove Road.
5. Tract 934 – Is a 5 lot subdivision located at 1207 Gamble Street. The grading operation is under way.
6. Gateway Project - The utility contractor has completed permanent trench repairs along Grand Avenue frontage this past week. The project is located at 700 W. Grand Avenue, the previous site of Escondido Police Department.
7. Emmanuel Faith Church - The traffic signal activation has been delayed until adjustments can be made to the new signal heads. The existing power poles were found to be obstructing the new traffic signal head placements. The contractor is working to resolve the situation. We do not have a new date to activate the signal at this time.
8. Lincoln Rock Apartments -*No changes from that reported last week*. The construction of the retaining wall along the freeway frontage has been completed. The wall is a design element for the construction of the bio retention basin. Testing of the new water line has started this week. The project is located at the Southwest corner of Rock Springs Road and Lincoln Avenue.
9. KB Homes - The new street light pole at the intersection of Vista Avenue / Bienvenido has been installed. The upgrading of two existing street light fixtures to L.E.D. was completed also. The developer is continuing with the development of all remaining houses within the project.

10. Veterans Village - The construction of offsite improvements along 15th Avenue is continuing this week. The contractor has completed the new concrete curb and gutter improvements.
11. KB Homes Oak Creek Project - The contractor has been mobilized to begin the remedial grading to remove unsuitable material from within the project. This work is focused on 4 specific areas. The project is located at the intersection of Hamilton Lane and Miller Avenue.

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