



# Council Meeting Agenda

**MAY 19, 2021**

**CITY COUNCIL CHAMBERS**

**4:00 P.M. Closed Session; 5:00 P.M. Regular Session**

**201 N. Broadway, Escondido, CA 92025**

MAYOR	<b>Paul McNamara</b>
DEPUTY MAYOR	<b>Michael Morasco</b>
COUNCIL MEMBERS	<b>Consuelo Martinez</b> <b>Tina Inscoe</b> <b>Joe Garcia</b>
CITY MANAGER	<b>Jeffrey Epp</b>
CITY CLERK	<b>Zack Beck</b>
CITY ATTORNEY	<b>Michael McGuinness</b>
DIRECTOR OF COMMUNITY DEVELOPMENT	<b>Mike Strong</b>
DIRECTOR OF ENGINEERING SERVICES	<b>Julie Procopio</b>

Public Comment: To submit comments in writing, please do so at the following link:  
<https://www.escondido.org/agenda-position.aspx>.

The meeting will be available for viewing via public television on Cox Communications Channel 19 (Escondido only). The meeting will also be live streamed online at the following link:  
<https://www.escondido.org/meeting-broadcasts.aspx>

In the event a quorum of the City Council loses electrical power or suffers an internet connection outage not corrected within 15 minutes, the meeting will be adjourned. Any items noticed as public hearings will be continued to the next regularly scheduled meeting of the City Council. Any other agenda items the Council has not taken action on will be placed on a future agenda.

**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

**May 19, 2021  
4:00 p.m. Meeting**

**Escondido City Council**

## **CALL TO ORDER**

**ROLL CALL:** Garcia, Inscoe, Martinez, Morasco, McNamara

## **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/RRB)**

- I. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
  - a. Property:** 272 E. Via Rancho Pkwy, APN: 2710301400, 2710301600  
**City Negotiator:** Jeffrey Epp, City Manager, or designee  
**Negotiating Parties:** Transform SR Holdings, LLC. or affiliates  
**Under Negotiation:** Price and Terms of Lease
  
- II. CONFERENCE WITH LABOR NEGOTIATORS (Government Code §54957.6)**
  - a. Agency Representative:** Jeffrey Epp (City Manager) and/or designee  
**Employee Organization:** Maintenance and Operations Bargaining Unit (Teamsters)
  
  - b. Agency Representative:** Jeffrey Epp (City Manager) and/or designee  
**Employee Organization:** ECEA Unit (ACE and SUP)
  
  - c. Agency Representative:** Jeffrey Epp (City Manager) and/or designee  
**Employee Organization:** Police Officers' Association Non-Sworn Bargaining Unit

## **ADJOURNMENT**



# Council Meeting Agenda

**May 19, 2021  
5:00 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:** Garcia, Inscoe, Martinez, Morasco, McNamara

**PROCLAMATIONS:** National Historic Preservation Month 2021

**PRESENTATIONS:** Mayor's Monarch Pledge – Conway Elementary School

## **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 \(COUNCIL/RRB\)](#)**

2. **APPROVAL OF WARRANT REGISTER (Council)**

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

- 352507 - 352689 dated May 5, 2021

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

3. **APPROVAL OF MINUTES: None Scheduled**

**CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)**

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

4. **TEFRA HEARING FOR THE AMERICAN HERITAGE EDUCATION FOUNDATION -**

Request the City Council approve the issuance revenue bonds by the California Municipal Finance Authority for the purpose of financing or refinancing the acquisition, construction and improvement, renovation and equipping of certain educational facilities for the benefit of American Heritage Education Foundation, Escondido Charter High School District and Heritage K-8 Charter Schools, which are located in the City of Escondido.

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

RESOLUTION NO. 2021-72

**CURRENT BUSINESS**

5. **INDEPENDENT REDISTRICTING COMMISSION UPDATE -**

Request the City Council receive and file an update regarding the redistricting process in Escondido.

Staff Recommendation: **Receive and File (City Clerk's Office: Zack Beck)**

6. **POTENTIAL FOR FUTURE LEGALIZATION OF CANNABIS SALES -**

Request the City Council review the status of commercial cannabis sales in San Diego County and provide policy direction concerning local measures to legalize cultivation and sale of cannabis products in the City of Escondido.

Staff Recommendation: **Provide Direction (City Manager's Department: Christopher McKinney)**

## FUTURE AGENDA

### 7. 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: Zack Beck)**

## COUNCIL MEMBERS SUBCOMMITTEE REPORTS AND OTHER 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. This report is also available on the City's website, [www.escondido.org](http://www.escondido.org).

- 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
May 26	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers
June 2	-	-	No Meeting (Memorial Day)	-
June 9	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers
June 16	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers

## TO ADDRESS THE COUNCIL

Public Comment: To submit comments in writing, please do so at the following link:  
<https://www.escondido.org/agenda-position.aspx>.

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.

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
- 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](http://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 4:00 in Closed Session and 5:00 in Open Session.  
(Verify schedule with City Clerk's Office)**

**Members of the Council also sit as the Successor Agency to the Community Development  
Commission, 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.*



**AFFIDAVITS**

**OF**

**ITEM**

**POSTING**





## CITY COUNCIL STAFF REPORT

Consent Item No. 2

May 19, 2021

File No. 0400-40

SUBJECT: Approval of Warrants

DEPARTMENT: Finance Department

RECOMMENDATION:

Request approval for City Council and Housing Successor Agency warrant numbers 352507 – 352689 dated May 5, 2021.

FISCAL ANALYSIS:

The total amount of the warrants for the period of April 29 – May 5, 2021, is \$820,142.11.

BACKGROUND:

The Escondido Municipal Code Section 10-49 states that warrants or checks may be issued and paid prior to audit by the City Council, provided the warrants or checks are certified and approved by the Director of Finance as conforming to the current budget. These warrants or checks must then be ratified and approved by the City Council at the next regular Council meeting.



Consent Item No. 3

May 19, 2021

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**APPROVAL**

**OF**

**MINUTES**



# CITY COUNCIL STAFF REPORT

**Public Hearing Item No. 4**

**May 19, 2021**

**File No. 0440-45**

SUBJECT: TEFRA Hearing for the American Heritage Education Foundation

DEPARTMENT: Finance Department

RECOMMENDATION:

It is recommended that the City Council hold a public hearing pursuant to the Tax Equity and Fiscal Responsibility Act ("TEFRA") to adopt Resolution No. 2021-72 and approve the issuance of revenue bonds by the California Municipal Finance Authority ("CMFA") for the purpose of financing or refinancing the acquisition, construction, rehabilitation, furnishing and/or equipping of certain educational facilities for the benefit of American Heritage Education Foundation, Escondido Charter High School District and Heritage K-8 Charter Schools, which are located in the City of Escondido (the "Project"). The bonds will not exceed \$20,000,000 (the "Bonds").

FISCAL ANALYSIS:

There is no fiscal impact to the City of Escondido ("City"). The purpose of this agenda item is to facilitate a public hearing, and adopt a Resolution to approve the issuance of the revenue bonds by CMFA for this Project. CMFA will then conduct its own process to issue the bonds, and investors will look only to the American Heritage Education Foundation (the "Borrower") for repayment of the bonds. The City, therefore, has no financial, or legal obligation, nor liability or responsibility for this Project or the repayment of the bonds issued pursuant to Resolution No. 2021-72.

PREVIOUS ACTION:

On December 11, 2013, the City Council adopted Resolution No. 2013-170 approving, authorizing and directing execution of a Joint Exercise of Powers Agreement ("Agreement") relating to the City's membership in the CMFA. The City is therefore an authorized CMFA member and an "applicable elected representative" that is suitable for the Borrower to use to conduct this public hearing. The City Council approved a previous financing for the Borrower on March 2, 2016 by Resolution No. 2016-36.

BACKGROUND:

The City is a member agency of CMFA, and CMFA has the authority to serve as the issuer of these tax-exempt revenue bonds, to obtain funds to make loans to finance projects for affordable housing, healthcare, education, cultural facilities and waste-to-energy. The CMFA was created on January 1, 2004 and is a public entity, separate and apart from its members, so the debts, liabilities and obligations of CMFA do not constitute debts, liabilities or obligations of its members. CMFA provides that any member may withdraw from the Agreement upon written notice to the Board of Directors of the CMFA at any time.

In order for the interest on the Bonds to be tax-exempt to investors, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that an "applicable elected representative" of the governmental unit, in the geographic jurisdiction where the site of facilities to be financed with the proceeds of the Bonds is located, hold a public hearing on the issuance of the Bonds and approve the issuance of the Bonds. Prior to conducting the TEFRA Hearing, reasonable notice must be provided to the community. CMFA will then conduct its own process to issue the bonds, and investors will look only to the Borrower for repayment of the bonds. The City, therefore, has no financial or legal obligation, nor liability or responsibility for this Project or the repayment of the bonds issued pursuant to Resolution No. 2021-72.

The Borrower, a California nonprofit corporation established to support the operations of the American Heritage family of California public charter schools, has requested that the CMFA issue tax-exempt revenue bonds in the maximum principal amount of \$20 million. The proceeds of the Bonds will be used to: (1) finance or refinance the acquisition, construction, improvement, rehabilitation, furnishing and/or equipping of certain educational facilities located at 1050 North Broadway in Escondido, California (the "Facilities"), (2) pay capitalized interest, if any; (3) fund a debt service reserve fund; and (4) pay certain issuance expenses. The Facilities are owned or expected to be owned by the Borrower, a California nonprofit public benefit corporation designated as an organization described in Section 501(c)(3) of the Code. The Borrower will lease the Facilities to Escondido Charter High School and Heritage K-8 Charter School for use in connection with their educational purposes as California public charter schools.

Staff is recommending that the City Council adopt Resolution No. 2021-72 approving CMFA's issuance of revenue bonds for the purpose of financing and refinancing the acquisition, construction and improvement of certain facilities for the benefit of the American Heritage family of Charter Schools.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Christina Holmes*, Director of Finance  
05/12/21 11:28 a.m.

ATTACHMENTS:

1. Resolution No. 2021-72

TEFRA Hearing for the American Heritage Education Foundation  
May 19, 2021  
Page 3

RESOLUTION NO. 2021-72

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING THE ISSUANCE BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY OF REVENUE BONDS FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, RENOVATION AND/OR EQUIPPING OF CERTAIN EDUCATIONAL FACILITIES FOR THE BENEFIT OF AMERICAN HERITAGE EDUCATION FOUNDATION, ESCONDIDO CHARTER HIGH SCHOOL DISTRICT AND HERITAGE K-8 CHARTER SCHOOL

WHEREAS, the California Municipal Finance Authority (“CMFA”) was formed pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the “Act”), by certain public agencies (the “Members”) who have entered into a Joint Exercise of Powers Agreement dated as of January 1, 2004 (the “Agreement”) for the purpose of promoting economic, cultural and community development, and in order to exercise any powers common to the Members, including the issuance of bonds, notes or other evidences of indebtedness; and

WHEREAS, the City of Escondido (the “City”) is a Member of the CMFA; and

WHEREAS, the CMFA is authorized to issue and sell revenue bonds for the purpose, among others, of financing or refinancing the construction of capital projects; and

WHEREAS, American Heritage Education Foundation (the “Borrower”) and Escondido Charter High School District and Heritage K-8 Charter School (collectively, the “Lessees”) have requested that the CMFA issue and sell revenue bonds in the maximum principal amount of \$20,000,000 (the “Bonds”) for the purpose of making a loan to the Borrower, to enable the Borrower to (1) finance or refinance the costs of the acquisition,

construction, improvement, renovation and equipping of certain educational facilities located at 1050 North Broadway, all in Escondido, California (collectively, the “Facilities”), (2) fund one or more reserve funds with respect to the Bonds; (3) pay capitalized interest, if any; and (4) pay certain expenses incurred in connection with the issuance of the Bonds (the “Project”); and

WHEREAS, in order for the interest on the Bonds to be tax-exempt, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that an “applicable elected representative” of the governmental unit, the geographic jurisdiction where the site of facilities to be financed with the proceeds of the Bonds is located, hold a public hearing on the issuance of the Bonds and approve the issuance of the Bonds following such hearing; and

WHEREAS, the CMFA has determined that the City Council is an “applicable elected representative” for purposes of holding such hearing; and

WHEREAS, the CMFA has requested that the City Council approve the issuance of the Bonds by the CMFA in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Agreement; and

WHEREAS, notice of such public hearing has been duly given as required by the Code, as there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation, printed and published in the County and circulated in the City, a notice that a public hearing regarding the Bonds would be held on the date specified in such notice, and this City Council has heretofore held such public hearing at which all interested persons were given an opportunity to be heard on all matters relative to the financing or refinancing of the Project and the CMFA’s issuance of the Bonds

therefor; and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the issuance of the Bonds by the CMFA for the aforesaid purposes.

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. The City Council hereby approves the issuance of the Bonds by the CMFA. It is the purpose and intent of the City Council that this resolution constitutes approval of the issuance of the Bonds (a) by the “applicable elected representative” of the governmental unit having jurisdiction of the area in which the Project is located in accordance with Section 147(f) of the Code; and (b) by the City Council in accordance with Section 4 of the Agreement.

3. The issuance of the Bonds shall be subject to the approval of the CMFA of all financing documents relating thereto to which the CMFA is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the CMFA; or (iv) take any further action with respect to the CMFA or its membership therein.

5. The executing officer(s), the Clerk and all other proper officers and officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized.

6. The Clerk shall forward a certified copy of this Resolution to the CMFA in care of its counsel:

Ronald E. Lee, Esq.  
Jones Hall, a Professional Law Corporation  
650 California Street, 18<sup>th</sup> Floor  
San Francisco, California 94108

7. This Resolution shall take effect immediately upon its passage.

## CITY COUNCIL STAFF REPORT

**Current Business Item No. 5**

**May 19, 2021**

**File No. 0120-10**

SUBJECT: Independent Redistricting Commission Update

DEPARTMENT: City Clerk

RECOMMENDATION:

It is requested that the City Council receive and file an update regarding the redistricting process in the City of Escondido (“City”).

PREVIOUS ACTION:

In 2013, the City formed an Independent Districting Commission which was vested with authority to develop an initial district-based plan for future City Council elections. It was composed of seven members, appointed by a Selection Panel of three retired judges residing in San Diego County.

The Consent Decree (See Attachment 1) entered in San Diego Superior Court Case No. 37-2011-00060480 established the guidelines and criteria for districting of the City. Pursuant to the Consent Decree, the Selection Panel appointed Commission members who provided racial, geographic, social and ethnic diversity; had a high degree of competency to carry out the responsibilities of the Commission; and a demonstrated capacity to serve with impartiality.

With the assistance of an expert consultant, the Commission adopted plans that divided the City into four Council districts. The City Council approved the district boundaries on December 4, 2013, (See Attachment 2), and by Ordinance No. 2013-17 (See Attachment 3) to be used in the 2014, 2016, 2018, and 2020 General Elections.

Elections for the City’s four City Council members are conducted under a district-based method in which the four City Council members are elected from four districts and the Mayor is elected at-large.

Pursuant to the Consent Decree dated April 19, 2013, the City shall be redistricted at least once every ten years, but no later than 120 days before the next City Council election after the national decennial census is released. If the next City Council election is within 180 days of the day the national decennial census data is released, redistricting shall be completed no later than 120 days before the following Council election.

The City shall establish a seven-member Independent Redistricting Commission “Commission”, which shall be vested with authority to develop an initial district-based plan for future City Council elections. To establish a truly Independent redistricting or Redistricting Commission, the selection process must be free of political influence and must be reasonably representative of the City’s diversity. Members of

the Commission shall be appointed by a panel of three retired judges residing in San Diego County "Selection Panel".

The City solicited applications for members of the public to serve on the Independent Redistricting Commission from June 15, 2020 to July 31, 2020. Twenty candidates applied. Per Consent Decree guidelines, the City Clerk removed from the pool any individual who was not a qualified elector in the City or who, within ten years preceding the date of application:

- Was a candidate for local, federal, or California state office.
- Was a paid employee or paid consultant of the campaign for a California political candidate or for a California political committee as defined by federal or state law.
- Was an official or paid employee of any California political party organization.
- Made monetary contributions to California political campaigns or political parties that exceed a total of \$5,000 during a two-year period, which amount shall be adjusted consistent with the consumer price index in future years.
- Is currently a candidate for local, federal, or California state office.

On August 31, 2020, the City Manager compiled a list of retired judges willing to serve on the Redistricting Selection Panel and residing in San Diego County, per Consent Decree guidelines (Attachment 4). The following judges were appointed to the Selection Panel:

- Hon. Irma Gonzalez
- Hon. William Pate
- Hon. William Howatt, Jr.

On November 18, 2021, the Selection Panel appointed the following candidates to the Independent Redistricting Commission (Attachment 5):

- Robert Case
- Carolyn Clemens
- Amy Dao Doan
- Kristy Jurgensen
- Xochitl Reyes
- Mariela Saldana

On January 6, 2021, the Independent Redistricting Commission held its first meeting. The Commission appointed Robert Case as Chair and Kristy Jurgensen as Vice Chair. The Commission agreed to set a budget in the amount of \$200,000 and submit it to the City Council for approval. On January 27, 2021, the City Council approved the budget.

The Independent Redistricting Commission held its second meeting on February 2, 2021 and selected Karin MacDonald (Q2 Data) to serve as the Redistricting Commission demographer through

the redistricting process. Ms. MacDonald previously served as the demographer for the initial City of Escondido Independent Districting Commission in 2013.

On May 4, 2021, the Independent Redistricting Commission held its third meeting to establish public outreach goals and set a tentative timeline for holding future public hearings where map drawing will take place following the release of Census data.

#### BACKGROUND:

The Independent Redistricting Commission shall adhere to the procedural and substantive requirements set forth in the Consent Decree in developing and adopting future redistricting plans. Each redistricting plan shall provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and shall be in conformance with the requirements of the United States and California Constitutions, and with federal and state statutes.

The new district boundaries shall comply with the United States Constitution, including containing reasonably equal population; shall comply with the federal Voting Rights Act; shall be geographically contiguous and drawn to encourage geographic compactness; shall be drawn with respect for geographic integrity of any neighborhood and any community of interest, including racial, ethnic, and language minorities; and shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

The Commission's decisions will be governed by federal and state legal requirements as well as criteria specific to Escondido. The United States Constitution requires districts contain roughly equal population and it and the federal Voting Rights Act ("VRA") prohibit racial discrimination. The federal VRA also prohibits discrimination because of language minority status, in addition to practices that have a discriminatory effect, such as at-large elections or districts that make it harder for a racial or language minority group to elect a representative of choice.

Escondido's decisions will also be governed by specific criteria resulting from the consent decree in a California VRA case. In ranked order, the Commission must address the following criteria:

- All districts comply with the United States Constitution. This includes that each district contains about the same number of people.
- All districts comply with the federal Voting Rights Act. This could mean drawing one or more majority-minority districts, if it is possible to do so.
- All districts must be contiguous and encourage compactness.

The Commission shall conduct an open and transparent process that ensures full and meaningful public consideration of and comment on the drawing of district lines.

Due to the COVID-19 Pandemic, release of the United States Census data has been delayed until September 30, 2021 (legacy Census data will be released on August 16, 2021).

After receiving new Census data, the Commission shall provide public notice of and hold a minimum of six (6) public hearings at which all Escondido citizens will have equal opportunity to comment on the drawing of district lines.

The public hearings shall be held at six (6) geographically diverse locations throughout Escondido. The Commission shall make every reasonable effect to afford maximum public access to its proceedings.

In particular, the Commission shall fix the times and locations of the hearings so as to assure accessibility to Escondido's Latino and other ethnic communities, including Escondido's Chinese, Vietnamese and Filipino communities.

Notice of each of the public hearings shall be provided in English, Spanish, Chinese, Vietnamese, and Filipino.

Spanish, Chinese, Vietnamese, and Filipino translation services shall be provided at each of the public hearings.

After having heard comments from the public, the Commission shall, in consultation with the expert consultant, prepare a preliminary districting plan dividing the City into four (4) Council districts.

If adopted by the City, those districts shall be used for all future elections of City Council members, including their recall, and for filling any vacancy in the office of member of the Council until new districts are established. The Commission shall draw proposed district boundary lines of the City pursuant to the criteria set forth in the following order or priority:

- Districts shall comply with the United States Constitution, including containing reasonably equal population.
- Districts shall comply with the federal Voting Rights Act.
- Districts shall be geographically contiguous and drawn to encourage geographic compactness.
- Districts shall be drawn with respect for geographic integrity of any neighborhood and any community of interest, including racial, ethnic, and language minorities, to the extent possible without violating the requirements of any of the preceding provisions. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

- The place of residence of any incumbent or political candidate shall not be considered in the drawing of district boundaries. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate or political party.

The Commission shall file its designated preliminary districting plan with the City Clerk, along with a report outlining the bases on which its decisions were made as to district boundaries and explaining its compliance with the criteria outlined in Subsection IX.E of the Consent Decree, including any definitions of any terms or standards used in drawing its draft plan. The preliminary plan and accompanying report shall be made publicly available.

During the thirty (30) day period after filing the designated preliminary districting plan with the City Clerk, the Commission shall hold at least three (3) public hearings in various geographic areas of the City before it makes any modifications. Notice of public hearings shall be provided in both English and Spanish, and the public hearings shall be conducted in both English and Spanish.

After having heard comments from the public on the preliminary plan, and no later than forty (40) days after filing the preliminary districting plan with the City Clerk, the Commission shall, in consultation with the expert consultant, approve a Recommended Districting Plan by majority vote. The approved Recommended Districting Plan will be submitted to the City Council for its up or down approval.

The City Council shall hold at least one (1) public hearing on the Recommended Districting Plan of the Commission before any adoption of a Final Districting Plan. No later than forty (40) days after submission of the Recommended Districting Plan to the City Council, the City Council shall either approve or disapprove the Recommended Districting Plan in its entirety.

If the Council approves the Recommended Districting Plan, it shall become the Final Districting Plan and shall be implemented. If the Council disapproves the Recommended Districting Plan the Council shall submit in writing to the Commission, the reasons for such disapproval. The Commission shall consider any reasons for disapproval submitted to it by the Council and shall consider whether to make alterations to the Recommended Districting Plan in response to such reasons. Within forty (40) days of the City Council's submission of its reasons for disapproval, the Commission shall submit the same or an altered Recommended Districting Plan to the City Council for approval.

#### CONCLUSION:

The City will conduct a comprehensive redistricting process following the 2020 decennial census through a seven-member Independent Redistricting Commission. The Commission is vested with

authority to develop a district-based plan for future City Council elections. Members of the Commission were appointed by a panel of three retired judges residing in San Diego County.

The Independent Redistricting Commission will hold multiple public hearings at geographically diverse locations throughout the City of Escondido in order to engage the public in the redistricting process.

The objective of the Independent Redistricting Commission is to develop a redistricting plan that complies with the United States Constitution, the federal Voting Rights Act, the California Voting Rights Act, and the Consent Decree as described in more detail above.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Zack Beck*, City Clerk  
05/12/21 11:06 a.m.

ATTACHMENTS:

1. Attachment 1 – Consent Decree (San Diego Superior Court Case No. 37-2011-00060480)
2. Attachment 2 - City Council Meeting Minutes, December 4, 2013
3. Attachment 3 - Ordinance No. 2013-17
4. Attachment 4 – Selection Panel Contract
5. Attachment 5 – Selection of Independent Redistricting Commission



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 Saldivar, and Samuel Saldivar )  
 8

**F I L E D**  
 Clerk of the Superior Court  
 APR 19 2013  
 BY Noreen McKinley, Deputy

9  
 10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 11 COUNTY OF SAN DIEGO  
 12 NORTH COUNTY REGIONAL CENTER

13 DEMETRIO GOMEZ, *et al.*, ) Case No: 37-2011-00060480-CU-CR-NC  
 )  
 14 Plaintiff, ) [PROPOSED] JUDGMENT  
 ) Unlimited Civil Case  
 15 v. )  
 ) Judge Earl H. Maas, III  
 16 CITY OF ESCONDIDO, *et al.* ) Dept. N-28  
 )  
 17 Defendants. ) Case Filed: December 20, 2011  
 18 )

19 Good cause appearing:

- 20 1. The [PROPOSED] CONSENT DECREE submitted to the Court on March 22,  
 21 2013 and attached hereto as Exhibit A, is hereby adopted as an Order of the Court.  
 22 2. Judgment pursuant to the Consent Decree's findings of fact and conclusions of  
 23 law is hereby made and shall be entered by the Clerk pursuant to the terms and conditions set  
 24 forth in the Consent Decree.  
 25 3. The Court reserves exclusive and continuing jurisdiction over this action for the  
 26 purposes of enforcing the terms of the Consent Decree and providing such further relief as may  
 27 be appropriate.  
 28





1     **I.     INTRODUCTION**

2             This lawsuit involves a challenge under both the California Voting Rights Act of 2001,  
3 Cal. Elec. Code §14025 *et seq.* (“CVRA”), and the federal Voting Rights Act of 1965, as  
4 amended, 42 U.S.C. §1973 *et seq.*, (“FVRA”), to the City of Escondido’s current method for  
5 electing members of its City Council. Under that system, City Council members are elected “at-  
6 large” by all of the voters in Escondido. Plaintiffs claim that racially polarized voting in at-large  
7 City Council elections dilutes the voting strength of Escondido’s Latino voters and thereby  
8 impairs their ability to participate in the political process, to elect candidates of their choice, and  
9 to influence the outcome of elections. Plaintiffs claim that the at-large system results in a denial  
10 or abridgement of their right to vote on account of their race or color, in violation of state and  
11 federal voting rights laws, and that the City is required to replace the current at-large system with  
12 a district-based system in which the City Council members are elected from non-overlapping  
13 subdivisions of Escondido.

14             The parties desire to avoid unnecessary, expensive, and protracted litigation over State  
15 CVRA claims on which Plaintiffs are likely to succeed, and have accordingly entered into this  
16 Consent Decree (“Decree”). The parties have stipulated, and the Court finds, that voting within  
17 Escondido elections is racially polarized, as defined herein, and that, to the extent necessary to  
18 establish a violation of the CVRA, this racial polarization results in the abridgement or dilution  
19 of the voting rights of Escondido’s Latino citizens, impairing their ability to elect candidates of  
20 their choosing and influence the outcome of elections. These facts establish a violation of  
21 Plaintiffs’ rights under the CVRA, and the parties have accordingly stipulated to Defendants’  
22 liability under the CVRA. As part of this Decree, Plaintiffs have agreed to dismiss all FVRA  
23 claims with prejudice.

24             To remedy this CVRA violation, the Decree provides that Escondido will replace its  
25 existing at-large method for electing City Council members with a method in which City Council  
26 members are elected from four distinct districts and the Mayor is elected at-large. The Decree  
27 provides that an independent districting commission will create and recommend districts, taking  
28

1 into consideration the requirements of state and federal voting rights laws, the desire for  
2 geographic continuity and compactness, and the preference to maintain the integrity of  
3 neighborhoods and communities of interest. The Decree requires the Commission to involve the  
4 public in its decision-making, and prohibits the Commission from drawing any district that  
5 violates state and federal voting rights laws. The Commission's districting plan is subject to final  
6 approval by the Escondido City Council.

7 This Decree has been voluntarily entered into by the parties to this litigation, has been  
8 approved by the Superior Court of the State of California, County of San Diego as to its form and  
9 substance, and is entered as an Order of the Court. This Decree finally resolves all claims in the  
10 litigation now pending between the parties. The Court retains jurisdiction to enforce the  
11 provisions of this Decree.

## 12 **II. PURPOSE OF THE CONSENT DECREE**

13 The parties have entered into this Consent Decree for the following purposes:

14 A. To resolve all disputes covered by the Decree in such a way as to avoid  
15 unnecessary, expensive, and protracted litigation in a case in which Defendants are willing to  
16 stipulate to liability;

17 B. To ensure that future elections for the City of Escondido's City Council are  
18 conducted under a district-based method of election in compliance with the CVRA; and

19 C. To establish a fair and impartial process, providing adequate public notice and  
20 opportunity for comment, for the design and adoption of a plan for electing members of the City  
21 Council that replaces the current at-large voting system with a district-based system that provides  
22 for four single-member districts that are drawn in compliance with State and federal law.

## 23 **III. DEFINITIONS**

24 When used in this Decree, the terms defined below shall have the following meanings:

25 A. "Approval Date" means the date upon which the Court signs this Decree.

26 B. "At-large" means a voting system in which the voters of the entire jurisdiction  
27 vote for all of the members of the governing body. Cal. Elec. Code §14026(a)(1).

- 1 C. "City" means the City of Escondido.
- 2 D. "City Council" means the Escondido City Council.
- 3 E. "Court" means the Superior Court of the State of California, County of San Diego.
- 4 F. "Defendants" means the City of Escondido; the City Council; and the Mayor,  
5 Deputy Mayor, and City Clerk, in their official capacities for the City of Escondido.
- 6 G. "District-based" means a method of electing members to the governing body of a  
7 political subdivision in which the candidate must reside within an election district that is a  
8 divisible part of the political subdivision, and is elected only by voters residing within that  
9 election district. Cal. Elec. Code §14026(b).
- 10 H. "Escondido" means the City of Escondido.
- 11 I. "Final Approval" means the entry of this Decree by the Court.
- 12 J. "Political subdivision" means a geographic area of representation created for the  
13 provision of government services, including, but not limited to, a city, a school district, a  
14 community college district, or other district organized pursuant to state law. Cal. Elec. Code  
15 §14026(c).
- 16 K. "Plaintiffs" means Demetrio Gomez, Giovanni Campos, Oscar Gomez, Mateo  
17 Saldivar, and Samuel Saldivar.
- 18 L. "Protected class" means a class of voters who are members of a race, color or  
19 language minority group, as this class is referenced and defined in the federal Voting Rights Act,  
20 42 U.S.C. §1973 *et seq.* Cal. Elec. Code §14026(d).
- 21 M. "Racially polarized voting" means voting in which there is a difference in the  
22 choice of candidates or other electoral choices that are preferred by voters in a protected class,  
23 and in the choice of candidates and electoral choices that are preferred by voters in the rest of the  
24 electorate. Cal. Elec. Code §14026(e).
- 25 N. "Voter" means any person who is a United States citizen 18 years of age or older  
26 and who is registered or eligible to vote in Escondido.

27 //

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1 **IV. LITIGATION BACKGROUND**

2 On December 20, 2011, Plaintiffs (all of whom are Latino voters in Escondido), and the  
3 State Building and Construction Trades Council of California filed a complaint alleging that the  
4 City's at-large system for electing members of the Escondido City Council dilutes the voting  
5 strength of Escondido's Latino voters and thereby impairs their ability to participate in the  
6 political process, to elect candidates of their choice, and to influence the outcome of elections.  
7 Plaintiffs alleged that the City's at-large system results in a denial or abridgement of their right to  
8 vote on account of race or color, in violation of both the CVRA and the federal Voting Rights  
9 Act. Plaintiffs sought a declaratory judgment that Escondido's at-large method of electing City  
10 Council members violates the CVRA and the federal Voting Rights Act; preliminary and  
11 permanent injunctive relief enjoining Defendants from applying the at-large system to future City  
12 Council elections; permanent injunctive relief mandating a new district-based system for City  
13 Council elections; and attorneys' fees and costs.

14 Defendants demurred to Plaintiffs' complaint, challenging the State Building and  
15 Construction Trade Council's standing. The Court sustained Defendants' demurrer and  
16 dismissed the Council from the action on March 28, 2012. Defendants thereafter answered the  
17 Complaint on April 2, 2012. Defendants denied every allegation in Plaintiffs' complaint and  
18 asserted that Plaintiffs were entitled to no relief on their claims under the CVRA or the federal  
19 Voting Rights Act.

20 Notwithstanding this denial of liability, Defendants sought to address the claims in  
21 Plaintiffs' complaint by including provisions converting the City's at-large method for electing  
22 City Council members to a district-based system in a proposed charter for the City, which was  
23 under consideration by the City Council prior to the initiation of this lawsuit and which included  
24 several provisions unrelated to City Council elections. On May 23, 2012, the City Council voted  
25 to include in the proposed charter the following sections:

26 Section 300. Enumeration and Term

27 The elected officers of the City shall consist of:

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

1 from the City at large and shall hold the office of Mayor.

2 Section 301. Districts

3 For the purpose of electing the members of the Council, excepting the Mayor, the  
 4 City shall be divided into four Districts. The City Council shall, by ordinance,  
 5 establish four Districts that shall be used for the elections of Council members,  
 6 excepting the Mayor. Said Districts shall be in compliance with applicable laws.  
 7 The ordinance establishing the boundaries of the Districts shall be adopted on or  
 8 before December 31, 2013.

6 Section 302. Redistricting

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

9 After a further public hearing held on June 13, 2012, the City Council voted to submit the  
 10 proposed charter to the voters at the November 6, 2012 general election. The Court stayed  
 11 proceedings in this case pending the outcome of that election.

12 The voters ultimately rejected the proposed charter. Escondido therefore continues to  
 13 elect City Council members through its existing at-large system.

14 On November 26, 2012, Defendant City of Escondido filed a statement with the Court  
 15 expressing Defendants' intent "to resolve this action without continuing litigation." The parties  
 16 thereafter engaged in extensive settlement discussions and exchanged various proposals  
 17 regarding injunctive relief. After extensive negotiations, the parties agreed upon the terms of this  
 18 Decree.

19 **V. JURISDICTION**

20 The Court has jurisdiction over the parties and subject matter of this action, and venue is  
 21 proper in this Court. The Complaint in this action asserts claims that authorize the Court to grant  
 22 the injunctive relief set forth in this Decree. The Court shall retain jurisdiction over this matter to  
 23 enforce the provisions of the Decree, and for such further relief as may be appropriate.

24 **VI. TERM OF THE DECREE**

25 A. The equitable provisions of this Decree are effective immediately upon the  
 26 Approval Date.

27 B. Except as otherwise provided herein, the provisions of this Decree and the  
 28



1 agreements contained herein shall remain in effect for a period of five (5) years from the  
 2 Approval Date, or for a period of one (1) year from the date a final initial Districting Plan is  
 3 adopted, whichever is later.

4 **VII. RELEASE AND DISMISSAL OF CLAIMS**

5 Plaintiffs and Defendants hereby stipulate to the dismissal of all claims by Plaintiffs  
 6 against the City Council, Mayor, Deputy Mayor, and City Clerk. Upon Final Approval of the  
 7 Decree, for and in consideration of the mutual promises, terms, and conditions by and between  
 8 Plaintiffs and Defendants set forth herein, the sufficiency of which is expressly acknowledged,  
 9 the Plaintiffs do hereby fully, finally, and forever release and discharge Defendants and anyone  
 10 acting in concert with or on behalf of them, from any and all past and/or present claims,  
 11 demands, actions, causes of action, suits, damages, liabilities, assessments, judgments, attorneys'  
 12 fees, costs, losses, debts, obligations and expenses, of any and every nature whatsoever, arising  
 13 from the City's current at-large system for electing City Council members. Provided, however,  
 14 that this Decree does not constitute a waiver of any claims arising after the Approval Date,  
 15 including claims arising from any at-large system for electing City Council members that may be  
 16 established in the future that differs from that set forth in this Consent Decree and claims for any  
 17 additional attorneys' fees or costs incurred by Plaintiffs after the Approval Date in litigating this  
 18 lawsuit.

19 **VIII. STIPULATION AND DETERMINATION OF LIABILITY**

20 **A. Factual Findings**

21 The parties stipulate to, and the Court makes, the following findings of fact:

22 Existing City Council Election System

23 1. The City of Escondido is a general law city organized under the laws of  
 24 the State of California, Cal. Gov't Code §34100 *et seq.*, located in the County of San Diego. The  
 25 City is a political subdivision within the meaning of Cal. Elec. Code §14026(a).

26 2. Escondido is governed by a five-member Escondido City Council, which  
 27 acts as the governing and legislative body for the City, within the meaning of Cal. Elec. Code  
 28

1 §14028(a).

2 3. The City Council is composed of the Mayor of Escondido and four City  
3 Council members, all of whom serve four-year terms. City Council elections are staggered such  
4 that two City Council members are elected every two years.

5 4. City Council elections are conducted by an "at-large method of election,"  
6 within the meaning of Cal. Gov't Code §14026(a)(1). All Escondido voters, regardless of where  
7 they reside within Escondido, vote for their preferred City Council candidates, and the two  
8 candidates who receive the most votes are elected to the City Council.

9 5. Consistent with and in compliance with California law regulating general  
10 law cities, the City has used an at-large voting system since its incorporation in 1888.

11 Escondido's Voting Population

12 6. As of the 2010 census, the total population of Escondido was 143,911.

13 7. As of the 2010 census, 48.9% of Escondido's total population, or 70,326  
14 residents, were Hispanic or Latino.

15 8. Latinos comprise approximately 26% of Escondido's Citizen Voting Age  
16 Population (CVAP).

17 9. Escondido's Latino residents are not evenly dispersed throughout  
18 Escondido. Rather, Latino residents are concentrated in specific neighborhoods, including  
19 neighborhoods in Escondido's historic central core such as the Mission Park neighborhood.

20 Escondido Has a Pattern of Racially Polarized Voting that Impairs the Ability of Latino  
21 Voters To Elect Candidates of their Choice

22 11. Voting in elections for City Council members has been and continues to be  
23 racially polarized. Statistical analyses of multiple elections in Escondido show that Escondido's  
24 Latino voters tend to vote similarly to one another, while voting differently from non-Latino  
25 voters. The pattern of racially polarized voting in City Council elections is statistically  
26 significant. Similar statistically significant patterns exist in elections for the California  
27 Legislature, in federal elections, and in voting on state ballot initiatives.

28 12. Prior election results demonstrate that Escondido's at-large method of

1 electing members of the City Council impairs the ability of Latino voters to elect candidates of  
2 their choice and to influence the outcome of elections.

3 13. Only two Latinos have ever been elected to the Escondido City Council.

4 **B. Conclusions of Law**

5 Based on the foregoing undisputed facts, the parties hereby stipulate to Defendants'  
6 liability under the CVRA. Specifically, the parties stipulate to, and the Court makes, the  
7 following conclusions of law:

8 1. Latinos are a protected class under the FVRA and the CVRA.

9 2. Voting in elections for City Council members has been and continues to be  
10 racially polarized for purposes of the CVRA.

11 3. To the extent necessary to establish a violation of the CVRA, Escondido's  
12 at-large method of electing members of the City Council dilutes the voting rights of Latino voters  
13 in Escondido, and thereby impairs their ability to elect candidates of their choice and to influence  
14 the outcome of elections.

15 4. Given the evidence of racially polarized voting in Escondido, as well as  
16 the resulting abridgement or dilution of the voting rights of Latino voters, Escondido's existing  
17 at-large voting system for electing members of City Council violates the CVRA.

18 5. The usual, appropriate, and required remedy where a general law city's at-  
19 large method of electing City Council members violates the CVRA is to require a new district-  
20 based method of election. Cal. Elec. Code §14029 ("Upon a finding of a violation of [the  
21 CVRA], the court shall implement appropriate remedies, including the imposition of district-  
22 based elections . . .").

23 6. The necessary remedy for the violation of Plaintiffs' rights under the  
24 CVRA is the conversion of Escondido's existing at-large method of electing City Council  
25 members into a district-based system in which each of the four City Council member resides  
26 within, and is elected by voters within, one of four non-overlapping, geographically defined  
27 districts, and the Mayor is elected at-large.

1           7.     City Attorney Jeffrey Robert Epp has the legal authority to enter into and  
2 sign this settlement agreement for the City of Escondido.

3 **IX.   PROCESS FOR CONVERSION FROM AT-LARGE TO DISTRICT-BASED**  
4 **ELECTION SYSTEM**

5           A.     Appointment of Independent Commission. The City shall establish a seven-  
6 member independent districting and redistricting commission ("Commission"), which shall be  
7 vested with authority to develop an initial district-based plan for future City Council elections.

8                 1.     To establish a truly independent districting or redistricting commission, the  
9 selection process must be free of political influence and must be reasonably representative of the  
10 City's diversity.

11                 2.     Members of the Commission shall be appointed by a panel of three retired  
12 judges residing in San Diego County ("Selection Panel"). For the City's initial districting,  
13 Counsel for Defendants shall select one retired judge, counsel for Plaintiffs shall select one  
14 retired judge, and the two judges so selected shall select the third retired judge who will serve  
15 upon the Selection Panel. For each future redistricting, the City Manager will compile a list of  
16 retired judges willing to serve on the Selection Panel and residing in San Diego County. The  
17 three members of the Selection Panel will be chosen from that list. The names shall be drawn by  
18 the City Manager in the fashion described in California Penal Code sections 900(a) and 902. If  
19 one seat on the Selection Panel is left vacant due to a lack of qualified individuals willing to  
20 serve, that position shall be filled by a retired judge selected by the other two Selection  
21 Commission members. The members of the Selection Panel shall be chosen by June 1 of the  
22 year in which this Decree is approved, and thereafter by September 1 of every year in which a  
23 national decennial census is taken.

24                 3.     The Escondido City Clerk shall solicit nominations for appointment to the  
25 Commission in accordance with this provision by June 1 of the year in which this Decree is  
26 approved, and thereafter by September 1 of every year in which a national decennial census is  
27 taken. Individuals or organizations desiring to nominate persons for appointment to the  
28 Commission shall do so in writing to the City Clerk within the nominating period.

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4. The City Clerk shall remove from the pool any individual who is not a qualified elector in the City of Escondido or who, within the ten years preceding the date of application:

- a. Was a candidate for local, federal, or California state office;
- b. Was a paid employee or paid consultant of the campaign for a California political candidate or for a California political committee as defined by federal or state law;
- c. Was an official or paid employee of any California political party organization;
- d. Made monetary contributions to California political campaigns or political parties that exceed a total of \$5,000 during a two-year period, which amount shall be adjusted consistent with the consumer price index in future years; or
- e. Is currently a candidate for local, federal, or California state office.

5. The Clerk shall transmit the names and information regarding all remaining nominees with the names of corresponding nominating individuals and organizations to the Selection Panel immediately upon the close of nominations. The Selection Panel shall appoint seven (7) individuals to serve as members of the Commission no later than September 1 of the year in which this Decree is approved, and thereafter no later than December 1 of every year in which a national decennial census is taken. The Selection Panel shall use its best efforts to appoint people who will give the Commission racial, geographic, social, and ethnic diversity, and who, in its judgment, have a high degree of competency to carry out the responsibilities of the Commission and a demonstrated capacity to serve with impartiality.

6. Persons who accept appointment to the Commission shall, at the time of their appointment, file a written declaration with the Clerk stating that within five (5) years of the Commission's adoption of a final districting or redistricting plan, they will not seek election to a City of Escondido or Escondido Unified School District public office. The members of the Commission shall serve until the districting or redistricting plan adopted by the Commission becomes effective and any and all legal and referendum challenges have been resolved. The City

1 Council can reconvene the Commission at any time prior to the appointment of the next  
2 Commission.

3 7. Any vacancy in the Commission which occurs after the Commission is  
4 constituted shall be filled within seven calendar days by the Selection Panel, following the same  
5 procedure and using the same criteria established herein.

6 B. **Funding of Independent Commission.** Within sixty (60) days after the members  
7 of the Commission are appointed, the Commission shall adopt a budget and submit it to the City  
8 Council. The City Council shall appropriate to the Commission and to the City Clerk the funds  
9 necessary for the Commission to accomplish its task, including paying for an expert consultant.

10 C. **Retention of Expert Consultant.** Once constituted, the Commission shall retain  
11 an expert consultant familiar with the requirements of the CVRA and FVRA, census data and its  
12 use in redistricting, public engagement in redistricting, and with drawing voting districts.

13 D. **Public Hearings and Notice and Comment Period.** The Commission shall  
14 conduct an open and transparent process that ensures full and meaningful public consideration of  
15 and comment on the drawing of district lines.

16 1. The Commission shall provide public notice of and hold a minimum of six  
17 (6) public hearings at which all Escondido citizens will have equal opportunity to comment on  
18 the drawing of district lines.

19 2. The public hearings shall be held at six geographically diverse locations  
20 throughout Escondido. The Commission shall make every reasonable effort to afford maximum  
21 public access to its proceedings. In particular, the Commission shall fix the times and locations  
22 of the hearings so as to assure accessibility to Escondido's Latino and other ethnic communities,  
23 including Escondido's Chinese, Vietnamese, and Filipino communities.

24 3. Notice of each of the public hearings shall be provided in English,  
25 Spanish, Chinese, Vietnamese, and Filipino.

26 4. Spanish, Chinese, Vietnamese, and Filipino translation services shall be  
27 provided at each of the public hearings.

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1           E.     Preparation of Preliminary Plan. After having heard comments from the  
2 public, and no later than 150 days after the Commission's members are appointed, the  
3 Commission shall, in consultation with the expert consultant, prepare a preliminary districting  
4 plan dividing the City into four (4) Council districts. If adopted by the City, those districts shall  
5 be used for all future elections of City Council members, including their recall, and for filling any  
6 vacancy in the office of member of the Council until new districts are established. The  
7 Commission shall draw the proposed district boundary lines of the City pursuant to the criteria  
8 set forth in the following order of priority:

- 9                     1.     Districts shall comply with the United States Constitution, including  
10 containing reasonably equal population.
- 11                     2.     Districts shall comply with the federal Voting Rights Act.
- 12                     3.     Districts shall be geographically contiguous and drawn to encourage  
13 geographic compactness.
- 14                     4.     Districts shall be drawn with respect for geographic integrity of any  
15 neighborhood and any community of interest, including racial, ethnic, and language minorities, to  
16 the extent possible without violating the requirements of any of the preceding provisions.  
17 Communities of interest shall not include relationships with political parties, incumbents, or  
18 political candidates.
- 19                     5.     The place of residence of any incumbent or political candidate shall not be  
20 considered in the drawing of district boundaries. Districts shall not be drawn for the purpose of  
21 favoring or discriminating against an incumbent, political candidate, or political party.

22           F.     Production of Preliminary Plan. The Commission shall file its designated  
23 preliminary districting plan with the City Clerk, along with a report outlining the bases on which  
24 its decisions were made as to district boundaries and explaining its compliance with the criteria  
25 outlined in Subsection IX.E of this Decree, including any definitions of any terms or standards  
26 used in drawing its draft plan. The preliminary plan and accompanying report shall be made  
27 publicly available.

28

1           G.     Public Hearings on Draft Plan. During the thirty (30) day period after filing the  
2 designated preliminary districting plan with the City Clerk, the Commission shall hold at least  
3 three (3) public hearings in various geographic areas of the City before it makes any  
4 modifications. Notice of the public hearings shall be provided in both English and Spanish, and  
5 the public hearings shall be conducted in both English and Spanish.

6           H.     Approval of Recommended Districting Plan. After having heard comments  
7 from the public on the preliminary plan, and no later than forty (40) days after filing the  
8 preliminary districting plan with the City Clerk, the Commission shall, in consultation with the  
9 expert consultant, approve a Recommended Districting Plan by majority vote. The approved  
10 Recommended Districting Plan will be submitted to the City Council for its up or down approval.

11          I.     City Council Approval of Final Districting Plan. The City Council shall hold at  
12 least one (1) public hearing on the Recommended Districting Plan of the Commission before any  
13 adoption of a Final Districting Plan. No later than forty (40) days after submission of the  
14 Recommended Districting Plan to the City Council, the City Council shall either approve or  
15 disapprove the Recommended Districting Plan in its entirety. If the Council approves the  
16 Recommended Districting Plan, it shall become the Final Districting Plan and shall be  
17 implemented. If the Council disapproves the Recommended Districting Plan the Council shall  
18 submit in writing to the Commission the reasons for such disapproval. The Commission shall  
19 consider any reasons for such disapproval submitted to it by the Council and shall consider  
20 whether to make alterations to the Recommended Districting Plan in response to such reasons.  
21 Within forty (40) days of the City Council's submission of its reasons for disapproval, the  
22 Commission shall submit the same or an altered Recommended Districting Plan to the City  
23 Council for approval.

24          J.     Implementation of Plan.

25               1.     Until new districts are established, the districts drawn shall be used for all  
26 regular elections of Council members; for the recall of any Council member elected from the new  
27 districts; for the appointment of any new Council member to fill a vacancy in the office of  
28



1 member of the Council elected from the new districts, and for any special election to fill a  
2 vacancy in the office of member of the Council elected from the new districts.

3           2.       The first Recommended Districting Plan shall be approved by the City  
4 Council no later than 120 days before the November 2014 City Council election. If the City  
5 Council has not approved a Recommended Districting Plan by that date, the Recommended  
6 Districting Plan most recently submitted to the City Council by the Commission shall become the  
7 Final Districting Plan and shall be implemented.

8           3.       After the Final Districting Plan has been approved, the City Clerk shall  
9 arbitrarily assign each district a number from one to four. The districts will thereafter be  
10 designated District One, District Two, District Three, and District Four.

11           4.       A period of transition from at-large to district elections will occur from the  
12 time of adoption of the first districting plan to the time that the first district elections are held.  
13 After the Final Districting Plan is approved, the City Clerk will determine in which District each  
14 current City Council member resides. For the purposes of this section, each City Council  
15 member resides in the District where that City Council member resides on the date of the Final  
16 Districting Plan's approval.

17           5.       Based on the City Clerk's residency determinations, the 2014 and 2016  
18 City Council elections will be conducted as follows:

19           a.       If the two current City Council members elected in November 2010  
20 reside in different districts, and the two current City Council members elected in November 2012  
21 do not reside in either of those districts, the City will hold elections in November 2014 for the  
22 seats representing the two districts where the City Council members elected in November 2010  
23 reside. The individuals so elected will replace the two current City Council members elected in  
24 November 2010. The City will hold elections for the other two seats in November 2016. The  
25 individuals so elected will replace the two current City Council members elected in November  
26 2012.

27           b.       If the two current City Council members elected in November 2010  
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1 reside in different districts, and one of the two current City Council members elected in  
2 November 2012 resides in the same district as one of the two members elected in November  
3 2010, the City will hold elections in November 2014 for the seat representing the district where  
4 one member elected in November 2010 and no member elected in November 2012 resides, and  
5 for the seat representing the district in which no City Council member resides. The individuals  
6 so elected will replace the two current City Council members elected in November 2010. The  
7 City will hold elections for the remaining two seats in November 2016. The individuals so  
8 elected will replace the two current City Council members elected in November 2012.

9 c. If the two current City Council members elected in November 2010  
10 reside in different districts, and the two current City Council members elected in November 2012  
11 reside in the same two districts, the City will hold elections in November 2014 for the seats  
12 representing the two districts in which no City Council member resides. The individuals so  
13 elected will replace the two current City Council members elected in November 2010. The City  
14 will hold elections for the remaining two seats in November 2016. The individuals so elected  
15 will replace the two current City Council members elected in November 2012.

16 d. If three or more current City Council members reside in the same  
17 district, the City will hold elections in November 2014 for the seats representing the two districts  
18 in which no City Council member resides. If all four current City Council members reside in the  
19 same district, the City Clerk will choose two seats representing districts in which no current City  
20 Council member resides at random, and the City will hold elections in November 2014 for those  
21 two seats. The individuals so elected will replace the two current City Council members elected  
22 in November 2010. The City will hold elections for the remaining two seats in November 2016.  
23 The individuals so elected will replace the two current City Council members elected in  
24 November 2012.

25 6. No change in the boundary or location of any district by redistricting as  
26 herein provided shall operate to abolish or terminate the term of office of any member of the  
27 Council prior to the expiration of the term of office for which such member was elected. An  
28

1 incumbent councilmember at the time of the effective date of this provision may run for a  
2 Council seat other than the seat which that member currently holds if the councilmember is  
3 otherwise eligible to run in that seat.

#### 4 **X. FUTURE REDISTRICTING**

5 The City shall be redistricted pursuant to this Decree at least once every ten years, but no  
6 later than 120 days before the next Council election after the national decennial census is  
7 released. If the next Council election is within 180 days of the day the national decennial census  
8 data is released, redistricting shall be completed no later than 120 days before the following  
9 Council election. The Commission shall adhere to the procedural and substantive requirements  
10 set forth herein in developing and adopting future redistricting plans. Each redistricting plan  
11 shall provide fair and effective representation for all citizens of the City, including racial, ethnic,  
12 and language minorities, and shall be in conformance with the requirements of the United States  
13 and California Constitutions, and with federal and state statutes.

#### 14 **XI. ATTORNEYS' FEES, COSTS, AND EXPENSES**

##### 15 **A. Basis for Award of Fees, Costs, and Expenses**

16 1. The parties have agreed that it is appropriate as part of the settlement  
17 underlying this Decree for the City to pay to Plaintiffs reasonable attorneys' fees, litigation  
18 expenses, and costs in this case. Plaintiffs are prevailing parties for purposes of the CVRA, Cal.  
19 Elec. Code §14030, and Cal. Code Civ. P. §1021.5.

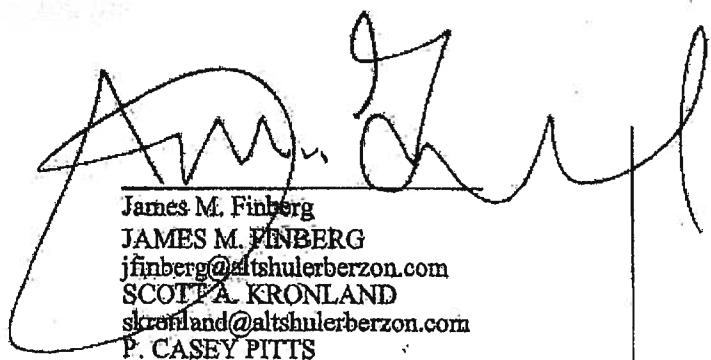
20 B. The City has agreed to pay Plaintiffs an award of reasonable attorneys' fees,  
21 litigation expenses, and costs in the amount of \$385,000 for work performed and costs and  
22 expenses incurred through and including the Approval Date. This amount is less than the  
23 lodestar value of the fees, costs, and expenses incurred by Plaintiffs' counsel through the date on  
24 which the parties entered into this Decree. The City shall pay to Plaintiffs' counsel the full  
25 amount of \$385,000 for litigation-related attorneys' fees, expenses, and costs within thirty (30)  
26 days following the Approval Date.

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Dated: March 21, 2013



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Facsimile: (415) 362-8064  
*Attorneys for Plaintiffs*

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

Demetrio Gomez  
*Plaintiff*

Dated: 3-21-13

  
Giovanni Campos  
*Plaintiff*

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

Oscar Gomez  
*Plaintiff*

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

Mateo Saldivar  
*Plaintiff*

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

Samuel Saldivar  
*Plaintiff*

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

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*Attorneys for Plaintiffs*

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

Demetrio Gomez  
*Plaintiff*


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

Giovanni Campos  
*Plaintiff*

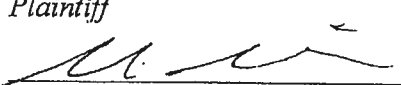
13 Dated: \_\_\_\_\_

Oscar Gomez  
*Plaintiff*

15 Dated: 03/24/13

  
Mateo Saldivar  
*Plaintiff*

17 Dated: 03/24/13

  
Samuel Saldivar  
*Plaintiff*

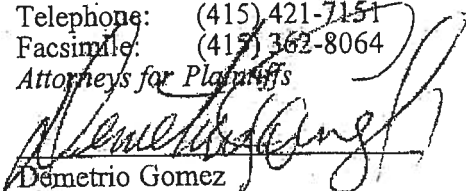
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Dated: 4-1-2013

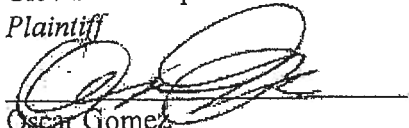
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*Plaintiff*

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

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

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

Demetrio Gomez  
*Plaintiff*

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

Giovanni Campos  
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13 Dated: \_\_\_\_\_

Oscar Gomez  
*Plaintiff*

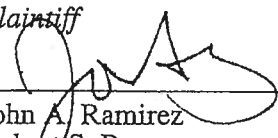
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15 Dated: \_\_\_\_\_

Mateo Saldivar  
*Plaintiff*

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

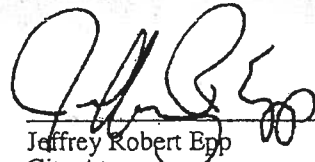
Samuel Saldivar  
*Plaintiff*

18  
19 Dated: 3/21/13

  
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Dated: March 21, 2013



Jeffrey Robert Epp  
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*For the City of Escondido*



APR 19 2013

1 IT IS SO ORDERED, ADJUDGED AND DECREED this \_\_\_\_ day of \_\_\_\_, 2013.

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**JUDGE EARL MAAS**

\_\_\_\_\_  
Hon. Earl H. Maas, III  
Superior Court of the State of California  
County of San Diego

**CITY OF ESCONDIDO**  
**December 4, 2013**  
**3:30 P.M. Meeting Minutes**  
**Escondido City Council**

**CALL TO ORDER**

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, December 4, 2013 in the Council Chambers at City Hall with Mayor Abed presiding.

**ATTENDANCE**

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

**ORAL COMMUNICATIONS**

**CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)**

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

**I. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code 54956.9(d)(1))**

- a. **Case Name:** *Palomar Community College District V. City Of Escondido, Et Al.*  
**Case No:** 37-2013-00031457-CU-BC-NC
- b. **Case Name:** *City of Escondido, et al. v. Ana J. Matosantos, et al.* Sacramento County Superior Court Case  
**Case No:** 34-2013-00140530
- c. **Case Name:** *Gonzalez v. Juan Alva, et al.*  
**Case No:** 11-CV-2846-W (WVG)

**ADJOURNMENT**

Mayor Abed adjourned the meeting at 4:15 p.m.

\_\_\_\_\_  
MAYOR

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

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

**CITY OF ESCONDIDO**  
**December 4, 2013**  
**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, December 4, 2013 in the Council Chambers at City Hall with Mayor Abed presiding.

**MOMENT OF REFLECTION**

**FLAG SALUTE**

Mayor Abed led the flag salute.

**ATTENDANCE**

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

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Barbara Redlitz, Community Development Director; Ed Domingue, Public Works Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

**PRESENTATIONS**

Mayor Abed introduced Community Services Chair of the Escondido Rotary Club, Gloria Tecca, who presented the Rotary Club of Escondido Community Grant Award to Library Staff: Loretta McKinney, Cynthia Smith and Cindi Bouvier.

**PROCLAMATIONS**

Mayor Abed introduced Tony Smock, Lakes & Open Space Superintendent who accepted a proclamation for his retirement after 20 years with the City of Escondido.

**ORAL COMMUNICATIONS**

None

<b>CONSENT CALENDAR</b>
-------------------------

Councilmember Diaz removed item 9 and Councilmember Gallo removed item 5 from the Consent Calendar for discussion.

**MOTION:** Moved by Councilmember Morasco and seconded by Councilmember Diaz that the following Consent Calendar items be approved with the exception of items 9 and 5. 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 Minutes of November 6, 2013
4. **FIREFIGHTERS' ASSOCIATION BARGAINING UNIT CONTRACT** - Request Council approve a successor Firefighters' Association Safety and Non-Safety Bargaining Unit Contract. (File No. 0740-38)

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

**RESOLUTION NO. 2013-155**

5. **REVISED CITY OF ESCONDIDO PERSONNEL RULES AND REGULATIONS** - Request Council approve adopting City of Escondido Personnel Rules and Regulations. (File No. 0700-80)

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

**RESOLUTION NO. 2013-149**

Councilmember Gallo asked if military veterans' equal employment opportunity was included in the revised rules.

Jennifer McCain, Assistant City Attorney, indicated they were included.

**MOTION:** Moved by Councilmember Gallo and seconded by Councilmember Masson to approve adopting City of Escondido Personnel Rules and Regulations and adopt Resolution No. 2013-19. Motion carried unanimously.

6. **LIBRARY BUDGET ADJUSTMENT: ADULT LITERACY SERVICES PROGRAM** - Request Council approve a budget adjustment in the amount of \$27,811 received from the California State Library Literacy Grant to the Library's 2013-14 Fiscal Year Operating Budget to fund the Adult Literacy Project Account. (File No. 0430-80)

Staff Recommendation: **Approval (Library and Community Services: Loretta McKinney)**

7. **APPROVAL OF MICROSOFT LICENSING ENTERPRISE AGREEMENT** - Request Council authorize the Director of Information Systems to enter into a three year agreement with CompuCom Systems Inc. to provide Microsoft Software Assurance via a Microsoft Licensing Enterprise Agreement. (File No. 0600-10 Misc.)

Staff Recommendation: **Approval (Information Systems Department: Mark Becker)**

**RESOLUTION NO. 2013-163**

8. **BID AWARD for the CORROSION CONTROL SYSTEM FOR THE ESCONDIDO SEWER OUTFALL** - Request Council authorize the Mayor and City Clerk to execute an agreement with American Construction & Supply, Inc. in the amount of \$230,335 for the Corrosion Control System for the Escondido Sewer Outfall. (File No. 0600-10 [A-3100])

Staff Recommendation: **Approval (Utilities Department: Christopher McKinney)**

**RESOLUTION NO. 2013-161**

9. **DESIGNATION OF ENFORCEMENT AUTHORITY FOR THE ESCONDIDO CAMPAIGN CONTROL ORDINANCE** - Request Council approve designating George Eiser III, Esq. and the law firm of Meyers Nave as the enforcement authority for the Escondido Campaign Control Ordinance for the 2014 Municipal Election, as required by the Escondido Municipal Code Section 2-115.5(c). (File No. 0680-10)

Staff Recommendation: **Approval (City Attorney's Office: Jeffrey Epp)**

**RESOLUTION NO. 2013-143**

Councilmember Diaz asked what the hourly rate and retainer were.

Jeffrey Epp, City Attorney, indicated it was difficult to estimate cost, but the hourly rate was set out in the retainer agreement. He also indicated the City would only utilize the law firm if there were problems.

**MOTION:** Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve designating George Eiser III, Esq. and the law firm of Meyers Nave as the enforcement authority for the Escondido Campaign Control Ordinance for the 2014 Municipal Election, as required by the Escondido Municipal Code Section 2-115.5(c) and adopt Resolution No. 2013-143. Motion carried unanimously.

10. **AMENDMENT TO CONTRACT WITH ESCONDIDO DISPOSAL (EDI) FOR ANNUAL CONSUMER PRICE INDEX (CPI) INCREASE TO SOLID WASTE AND RECYCLING RATES AND FEES FOR RESIDENTIAL COLLECTIONS** - Request Council approve revising the rates for Residential Solid Waste and Recycling Services effective January 1, 2014, a 0.9032 percent increase would apply to all residential collection services. (File No. 0600-10 [A-2340])

Staff Recommendation: **Approval (Public Works/Recycling: Ed Domingue)**

**RESOLUTION NO. 2013-165**

**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.)

- 11. CLARIFICATION OF ZONING CODE AMENDMENT TO REGULATE COTTAGE FOOD OPERATIONS (AZ 13-0004)** - This item was approved on November 20, 2013 with a vote of 5/0. (File No. 0810-20)

**ORDINANCE NO. 2013-07(RR) (Adoption and Second Reading)**

**PUBLIC HEARINGS**

- 12. CONDUCT PUBLIC HEARING AND ADOPT VOTING DISTRICTS AS RECOMMENDED BY THE INDEPENDENT DISTRICTING COMMISSION** - Pursuant to the Consent Decree in Gomez v. City of Escondido [Case No. 37-2011-00060480], the Independent Districting Commission has completed its work and presents proposed districts for the four City Council positions. (File No. 0680-10)

Staff Recommendation: **Approval (City Attorney's Office: Jeffrey Epp and City Clerk's Office: Diane Halverson)**

**ORDINANCE NO. 2013-17 (Introduction and First Reading)**

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

**Dana Nuesca, Independent Districting Commission Chair**, gave an overview of the process of how the district boundary lines were drawn.

**Pat Mues, Escondido**, urged Council to adopt this districting map.

**Robroy Fawcett, Escondido**, stated he did not agree with the information from the company compiling the data for the district map.

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

**MOTION:** Moved by Councilmember Diaz and seconded by Councilmember Gallo to approve the proposed districts for the four City Council positions and introduce Ordinance No. 2013-17. Motion carried unanimously.

- 13. ADOPTION OF THE 2013 CALIFORNIA FIRE CODE, MOST CURRENT VERSION OF COUNTY OF SAN DIEGO CONSOLIDATED FIRE CODE AND LOCAL AMENDMENTS -** Request Council approve modifying the City of Escondido Municipal Code to reflect the 2013 California Fire Code (CFC), the most current version of the County of San Diego Consolidated Fire Code and proposed local amendments. (File No. 0680-50)

Staff Recommendation: **Approval (Fire Department: Herb Griffin)**

**ORDINANCE NO. 2013-13 (Introduction and First Reading)**

Mike Lowry, Fire Chief, and Herb Griffin, Fire Division Chief, gave the staff report and presented a series of slides.

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

**MOTION:** Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve modifying the City of Escondido Municipal Code to reflect the 2013 California Fire Code (CFC), the most current version of the County of San Diego Consolidated Fire Code and proposed local amendments and introduce Ordinance No. 2013-13. Motion carried unanimously.

- 14. ADOPTION OF THE 2013 CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL AND GREEN BUILDING STANDARDS CODES AND LOCAL AMENDMENTS -** Request Council approve modifying the City of Escondido Municipal Code to reflect the 2013 California Building, Residential, Plumbing, Electrical, Mechanical and Green Building Standards Codes and proposed local amendments. (File No. 0680-50)

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

**ORDINANCE NO. 2013-11 (Introduction and First Reading)**

Tim Draper, Building Official, gave the staff report and presented a series of slides.

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

**MOTION:** Moved by Councilmember Diaz and seconded by Councilmember Masson to approve modifying the City of Escondido Municipal Code to reflect the 2013 California Building, Residential, Plumbing, Electrical, Mechanical and Green Building Standards Codes and proposed local amendments and Introduce Ordinance No. 2013-11. Motion carried unanimously.

- 15. ZONING CODE AMENDMENT (ENVIRONMENTAL QUALITY REGULATIONS) AND CLIMATE ACTION PLAN (CASE NOS. AZ 13-0003 AND PHG 09-0020) -** Request Council approve amendments to Article 47 "Environmental Quality Regulations" (EQR) and the Environmental Determination (Notice of Exemption); and approve the Escondido Climate Action Plan (E-CAP) and proposed CEQA Screening Tables as well as the previously certified EIR and associated CEQA findings of Significant Effect, Statement of Overriding Considerations and Mitigation Monitoring Program. (File No. 0810-20)

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



**a. ORDINANCE NO. 2013-12 (Introduction and First Reading)**  
**b. RESOLUTION NO. 2013-153**

Jay Petrek, Planning Department, gave the staff report and presented a series of slides.

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

**Dave Ferguson, Attorney**, urged Council to adopt the Zoning Code Amendment and Climate Action Plan.

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

**MOTION:** Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve amendments to Article 47 "Environmental Quality Regulations" (EQR) and the Environmental Determination (Notice of Exemption); and approve the Escondido Climate Action Plan (E-CAP) and proposed CEQA Screening Tables as well as the previously certified EIR and associated CEQA findings of Significant Effect, Statement of Overriding Considerations and Mitigation Monitoring Program, adopt Resolution No. 2013-153 and introduce Ordinance No. 2013-12. Motion carried unanimously.

- 16. PROPOSED DEVELOPMENT AGREEMENT FOR TRACT 894 (PHG 13-0027)** - Request Council approve a Development Agreement with a five-year term to authorize construction of the previously approved 11-lot residential subdivision within the North Broadway Deficiency Area. (File No. 0800-10 Tract 894)

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

**ORDINANCE NO. 2013-14R (Introduction and First Reading)**

Bill Martin, Planning Department, and Julie Procopio, Public Works Assistant Director, gave the staff report and presented a series of slides.

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

**Dave Ferguson, Attorney**, urged Council to reduce the applicant's deficiency fee to \$12,000 per unit.

**Margaret Liles, Escondido**, stated she did not agree with the proposed fee reduction.

**Delphine Lloyd, Escondido**, urged Council to study the neighborhood more fully.

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

**MOTION:** Moved by Councilmember Morasco and seconded by Mayor Abed to approve a Development Agreement with a five-year term to authorize construction of the previously approved 11-lot residential subdivision within the North Broadway Deficiency Area, adopting a \$12,500 per unit deficiency fee and introducing Ordinance No. 2013-14R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

- 17. PROPOSED DEVELOPMENT AGREEMENT AND FINDING OF SUBSTANTIAL CONFORMANCE FOR TRACT 889 (PHG 13-0028)** - Request Council approve a Development Agreement with a five-year term to authorize construction of the previously approved 16-lot, TR 889 residential subdivision within the North Broadway Deficiency Area. (File No. 0800-10 Tract 889)

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

**ORDINANCE NO. 2013-15R (Introduction and First Reading)**

Bill Martin, Planning Department, gave the staff report and presented a series of slides.

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

**Dave Ferguson, Attorney**, urged Council to approve the proposed development agreement.

**Margaret Liles, Escondido**, stated she did not agree with the proposed fee reduction.

**John Lloyd, Escondido**, asked if sewer systems would be included in the project.

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

**MOTION:** Moved by Councilmember Gallo and seconded by Councilmember Masson to approve a Development Agreement with a five-year term to authorize construction of the previously approved 16-lot, TR 889 residential subdivision within the North Broadway Deficiency Area, adopting \$12,500 per unit deficiency fee and introducing Ordinance No. 2013-15R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

## **FUTURE AGENDA**

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

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

Councilmember Diaz asked that Council compensation and Park Master Plans be discussed at a future agenda.

## **COUNCIL MEMBERS SUBCOMMITTEE REPORTS**

Councilmember Gallo commented on an article in the newspaper regarding the Homeless in Escondido.

Councilmember Diaz indicated the North County Transit District was purchasing property in Escondido near the Transit Center.

Councilmember Masson stated the Economic Development Subcommittee had received an update on the CEDS report and branding efforts.

Mayor Abed indicated the Economic Development Subcommittee would continue to meet and discuss priorities. The City would be recruiting volunteers for the 2014 Boards and Commissions in March. The City Manager's Report was attached and provided information on the community.

**CITY MANAGER'S UPDATE/BRIEFING**

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

- **CITY MANAGER'S UPDATE**

**ORAL COMMUNICATIONS**

None

**ADJOURNMENT**

Mayor Abed adjourned the meeting at 7:35 p.m.

\_\_\_\_\_  
MAYOR

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

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

ORDINANCE NO. 2013-17

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AMENDING THE ESCONDIDO MUNICIPAL  
CODE TO PROVIDE FOR CITY COUNCIL  
ELECTIONS BY DISTRICTS

THE CITY COUNCIL OF THE CITY OF ESCONDIDO DOES ORDAIN AS  
FOLLOWS:

SECTION 1. Future elections for the City of Escondido's four City Council members will be conducted under a district-based method of election in which the four City Council members will be elected from four districts and the Mayor will remain elected at-large.

SECTION 2. The Consent Decree entered in San Diego Superior Court Case No. 37-2011-00060480-CU-CR-NC establishes the guidelines and criteria for districting of the City of Escondido.

SECTION 3. The City Council makes the following findings:

1. The City of Escondido established a seven-member independent districting commission vested with the authority to develop an initial district-based plan for future City Council elections; and

2. The Independent Districting Commission has considered the matter of drawing four council districts in the City of Escondido, and has considered the population of the City of Escondido as reflected in the United States 2010 Census; and

ATTACHMENT 3

3. The Independent Districting Commission has held six public hearings in geographically diverse locations throughout Escondido where all Escondido citizens had an equal opportunity to comment on the drawing of district lines; and

4. After the six public hearings, the Independent Districting Commission published a preliminary districting plan and report for public consideration and comment; and

5. The Independent Districting Commission has held three public hearings in various geographic areas of the City where Escondido citizens had an equal opportunity to comment on the drawing of district lines and the preliminary districting plan; and

6. After having heard comments from the public on the preliminary districting plan, the Independent Districting Commission held a public meeting and approved a recommended districting plan by majority vote; and

7. The Independent Districting Commission submitted the recommended districting plan to the City for approval or disapproval; and

8. Proper notice of a public hearing has been given and the City Council has held one public hearing on the recommended districting plan; and

9. The City Council has listened to public comment on this issue and has reviewed and considered the recommended districting plan; and

10. That upon consideration of the staff report and all public testimony presented, the City Council finds that the proposed Council districts reflected in the recommended districting plan, as set forth in Exhibit A, comply with the criteria set forth in the consent decree, are as equal as practicable in population as shown by the United States 2010 Census, were drawn to comply with the federal Voting Rights Act, are

geographically contiguous and drawn to encourage compactness, were drawn with respect for the geographic integrity of neighborhoods and communities of interest and were not drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

SECTION 4. The City of Escondido is hereby divided in to four Council districts, and the boundaries of the districts are more particularly depicted in Exhibit A, which is attached and incorporated by this reference.

The Escondido Municipal Code is hereby amended to add Sections 2-32, 2-33 and 2-34 to Chapter 2, Article 2, as follows.

**Section 2-32 Election of Council Members**

The four City Council members shall be elected from four districts and the Mayor shall be elected at-large. Each district Councilmember shall reside within and be elected by voters within their respective district. Such districts shall be used in all matters concerning the appointment, recall, vacancy or any other aspects of that particular Council seat.

**Section 2-33 Map of Council Districts**

The City Clerk shall maintain a map of the City showing the current boundaries and numbers of each City Council district as may be established and amended from time to time by ordinance of the City Council.

**Section 2-34 2014 and 2016 City Council Elections**

- a. The City shall hold elections for the seats representing City Council Districts One and Two in November of 2014. The two individuals so elected shall fill the seats of the Council Members whom were elected in November of 2010.
- b. The City shall hold elections for the seats representing City Council Districts Three and Four in November of 2016. The two individuals so elected shall fill the seats of the Council Members whom were elected in November of 2012.

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

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

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

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 11<sup>th</sup> day of December, 2013 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO, ABED

NOES : Councilmembers: NONE

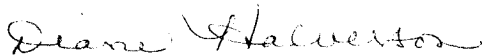
ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the  
City of Escondido, California

ATTEST:



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

\*\*\*\*\*

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

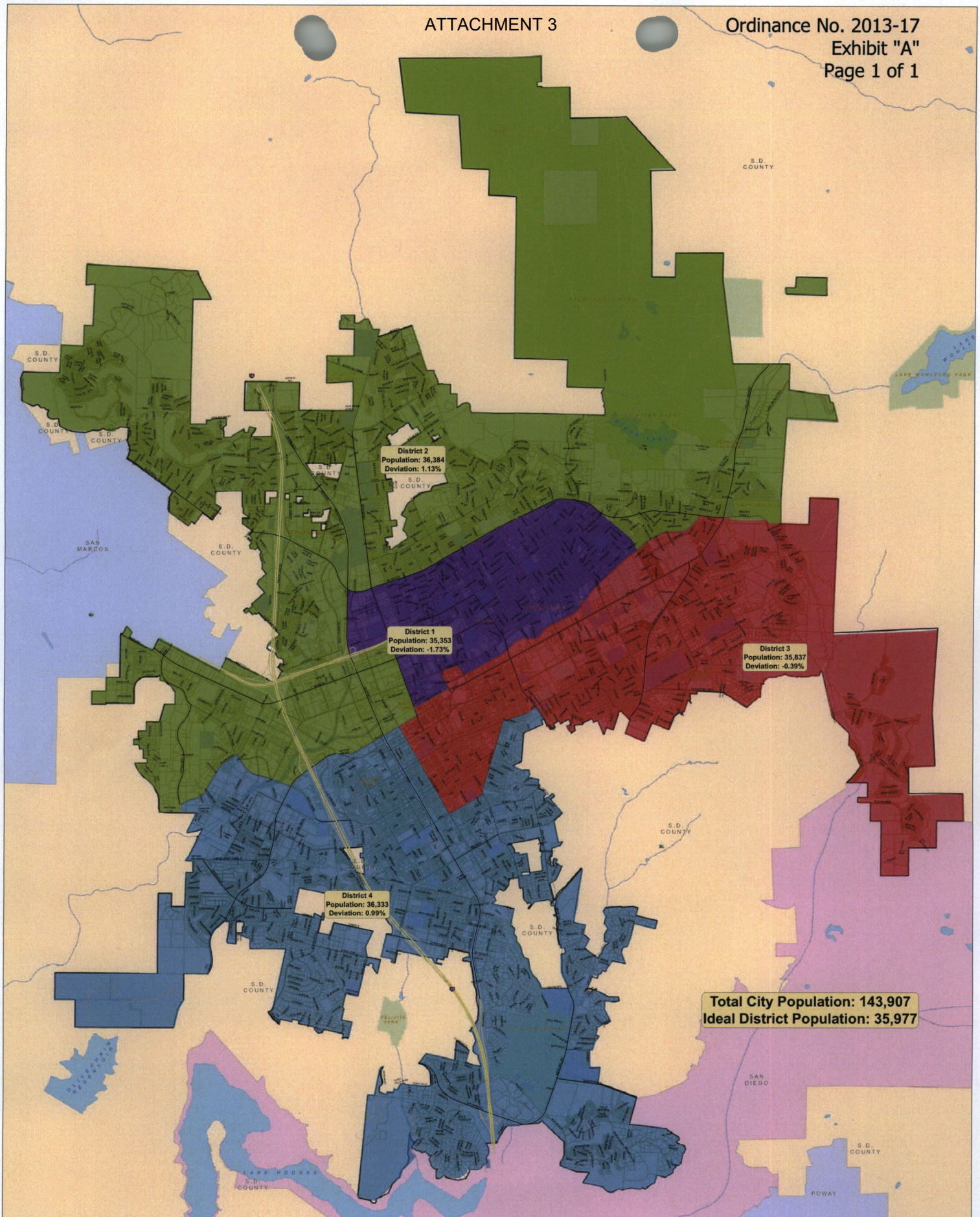
I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2013-17 was adopted at a regular meeting of the City Council of the City of Escondido held on the 11th day of December, 2013, after having been read at the regular meeting of said City Council held on the 4th day of December, 2013.



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

ORDINANCE NO. 2013-17





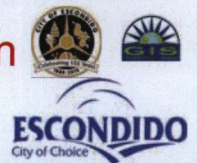
**CITY OF ESCONDIDO**  
Map for the  
Independent Districting Commission

- Park
- School

**Recommended Districting Plan**



Document Path: S:\GIS\Projects\Citywide\Classifying\2013\Recommended District Plan.mxd



**ESCONDIDO**  
City of Choice



**JAMS ENGAGEMENT AGREEMENT & CANCELATION POLICY**  
Please complete this form: sign, date, and return to Lisa Abrantes either by email at  
LAbrantes@jamsadr.com or by fax at 619-236-9032.  
Case Name: In Re: City of Escondido Selection Panel  
Ref. #: 1240024145

**1. Professional Fees**

Professional services for this matter, including but not limited to reading and other preparation time, the session time, extra session time, and any additional services or work, will be billed at the neutral's normal rate. Fees for unused scheduled time will not be refunded. Judge Gonzalez's Daily Rate is: \$7250/\$3700; Judge Howatt's Daily Rate is: \$4000/\$2200 and Judge Pate's Daily Rate is: \$6000/\$3200. Hourly rate will apply to all other work - see attached Fee Schedules for hourly rates for each Neutral.

**2. Additional Fees**

A. Case Management Fees: Each party will be charged an initial non-refundable Case Management Fee of \$600 for each Neutral. Please see attached Fee Schedule for policy on reassessment.

B. Expenses are billed at cost.

C. Travel: If travel is required and is not included in the neutral's rate, travel time is billed at the neutral's hourly rate. Travel expenses are billed at cost.

D. Reading and Research Fees: Parties will be billed according to the neutral's fee schedule for reading and research time.

**3. Cancellation and Rescheduling Policy**


According to the JAMS Fee Schedule, fees for hearing sessions are non-refundable if a session is canceled or rescheduled less than 14 days before the session date, unless the neutral's time is rescheduled with another matter. Cancellation and rescheduling fees will be paid by the canceling party(ies). Case Management Fees are non-refundable.

**4. Payment**

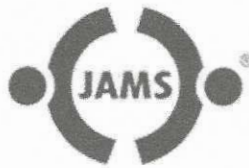
A. The parties agree to divide the professional fees and additional fees as follows:  
City of Escondido via Mr. Epp and as set forth in the neutral's Fee Schedule.

B. Each party agrees to pay its share of the estimated fees and expenses to be received by JAMS at least 14 calendar days prior to the session and according to applicable deadlines. Unless it otherwise agrees, JAMS is not bound by agreements between or among the parties with respect to its fees.

By the signatures below, each participant, either directly or through counsel, hereby certifies that s/he has read this entire Agreement and agrees with all matters stated herein. This Agreement may be signed in counterparts.

Signed:   
Print Name: Jeffrey R. Epp  
For: City of Escondido  
Dated: 8-31-20

Signed: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
For: \_\_\_\_\_  
Dated: \_\_\_\_\_



November 18, 2020

Zack Beck, CMC, CPMC  
City Clerk  
City of Escondido California  
City Clerk's Office  
201 North Broadway  
Escondido, CA 92025

RE: Selection of Escondido Independent Redistricting Commission

Greetings:

Judge Irma Gonzalez (Retired, U.S. Federal District Court); Judge William C. Pate (Retired, San Diego Superior Court) and Judge William J. Howatt, Jr. (Retired, San Diego Superior Court) comprise a panel of three retired judges as required by the Consent Decree.

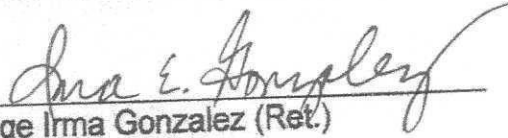
Each Judge has received and read the applications and submissions from ten qualified candidates for a position on the Escondido Independent Redistricting Commission as supplied by the Office of the City Clerk, City of Escondido.

The judges acknowledge and understand their responsibility to carefully examine the applications of each candidate for a position on the Redistricting Commission, provided by the City, consistent with the directions to "use their best efforts to appoint people who will give the Commission racial, geographic, social, and ethnic diversity, and who, in its judgment, have a high degree of competency to carry out the responsibilities of the Commission and a demonstrated capacity to serve with impartiality."

On November 17, 2020 the judges meet via Zoom and discussed the candidates and made the following appointments to the Redistricting Commission:

Robert Case  
Carolyn Clemens  
Amy Dao Doan  
Kristy Jurgensen  
Xochitl Reyes  
Juan Reynoso  
Mariela Saldana

The judges wish to congratulate each of the applicants for their commitment to their community and desire to serve their fellow citizens.

  
\_\_\_\_\_  
Judge Irma Gonzalez (Ret.)

\_\_\_\_\_  
Judge William C. Pate (Ret.)

\_\_\_\_\_  
Judge William J. Howatt, Jr. (Ret.)

The judges wish to congratulate each of the applicants for their commitment to their community and desire to serve their fellow citizens.

---

Judge Irma Gonzalez (Ret.)



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Judge William C. Pate (Ret.)

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Judge William J. Howatt, Jr. (Ret.)

Attachment 5

The judges wish to congratulate each of the applicants for their commitment to their community and desire to serve their fellow citizens.

\_\_\_\_\_  
Judge Irma Gonzalez (Ret.)

\_\_\_\_\_  
Judge William C. Pate (Ret.)

  
\_\_\_\_\_  
Judge William J. Howatt, Jr. (Ret.)

## CITY COUNCIL STAFF REPORT

**Current Business Item No. 6**

**May 19, 2021**

**File No. 0110-10**

SUBJECT: Potential for Future Legalization of Cannabis Sales

DEPARTMENT: City Manager

RECOMMENDATION:

Review the status of commercial cannabis sales in San Diego County, and provide policy direction concerning local measures to legalize the cultivation and sale of cannabis products in the City of Escondido (“City”).

FISCAL ANALYSIS:

Future fiscal impacts depend on the permit process and taxes, if any, that are ultimately adopted.

PREVIOUS ACTION:

On February 14, 2018, by unanimous vote, the City Council approved Ordinance No. 2018-03R, which prohibits cannabis uses and activities (with limited exceptions) through Article 57 of the Escondido Zoning Code and Chapter 17 of the Escondido Municipal Code.

On August 26, 2020, the City Council received a staff report updating the status of cannabis regulation in the State of California. The Council directed further study of potential local regulations.

On March 24, 2021, this matter was continued by the City Council to a future date and has been re-calendared to provide staff with policy direction on potential cannabis legalization.

BACKGROUND:

In 1996, California voters approved Proposition 215, permitting statewide medicinal marijuana use. Voters acted again in 2016, approving Proposition 64, permitting cultivation, manufacturing, sales, and recreational cannabis use for adults age 21 years and older.

When the State of California legalized recreational cannabis, Escondido was one of several cities to specifically prohibit the production and sale of cannabis products within their jurisdictions. Changing public perception and opinion on cannabis – as indicated by the passage of Proposition 64 – led to numerous successful voter initiatives across the State, and several in San Diego County, during the 2016 and 2018 election cycles. Since the last staff



report in August 2020, Oceanside and Encinitas joined several other cities in San Diego by legalizing, to varying degrees, the cultivation, processing, and sale of cannabis products. The City of Lemon Grove legalized medical dispensaries in 2016, with the first such business opening late in 2020. Lemon Grove is now considering legalizing recreational cannabis as well. All three cities – Oceanside, Encinitas, and Lemon Grove – legalized cannabis businesses via voter approved referenda that were placed on the ballot by their City Councils.

In Escondido, 52% of local voters supported the Proposition 64 statewide measure in 2016; the City's Resident Satisfaction Survey, conducted in June 2020, showed general support of commercial cannabis sales.

San Diego County has nineteen jurisdictions responsible for cannabis regulation – eighteen cities plus the County itself. Ten of these – or just over half – now allow the sale of cannabis products for medicinal use, recreational use, or both. The rest – including Escondido – prohibit sale of products containing cannabis. The County of San Diego Board of Supervisors recently directed its staff to prepare regulations that would legalize cannabis sales for recreational use in areas under County jurisdiction.

There is an incentive for the City Council to consider adopting regulations directly rather than wait for an initiative proposed by the voters. Cannabis regulations adopted by voter initiative leave a city with little control over the form of regulation, and yet the city still bears responsibility for administering the same regulations. Moreover, regulations left to adoption by initiative offer no guarantee of a funding mechanism to cover the costs of administration. Immediately after recreational cannabis was legalized in California, there was much attention devoted to the possibility that legal sales of cannabis could create a reliable and significant revenue stream. However, as reported to the City Council last year, many cities have found that revenues fall short of expectations. Potential purchasers of legal cannabis already have an illegal means of obtaining it that is both more familiar and less expensive than from a legally operated dispensary. Legal dispensaries must comply with security, location, and sales restrictions (e.g. age limits) that illegal operators do not. Legal dispensaries report that a large portion of their customers are adults over the age of 50. It is apparent that many younger customers continue to make purchases through illegal channels.

The table on the following page summarizes data on recent tax revenue, the number of operating cannabis dispensaries, and projected annual revenue per dispensary at a 5% tax rate. Revenue data is somewhat limited by the short length of time since cannabis has been legalized and the relatively small number of businesses that have opened in each jurisdiction. This limited data set makes it difficult to accurately project revenue for Escondido if cannabis sales are legalized, but given the revenues generated in other jurisdictions and assuming a tax rate of 5%, Escondido could reasonably expect to generate revenues of approximately \$500,000 annually per legal dispensary (see table).



**Reported Cannabis Revenue and Tax Rates for Six San Diego County Cities**

City	Annual Revenue <sup>(1)</sup>	Recreational Use Retail Tax Rate	Number of Dispensaries Open	Number of Dispensaries Allowed	Revenue per Dispensary at 5% Tax Rate <sup>(2)</sup>
Chula Vista	\$150,000	7%	1	12	\$110,000
La Mesa	\$2,000,000	4%	5	Unlimited	\$500,000
Lemon Grove	N/A	5%	1	Limited by Zoning	N/A
Oceanside	N/A	5%	2	2	N/A
San Diego	\$23,000,000	8%	24	36	\$600,000
Vista	\$4,300,000	6%	8	11	\$450,000

*Note 1: Figures are projected annual revenue based on actual monthly or quarterly data.*

*Note 2: Revenues are projected on a per dispensary basis assuming a 5% tax and equal sales revenue at all dispensaries.*

Although tax revenue may be generated from legal cannabis dispensaries, the cities of San Diego and Chula Vista have reported an increase in illegal cannabis sales concurrent with the opening of legal businesses. These cities have devoted more resources, in one city’s case to policing these illegally operating businesses, and in the other city’s case to increasing code enforcement activity. Either path – more policing or more code enforcement – will increase administrative cost if cannabis is legalized.

For the purpose of the following discussion on administrative costs, it is assumed that the City has two legally operating cannabis dispensaries and a local tax of 5% on gross sales in the first year, with five businesses open after three years. In the third year, it is assumed that the City has five legally operating cannabis dispensaries. Increased code enforcement is the primary means of addressing non-permitted sales activity. Illegal activity (e.g., driving under the influence) will necessarily be a police matter, but these additional costs may be paid by state grants. Given five dispensaries after three years, administrative costs (i.e., ongoing permit reviews and code enforcement) are projected to cost the City between \$150,000 and \$200,000 annually. However, in the first year, these costs will be significantly larger because more staff will be devoted to developing regulations and monitoring code compliance on the first few dispensaries to open. In the first year, administrative costs may be as high as \$350,000. To summarize:

**Projected Costs and Revenues in First Year – Assumes 2 permitted retail locations**

Annual Projected Revenues (2 businesses)	\$1,000,000 (see table above)
Annual Projected Administrative Costs (Year 1)	\$350,000
Annual Net Revenue (Year 1)	\$650,000

**Projected Costs and Revenues in Third Year – Assumes 5 permitted retail locations**

Annual Projected Revenues (5 businesses)	\$2,500,000 (see table above)
--	-------------------------------

Annual Projected Administrative Costs (Year 3)	\$200,000
Annual Net Revenue (Year 3)	\$2,300,000

Based on sales figures in other jurisdictions and the stated assumptions, the City might generate net revenue of over \$2,000,000 annually from legal cannabis sales with five operating dispensaries and a well-developed permitting and code enforcement process. This level of revenue, if realized, would be beneficial to the City's General Fund. However, in terms of addressing the City's structural budget deficit, estimated to be \$220 million over the next 20 years, the revenue from legal cannabis sales would simply be one part of a larger set of solutions and certainly insufficient on its own to fully address the budget gap. Whether or not the City Council determines to pursue cannabis regulations, staff continues to recommend that the City add a revenue measure to the 2022 general election ballot.

#### PUBLIC SAFETY IMPACTS OF STATEWIDE AND LOCAL CANNABIS LAWS

Police Department staff have examined potential impacts of cannabis businesses on public safety. While Escondido has prohibited cannabis dispensaries of any kind within the City limits, several jurisdictions do allow dispensaries. Escondido residents may purchase cannabis for delivery within the City limits. The City cannot regulate or prohibit these deliveries, but these sales and illegal sales have impacts on our community. Police Department data shows a 320% increase in DUI-Marijuana arrests since 2018. Specifically, there were 5 such arrests in 2018, 11 in 2019, and 21 in 2020.

Youth access to marijuana is a growing challenge in Escondido. Marijuana remains illegal for youth, but youth possession cases have increased significantly since the 2016, when Proposition 64 was passed by California voters. Marijuana possession cases involving youth are diverted away from the juvenile court systems and into the City's diversion program, which is operated in partnership with Escondido Education COMPACT. The diversion program helps youth accused of minor criminal offenses, e.g. marijuana possession, avoid entering the juvenile criminal justice system while receiving customized services to prevent re-offending. Escondido Education COMPACT data shows a 311% increase in youth arrests for marijuana possession. Most of these youth marijuana possession cases occur on a school campus. Additionally, two-thirds of Escondido students arrested for marijuana possession are failing academically.

All San Diego County jurisdictions that allow cannabis sales report an increase in the number of illegal dispensaries opening after passage of a local cannabis ordinance. When Proposition 64 was passed in 2016, Escondido experienced a sharp increase in the number of illegal dispensaries. Close coordination between the Police Department, Code Enforcement, and the City Attorney's Office led to closure of over 30 illegal dispensaries. The City has had no illegal dispensaries since 2019; however, the recent experiences of local jurisdictions indicate illegal dispensaries will return if cannabis sales are legalized.

OPTIONS REGARDING CANNABIS LEGALIZATION

Several general alternatives are available for further study and consideration:

*Option 1: Retain the existing prohibition of cannabis production and sales* – This option is the most simple, but leaves open the possibility of a voter initiative to legalize cannabis sales within the next few election cycles without City Council involvement and without authorization for revenue from taxation of cannabis sales. If the possible voter initiative does not occur, the previously described public safety impacts would also not occur.

*Option 2: Evaluate a regulatory structure that would legalize cultivation, processing, and retail sale of cannabis products for medicinal use, but retain the prohibition on recreational use* – This option would address changing public opinions about cannabis, but only to a limited extent, and still leaves the real possibility of a voter initiative to approve recreational use. This option would require enforcement and a certain amount of administration, but also limit the City’s ability to generate revenue via taxation because sales would be limited to medicinal uses only.

*Option 3: Evaluate a regulatory structure that would legalize cultivation, processing, and retail sale of cannabis products for both medicinal and recreational use* – This option arguably addresses public opinion regarding cannabis cultivation and use. The City would retain the ability to amend or update its own regulations. The City would also be able to determine the local tax rate on cultivation, processing, and retail sales, likely in the 4% to 5% range, with a target for consideration by the City Council in early 2022. The City Council would not have the authority to enact such taxes, but could place proposed taxes on the ballot for consideration by Escondido voters. The City Council could also consider other methods of revenue generation, such as franchise fees, in lieu of a percentage tax on businesses. If cannabis dispensaries are eventually legalized, the public safety impact previously described (e.g. higher rates of youth possession and attempts to open illegal dispensaries) would likely occur.

RECOMMENDATIONS

Staff recommend that the City Council provide policy direction on the potential for future cannabis regulations.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Christopher W. McKinney*, Deputy City Manager/Director of Utilities  
05/12/21 2:30 p.m.

ATTACHMENTS:

None

Potential for Future Legalization of Cannabis Sales  
May 19, 2021  
Page 6



## FUTURE CITY COUNCIL AGENDA ITEMS

Updated May 13, 2021

*AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.  
CHECK WITH THE CITY CLERK'S OFFICE AT (760) 839-4617*

**May 26, 2021**  
**5:00 p.m.**

<b>PROCLAMATION</b>	
	<p><b>Water Awareness Month</b> (C. McKinney)</p> <p><i>It is requested that the City Council receive and file a Proclamation supporting Water Awareness Month.</i></p>
<b>PRESENTATION</b>	
	<p><b>Award Presentation for the Annual Water Awareness Poster Contest</b> (E. Marrone)</p> <p><i>It is requested that the City Council receive and file presentation announcing the winners of the annual Water Awareness poster contest.</i></p>
<b>CONSENT CALENDAR</b>	
	<p><b>Final Engineer's Report For City of Escondido Landscape Maintenance Assessment District Zones 1-38 for Fiscal Year 2021/2022.</b> (J. Procopio)</p> <p><i>It is requested that the City Council adopt Resolution No 2021-20 to approve the Final Engineer's Report and set assessments for Zones 1-38 of the City of Escondido Landscape Maintenance Assessment District for FY 2021/2022. The City Council held a public hearing on April 21, 2021 to accept public comment on the proposed levies for FY 2021/2022.</i></p>
	<p><b>Citracado Parkway Extension Project EIR Addenda</b> (J. Procopio)</p> <p><i>It is requested that the City Council approve Resolution No. 2021-82, adopting Addenda to an adopted EIR prepared for the Citracado Parkway Extension Project ("Project").</i></p>
	<p><b>Designation of City Owned Surplus Land</b> (J. Procopio)</p> <p><i>It is requested that the City Council adopt Resolution No. 2021-73 to designate city-owned parcels as surplus land.</i></p>

	<p><b>Final Map Escondido Tract SUB15-0022 Located at the Intersection of Brotherton Road and South Center City Parkway</b> (J. Procopio)</p> <p><i>It is request that the City Council approve Final Map for Escondido Tract SUB15-0022, an 81 Unit Residential Condominium Subdivision located at the intersection of Brotherton Road. and South Centre City Parkway.</i></p>
	<p><b>Notice of Completion for HARRF Stormwater Retrofit Project</b> (C. McKinney)</p> <p><i>It is requested that the City Council adopt Resolution No. 2021-67, authorizing the Director of Utilities to file a Notice of Completion for the HARRF Stormwater Retrofit Project.</i></p>
	<p><b>Resolution Authorizing Submission of Financing Application for San Pasqual Undergrounding Project</b> (C. McKinney)</p> <p><i>It is requested that the City Council adopt Resolution No. 2021-71, authorizing the Director of Utilities to submit an application to the California Infrastructure and Economic Development Bank (IBank) requesting \$25 Million in financing for the San Pasqual Undergrounding Project (SPUP). The resolution authorizes incurrence of obligation payable to IBank, declaring intent to reimburse certain expenditures from obligation proceeds, and approving certain related matters to the financing application.</i></p>
<p><b>PUBLIC HEARINGS</b></p>	
	<p><b>Short-Form Rent Review Board Hearing for Casa Grande Mobilehome Park (Case No. 0697-20-10282)</b> (M. Strong)</p> <p><i>It is requested that the City Council consider a short-form rent increase application involving 91 spaces submitted for Casa Grande Mobile Estates, located at 1001 S Hale Ave, and if approved, adopt Rent Review Board Resolution No. 2021-01 granting an increase as requested in the application.</i></p>
	<p><b>Short-Form Rent Review Board Hearing for Westwinds Mobilehome Park (Case No. 0697-20-10283)</b> (M. Strong)</p> <p><i>It is requested that the City Council consider a short-form rent increase application involving ten spaces submitted for Westwinds Mobilehome Park, located at 1415 S. Pine Street, and if approved, adopt Rent Review Board Resolution No. 2021-02 granting an increase as requested in the application.</i></p>
<p><b>CURRENT BUSINESS</b></p>	
<p><b>FUTURE AGENDA ITEMS</b></p>	

<p><b>June 2, 2021 NO MEETING (Memorial Day)</b></p>
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May 19, 2021

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## CITY MANAGER'S WEEKLY ACTIVITY REPORT

- Please refer to the City's website at <https://www.escondido.org/latest-news-from-the-city-managers-office.aspx>