



JANUARY 15, 2014
CITY COUNCIL CHAMBERS
3:30 P.M. Closed Session; 4:30 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Sam Abed
DEPUTY MAYOR	Olga Diaz
COUNCIL MEMBERS	Ed Gallo John Masson Michael Morasco
CITY MANAGER	Clay Phillips
CITY CLERK	Diane Halverson
CITY ATTORNEY	Jeffrey Epp
DIRECTOR OF COMMUNITY DEVELOPMENT	Barbara Redlitz
DIRECTOR OF PUBLIC WORKS	Ed Domingue

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

January 15, 2014

3:30 P.M. Meeting

Escondido City Council

CALL TO ORDER

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

ORAL COMMUNICATIONS

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

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

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

- a. **Property:** 3420 Valley Center Road
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Hidden Valley Obedience Club
Under Negotiation: Price and Terms of Agreement
- b. **Property:** 3400 East Valley Parkway
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Charros de Escondido
Under Negotiation: Price and Terms of Agreement
- c. **Property:** E. Washington Avenue (APN 225-270-54)
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Utilities Department
Hallmark Communities
Under Negotiation: Price and Terms of Agreement

CLOSED SESSION CONTINUED

- d. **Property:** 700 West Grand
 City Negotiator: Debra Lundy, Real Property Manager
 Negotiating Parties: Armitage Tactical Group
 Under Negotiation: Price and Terms of Agreement
- e. **Property:** 201 N. Broadway
 City Negotiator: Debra Lundy, Real Property Manager
 Negotiating Parties: Escondido Federal Credit Union
 Under Negotiation: Price and Terms of Agreement

II. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOVERNMENT CODE §54956.9(D)(1))

- a. **Case Name:** TORAL, ET AL. V. CITY OF ESCONDIDO, ET AL.
 Case No.: 37-2012-00055931-CL-PO-NC

ADJOURNMENT



Council Meeting Agenda

**January 15, 2014
4:30 P.M. Meeting**

Escondido City Council Mobilehome Rent Review Board

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

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

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES: Regular Meeting of December 11, 2013**

4. **AUTHORIZATION TO PURCHASE TWENTY-ONE (21) GETAC F110 RUGGED TABLET PC'S AND MOUNTING HARDWARE FROM GROUP MOBILE -**

Request Council approve the purchase of twenty-one (21) GeTac F110 rugged tablet PC's and mounting hardware from Group Mobile.

Staff Recommendation: **Approval (Fire Department: Russ Knowles)**

5. **HOUSING-RELATED PARKS PROGRAM GRANT APPLICATION -**

Request Council authorize the Director of Library and Community Services to submit an application to the California Department of Housing and Community Development (HCD) for a Housing-Related Parks (HRP) Program Grant; and if the application is approved, authorize the Director of Library and Community Services to enter into, execute and deliver a State of California Standard Agreement and any other documents required or deemed necessary or appropriate to secure the HRP Program Grant.

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

RESOLUTION NO. 2014-01

6. **INITIATION OF ANNEXATION AND DEVELOPMENT AGREEMENT FOR APPROXIMATELY 12 ACRES LOCATED IN THE NORTH BROADWAY DEFICIENCY AREA (ZENNER ANNEXATION) -**

Request Council initiate the proposed Annexation and Development Agreement for further study; and authorize the Planning Division to accept an application from the applicant.

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

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.)

7. **MODIFICATION TO THE MASTER SIGN PROGRAM FOR WESTFIELD NORTH COUNTY (PHG 13-0023) -**

Approved on January 8, 2014 with a vote of 5/0.

ORDINANCE NO. 2014-06 (ADOPTION AND SECOND READING)

8. **AMENDMENT TO ZONING CODE ARTICLE 37 - PUBLIC ART (AZ 13-0010) -**

Approved on January 8, 2014 with a vote of 5/0.

ORDINANCE NO. 2014-01 (ADOPTION AND SECOND READING)

PUBLIC HEARINGS

9. **SHORT-FORM RENT INCREASE APPLICATION SUBMITTED BY LAKE BERNARDO MOBILE ESTATES (FILE NO. 0697-20-9970) -**

Request Council consider the short-form rent increase application submitted by Lake Bernardo Mobile Estates; and if approved, grant an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 1.654% (an average of \$9.83) for the period of December 30, 2011 to June 30, 2013.

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

RRB RESOLUTION NO. 2014-01

CURRENT BUSINESS

10. **COUNCIL WORK PROGRAM ITEM: CHARTER CITY PROPOSAL -**

Request Council consider holding public hearings on a revised Charter City proposal for the November 2014 General Election.

Staff Recommendation: **Provide direction to staff (City Attorney's Office: Jennifer McCain)**

FUTURE AGENDA

11. **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)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

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

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
January 22		-	No Meeting	-
January 29	-	-	No Meeting	-
February 5	-	-	No Meeting	-
February 12	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Submission of Speaker forms prior to the discussion of an item is highly encouraged. Comments are generally limited to 3 minutes.

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

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

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

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

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

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

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and clicking the "Live Streaming –City Council Meeting now in progress" button on the home page.

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

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

**Members of the Council also sit as the Successor Agency to the CDC, Escondido Joint Powers
Financing Authority and the Mobilehome Rent Review Board.**

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



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

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

CITY OF ESCONDIDO
December 11, 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 11, 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

None

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

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

I. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOVERNMENT CODE §54956.9(D)(1))

- a. **Case Name: Stuck in the Rough, LLC v. City of Escondido**
Case No.: 37-2013-00074375-CU-WM-NC
- b. **Case Name: California Regional Water Quality Control Board, San Diego Region**
NOV No. R9-2013-0081
- c. **Case Name: Gonzalez v. Juan Alva, et al.**
Case No: 11-CV-2846-W (WVG)

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:12 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
December 11, 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 11, 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.

ORAL COMMUNICATIONS

Grant Taylor, Escondido, asked Council not to approve building a BMX track in Kit Carson Park.

CONSENT CALENDAR

Mayor Abed removed items 7, 15, 19 and 20 and Councilmember Diaz removed item 8 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco that the following Consent Calendar items be approved with the exception of items 7, 8, 15, 19 and 20. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES:** Regular Meeting of November 20, 2013

4. **TREASURER'S INVESTMENT REPORT FOR QUARTER ENDED SEPTEMBER 30, 2013** - Request Council receive and file the Quarterly Investment Report. (File No. 0490-55)

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

5. **ANNUAL FINANCIAL REPORT ON CAPITAL FUNDS FUNDED BY DEVELOPER FEES PER GOVERNMENT CODE SECTION 66006** - Request Council accept and file the report. (File No. 0480-45)

Staff Recommendation: **Receive and File (Finance Department: Gilbert Rojas)**

6. **APPROVE A MEMBERSHIP AGREEMENT WITH THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY AND ADOPT A RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE AUTHORITY FOR THE BENEFIT OF SOUTHEASTERN CALIFORNIA CONFERENCE OF SEVENTH-DAY ADVENTISTS** - Request Council approve, authorize and direct execution of a Joint Exercise of Powers Agreement relating to the California Municipal Finance Authority (the "CMFA") and approve the issuance of revenue bonds by the CMFA for the purpose of refinancing the acquisition, construction and improvement of certain facilities for the benefit of the Southeastern California Conference of Seventh-Day Adventists. The bonds will not exceed \$32,330,000 of which \$17,000,000 will be attributable to refinance the bonds issued to fund the Escondido Adventist Academy (the "Project"). (File No. 0440-45)

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

RESOLUTION NO. 2013-170

7. **INITIATION OF ANNEXATION AND DEVELOPMENT AGREEMENT FOR 4.17 ACRES LOCATED IN THE NORTH BROADWAY DEFICIENCY AREA** - Request Council initiate the proposed Annexation and Development Agreement for further study; and authorize the Planning Division to accept an application from the applicant. (File No. 0850-20)

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

Patricia Borchmann, Escondido, expressed concern that the fees had been reduced.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to initiate the proposed Annexation and Development Agreement for further study; and authorize the Planning Division to accept an application from the applicant. Motion carried unanimously.

8. **CITY COUNCIL MEMBER AND MAYOR COMPENSATION** – Request Council approve amending Section 2-28 of the Escondido Municipal Code to increase the salary for the City Council Members from \$1,569.06 per month to 1,725.97 per month, effective on the date the City Council Members elected in 2014 are sworn into office. (File No. 0680-10)

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

ORDINANCE NO. 2013-16 (Introduction and First Reading)

Councilmember Diaz expressed concern in giving the Council a raise and suggested forming a committee to review and give advice to the Council on this matter.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve amending Section 2-28 of the Escondido Municipal Code to increase the salary for the City Council Members from \$1,569.06 per month to 1,725.97 per month, effective on the date the City Council Members elected in 2014 are sworn into office; to conduct a survey of current Council and Mayor salaries; to explore the formation of a committee and introduce Ordinance No. 2013-16. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

9. **APPOINTMENT OF AD HOC SUBCOMMITTEE ON WATER SERVICE ISSUES** - Request Council approve appointment of Councilmembers John Masson and Michael Morasco to serve as an ad hoc subcommittee on water service, recycled water service and water service for fire protection in the Escondido, Rincon del Diablo and overlapping jurisdictional areas. (File No. 0610-55)

Staff Recommendation: **Approval (City Attorney's Office: Jeffrey Epp and Utilities Department: Christopher McKinney)**

10. **AUTHORIZE FLEET SERVICES TO PURCHASE ONE (1) GLOBAL M4 STREET SWEEPER BY UTILIZING A COOPERATIVE PURCHASE CONTRACT WITH THE COUNTY OF LOS ANGELES** - Request Council authorize the Fleet Services Department to purchase directly from Plumbers Depot Inc. one (1) Global Environmental Products, Global M4 Street Sweeper, by utilizing the Cooperative Purchase Contract with the County of Los Angeles, Internal Services Department, Central Purchasing. (File No. 0470-35)

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

RESOLUTION NO. 2013-166

11. **CITY OF ESCONDIDO LANDSCAPE MAINTENANCE DISTRICT - PRELIMINARY ENGINEER'S REPORT FOR ZONE 38 FOR FISCAL YEAR 2014-2015** - Request Council approve initiating proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) for Zone 38 for the 2014/2015 fiscal year; approve the preliminary Engineer's Report for LMD Zone 38; and set a Public Hearing date for February 12, 2014 for LMD Zone 38. (File No. 0685-10)

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

- a. **RESOLUTION 2013-135**
- b. **RESOLUTION 2013-136**

12. **STATE OF CALIFORNIA 9-1-1 FOR KIDS FUNDING AND BUDGET ADJUSTMENT** - Request Council accept \$3,050 in funds from the State of California 9-1-1 Emergency Communications Office; authorize the Chief of Police and Police Department staff to execute contract documents on behalf of the City; and approve budget adjustments needed to spend funds. (File No. 0430-80)

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

- 13. COUNTY OF SAN DIEGO SENIOR NUTRITION SERVICES GRANT APPLICATION AUTHORIZATION** - Request Council authorize the Director of Library and Community Services or her designee to complete a grant application for the County of San Diego Health and Human Services Agency, Aging and Independence Services for the Senior Nutrition Program, which includes transportation and meal services. (File No. 0480-70)

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

- 14. AMENDMENT TO THE 2012 REGIONAL ASSISTANCE FIREFIGHTERS' GRANT (AFG)** - Request Council approve the grant amendment for the Federal 2012 Regional Assistance to Firefighters Grant (AFG) Program to purchase additional EKG Monitors/Defibrillators. (File No. 0480-70)

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

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.)

- 15. ADOPT VOTING DISTRICTS AS RECOMMENDED BY THE INDEPENDENT DISTRICTING COMMISSION** - This item was approved on December 4, 2013 with a vote of 5/0. (File No. 0680-10)

ORDINANCE NO. 2013-17 (Adoption and Second Reading)

Robroy Fawcett, Escondido, stated he disagreed with the formula used to draw the districts.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to adopt the voting districts as recommended by the Independent Districting Commission and adopt Ordinance No. 2013-17. Motion carried unanimously.

- 16. ADOPTION OF THE 2013 CALIFORNIA FIRE CODE, MOST CURRENT VERSION OF COUNTY OF SAN DIEGO CONSOLIDATED FIRE CODE AND LOCAL AMENDMENTS** - This item was approved on December 4, 2013 with a vote of 5/0. (File No. 0680-50)

ORDINANCE NO. 2013-13 (Adoption and Second Reading)

- 17. ADOPTION OF THE 2013 CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL AND GREEN BUILDING STANDARDS CODES AND LOCAL AMENDMENTS** - This item was approved on December 4, 2013 with a vote of 5/0. (File No. 0680-50)

ORDINANCE NO. 2013-11 (Adoption and Second Reading)

- 18. ZONING CODE AMENDMENT (ENVIRONMENTAL QUALITY REGULATIONS) AND CLIMATE ACTION PLAN (CASE NOS. AZ 13-0003 AND PHG 09-0020)** - This item was approved on December 4, 2013 with a vote of 5/0. (File No. 0810-20)

ORDINANCE NO. 2013-12 (Adoption and Second Reading)

- 19. DEVELOPMENT AGREEMENTS FOR TRACT 894 (PHG 13-0027)** - This item was approved on December 4, 2013 with a vote of 4/1, Diaz voting no. (File No. 0800-10 Tract 894)

ORDINANCE NO. 2013-14R (Adoption and Second Reading)

MOTION: Moved by Councilmember Masson and seconded by Councilmember Gallo to approve a Development Agreement for Tract 894 and adopt Ordinance No. 2013-14R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

- 20. DEVELOPMENT AGREEMENT AND FINDING OF SUBSTANTIAL CONFORMANCE FOR TRACT 889 (PHG 13-0028)** - This item was approved on December 4, 2013 with a vote of 4/1, Diaz voting no. (File No. 0800-10 Tract 889)

ORDINANCE NO. 2013-15R (Adoption and Second Reading)

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to approve a Development Agreement for Tract 889 and adopt Ordinance No. 2013-15R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

PUBLIC HEARINGS

- 21. REPORT ON DRINKING WATER PUBLIC HEALTH GOALS** - Request Council receive and file the Drinking Water Public Health Goals Report; and accept Public Comment on the report. (File No. 0110-20)

Staff Recommendation: **Receive and File (Utilities Department: Christopher McKinney)**

Christopher McKinney, Utilities 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.

Art Divine, Escondido, stated he did not like fluoride in the City's water system.

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.

NO ACTION, INFORMATION ONLY

CURRENT BUSINESS

- 22. "MISSION POOLS" AREA DRAINAGE RESTORATION PROJECT** - Request Council authorize the Mayor and City Clerk to execute a Consulting Agreement with AECOM in the amount of \$159,309 for engineering services to provide initial (30%) design plans for the "Mission Pools" Area Drainage Restoration Project. (File No. 0600-10 [A-3106])

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

RESOLUTION NO. 2013-164

Helen Davies, Utilities Environmental Programs Manager, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize the Mayor and City Clerk to execute a Consulting Agreement with AECOM in the amount of \$159,309 for engineering services to provide initial (30%) design plans for the "Mission Pools" Area Drainage Restoration Project and adopt Resolution No. 2013-164. Motion carried unanimously.

23. REAL PROPERTY INVENTORY UPDATE TO COUNCIL - Request Council receive the Real Property Inventory Update. (File No. 0110-20)

Staff Recommendation: **Receive and File (Public Works/Engineering: Ed Domingue)**

Debra Lundy, Real Property Manager, gave the staff report and presented a series of slides.

NO ACTION, INFORMATION ONLY

FUTURE AGENDA

24. 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)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Gallo played a Christmas Carol on his tie and wished everyone a Merry Christmas and Happy New Year.

Councilmember Diaz stated she had a River Park meeting on Friday.

Mayor Abed presented a series of slides and indicated that SANDAG would be making decisions on various public health projects and was working on the Regional Plan update.

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 6:23 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 4

Date: January 15, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Russ Knowles, Deputy Fire Chief

SUBJECT: Authorization to Purchase Twenty-one (21) Getac F110 Rugged Tablet PC's and Mounting Hardware from Group Mobile.

RECOMMENDATION:

Staff recommends Council approval for the purchase of twenty-one (21) Getac F110 rugged tablet PC's and mounting hardware from Group Mobile.

FISCAL ANALYSIS:

Sufficient funds have already been budgeted in the Capital Improvement Project Budget in Fiscal Year 2012/13 to purchase the twenty-one (21) Getac tablet PC's and mounting hardware. The cost will be \$75,541, not including California Sales Tax.

PREVIOUS ACTION:

Panasonic CF-30 laptop computers were purchased in 2007 from a Regional Grant to be Mobile Data Computers (MDC's) for Fire Department emergency vehicles.

BACKGROUND:

Mobile Data Computers (MDC's) are computers mounted inside the fire engines and ambulances which provide a direct connection to the Communication Center and the Computer Aided Dispatch (CAD) system. This data connection provides incident information and mapping for our first responders. The MDC also provides the ability to communicate unit status changes and automatically documents those changes with a timestamp in CAD instead of voicing the information over the radio.

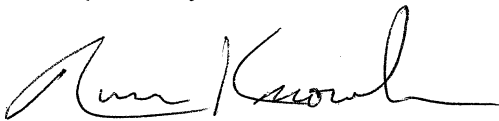
The current Panasonic CF-30 Laptop MDC's have outlived their expected life span of five (5) years. Currently, the MDC's are in disrepair and no longer support the needs of our responding units that serve the citizens of Escondido.

Over the last year and a half, staff participated in a countywide process to review and study the different platforms and brands of MDC's available on the market to determine what meets the needs of the emergency response community. The majority of the participants decided to stay with the traditional laptop platform.

In Escondido, we decided to form a small committee which included Information Systems to consider other options and perform further testing. It is our opinion that newer technology, such as tablets, not only provide a better platform they are a more fiscally prudent decision.

After reviewing multiple vendors and three (3) completely different MDC platforms the low bid was received from Group Mobile to supply twenty-one GeTac F110 rugged tablet PC's and mounting hardware for \$75,541. For comparison, the traditional configuration of using laptops would cost \$145,522.

Respectfully,

A handwritten signature in black ink, appearing to read "Russ Knowles", written in a cursive style.

Russ Knowles
Deputy Fire Chief

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 5

Date: January 15, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Loretta McKinney, Director of Library and Community Services
Karen Youel, Management Analyst

SUBJECT: Housing-Related Parks Program Grant Application

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2014-01 authorizing the Director of Library and Community Services to submit an application to the California Department of Housing and Community Development (HCD) for a Housing-Related Parks (HRP) Program Grant. It is additionally requested that if the application is approved, the Director of Library and Community Services be authorized to enter into, execute, and deliver a State of California Standard Agreement, and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant.

FISCAL ANALYSIS:

The requested grant will provide up to \$662,500 to be used for park and recreation facility rehabilitation. No match is required.

PREVIOUS ACTION:

The City received \$251,750 in HRP funds in 2012. Funds have been reserved for improvements to Grape Day Park, Jim Stone Pool, and Washington Park.

BACKGROUND:

The California Department of Housing and Community Development (HCD) has released revised program guidelines (Guidelines) for funding through the Housing-Related Parks (HRP) Program (Program). The HRP Program is designed to encourage cities and counties to develop new residential housing by rewarding those jurisdictions that approve housing affordable to lower-income households. The HRP Program was funded through Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006, Health and Safety Code Section 53545, subdivision (d) and originally established pursuant to Chapter 641, Statutes of 2008 (AB 2494, Caballero), at Chapter 8 of Part 2 of Division 31 of the Health and Safety Code (commencing with Section 50700) and subsequently amended pursuant to Chapter 779, Statutes 2012 (AB 1672, Torres).

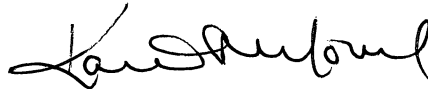
The Program awards funds on a per-bedroom basis for each residential unit affordable to very low- and low-income households permitted during the designated Program year. Due to City investment in Windsor Gardens, Avocado Court and the HELP down payment assistance program, the City is now able to apply for approximately \$662,500 in order to construct, rehabilitate, or acquire capital assets and/or costs incidental to park and recreation facility creation, development, or rehabilitation. The application does not obligate the City for any future activity but acknowledges past efforts.

Escondido has four parks, low-income neighborhoods. The Community Services Commission reviewed staff-recommended projects on December 9, 2013. As the grant can be used for renovations, staff recommends submitting the application indicating five projects – rehabilitating the James Stone and Washington Park pools, Washington Park court resurfacing, Washington Park softball field maintenance, and improving/replacing monument and building signs at the EVCC.

Respectfully submitted,



Loretta McKinney
Director of Library and Community Service



Karen Youel
Management Analyst

RESOLUTION NO. 2014-01

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING APPLICATION FOR HOUSING-
RELATED PARKS PROGRAM

WHEREAS, the State of California, Department of Housing and Community Development ("Department") has issued a Notice of Funding Availability ("NOFA"), dated October 2, 2013, under its Housing-Related Parks ("HRP") Program; and

WHEREAS, the City of Escondido ("Applicant") desires to apply for a HRP Program grant and submit the 2013 Designated Program Year Application Package released by the Department for the HRP Program; and

WHEREAS, the Department is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement.

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. Applicant is hereby authorized and directed to apply for and submit to the Department the HRP Program Application Package released October 2013 for the 2013 Designated Program Year. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement ("Standard Agreement"), and any and all other documents required or

deemed necessary or appropriate to secure the HRP Program Grant from the Department, and all amendments thereto (collectively, the "HRP Grant Documents").

3. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.

4. That the Director of Library and Community Services is hereby authorized to execute in the name of the Applicant the HRP Program Application Package and the HRP Grant Documents as required by the Department for participation in the HRP Program.

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 6

Date: January 15, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Barbara J. Redlitz, Director of Community Development

SUBJECT: Initiation of Annexation and Development Agreement for approximately 12 Acres located in the North Broadway Deficiency Area (Zenner Annexation)

STAFF RECOMMENDATION:

It is requested that Council initiate the proposed Annexation and Development Agreement for further study and authorize the Planning Division to accept an application from the applicant.

PROJECT DESCRIPTION:

A request from Pacific Land Investors, LLC to initiate an Annexation and Development Agreement for approximately 12 acres in the North Broadway Deficiency Area. The property is bounded by Ash Street, Stanley, Vista, and Lehner Avenues and is in close proximity to several other parcels being developed by the applicant. The anticipated development would include 36 single-family residences on 10,000 SF minimum lots and re-aligning Lehner Avenue through the subdivision.

FISCAL ANALYSIS:

All costs associated with the proposal would be borne by the applicant. The Growth Management Ordinance (Article 68) of the Escondido Zoning Code requires the implementation of a Development Agreement to allow residential construction to proceed prior to improving infrastructure in the North Broadway Deficiency Area. The Development Agreement will likely require the applicant to pay a "Deficiency Fee" to finance traffic and drainage improvements in the area, and could also include a negotiated cost-sharing method for off-site infrastructure improvements.

GENERAL PLAN ANALYSIS:

The Growth Management Element (Section VIII) of the Escondido General Plan notes there could be situations where development is delayed in areas with critical deficiencies until adequate facilities are available. Public Financing Policy 3.3 (Pg. VIII-9) encourages the use of development agreements to ensure the timely provision of facilities necessary to support the demands of development.

Annexation proposals generally occur at the request of property owners as the City does not actively seek to annex unincorporated areas, except land owned by the City. Annexation Policies 16.1 and 16.4 of the General Plan state the City shall allow property owners to annex if it can be demonstrated that appropriate improvements as determined by the City will be financed by the property owner, and that such expansion of the City will not have unacceptable adverse fiscal or environmental impacts to existing city services or residents.

The site is located in the Suburban designation of the General Plan and has already been rezoned R-1-10. The Suburban designation permits a maximum density of 3.3 dwelling units per acre with a minimum lot size of 10,000 SF. Development in this designation is generally characterized by single family homes with a traditional residential neighborhood character that includes interconnected streets supporting pedestrian and bicycle use along with vehicle circulation.

BACKGROUND:

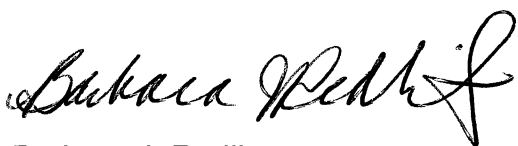
The 12-acre subject site is part of a 150-acre unincorporated 'County island' in the North Broadway Deficiency Area. The City Council recently initiated the applicant's prior request for an annexation and Development Agreement on 4.17-acres on the east side of Ash Street involving 13 lots on December 11, 2015. The applicant is processing four other Development Agreements and working with other properties to the east that were annexed in 2006 involving a total of 73 residential lots that are either already approved or in the Tentative Map process.

ANALYSIS:

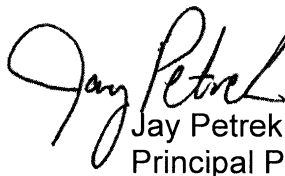
The Escondido city limits extend along the western and southern boundaries of the subject site. An annexation represents a logical extension of the city limits by shrinking the county 'island' area. It is unknown whether adjacent properties want to annex as part of this process besides the 4.17 acres controlled by the applicant to the east. The Local Agency Formation Commission (LAFCO), which oversees annexations, will require that other property owners in the area be contacted to determine their interest in annexation (see exhibit). Neighboring property owners would benefit from annexation by increasing their density over their existing County zoning, allowing connection to sewer and receiving municipal services. Other benefits of annexing the subject property include the construction of frontage improvements for the public streets that border the project site, as well as the realignment of Lehner Avenue, which intersects Vista Avenue at an acute angle.

Potential issues associated with developing the site include cost-sharing for off-site water line improvements and the payment of a "Deficiency Fee" for traffic and drainage upgrades in the North Broadway Deficiency Area. These issues were negotiated with the applicant as part of the Development Agreements for Tracts 889 and 894 located to the east. It is anticipated that similar terms would be incorporated into future Development Agreements on this block, including the subject property if initiated. These issues would be part of the review that staff would undertake should the Council decide to initiate the applicant's request for further study. This action would lead to the preparation of environmental documents, review of project entitlement plans and documents, and negotiation of Development Agreement terms prior to scheduling the proposed annexation and development proposal for public hearings before the Planning Commission and City Council.

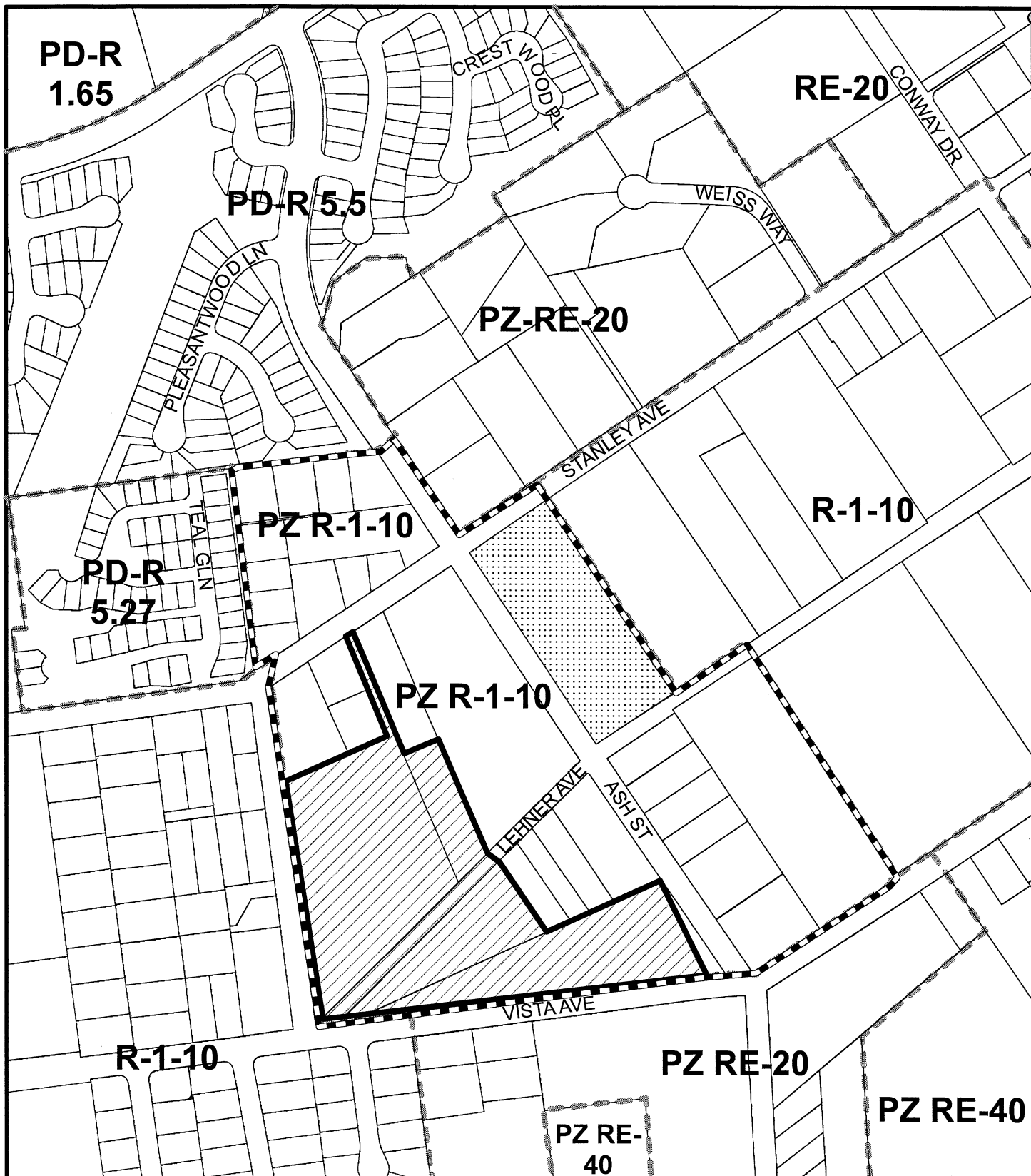
Respectfully Submitted,



Barbara J. Redlitz
Director of Community Development



Jay Petrek
Principal Planner



PROPOSED PROJECT ZENNER ANNEXATION



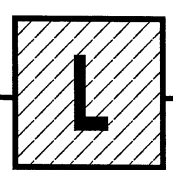
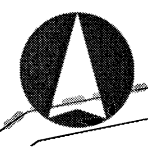
PROPOSED
SUB DIVISION



ANNEXATION SURVEY
AREA



PREVIOUSLY INITIATED FOR
ANNEXATION ON 12/11/13



LOCATION/ZONING

P A C I F I C L A N D I N V E S T O R S

December 16, 2013

Mr. Jay Petrek
Planning Department
CITY OF ESCONDIDO
201 North Broadway
Escondido, CA 92025

**RE: REQUEST FOR ANNEXATION INTO THE CITY OF ESCONDIDO
APN 224-130-07, -10, -12, -13**

Dear Mr. Petrek:

On December 11, 2013, the City Council approved our request to initiate annexation for the Pickering property (APN: 224-142-01). We are preparing and will soon wish to submit a tentative map application for the subject parcels, which are currently zoned PZ-R-1-10 (Single Family Residential, 10,000 SF minimum lot sizes). The properties are west of Ash Street and abut the City of Escondido city limits. Attached is a proposed site plan for 36 single-family lots.

Currently, waterlines, sewer, and an 84-inch storm drain exist in Lehner Avenue serving the properties.

Pursuant to our meeting, we are forwarding this letter requesting the City of Escondido to consider APN 224-130-07, -10, -12, -13 for annexation into the City of Escondido.

Attached please find 8 ½ x 11 exhibits of the property for your use.

If you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

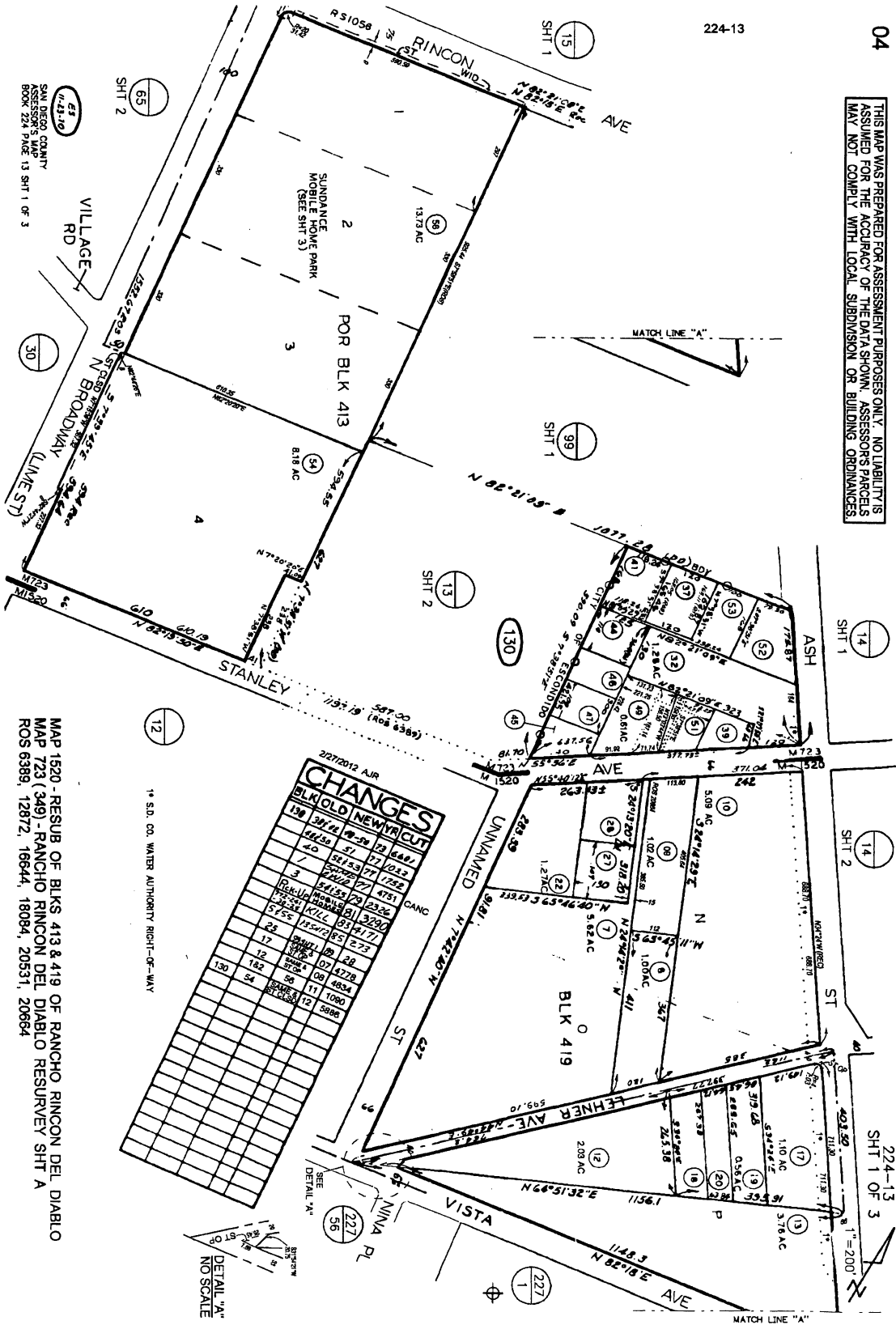
PACIFIC LAND INVESTORS, LLC

A handwritten signature in black ink, appearing to read "Mark Ferraro", is written over a circular stamp or seal.

Mark Ferraro

Attachment

First American Title

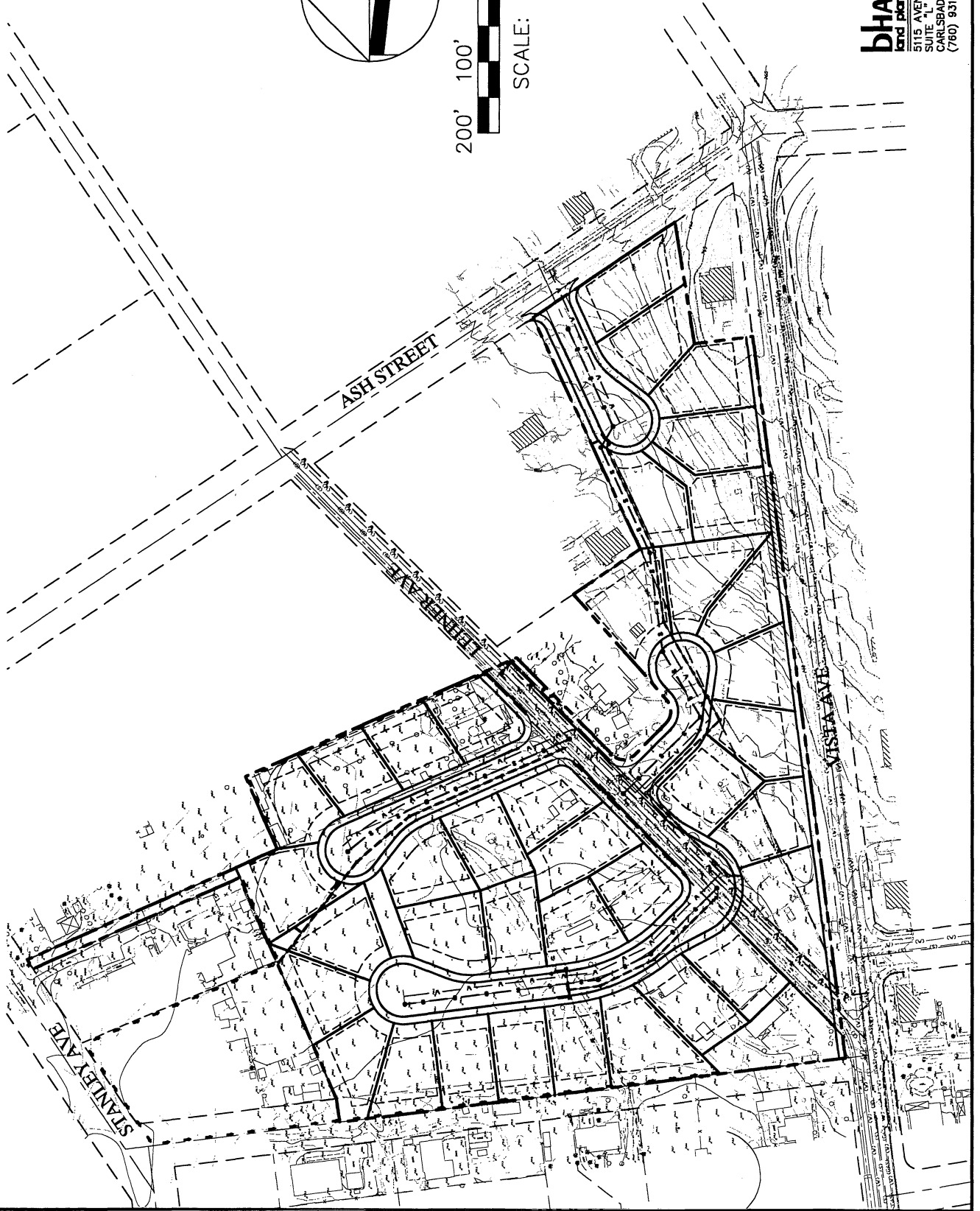


MAP 1520- RESUB OF BLKS 413 & 419 OF RANCHO RINCON DEL DIABLO
MAP 723 (349)- RANCHO RINCON DEL DIABLO RESURVEY SHIT A
ROS 6389, 12872, 16644, 18084, 20531, 20664

Page Number: 7

Order Number: OSA-4338665 (06)

CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP



bHA, Inc.
land planning, civil engineering, surveying
SUITE 100
5115 AVENIDA ENCINAS
CARLSBAD, CA 92008-4387
(760) 931-8700

ORDINANCE NO. 2014-06

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MODIFICATION TO THE
MASTER AND PRECISE DEVELOPMENT PLAN-
MASTER SIGN PROGRAM FOR WESTFIELD
NORTH COUNTY TO ALLOW A FREEWAY-
ORIENTED, ON-PREMISE DIGITAL READER
BOARD SIGN**

PLANNING CASE NO. PHG 13-0023

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

SECTION 1. That proper notice of a public hearing has been given and a public hearing has been held before the City Council on this issue and that the City Council has considered the proposal, the staff report, the Notice of Exemption, and any public testimony presented at the hearing.

SECTION 2. That pursuant to the provisions of the Business Enhancement Zone, Article 69 of the Escondido Zoning Code, the City Council Economic Development Subcommittee approved a request for expedited processing of the proposed modification to a Master and Precise Development Plan on October 17, 2013.

SECTION 3. That the City Council has reviewed the Mitigated Negative Declaration prepared for the project in conformance with the California Environmental Quality Act ("CEQA") and public comments received in response to the Mitigated Negative Declaration, as well as materials submitted at the City Council hearing, and as determined that it adequately addresses all the environmental issues associated with the project.

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

ORDINANCE NO. 2014-01

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING THE ESCONDIDO ZONING CODE
ARTICLE 37, PERTAINING TO PUBLIC ART
COMMISSION MEMBERSHIP**

Planning Case No. AZ 13-0010

WHEREAS, Zoning Code Article 36 pertains to public art and includes a provision for a Public Art Commission that involves nine members, and

WHEREAS, the City Council desires to promote more effective administration of the Commission, and

WHEREAS, the City Council desires to reduce the membership of the Public Art Commission from nine members to seven members to facilitate better attendance, quorums and recruiting.

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

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

SECTION 2. That the City Council has reviewed and considered the Notice of Exemption prepared for this project and issued on December 17, 2013, in conformance with Title 14 California Code of Regulation, California Environmental Quality Act ("CEQA") Section 15061(b) "General Rule", and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving this code amendment.

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

RENT REVIEW BOARD

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. RRB _____

File No. _____

Ord No. RRB _____

Agenda Item No.: 9

Date: January 15, 2014

TO: Honorable Chairman and Members of the Rent Review Board

FROM: Barbara Redlitz, Director of Community Development

SUBJECT: Short-form Rent Increase Application for Lake Bernardo Mobile Estates (File Number 0697-20-9970)

RECOMMENDATION:

- Consider the short-form rent increase application submitted by Lake Bernardo Mobile Estates.
- If approved, adopt Rent Review Board Resolution No. 2014-01 granting an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 1.654% (an average of \$9.83) for the period of December 30, 2011 to June 30, 2013.

INTRODUCTION:

Lake Bernardo Mobile Estates ("Park"), located at 1202 Borden Road, has filed a short-form rent increase application. The Board is asked to accept the staff report, hear public testimony, and make a determination concerning the request in accordance with the Escondido Rent Protection Ordinance and the short-form procedures as outlined in the Rent Review Board Guidelines. The application and the staff report have been made available to the Board for review and consideration prior to the hearing.

THE RENT INCREASE APPLICATION:

Lake Bernardo contains 167 spaces with 66 spaces currently subject to rent control. The Park is requesting an increase for the 66 rent controlled spaces. The other spaces not included in this application are on long-term leases, occupied as rentals or by management, or are vacant. Common facilities include a clubhouse, which has a social hall, kitchen, and a billiard room. The Park also offers a swimming pool, shuffleboard courts, R.V. storage and a landscaped lake. Laundry facilities are available for a fee.

The application meets all the eligibility criteria for submittal of a short-form rent increase application.

PARK OWNER'S REQUEST:

Under the short-form policy guidelines, the Park owner is requesting an increase of 75% of the change in the Consumer Price Index (CPI) covering the period of December 31, 2011 through June 30, 2013. The average increase requested is \$9.83 per space, per month, which is a 1.654% increase. The current average monthly base rent of the spaces subject to the application is \$594.50.

This is the eighteenth rent increase request filed by this Park since the Ordinance was implemented. The last increase was granted in October 2012 for an average amount of \$14.92 per space, per month covering an 18-month period of consideration.

RESIDENT MEETING AND COMMENTS:

All residents affected by this request were invited to attend a meeting in their clubhouse on December 5, 2013 at 6:00pm. There were three residents in attendance as well as the Park owner's representative, the Park managers, and City staff. The application and the short-form hearing procedures were discussed with the residents in attendance. Two items were discussed: communication around planned improvements in the near future and the condition of the roadway/possible trip hazards in the Park.

No resident volunteered to act as a resident representative; there is no homeowner's group at Lake Bernardo Mobile Estates.

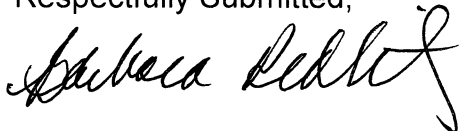
CODE INSPECTION REPORT:

An inspection of the Park's common areas by the City's Code Enforcement Division noted violations of the Health and Safety Code. A copy of the Code Report ("Report") is attached as "Exhibit A." The Park has received a copy of the report, and is aware that no rent increase, if granted, may be implemented until the Health and Safety Code violations have been cleared.

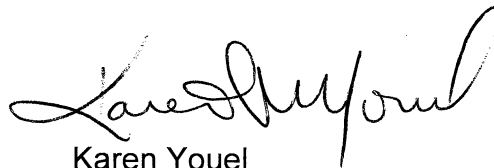
ADDITIONAL FACTORS AFFECTING THE APPLICATION:

In conformance with the Rent Review Board Guidelines, the decision of the Board will be finalized by adoption of the Resolution confirming the findings of the Public Hearing. The Notice of Determination will be mailed to the applicant and residents immediately upon adoption of the Resolution. The 90-day notice of any rent increase granted may be sent to the residents upon the adoption of the Resolution.

Respectfully Submitted,



Barbara Redlitz
Director of Community Development



Karen Youel
Management Analyst



December 19, 2013

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Lake Bernardo Mobile Estates

Park Owner: Phil Hohstein
RDPH Properties, Inc.
30423 Canwood St., #204
Agoura Hills, CA 91301
ATTN: Priscilla Cervantes

Park Manager: Bob and Renee Sullivan **Phone:** (760) 745-6206

Inspection Date: 12/19/13 **Inspector:** Art Stephens

The following report is based on the inspection of the mobile home park conducted under provisions outlined in the California Health & Safety Code, Division 13, Part 2.1; the California Code of Regulations, Title 25, Chapter 2; the Escondido Zoning Code, Article 45; and the Escondido Municipal Code. This inspection report only addresses health and safety issues that are related to areas for which maintenance, repair and operations is the responsibility of the owners and managers of the park.

General Violations:

1. Repair three sliding windows in the pool table room. The windows must be operable. 25 CCR 1605 (a) (6).
2. Replace the burned out light bulb in the pool equipment room. 25 CCR 1608 (a) (6).

3. Install a cover plate for the exterior electrical junction box in the parking lot next to unit #16, 25 CCR 1605 (d)(1).
4. Repair the deteriorated asphalt on the walking path around the pond. Repair all large cracks, potholes or depressions. 25 CCR 1102 (a), 25 CCR 1116 (a).
5. Remove a large rock pile near the pond parking lot area. Consolidate the back fill dirt pile to a smaller pile. 25CCR 1120 (b) (c).
6. Repair all pot holes in the streets at the below listed locations - #2 & #7 Citrcado Ln, #9 Rancho Drive, Intersection at #63, across from #61, intersection #59, above lake east side near blue unit, across from units 144, 119, 113 & 16 and the club house parking lot. The above listed locations may not necessarily include all pot holes or depressions. The park should take extra steps to ensure all depressions and pot holes throughout the park are repaired. 25CCR 1102 (a) & 25CCR 1116(a).

Note: Due to the overall deterioration of the asphalt roads throughout the park additional emphasis will be needed to closely monitor for further deterioration and additional pot holes.

**Areas of the park needing illumination per 25 CCR 1108
(Lighting Inspection; (12-17-13))**

1. Repair two inoperable light fixtures. N/W corner of shuffle board awning & S/E corner of workshop building.

RESOLUTION NO. RRB 2014-01

**A RESOLUTION OF THE ESCONDIDO
MOBILEHOME RENT REVIEW BOARD
MAKING FINDINGS AND GRANTING A RENT
INCREASE FOR LAKE BERNARDO MOBILE
ESTATES**

WHEREAS, Article V of Chapter 29 of the Escondido Municipal Code is a codification of the Escondido Mobilehome Rent Protection Ordinance ("Ordinance") and provides for mobilehome space rent regulation; and

WHEREAS, the City of Escondido Mobilehome Park Rent Review Board ("Board") is charged with the responsibility of considering applications for rent increases; and

WHEREAS, a Short-form Rent Increase Application ("Application") was filed pursuant to Section 12 of the Rent Review Board Guidelines on November 4, 2013, by the owner of Lake Bernardo Mobile Estates ("Park"), located at 1202 Borden Road in Escondido. The Application applies to 66 of the 167 spaces; and

WHEREAS, this is the eighteenth rent increase Application filed by the Park since the Ordinance became effective in 1988. The last short-form rent increase for 2.802%, or approximately \$14.92 per space, per month, was granted at a Rent Review Board Hearing held in October 2012, and formally adopted by Rent Review Board Resolution 2012-10, and

WHEREAS, at the time of the current Application, the average monthly space rent was \$594.50 for the 66 spaces subject to rent control. The Park owner requested an increase in the amount of 75% of the change in the Consumer Price Index ("CPI") for the period of December 31, 2011 through June 30, 2013, in accordance with the Rent

Review Board short-form policy guidelines. The Application estimated this amount to be an average of \$9.83 (1.654%) per space, per month; and

WHEREAS, a notice of the Park's Application was sent to all affected homeowners. All parties were given notice of the time, date, and place of the rent hearing before the Board; and

WHEREAS, on December 19, 2013, a Mobilehome Park Rent Review Code Enforcement Inspection Report ("Inspection Report") was completed and it noted Health and Safety Code violations in the Park; and

WHEREAS, on January 15, 2014, the Board held its public hearing. After an initial staff presentation, the Board invited testimony from Park ownership, residents of the Park, and other residents of the community at large; and

WHEREAS, after all present had been given an opportunity to speak, the hearing was closed. Following an opportunity for discussion among the Board members and clarifying questions to the parties and Staff, the Board voted to grant an average increase of \$9.83 per space, per month, for the 66 spaces, which are subject to rent control.

NOW, THEREFORE, BE IT RESOLVED by the Rent Review Board of the City of Escondido, as follows:

1. That the above recitations are true.
2. That the Board has heard and considered all of the reports and testimony presented, and has considered the facts as outlined in the Short-Form Guidelines ("Guidelines").
3. That following the Guidelines, an increase based on 75% of the change in

the Consumer Price Index ("CPI") for San Diego County from December 31, 2011 through June 30, 2013, amounts to 1.654%, which averages \$9.83 per space, per month, for the 66 spaces that are subject to rent control.

4. That the Board concluded that an increase of \$9.83 per space, per month, is consistent with the Guidelines, and is fair, just, and a reasonable increase in light of the information presented by all parties.

5. That the increase may not be implemented until after the health and safety code violations noted in the Inspection Report have been corrected, signed off, and are in compliance with the various state and local code sections as noted in the Inspection.

6. That the Increase may be implemented upon the expiration of the required 90-day notice to the residents, which may be issued upon the adoption of this Resolution.

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 10

Date: January 15, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Jennifer K. McCain, Assistant City Attorney

SUBJECT: Council Work Program Item: Charter City Proposal

The City Council adopted a Work Program on November 6, 2013, which includes the goal of resubmitting a charter city proposal to the electorate. The strategy listed in the Work Program for this goal is to hold public hearings on a revised charter city proposal for possible inclusion in the 2014 election ballot. This item has been placed on the agenda by staff to ensure ample time for the City Council to consider this Work Program Item in light of the City Council meeting schedule and the strict statutory timeframes for public hearings on city charter proposals. In furtherance of the City Council's adopted goal and strategy, this staff report provides general background information regarding charter cities, a brief summary of the City's previous charter city proposal and recent legal developments which affect the content and adoption requirements for a charter ballot measure.

RECOMMENDATION:

Provide direction to staff.

FISCAL ANALYSIS:

If a charter city proposal is placed on the November 2014 ballot, the City Clerk estimates a cost of \$20,000 in addition to approximately \$4,000 for informational mailers distributed with the City water bills.

BACKGROUND:

In California, there are two kinds of cities: charter cities and general law cities. See Cal. Gov't Code §§ 34100-34102. General law cities derive their corporate powers from general laws enacted by the legislature. See generally *Irwin v. City of Manhattan Beach* (1966) 65 Cal. 2d 13. Charter cities, on the other hand, derive their corporate powers directly from the constitution, subject to limitations of their respective charters and enactments of the legislature on matters of statewide concern. See *Johnson v. Bradley* (1992) 4 Cal. 4th 389, 394. The City of Escondido is a general law city and was incorporated in 1888. Of the 482 cities in the state, approximately 120 are charter cities. In North County, Carlsbad (adopted 2008), Oceanside (adopted 2010), Del Mar (adopted 1960), Vista (adopted 2007) and San Marcos (adopted 1994) are charter cities.

Charters can be drafted to be very broad or narrowly tailored to address a few specific local needs. For instance, the City of San Diego's charter is 121 pages and addresses many issues, including, corporate powers, nominations and elections, legislative power, the mayor, executive and administrative service, board of education, finance, civil service, retirement of employees, transfer of police and fire department employees into the retirement system, fireman's relief and pension fund, labor on public work, city police court, and the strong mayor form of governance. By contrast, Vista, Carlsbad, Oceanside, and other north San Diego County cities have adopted shorter, simplified charter documents which address specific issues including public works contracts, prevailing wage, public financing, and retirement benefits.

The authority provided in the state constitution to organize as a charter city is extended only to an existing city. An advantage of the charter form of government stems from the potential breadth of local authority which may be exercised. Since the powers of a charter city are not restricted to only those outlined in the general state municipal law, a city can adopt a charter and customize its organization and elective offices to provide for unique local conditions and needs.

A charter is a written document, approved by the electorate, which operates as a "constitution" for the adopting city. The provisions of Cal. Const. Art. XI, § 3(a) authorize the adoption of a city charter and provide that such a charter has the force and effect of state law. Charter cities have the power to make and enforce all ordinances and regulations with respect to municipal affairs, including those relating to the creation and regulation of a police force and sub-government within the city, the conduct of city elections, and the dealings with municipal officers and employees. Cal. Const. Art. XI, § 5(b). Charters act as instruments of limitation on the broad power of charter cities over matters of municipal affairs. *City of Glendale v. Trondsen* (1957) 48 Cal. 2d 93, 98. A charter can only be adopted and/or changed by a majority vote of the city residents.

The provision of Cal. Const. Art. XI, § 5(a), the "home rule" provision, affirmatively grant charter cities supremacy over "municipal affairs." However, the California Constitution does not define the term "municipal affair." The "home rule" provision of the California Constitution authorizes a charter city to exercise plenary authority over municipal affairs, free from any constraint imposed by the general law and subject only to constitutional limitations. See Cal. Const. Art. XI, § 5(a); *Ex Parte Braun* (1903) 141 Cal. 204, 209; *Bishop v. City of San Jose* (1969) 1 Cal. 3d 56, 61; *Comm. of Seven Thousand v. Super. Ct. (City of Irvine)* (1988) 45 Cal. 3d 491. The primary advantage of a charter is that it allows greater authority for a city's governance than that provided by state law. A city charter is subject only to conflicting provisions in the state or federal constitutions and preemptive state law on matters of statewide concern.

Whether a given activity is a municipal affair over which a city has sovereignty or a statewide concern, over which the legislature has authority, is a legal determination for the courts to resolve. Thus, the determination of whether a given activity is a municipal affair or statewide concern is done on a case-by-case basis. The court's determination will depend on the particular facts and circumstances of each case. See *In Re Hubbard* (1964) 62 Cal. 2d 119, 128. The concept of "municipal affairs" is a fluid one that changes over time as local issues become statewide concerns. See *Issac v. City of Los Angeles* (1998) 66 Cal. App. 4th 586.

Municipal Affairs

There are some areas that the courts have consistently classified as municipal affairs as set forth below:

- Municipal Election Matters. See *Mackey v. Thiel* (1968) 262 Cal. App. 2d 362.
- Procedures for Initiative, Referendum and Recall. See *Lawing v. Faull* (1964) 227 Cal. App. 2d 23, 29.
- Procedures for Adopting Ordinances. See *Brougher v. Board of Public Works* (1928) 205 Cal. 426.
- Compensation of City Officers and Employees. Cal. Const. Art. XI, § 5(b); See *Sonoma County Organization of Public Employees v. County of Sonoma* (1979) 23 Cal. 3d 296; but see *San Leandro Police Officers Association v. City of San Leandro* (1976) 55 Cal. App. 3d 553 (labor relations is not a municipal affair; Charter cities are subject to the Meyers-Milias Brown Act. Cal. Gov't Code § 3500).
- Processes Associated with City Contracts. See *First Street Plaza Partners v. City of Los Angeles* (1998) 65 Cal. App. 4th 650; but see *Domar Electric, Inc. v. City of Los Angeles* (1995) 41 Cal. App. 4th 810 (state law establishing employment policy may preempt local regulation of bidding criteria).
- Financing Public Improvements. See *City of Santa Monica v. Grubb* (1996) 245 Cal. App. 2d 718.
- Making Charitable Gifts of Public Funds for Public Purposes. See Cal Const art. XVI, § 6; *Tevis v. City and County of San Francisco* (1954) 43 Cal. 2d 190.
- Term Limits for Council Members. See *Cawdrey v. City of Redondo Beach* (1996) 15 Cal. App. 4th 1212; but see Cal. Gov't Code § 36502(b) (regulating term limits).
- Land Use and Zoning Decisions (with a few exceptions). See *Brougher v. Bd. of Pub. Works* (1928) 205 Cal. 426.

Matters of Statewide Concern

Alternatively, the following have consistently been classified by the courts as matters of statewide concern over which a charter city may not have local control:

- School Systems. *Whisman v. San Francisco Unified Sch. Dist.* (1978) 86 Cal. App. 3d 782, 789.
- Traffic and Vehicle Regulation. Cal. Veh. Code § 21.
- Licensing of Members of a Trade or Profession. *City and County of San Francisco v. Boss* (1948) 83 Cal. App. 2d 445.
- Tort Claims Against a Governmental Entity. *Helbach v. City of Long Beach* (1942) 50 Cal. App. 2d 242, 247.
- Open and Public Meetings. Ralph M. Brown Act. Cal. Gov't Code §§ 54951, 54953(a).
- Exercise of the Power of Eminent Domain. *Wilson v. Beville* (1957) 47 Cal. 2d 852, 856.

Process Used to Adopt a Charter

If the City Council wishes to pursue the adoption of a charter, there are two alternative procedures to draft and adopt a city charter. The first is for the City Council, on its own motion, to draft the charter. The other alternative allows for the election of a charter commission which would be responsible for drafting the charter. In either case, the charter is not adopted by the city until it is ratified by a majority vote of the city's electorate.

The more expedient procedure (and the one used by the City Council in 2012) is for the City Council to develop and draft the charter. An election to decide on the adoption of a charter may be called by initiative or the City Council. See Cal. Const. Art. XI, § 3. On its own motion, the City Council may propose a charter and submit it to the voters for adoption. See Cal. Gov't Code § 34458. With this option, the City Council can allow the charter to be voted on at an established statewide general election. See Cal. Gov't Code § 34458.¹

Alternatively, if the City Council opted for the charter commission approach, the first step is to elect the commission. The vote to elect a charter commission is called for by either a majority vote of the City Council or by a petition signed by not less than fifteen percent of the registered voters within the city. See Cal. Gov't Code § 34452. Once it has been decided that a charter commission election will take place, candidates for commissioners must be nominated. Candidates for the office of charter commissioner are nominated either in the same manner as officers of the city or by petition. A candidate for charter commissioner must be a registered voter of the city. After the election of commissioners, any vacancy on the commission will be filled by a mayoral appointment. See Cal. Gov't Code § 34452.

Once formed, the charter commission will have the responsibility of developing the city's charter. After a simple majority of commissioners have decided that the proposed charter is appropriate, they file the charter with the city's clerk in preparation for a vote by the city's electorate. See Cal. Gov't Code § 34455. However, instead of sending the whole charter at once, periodically the commission may send portions of the charter to the city's electorate for a vote. See Cal. Gov't Code § 34462.

Both approaches require that a majority of voters must vote in favor of the proposed charter for it to be ratified. The charter will not go into effect until it has been filed and accepted by the Secretary of State. See Cal. Gov't Code § 34459. After a charter is approved by a majority vote of the voters, the mayor and city clerk shall certify that the charter was submitted to the voters of the city and that it was approved by a majority vote. See Cal. Gov't Code § 34460. One copy of the approved charter shall be filed with the County Recorder's Office and one shall be kept in the city's archive. See Cal. Gov't Code § 34460. A third copy of the charter must be submitted to the Secretary of State with (1) copies of all publications and notices in connection with the calling of the election; (2) certified copies of any arguments for or against the charter proposal which were mailed to the voters; (3) a certified abstract of the vote at the election on the charter. See Cal. Gov't Code § 34460.

¹ SB 311, effective January 1, 2014, limits a city charter proposal [as opposed to a voter initiated charter] to statewide general elections only.

Charters are effective when filed with the Secretary of State; the charter must also be published in the official state statutes. Amendments, revisions, and repeal of a charter are generally handled in the same manner as adoption of a charter. An amendment or repeal to a charter may be proposed by the governing body or by initiative; the governing body's consent is not needed in the case of an initiative. *Birkenfeld v. City of Berkeley* (1976) 17 Cal. 3d 129, 143.

Public Hearing Requirements, Election Dates and Costs

The state legislature has more recently adopted laws addressing notice, public hearings and the type of election permissible for a charter city proposal.

AB 1344, effective January 1, 2012, sets forth the public hearing process for a charter proposal and the timelines for submission of ballot language for a charter election. AB 1344 changed the timeframes to submit ballot language to the voters by a charter commission from 88 days before the election to 95 days before an established statewide general election. A city charter proposal by a city must be submitted 88 days before the election. See Cal. Gov't Code § 34458; Cal. Elec. Code § 1415. In addition, state law mandates that the ballot language contain an enumeration of new city powers as a result of the adoption of the charter, including, but not limited to, whether the city council will, pursuant to an adopted charter, have the power to raise its own compensation and the compensation of other city officials without voter approval. See Cal. Gov't Code § 34458.5. SB 311, effective January 1, 2014, repeals a city's ability to submit a charter proposal to the electorate at a special election, statewide primary election, or regularly scheduled municipal election. With a few limited exceptions, charter proposals initiated by a city can only be submitted to the electorate during a general statewide election. See Cal. Elec. Code § 1415.

Cal. Gov't Code section 34458 requires that prior to approving the submission to the voters of a proposal to adopt a charter, the governing body shall hold at least two public hearings on the matter of the proposed charter and the content of the proposed charter. Notice of the public hearings shall be given by publication in a newspaper designated by the governing body and circulated throughout the city and by posting the notice in three public places within the jurisdiction at least 21 calendar days prior to the date of each public hearing. The second hearing shall be held at least 30 days after the first public hearing. At least one of the public hearings shall be held outside of normal business hours to facilitate public participation. The governing body shall not conduct a vote on whether to approve the submission to the voters of the proposal to adopt a charter until 21 days after the second public hearing. Based on these specific statutory requirements, the City Clerk has estimated timelines for the November 2014 general statewide election to coincide with the required deadline to submit the district election resolutions to the Registrar of Voters as follows:

April 9, 2014	1 st Public Hearing
May 21, 2014	2 nd Public Hearing
June 18, 2014	City Council approves ballot language
June 20, 2014	Measure submitted to Registrar of Voters

The above scheduled comes well within the required statutory timeframes.

Further, the City Clerk estimates a cost of \$20,000 to place a charter proposal on the November 2014 ballot. Staff estimates an additional cost of \$4,000 for informational mailers to be inserted in the City water bills.

2012 City Charter Ballot Measure

The City Council previously proposed a charter to the voters in 2012. A copy of the 2012 City Charter Ballot Measure is attached for your reference. Key provisions of the 2012 proposal included (a) district elections for Councilmembers, (b) establishing the City Treasurer's duties and compensation by ordinance, (c) exempting the City from state statutes regarding public contracts (unless required by state or federal grants), (d) prohibiting the deduction of political contributions from wages of city employees, (e) adhering to state law for Councilmember salaries, (f) promotion of fair and open competition for City construction projects, and (g) including the eligibility requirement of being a United States citizen for elective office. There has been considerable speculation that the inclusion of the district election requirement in the 2012 proposal was controversial. Moreover, as noted in the City Council Work Program, the recent establishment of districts pursuant to a Consent Decree renders any language in a proposed charter unnecessary.

State Prevailing Wage Requirements: Municipal Affair or Statewide Concern?

The Vista Case

Escondido holds a considerable advantage in being able to review the experience of other cities adopting the more limited charters, especially in the area of prevailing wages. By way of background, California law has included State prevailing wage requirements since 1931, when the Legislature adopted the Public Wage Rate Act. The current requirements are set forth in Labor Code § 1720 *et seq.* State law requires that all workers employed on a public works project of more than \$1,000 must be paid the general prevailing rate of per diem wages for the work performed. Labor Code § 1771. This requirement does not apply to work done by a public agency's own forces. *Id.* The prevailing wage rates for various job classifications in each locality are set by the State Department of Industrial Relations generally based on wage rates paid in the locality and the nearest market area to a majority or the largest number of workers in a given classification. Labor Code § 1773.9.

The prevailing wage law is designed to ensure that private contractors who enter into collective bargaining agreements can compete for public works contracts. However, the law is not applicable to private agreements. Historically, charter cities were not bound by state law prevailing wage requirements so long as the project is a municipal affair, and not one funded by state or federal grants. *Vial v. City of San Diego* (1981) 122 Cal. App. 3d 346, 348. However, the League of California Cities notes a growing trend on the part of the courts and the Legislature to expand the applicability of prevailing wages to charter cities under an analysis arguing that the payment of prevailing wages is a matter of statewide concern. And, in 2004, the California Supreme Court described the issue of whether a charter city may exempt itself from compliance with the prevailing wage law as an "open" and "important" question. See *City of Long Beach v. Dept. of Indust. Relations* (2004) 34 Cal. 4th 942.

More recently, the California Supreme Court has provided charter cities with more certainty than years past by its decision involving a legal challenge to the City of Vista's charter status which allowed the City to exempt itself from state prevailing wage laws. In the lower courts, the City of Vista successfully defended its ordinance exempting municipal contracts from prevailing wage laws based on the City's charter status. See *State Building and Construction Trades Council of California, AFL CIO v. City of Vista* (2009) 173 Cal. App. 4th 567 rev. granted. In 2012, the California Supreme Court agreed with the lower courts thereby affirming that prevailing wages could be included in a charter and that the construction of city-operated facility for the benefit of a city's inhabitants with city funds is a municipal affair. See *State Building and Construction Trades Council of California, AFL-CIO v City of Vista* (2012) 54 Cal.4th 547.

SB 7

Notwithstanding the California Supreme Court's decision, Governor Brown signed legislation enacted by the California Legislature on October 13, 2013, bearing directly on the prevailing wage issue. SB 7 prohibits a charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with prevailing wage provisions of any public works contract. The bill prohibits a charter city from receiving or using state funding or financial assistance for a construction project if the city has awarded, within the prior 2 years, a public works contract without requiring the contractor to comply with prevailing wage provisions. The bill authorizes charter cities to receive or use state funding or financial assistance if the city has a local prevailing wage ordinance, applicable to all of its public works contracts, that includes requirements that are equal to or greater than the state's prevailing wage requirements. The bill excludes contracts for projects of \$25,000 or less for construction work, or projects of \$15,000 or less for alteration, demolition, repair or maintenance work. The bill requests the Director of Industrial Relations to maintain a list of charter cities that receive and use state funding or financial assistance for their construction projects.

As demonstrated by SB 7, the ability of the State Legislature to influence which laws become matters of statewide concern and which cities may receive state funding will likely remain a limitation on the authority and control of a charter city. Litigation over the legality of SB 7 is certain in the near future and may affect the validity of a charter proposal which exempts the City from prevailing wage laws.

City Treasurer

The previous 2012 charter ballot measure included provisions to ensure that the duties, responsibilities and compensation of the City Treasurer will be set by Ordinance of the City Council.

By way of background, the government of a general law city is vested in governing officers and employees, which include a City Treasurer. Cal. Gov't Code § 36501(c). The City Treasurer may be elected or appointed. The City Council may submit to the voters whether the City Treasurer should be appointed. See Cal. Gov't Code §§ 36503, 36508-36510. A City Treasurer must be an elector of the city at the time of assuming the office. The candidate for City Treasurer must be a registered voter of the city at the time nomination papers are issued to the candidate. Cal. Gov't Code § 36502(a).

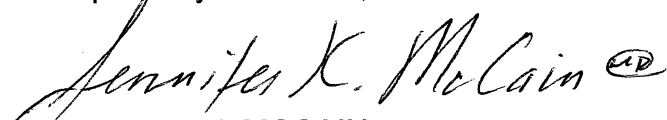
In Escondido the City Treasurer is governed by specific municipal regulations in addition to the applicable State laws. Proposition N, passed in 1986, was codified under Chapter 2, Article 4b of the Escondido Municipal Code (attached) and reflects the current municipal regulations of that office. The City Treasurer is elected at large with a term of four years. When a vacancy occurs within the first three years of the term, an election must be held to fill the vacancy between 30 days and 75 days from the occurrence. When a vacancy occurs in the last year of the City Treasurer's term, the Deputy Treasurer serves for the remainder of that term. The City Treasurer's salary must be at least 50% of the highest paid appointed department head, with the same benefits as the department head. The City Treasurer can also choose a lower salary.

The language proposed in the 2012 charter ballot measure preserved the right of the electorate to elect a City Treasurer with independent oversight of the City's finances. However, it also allowed the City Council to efficiently determine the duties, responsibilities, and compensation requirements of the City Treasurer position by ordinance. Further, it aligned the appointment process for a vacancy to be the same for all elected officials.

Conclusion

The City Council adopted a Work Program on November 6, 2013, which includes the goal of resubmitting a charter city proposal to the electorate. The strategy for this goal is to hold public hearings on a revised charter city proposal for possible inclusion in the 2014 election ballot. This report provides the framework for City Council discussion and possible direction to staff regarding whether to submit a charter city proposal to the electorate, the contents of such a proposal and the scheduling of the public hearings regarding the proposal in light of the statutory requirements.

Respectfully submitted,



JENNIFER K. MCCAIN
Assistant City Attorney

Attachments: 2012 City Charter Ballot Measure
Escondido Municipal Code Chapter 2, Article 4b Proposition N

CHARTER OF THE CITY OF ESCONDIDO

PREAMBLE

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

CHARTER

Article 1 Municipal Affairs

Section 100. Municipal Affairs

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

Section 101. Powers

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

Section 102. Incorporation and Succession

The City shall continue to be a municipal corporation known as the City of Escondido. The boundaries of the City of Escondido shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of same. It shall be subject to all debts, obligations and liabilities, which exist against the City at the time this Charter

2012 CITY CHARTER BALLOT MEASURE

takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Article 2 Form of Government

Section 200. Form of Government

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

Article 3 Elected Officers

Section 300. Enumeration and Term

The elected officers of the City shall consist of:

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

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

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

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

Section 301. Districts

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

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

Section 302. Redistricting

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

Section 303. Eligibility

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

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

Section 304. Vacancies

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

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

Section 305. Invalidation of California Voting Rights Act

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

Section 306. Prior Laws

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

**Article 4
Fiscal Matters**

Section 400. Economic and Community Development

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

Section 401. Public Works Contracts

The City is exempt from the provisions of all California statutes regulating public contracting and purchasing except as provided by ordinance or by agreement approved by the City Council. The City shall establish all standards, procedures,

2012 CITY CHARTER BALLOT MEASURE

rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including but not limited to, the compensation rates to be paid for the performance of such work.

Section 402. Prevailing Wage

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

Section 403. Fair and Open Competition

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

Section 404. Definition of Public Works

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

Section 405. Voluntary Employee Political Contributions

Unless otherwise required by law, neither the City, nor its agents, shall deduct from the wages, earnings or compensation of any City employee any political contributions unless the employee has first presented, and the City has received, a signed written authorization of such deductions, which authorization must be renewed annually and may be revoked by the employee at any time by giving written notice of such revocation to the City.

Article 5 Revenue Retention

Section 500. Reductions Prohibited

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

2012 CITY CHARTER BALLOT MEASURE

Section 501. Mandates Limited

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

Article 6 General Laws

Section 600. General Law Powers

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

Section 601. Council Member Compensation

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

Article 7 Interpretation

Section 700. Construction and Interpretation

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

Section 701. Severability

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

Article 8 Amendment

Section 800. Amendment to Charter, revised or repealed

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

AUTHENTICATION AND CERTIFICATION

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

Date of Municipal Election: November 6, 2012

ATTEST:

Sam Abed, Mayor

Diane Halverson, City Clerk

Escondido Municipal Code**Up Previous Next Main Collapse Search Print No Frames**Chapter 2 ADMINISTRATION**ARTICLE 4B. CITY TREASURER**

Note

***Editor's note**—Art. 4B contains § c of an amendment to Proposition F (City Clerk/City Treasurer Accountability Initiative), as approved at an election held on Nov. 4, 1986. Proposition F was originally approved at an election held June 5, 1984.

Sec. 2-93. Treasurer's position created.

The office of treasurer of the City of Escondido is created as an elected position, responsible for conduct of the office in accordance with the laws of the State of California and pursuant to these provisions unless repealed, or amended by the state legislature or the people of the City of Escondido by public vote. (Prop. F., § C(1), 11-4-86)

Sec. 2-94. Term of office and filling of vacancy.

(a) If the office of Treasurer shall become vacant during the first three (3) years of the term, the city council shall set an election to be held not less than thirty (30) days nor more than seventy-five (75) days after the date on which the vacancy occurred for the purpose of selecting a treasurer to fill the remaining portion of the term.

(b) When a vacancy occurs during the fourth year of the term, the deputy treasurer shall perform all the duties of the treasurer for the remaining period of the term. (Prop. F., § C(2), 11-4-86)

Sec. 2-95. Salary and benefits.

The city council shall fix the treasurer's salary annually at no less than one-half (1/2) the highest salary paid to a city department head other than the city manager, unless a lower salary is requested by the city treasurer, with benefits equal to those provided such appointee. (Prop. F., § C(3), 11-4-86)

Sec. 2-96. Operating expenses, employees and capital expenditures.

(a) The city council shall appropriate monies for operating expenses, employee salaries and benefits, and capital expenditures as are reasonably required to fulfill the duties and responsibilities of the city treasurer.

(b) The treasurer shall be authorized to have at least two (2) employees, including one who shall be designated by the treasurer as deputy treasurer. The deputy treasurer shall be subject to the same qualifications and oath of office as the treasurer.

(c) Salaries and benefits for employees of the treasurer shall be approved by the city council in an amount equal to other city employees with the same or equivalent job classification. (Prop. F., § C(4), 11-4-86)

Sec. 2-96.1. Fiduciary bond requirements.

Fiduciary bond requirements for the treasurer and deputy treasurer shall be set by the city council after consideration of recommendations from the city treasurer and city manager. (Prop. F., § C(5), 11-4-86)

Sec. 2-96.2. Management of treasurer's office.

The treasurer shall have sole responsibility for management of that office, including, but not limited to, appointment of a deputy treasurer, hiring and discharge of employees and developing budgets for operating and capital expenditures. (Prop. F., § C(6), 11-4-86)

Sec. 2-96.3. Duties and responsibilities.

In addition to those functions, duties, and responsibilities mandated by state law and herein, the treasurer shall in accordance with all applicable provisions of state law governing the duties and responsibilities of the treasurer with respect to the handling of city funds:

(1) Receive directly or through other departments of the city all monies collected by or on behalf of the city and hold same by deposit or investment.

(2) Make disbursements for expenditures authorized by the city council.

(3) Perform all other functions necessarily incidental to the proper fulfillment of the treasurer's duties and responsibilities. Nothing in this section shall relieve the city council from its fiduciary responsibility with respect to city funds, for which both the city treasurer and city council shall be held accountable. (Prop. F., § C(7), 11-4-86)

Sec. 2-96.4. Audit.

The city treasurer and city council annually shall select an independent certified public accountant to conduct an audit of the internal controls of the office of city treasurer. (Prop. F., § C(8), 11-4-86)

FUTURE CITY COUNCIL AGENDA ITEMS
January 9, 2014

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

JANUARY 22, 2014
NO MEETING (MLK Holiday)

JANUARY 29, 2014
NO MEETING (5th Wednesday)



City Manager's **WEEKLY UPDATE** to City Council

January 8, 2014

ECONOMIC DEVELOPMENT

- There will be a Girls fast pitch softball tournament this weekend in Kit Carson Park. This is a three day tournament with 129 games and 50 teams from all over Southern California. We can expect approximately 3000 players and spectators in the area over the weekend.
- Visit Escondido's effort to promote DineOut Escondido is resulting in a lot of great exposure for this new program. The following are some statistics on the effort:
 - The DineInCA Facebook (FB) post dedicated to Escondido received over 12,000 views and 37 shares.
 - The Visit Escondido-boosted FB post received 10,440 views.
 - Publicized in 12 organizational enewsletters (14,000+ potential impressions)
 - Listed on 7 major websites.
 - 2,346 unique visitors to the VisitEscondido.com page listing restaurant specials.
 - 83 posters and 3,000 flyers distributed.
 - In addition, here are some links with great volume impressions...
 - VisitCalifornia.com/DineInCA:
<http://www.visitcalifornia.com/Events/Dine-Out-Escondido/>
 - San Diego Tourism Authority - SanDiego.org:
<http://ow.ly/sb2S3>
 - PR Newswire:/VisitCA press release:
<http://www.prnewswire.com/news-releases/theres-no-better-time-to-dine-in-california-than-january-238407721.html>
 - 101 Things To Do San Diego: <http://ow.ly/sfXaT>
 - U-T San Diego:
<http://www.utsandiego.com/news/2014/jan/02/tp-escondido-eateries-hop-on-board-for-inaugural/>

SPECIAL EVENTS

- No special events this weekend.
- Attached is the Fourth Quarter report on Special Events.



City Manager's **WEEKLY UPDATE** to City Council

COMMUNITY DEVELOPMENT UPDATES

Planning:

Major Projects Update:

- Centerpointe – The Request for Proposals (RFP) for the focused EIR was sent out on 12/19/13 to five selected consulting firms who have been personally contacted to ensure their interest in responding; this was done based on the applicant's commitment to submit their traffic study in early January. The proposals are due on 1/21/14.
- Oak Creek (NUW) – Staff has provided NUW a schedule initially targeting review by the City Council on 3/26/14 and outlining City and developer responsibilities to meet that schedule. Staff provided comments on the technical studies and draft Mitigated Negative Declaration (MND) on 12/20/13, with responses due from NUW on 1/3/14. The schedule has now been pushed back a few weeks since the applicant's submittals were not able to be produced during the holidays. The applicants anticipate revised submittals in approximately two weeks to address drainage issues and stagnant water that will necessitate a mosquito abatement program. A neighborhood meeting is tentatively scheduled for 1/23/14.
- Amanda Lane (NUW) – Staff continues to work with the applicant to resolve drainage and circulation issues, and is awaiting additional technical information from the applicant.
- Zak/NCA Development – Staff anticipates revised submittals from the applicant this week responding to concerns regarding emergency access, storm water requirements and streetscape design.
- 99 Cents Only Store – The appeal of staff's determination that the use is not allowed in the Downtown Specific Plan area will be considered by the Planning Commission on 1/14/14.

Housing:

Staff resources for the past three weeks have been focused on assembling a huge volume of historical information for the City Attorney's office pertaining to the Redevelopment Agency and Housing related actions.

Building Division:

- The monthly Building Activity Report for December is attached.
- Week of Dec. 15 – Dec. 21, 2013:

City Manager's WEEKLY UPDATE to City Council

Building typically experiences a holiday slow down around this time of year, but permit activity was steady with 44 permits issued with a total valuation of \$1,948,963. The building counter averaged 27 daily sign-ins and 22 daily inspections. Five more photovoltaic permits were issued this week with 462 issued for the year. Permits were issued for two more buildings at the Contempo project with a total of 14 units; four buildings with 25 total units remain to be issued. Permits were issued and a Temporary Certificate of Occupancy given for the wine tasting area at BK Cellars, 2225 Barham Dr.

- Week of Dec. 29, 2013 – Jan. 3, 2014:

Building issued 22 permits this week for a total valuation of \$317,045. The building counter averaged 19 daily sign-ins and 21 daily inspections. Building issued four more photovoltaic permits this week, with a total of 466 issued for the year. Foundation inspections are being done at the new HARRF Administration building. Permits are ready to issue for the rebuild of the McDonalds on E Valley Pkwy.

CAPITAL IMPROVEMENT PROJECTS

2013 - 2014 Pavement Repair and Rehabilitation Program:

Existing asphalt curb ramps were replaced with concrete ramps at the Lincoln Avenue and Ash Street intersection this past week. The work was performed during the school holiday season to maximize the students safety.

Grape Street Public Improvement Project:

The contractor will be completing the last of the water related infrastructures Wednesday January 8th. The next phase of construction will be the removal of the existing roadway improvements in preparation for the construction of the new curb and gutter.

Escondido Creek Trail Lighting:

The contractor is constructing the final concrete pads at the remaining light pole locations between Juniper Street and Broadway.

Encino Drive & El Dorado Drive- Storm Drain Replacement:

The contractor has installed 260' of the 60" storm drain pipe and poured two concrete drainage structures.

Private Development

Stone Brewery Traffic Signal:

On December 24th SDG&E detected a gas leak under one of the new pedestrian ramps associated with the new signal. A gas lateral was found to be the cause of the leak. The leak was not associated with the construction of the new signal. SDG&E will be required to replace the entire ramp to an as new condition.



City Manager's **WEEKLY UPDATE** to City Council

Cox Communication- Auto Park Way between Andreasen Drive and Citracado Park Way:
The contractor has started to perform pavement restoration between Andreasen Drive and Market Place this week.

1146 East Valley Parkway- McDonald's Restaurant:

Demolition of the existing parking lot and the old restaurant foundation was started this week. The construction schedule calls for the entire project to be completed by April 31st. An electronic message board is in place on west bound Valley Parkway advising motorists of traffic delays during this period of time.

Second Wal-Mart Store:

The Building and Engineering Departments released the building for occupancy this past week. Stocking of merchandise and training of staff will begin in advance of the store's grand opening set for January 29th.

PUBLIC SAFETY

Police

- PD has promoted two new sergeants: Erik Witholt and Rhett Gann. Erik was a detective in our Gang Unit. Erik was a cadet with our team many years ago as well as a dispatcher before he became a police officer. Rhett has been an officer since he was hired. He is a member of SWAT and a Field Training Officer.
- Officer Bill Havens was promoted to Detective this week. Bill is well-known in Escondido and will be moving to the Detective Bureau in a couple of weeks. Bill's last assignment was working Patrol as a COPPS Officer.

###